

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3227
By: Howard et al. (Huffman)
Criminal Justice
5/14/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, women incarcerated in Texas prisons have access to an associate degree plan, certifications in two occupations, and access to 21 educational technical education courses. Comparatively, men have access to an associate, associate of applied science, bachelor's, or master's degree plan, as well as certifications in 21 occupations and access to 48 technical education courses.

The Texas Department of Criminal Justice (TDCJ) and the Windham School are working to improve these discrepancies. TDCJ has committed to starting a bachelor's degree program in the fall of 2019 and the Windham School District has added vocational programs since a comprehensive report of prison programming was published in 2018.

To further the recent progress, H.B. 3227 requires TDCJ to adopt and implement policies that will promote incarcerated women's access to educational, vocational, substance abuse treatment, rehabilitation, life skills training, and pre-release programs. Additionally, the bill will require TDCJ to prepare and submit a written report that includes a description of any TDCJ policies that were created, modified, or eliminated during the preceding year and a description of the list of programs available to female inmates in custody during the preceding year. The report must be published on TDCJ's website. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 3227 amends current law relating to the availability of and access to certain programs and services for persons in the custody of 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. Amends Chapter 493, Government Code, by adding Section 493.032, as follows:

Sec. 493.032. AVAILABILITY OF PEER SUPPORT SERVICES. (a) Requires the Texas Department of Criminal Justice (TDCJ) to adopt a policy to increase the availability of formal and informal peer support services, including certified peer specialist services, to a person confined in a facility operated by or under contract with TDCJ, including a state jail felony facility, substance abuse felony punishment facility, or intermediate sanction facility.

(b) Requires the policy adopted under Subsection (a) to:

- (1) allow for persons who have previously been convicted of an offense, including releasees on parole or mandatory supervision and defendants on community supervision, to serve as certified peer specialists in a facility described by Subsection (a);
- (2) specify the conditions under which a person described by Subdivision (1) is authorized to serve as a certified peer specialist; and

(3) allow for persons confined in a facility described by Subsection (a) to serve in a peer support role, provided that the persons are trained and supervised by a community-based organization described by Subsection (c).

(c) Requires TDCJ, in implementing the policy adopted under Subsection (a), to:

(1) collaborate with community-based organizations that provide peer specialist training, including training in any of the following peer support specialties:

(A) certified peer specialist;

(B) certified peer reentry specialist;

(C) certified peer recovery specialist; or

(D) any other peer support specialty recognized by the Health and Human Services Commission; and

(2) encourage and assist persons described by Subsection (b)(3), with particular emphasis on persons who have been involved with programs or services relating to substance abuse or behavioral health, to participate in training described by Subdivision (1).

SECTION 2. Amends Subchapter A, Chapter 501, Government Code, by adding Section 501.026, as follows:

Sec. 501.026. ACCESS TO PROGRAMS BY FEMALE INMATES. (a) Requires TDCJ to develop and implement policies that increase and promote a female inmate's access to programs offered to inmates in the custody of TDCJ, including educational, vocational, substance use treatment, rehabilitation, life skills training, and prerelease programs. Prohibits TDCJ from reducing or limiting a male inmate's access to a program to meet the requirements of this section.

(b) Requires TDCJ, not later than December 31 of each year, to:

(1) prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, each standing committee of the legislature having primary jurisdiction over TDCJ, and the reentry task force described by Section 501.098 (Reentry Task Force) a written report that includes:

(A) a description of any TDCJ policies that were created, modified, or eliminated during the preceding year to meet the requirements of this section; and

(B) a list of programs available to female inmates in the custody of TDCJ during the preceding year; and

(2) publish the report on TDCJ's Internet website.

SECTION 3. Requires TDCJ, not later than September 1, 2020, to adopt and implement the policy required by Section 493.032, Government Code, as added by this Act.

SECTION 4. (a) Requires TDCJ, as soon as practicable after the effective date of this Act, to develop and implement the policies required by Section 501.026, Government Code, as added by this Act.

(b) Requires TDCJ to submit the first report required by Section 501.026, Government Code, as added by this Act, not later than December 31, 2020.

SECTION 5. Effective date: September 1, 2019.