

## **BILL ANALYSIS**

C.S.H.B. 3269  
By: Coleman  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerned observers note that it is too dangerous to confine an inmate to a cellblock or dormitory without proper cooling or heating during routine contraband searches conducted during extreme heat or cold or other adverse weather conditions. C.S.H.B. 3269 seeks to prevent injury or death from weather-related risks by requiring the Texas Department of Criminal Justice to develop and implement a protocol for conducting contraband searches during these conditions.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3269 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ) to develop and implement, not later than December 1, 2018, a protocol for conducting a contraband search during extreme heat or cold or other adverse weather conditions. The bill requires the protocol to include procedures for confining inmates during a contraband search that ensure the health and safety of the inmates. The bill requires TDCJ, in developing the protocol, to consult with appropriate medical personnel and relevant stakeholders and to take into consideration variations among the facilities used to confine inmates. The bill requires TDCJ to annually review the protocol, to update the protocol as necessary, and to consult with the appropriate medical personnel and relevant stakeholders when updating the protocol. The bill requires TDCJ, not later than December 1 of each year, to submit a written copy of the developed protocol to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over TDCJ.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3269 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 501, Government Code, is amended by adding Section 501.025 to read as follows:

Sec. 501.025. TEMPORARY LOCKDOWN DURING CONTRABAND SEARCH. (a) During any routine search for contraband conducted during the month of June or July, the department may not confine an inmate in a cellblock or dormitory that does not have central air conditioning.

(b) This section does not apply to a search for contraband that is made in response to specific information known to the department indicating that a prohibited substance or item described by Section 38.11, Penal Code, is present in the cellblock or dormitory.

No equivalent provision.

SECTION 2. This Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 501, Government Code, is amended by adding Section 501.025 to read as follows:

Sec. 501.025. PROTOCOL FOR CONTRABAND SEARCH DURING EXTREME WEATHER CONDITIONS.

(a) The department shall develop and implement a protocol for conducting a contraband search during extreme heat or cold or other adverse weather conditions. The protocol must include procedures for confining inmates during a contraband search that ensure the health and safety of the inmates.

(b) In developing the protocol under Subsection (a), the department shall:

(1) consult with appropriate medical personnel and relevant stakeholders; and

(2) take into consideration variations among the facilities used to confine inmates.

(c) The department shall annually review the protocol developed under Subsection (a) and update the protocol as necessary. The department shall consult with the persons described by Subsection (b)(1) when updating the protocol.

(d) Not later than December 1 of each year, the department shall submit a written copy of the protocol developed under Subsection (a) to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over the department.

SECTION 2. Not later than December 1, 2018, the Texas Department of Criminal Justice shall develop and implement the protocol required under Section 501.025, Government Code, as added by this Act.

SECTION 3. Same as introduced version.