

## **BILL ANALYSIS**

Senate Research Center  
87R19355 MCF-D

H.B. 2831  
By: White; Spiller (Miles)  
Criminal Justice  
5/20/2021  
Engrossed

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

It has been noted that there may be a lack of adequate resources and training available to county jails in regard to the provision of appropriate services and treatment for incarcerated persons with intellectual or developmental disabilities. Furthermore, it is suggested that the incidence of mental health disorders among the population of detained persons who have intellectual or developmental disabilities is about three times higher than the general population, which heightens a number of risk factors inherent in the incarceration of persons with intellectual or developmental disabilities.

Providing adequate resources and support to help the population with intellectual or developmental disabilities in county jails may help decrease recidivism. H.B. 2831 seeks to address this issue by establishing an advisory committee tasked with monitoring and gathering data regarding the detention of persons with intellectual or developmental disabilities and providing recommendations and guidelines on the detention of such persons

H.B. 2831 amends current law relating to the confinement in county jail of persons with intellectual or developmental disabilities.

### **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. Amends Chapter 511, Government Code, by adding Section 511.022, as follows:

Sec. 511.022. ADVISORY COMMITTEE. (a) Requires the Texas Commission on Jail Standards (TCJS) to establish an advisory committee to advise TCJS and make recommendations on matters related to the confinement in county jail of persons with intellectual or developmental disabilities.

(b) Provides that the advisory committee consists of 13 members appointed by the presiding officer of TCJS, with TCJS approval, as follows:

- (1) one representative of TCJS;
- (2) one representative of the Department of State Health Services;
- (3) one representative of the Health and Human Services Commission with expertise in intellectual and developmental disabilities;
- (4) one representative of the Texas Commission on Law Enforcement (TCOLE);
- (5) one representative of the Texas Correctional Office on Offenders with Medical or Mental Impairments;
- (6) one sheriff of a county with a population of 80,000 or more;
- (7) one sheriff of a county with a population of less than 80,000;

- (8) two representatives of statewide organizations that advocate for individuals with intellectual and developmental disabilities;
- (9) one representative who is a mental health professional with a focus on trauma and intellectual and developmental disabilities;
- (10) one representative from a state supported living center;
- (11) one member who has an intellectual or developmental disability or whose family member has an intellectual or developmental disability; and
- (12) one member who represents the public.

(c) Provides that members of the advisory committee serve staggered six-year terms, with the terms of three or four members expiring January 31 of each odd-numbered year. Requires the presiding officer of TCJS, if a vacancy occurs during a member's term, with TCJS approval, to appoint a replacement to fill the unexpired term.

(d) Requires the presiding officer of TCJS to designate one member of the advisory committee to serve as presiding officer of the committee for a two-year term.

(e) Requires the advisory committee to:

- (1) gather and review data regarding the confinement in county jails of persons with intellectual or developmental disabilities; and
- (2) provide recommendations and guidelines to sheriffs and counties regarding the confinement of persons with intellectual or developmental disabilities.

(f) Requires the advisory committee, not later than December 1 of each even-numbered year, to submit a report that includes recommendations for legislative or other action related to the confinement of persons with intellectual or developmental disabilities in county jails to:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives; and
- (4) each standing committee of the legislature with primary jurisdiction over TCJS.

(g) Provides that Chapter 2110 (State Agency Advisory Committees) does not apply to the size, composition, or duration of the advisory committee or to the designation of the committee's presiding officer.

SECTION 2. Amends Chapter 511, Government Code, by adding Section 511.023, as follows:

Sec. 511.023. INTAKE OF PERSONS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES. (a) Requires TCJS, with the assistance of the advisory committee established under Section 511.022, to:

- (1) monitor the intake processes in county jails to assess each county jail's ability to properly identify persons with intellectual or developmental disabilities; and
- (2) assist county jails in improving the intake processes with respect to persons with intellectual or developmental disabilities.

(b) Requires TCJS to periodically update the intake screening form adopted by TCJS for use by county jails as necessary to reflect the recommendations of the advisory committee established under Section 511.022.

(c) Requires TCJS, not later than December 1, 2022, with the assistance of the advisory committee established under Section 511.022, to prepare and submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, each standing committee of the legislature with primary jurisdiction over TCJS, and each sheriff that includes:

(1) a discussion of any deficiencies in the intake processes that have been identified by TCJS; and

(2) recommendations to improve county jail practices regarding identifying persons with intellectual or developmental disabilities.

(d) Provides that this subsection and Subsection (c) expire January 1, 2023.

SECTION 3. Amends Subchapter F, Chapter 1701, Occupations Code, by adding Section 1701.269, as follows:

Sec. 1701.269. TRAINING PROGRAM RELATING TO COUNTY JAILER INTERACTIONS WITH PERSONS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES. (a) Requires TCOLE and TCJS to jointly develop, with the assistance of the advisory committee established under Section 511.022, Government Code, a training program for county jailers that consists of at least four hours of education and training on interacting with a person with an intellectual or developmental disability who is confined in a county jail, including techniques to assess a person for an intellectual or developmental disability.

(b) Authorizes a county jailer who completes the training program to count the hours toward the jailer's continuing education requirements under this chapter.

SECTION 4. (a) Requires the presiding officer of TCJS, not later than January 1, 2022, to appoint members to the advisory committee created under Section 511.022, Government Code.

(b) Requires the presiding officer of TCJS, notwithstanding Section 511.022(c), Government Code, as added by this Act, in making the initial appointments to the advisory committee, to designate four members to serve terms expiring January 31, 2023, four members to serve terms expiring January 31, 2025, and five members to serve terms expiring January 31, 2027.

SECTION 5. Requires the advisory committee created under Section 511.022, Government Code, as added by this Act, to submit its first report under Section 511.022(f), Government Code, as added by this Act, not later than December 1, 2022.

SECTION 6. Requires TCOLE to develop the training program required by Section 1701.269, Occupations Code, as added by this Act, not later than January 1, 2022.

SECTION 7. Effective date: September 1, 2021.