

**SUBJECT:** Requiring minimum standards for in-person visitation at county jails

**COMMITTEE:** County Affairs — committee substitute recommended

**VOTE:** 6 ayes — Coleman, Farias, Romero, Spitzer, Stickland, Wu  
3 nays — Burrows, Schubert, Tinderholt

**WITNESSES:** For — Matt Simpson, American Civil Liberties Union of Texas; Jorge Renaud, Center for Community Change; Greg Casar, City Council District 4; Bob Libal, Grassroots Leadership; Cate Graziani, Mental Health America of Texas; Josh Gravens, Texas Citizens United for Rehabilitation of Errants (CURE); Alexandra Chirico, Texas Criminal Justice Coalition; Douglas Smith, Texas Criminal Justice Coalition; Richard Gladden; Lisa Haufler; Lauren Johnson; Jaynna Sims; (*Registered, but did not testify:* Kathryn Freeman, Christian Life Commission; Charles Reed, Dallas County Commissioners Court; Jon Cordeiro, New Name Ministries; Erica Gammill, Prison Justice League; Allen Place, Texas Criminal Defense Lawyers Association; Rebecca Bernhardt, Texas Fair Defense Project; Joshua Houston, Texas Impact; Diana Claitor, Texas Jail Project; Mary Sue Molnar, Texas Voices for Reason and Justice; Raylene Truxton, Texas Inmate Families Association; and 18 individuals)

Against — Raul Banasco, Bexar County Sheriff's Office; Mark Mendez, Tarrant County Commissioners Court; Donald Lee, Texas Conference of Urban Counties; (*Registered, but did not testify:* Seth Mitchell, Bexar County Commissioners Court; William Travis, Micah Harmon, AJ Louderback, and Dennis D. Wilson, Sheriffs' Association of Texas; Glen Whitley, Tarrant County; Peter Marana; R. Glenn Smith)

On — Donna Warndof, Harris County; (*Registered, but did not testify:* Diana Spiller and Brandon Wood, Texas Commission on Jail Standards)

**BACKGROUND:** Under 37 Texas Administrative Code, part 9, sec. 291.4, the Texas Commission on Jail Standards requires jail facilities, with approval from

the commission, to have and implement a written plan governing inmate visitation. A facility must provide each inmate a minimum of two visitation periods per week of at least 20 minutes each.

**DIGEST:**

CSHB 549 would expand the duties of the Texas Commission on Jail Standards by requiring the commission to adopt rules and procedures for minimum county jail standards for inmate visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week. These visitations would have to be at least 20 minutes in duration.

Rules or procedures adopted by the Texas Commission on Jail Standards could not restrict the authority of a county jail under the commission's rules in effect on September 1, 2015, to limit prisoner visitation for disciplinary reasons.

The commission would be required to establish standards required by the bill by January 1, 2016.

This bill would take effect September 1, 2015.

**SUPPORTERS  
SAY:**

CSHB 549 would increase an inmate's options for access to family and friends through in-person visitation. The bill would not, nor is it intended to, eliminate the use of video visitation. The method of visitation should be the choice of the family member. Video visitation can have benefits, including providing a visitation option for family members who live far away. However, video visitation does not offer the same positive impact that in-person visitation can offer. In-person visitation with family is crucial to maintaining relationships, especially as it pertains to developing and maintaining bonds between parents and children.

The mental wellness and behavior of inmates is better when in-person visitation is offered. Studies show that the elimination in-person visitation in county jails was followed by an increase of inmate-on-staff assaults.

Prohibiting in-person visitation can be a financial burden on low-income

families due to fees charged for video service. Many video technology providers require a deposit to open a video account or charge families by the minute to use the system.

OPPONENTS  
SAY:

By requiring county jails to offer in-person visitation, CSHB 549 would create a significant cost to counties and an administrative burden to facilities. There are several facilities with video-only visitation capabilities that have no existing infrastructure to offer in-person visitation. To offer in-person visitation, these facilities would need secured rooms, increased surveillance, and extra staff. Because in-person visitation is a manual process, it requires more resources and time than some counties could offer without bearing substantial costs, which would fall to county residents.

Sheriffs should continue to have the authority to decide what practices are best for their facilities. Facilities are authorized to establish and implement inmate visitation plans with approval from the Texas Commission on Jail Standards. This approval should be sufficient to prove that visitation plans satisfy their purpose, which is to allow inmates spend time with family members.