

## **BILL ANALYSIS**

Senate Research Center

H.B. 239  
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Criminal Justice  
7/27/2017  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Estimates indicate that six to 10 percent of women who are incarcerated are pregnant. Compared to the general population, pregnant inmates are more likely to have complicated/higher risk pregnancies resulting in stillbirth, miscarriages, and ectopic pregnancies. Legislation recently enacted by the Texas Legislature required the Texas Commission on Jail Standards to establish health care standards for pregnant inmates. In 2015, the legislature passed H.B. 1140, which sought to provide the state with reliable information to assess the status of pregnant inmate care and related procedures in Texas county jails. H.B. 239 seeks to establish uniformity by providing accurate data for state facilities under the Texas Department of Criminal Justice (TDCJ) as well.

H.B. 239 requires TDCJ to report on the implementation of healthcare services for pregnant inmates plus provide a detailed summary on nutritional standards, housing conditions, situations involving a pregnant inmate's physical restraint, as well as the number of miscarriages experienced by pregnant inmates while confined in a facility operated by or under contract with TDCJ. TDCJ is required to submit the report by December 1, 2018, to the governor, lieutenant governor, speaker of the house of representatives, and house and senate committees with relevant jurisdiction.

H.B. 239 amends current law relating to a report regarding the confinement of pregnant inmates by the Texas Department of Criminal Justice.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. (a) Defines "department" as the Texas Department of Criminal Justice (TDCJ).

(b) Requires TDCJ to prepare a report on the confinement of pregnant inmates in facilities operated by or under contract with TDCJ. Requires that the report include:

(1) a description of TDCJ's implementation of policies and procedures to provide adequate care to pregnant inmates while confined in a facility operated by or under contract with TDCJ, and any policies adopted by TDCJ regarding the placement of a pregnant inmate in administrative segregation;

(2) information regarding the health care provided to a pregnant inmate, including the availability of obstetrical or gynecological care, prenatal health care visits, mental health care, and drug abuse or chemical dependency treatment;

(3) a detailed summary of nutritional standards, including the average caloric intake of a pregnant inmate and other dietary information; work assignments; housing conditions; and situations in which a pregnant inmate has been restrained, including the reason a determination to use restraints was made under Section 501.006 (Restraint of Pregnant Inmate or Defendant), Government Code, as applicable to pregnant inmates; and

(4) the number of miscarriages experienced by pregnant inmates while confined in a facility operated by or under contract with TDCJ between September 1, 2017, and September 1, 2018.

(c) Requires TDCJ, not later than December 1, 2018, to provide a copy of the report to the governor, the lieutenant governor, the speaker of the house of representatives, and each standing committee of the senate and house of representatives having primary jurisdiction over matters relating to corrections.

SECTION 2. Provides that this Act expires February 1, 2019.

SECTION 3. Effective date: September 1, 2017.