

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

6/29/09
Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 1009 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Deuell
BOB DEUWELL, CHAIR

Linda Harper Brown
LINDA HARPER-BROWN, CHAIR

CLAY ESTES
[Signature]
KEVIN ELTIFE

GARNET COLEMAN
[Signature]
JOHN DAVIS

GLENN HELAR
[Signature]
On the part of the Senate
JOHN WHITMIRE

MARISA MARQUEZ
[Signature]
On the part of the House
GEANIE MORRISON

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 1009

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the continuation and functions of the Commission on
3 Jail Standards.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 511.003, Government Code, is amended to
6 read as follows:

7 Sec. 511.003. SUNSET PROVISION. The Commission on Jail
8 Standards is subject to Chapter 325 (Texas Sunset Act). Unless
9 continued in existence as provided by that chapter, the commission
10 is abolished and this chapter expires September 1, 2021 [~~2009~~].

11 SECTION 2. Sections 511.004(g), (h), (i), and (j),
12 Government Code, are amended to read as follows:

13 (g) A person is not eligible for appointment as a public
14 member of the commission if the person or the person's spouse:

15 (1) is registered, certified, or licensed by a a [~~an~~
16 ~~occupational~~] regulatory agency in the field of law enforcement;

17 (2) is employed by or participates in the management
18 of a business entity, county jail, or other organization regulated
19 by the commission or receiving funds from the commission;

20 (3) owns or controls, directly or indirectly, more
21 than a 10 percent interest in a business entity or other
22 organization regulated by the commission or receiving funds from
23 the commission; or

24 (4) uses or receives a substantial amount of tangible

1 goods, services, or funds from the commission, other than
2 compensation or reimbursement authorized by law for commission
3 membership, attendance, or expenses.

4 (h) A person who is appointed to and qualifies for ~~[To be~~
5 ~~eligible to take]~~ office as a member of the commission may not vote,
6 deliberate, or be counted as a member in attendance at a meeting of
7 the commission until the ~~[, a]~~ person completes ~~[appointed to the~~
8 ~~commission must complete at least one course of]~~ a training program
9 that complies with Subsection (i).

10 (i) The training program required by Subsection (h) must
11 provide information to the person regarding:

12 (1) this chapter ~~[the enabling legislation that~~
13 ~~created the commission];~~

14 (2) the programs, functions, rules, and budget of
15 ~~[operated by]~~ the commission;

16 (3) the results of the most recent formal audit ~~[role~~
17 ~~and functions]~~ of the commission;

18 (4) the requirements of laws relating to open
19 meetings, public information, administrative procedure, and
20 conflicts of interest ~~[rules of the commission with an emphasis on~~
21 ~~the rules that relate to disciplinary and investigatory authority];~~
22 and

23 (5) ~~[the current budget for the commission,~~

24 ~~[(6) the results of the most recent formal audit of the~~
25 ~~commission,~~

26 ~~[(7) the requirements of the:~~

27 ~~[(A) open meetings law, Chapter 551,~~

1 ~~[(B) open records law, Chapter 552, and~~
2 ~~[(C) administrative procedure law, Chapter 2001,~~
3 ~~[(8) the requirements of the conflict of interests~~
4 ~~laws and other laws relating to public officials, and~~
5 [(9)] any applicable ethics policies adopted by the
6 commission or the Texas Ethics Commission.

7 (j) A person appointed to the commission is entitled to
8 reimbursement, ~~[for travel expenses incurred in attending the~~
9 ~~training program required by Subsection (h)]~~ as provided by the
10 General Appropriations Act, for the travel expenses incurred in
11 attending the training program required by Subsection (h)
12 regardless of whether attendance at the program occurs before or
13 after [and as if] the person qualifies for office [were a member of
14 the commission].

15 SECTION 3. Section 511.0041(a), Government Code, is amended
16 to read as follows:

17 (a) It is a ground for removal from the commission if a
18 member:

19 (1) does not have at the time of taking office
20 ~~[appointment]~~ the qualifications required by Section 511.004;

21 (2) does not maintain during service on the commission
22 the qualifications required by Section 511.004;

23 (3) is ineligible for membership under ~~[violates a~~
24 ~~prohibition established by]~~ Section 511.004(g) or 511.0042;

25 (4) cannot discharge the member's duties for a
26 substantial part of the term for which the member is appointed
27 because of illness or disability; or

1 (5) is absent from more than half of the regularly
2 scheduled commission meetings that the member is eligible to attend
3 during a calendar year without an excuse approved [~~unless the~~
4 ~~absence is excused~~] by a majority vote of the commission.

5 SECTION 4. Section 511.0042, Government Code, is amended to
6 read as follows:

7 Sec. 511.0042. CONFLICT OF INTEREST. (a) A person may not
8 be a member of the commission and may not be a commission employee
9 employed in a "bona fide executive, administrative, or professional
10 capacity," as that phrase is used for purposes of establishing an
11 exemption to the overtime provisions of the federal Fair Labor
12 Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

13 (1) the person is an [An] officer, employee, or paid
14 consultant of a Texas trade association in the field of county
15 corrections; or

16 (2) the person's [may not be a member of the commission
17 or an employee of the commission who is exempt from the state's
18 position classification plan or is compensated at or above the
19 amount prescribed by the General Appropriations Act for step 1,
20 salary group 17, of the position classification salary schedule.

21 ~~[(b) A person who is the]~~ spouse is ~~[of]~~ an officer,
22 manager, or paid consultant of a Texas trade association in the
23 field of county corrections ~~[may not be a commission member and may~~
24 ~~not be a commission employee who is exempt from the state's position~~
25 ~~classification plan or is compensated at or above the amount~~
26 ~~prescribed by the General Appropriations Act for step 1, salary~~
27 ~~group 17, of the position classification salary schedule].~~

1 **(b)** In [~~(c) For the purposes of~~] this section, "Texas
2 trade association" means [~~a Texas trade association is~~] a
3 [~~nonprofit,~~] cooperative [~~7~~] and voluntarily joined statewide
4 association of business or professional competitors in this state
5 designed to assist its members and its industry or profession in
6 dealing with mutual business or professional problems and in
7 promoting their common interest.

8 **(c)** [~~(d)~~] A person may not be [~~serve as~~] a member of the
9 commission or act as the general counsel to the commission if the
10 person is required to register as a lobbyist under Chapter 305
11 because of the person's activities for compensation on behalf of a
12 profession related to the operation of the commission.

13 SECTION 5. Chapter 511, Government Code, is amended by
14 adding Section 511.0061 to read as follows:

15 Sec. 511.0061. USE OF TECHNOLOGY. The commission shall
16 implement a policy requiring the commission to use appropriate
17 technological solutions to improve the commission's ability to
18 perform its functions. The policy must ensure that the public is
19 able to interact with the commission on the Internet.

20 SECTION 6. Section 511.0071, Government Code, is amended by
21 amending Subsections (a), (d), (e), and (f) and adding Subsection
22 (a-1) to read as follows:

23 (a) The commission shall prepare information of public
24 interest describing the functions of the commission and the
25 commission's procedures by which complaints regarding the
26 commission and complaints regarding jails under the commission's
27 jurisdiction are filed with and resolved by the commission. The

1 commission shall make the information available;

2 (1) to the public, inmates, county officials, and
3 appropriate state agencies; and

4 (2) on any publicly accessible Internet website
5 maintained by the commission.

6 (a-1) The commission shall adopt rules and procedures
7 regarding the receipt, investigation, resolution, and disclosure
8 to the public of complaints regarding the commission and complaints
9 regarding jails under the commission's jurisdiction that are filed
10 with the commission. The commission shall:

11 (1) prescribe a form or forms on which written
12 complaints regarding the commission and complaints regarding jails
13 under the commission's jurisdiction may be filed with the
14 commission;

15 (2) keep an information file in accordance with
16 Subsection (f) regarding each complaint filed with the commission
17 regarding the commission or a jail under the commission's
18 jurisdiction;

19 (3) develop procedures for prioritizing complaints
20 filed with the commission and a reasonable time frame for
21 responding to those complaints;

22 (4) maintain a system for promptly and efficiently
23 acting on complaints filed with the commission;

24 (5) develop a procedure for tracking and analyzing all
25 complaints filed with the commission, according to criteria that
26 must include:

27 (A) the reason for or origin of complaints;

1 (B) the average number of days that elapse
2 between the date on which complaints are filed, the date on which
3 the commission first investigates or otherwise responds to
4 complaints, and the date on which complaints are resolved;

5 (C) the outcome of investigations or the
6 resolution of complaints, including dismissals and commission
7 actions resulting from complaints;

8 (D) the number of pending complaints at the close
9 of each fiscal year; and

10 (E) a list of complaint topics that the
11 commission does not have jurisdiction to investigate or resolve;
12 and

13 (6) regularly prepare and distribute to members of the
14 commission a report containing a summary of the information
15 compiled under Subdivision (5).

16 ~~(d) [The commission shall keep an information file about~~
17 ~~each complaint filed with the commission that the commission has~~
18 ~~authority to resolve. The commission is not required to keep an~~
19 ~~information file about a complaint to the commission from or~~
20 ~~related to a prisoner of a county or municipal jail.]~~ The
21 commission shall adopt rules and procedures regarding the referral
22 of [refer] a complaint filed with the commission from or related to
23 a prisoner to the appropriate local agency for investigation and
24 resolution. The commission [and] may perform a special inspection
25 of a facility named in the complaint to determine compliance with
26 commission requirements.

27 (e) If a written complaint is filed with the commission that

1 the commission has authority to resolve, the commission at least
2 quarterly and until final disposition of the complaint shall notify
3 the parties to the complaint of the status of the complaint, unless
4 the notice would jeopardize an undercover investigation. This
5 subsection does not apply to a complaint referred to a local agency
6 under Subsection (d).

7 (f) The commission shall collect and maintain information
8 about each complaint received by the commission regarding the
9 commission or a jail under the commission's jurisdiction,
10 including:

- 11 (1) the date the complaint is received;
- 12 (2) the name of the complainant;
- 13 (3) the subject matter of the complaint;
- 14 (4) a record of all persons contacted in relation to
15 the complaint;
- 16 (5) a summary of the results of the review or
17 investigation of the complaint; and
- 18 (6) for a complaint for which the agency took no
19 action, an explanation of the reason the complaint was closed
20 without action.

21 SECTION 7. Section 511.008(e), Government Code, is amended
22 to read as follows:

23 (e) The commission shall develop and implement policies
24 that clearly separate the policymaking responsibilities of the
25 commission and the management responsibilities of the executive
26 director [~~define the respective responsibilities of the~~
27 ~~commission~~] and the staff of the commission.

1 SECTION 8. Chapter 511, Government Code, is amended by
2 adding Section 511.0085 to read as follows:

3 Sec. 511.0085. RISK FACTORS; RISK ASSESSMENT PLAN. (a) The
4 commission shall develop a comprehensive set of risk factors to use
5 in assessing the overall risk level of each jail under the
6 commission's jurisdiction. The set of risk factors must include:

7 (1) a history of the jail's compliance with state law
8 and commission rules, standards, and procedures;

9 (2) the population of the jail;

10 (3) the number and nature of complaints regarding the
11 jail, including complaints regarding a violation of any required
12 ratio of correctional officers to inmates;

13 (4) problems with the jail's internal grievance
14 procedures;

15 (5) available mental and medical health reports
16 relating to inmates in the jail, including reports relating to
17 infectious disease or pregnant inmates;

18 (6) recent turnover among sheriffs and jail staff;

19 (7) inmate escapes from the jail;

20 (8) the number and nature of inmate deaths at the jail,
21 including the results of the investigations of those deaths; and

22 (9) whether the jail is in compliance with commission
23 rules, standards developed by the Texas Correctional Office on
24 Offenders with Medical or Mental Impairments, and the requirements
25 of Article 16.22, Code of Criminal Procedure, regarding screening
26 and assessment protocols for the early identification of and
27 reports concerning persons with mental illness.

1 (b) The commission shall use the set of risk factors
2 developed under Subsection (a) to guide the inspections process for
3 all jails under the commission's jurisdiction by:

4 (1) establishing a risk assessment plan to use in
5 assessing the overall risk level of each jail; and

6 (2) regularly monitoring the overall risk level of
7 each jail.

8 SECTION 9. Section 511.009(a), Government Code, is amended
9 to read as follows:

10 (a) The commission shall:

11 (1) adopt reasonable rules and procedures
12 establishing minimum standards for the construction, equipment,
13 maintenance, and operation of county jails;

14 (2) adopt reasonable rules and procedures
15 establishing minimum standards for the custody, care, and treatment
16 of prisoners;

17 (3) adopt reasonable rules establishing minimum
18 standards for the number of jail supervisory personnel and for
19 programs and services to meet the needs of prisoners;

20 (4) adopt reasonable rules and procedures
21 establishing minimum requirements for programs of rehabilitation,
22 education, and recreation in county jails;

23 (5) revise, amend, or change rules and procedures if
24 necessary;

25 (6) provide to local government officials
26 consultation on and technical assistance for county jails;

27 (7) review and comment on plans for the construction

1 and major modification or renovation of county jails;

2 (8) require that the sheriff and commissioners of each
3 county submit to the commission, on a form prescribed by the
4 commission, an annual report on the conditions in each county jail
5 within their jurisdiction, including all information necessary to
6 determine compliance with state law, commission orders, and the
7 rules adopted under this chapter;

8 (9) review the reports submitted under Subdivision (8)
9 and require commission employees to inspect county jails regularly
10 to ensure compliance with state law, commission orders, and rules
11 and procedures adopted under this chapter;

12 (10) adopt a classification system to assist sheriffs
13 and judges in determining which defendants are low-risk and
14 consequently suitable participants in a county jail work release
15 program under Article 42.034, Code of Criminal Procedure;

16 (11) adopt rules relating to requirements for
17 segregation of classes of inmates and to capacities for county
18 jails;

19 (12) require that the chief jailer of each municipal
20 lockup submit to the commission, on a form prescribed by the
21 commission, an annual report of persons under 17 years of age
22 securely detained in the lockup, including all information
23 necessary to determine compliance with state law concerning secure
24 confinement of children in municipal lockups;

25 (13) at least annually determine whether each county
26 jail is in compliance with the rules and procedures adopted under
27 this chapter;

1 (14) require that the sheriff and commissioners court
2 of each county submit to the commission, on a form prescribed by the
3 commission, an annual report of persons under 17 years of age
4 securely detained in the county jail, including all information
5 necessary to determine compliance with state law concerning secure
6 confinement of children in county jails; ~~and~~

7 (15) schedule announced and unannounced inspections
8 of jails under the commission's [its] jurisdiction using the risk
9 assessment plan established under Section 511.0085 to guide the
10 inspections process;

11 (16) adopt a policy for gathering and distributing to
12 jails under the commission's jurisdiction information regarding:

13 (A) common issues concerning jail
14 administration;

15 (B) examples of successful strategies for
16 maintaining compliance with state law and the rules, standards, and
17 procedures of the commission; and

18 (C) solutions to operational challenges for
19 jails;

20 (17) report to the Texas Correctional Office on
21 Offenders with Medical or Mental Impairments on a jail's compliance
22 with Article 16.22, Code of Criminal Procedure;

23 (18) adopt reasonable rules and procedures
24 establishing minimum requirements for jails to:

25 (A) determine if a prisoner is pregnant; and

26 (B) ensure that the jail's health services plan
27 addresses medical and mental health care, including nutritional

1 requirements, and any special housing or work assignment needs for
2 persons who are confined in the jail and are known or determined to
3 be pregnant; and

4 (19) provide guidelines to sheriffs regarding
5 contracts between a sheriff and another entity for the provision of
6 food services to or the operation of a commissary in a jail under
7 the commission's jurisdiction, including specific provisions
8 regarding conflicts of interest and avoiding the appearance of
9 impropriety [~~based on the jail's history of compliance with~~
10 ~~commission standards and other high-risk factors identified by the~~
11 ~~commission].~~

12 SECTION 10. Section 511.0101(a), Government Code, is
13 amended to read as follows:

14 (a) Each county shall submit to the commission on or before
15 the fifth day of each month a report containing the following
16 information:

17 (1) the number of prisoners confined in the county
18 jail on the first day of the month, classified on the basis of the
19 following categories:

- 20 (A) total prisoners;
- 21 (B) pretrial Class C misdemeanor offenders;
- 22 (C) pretrial Class A and B misdemeanor offenders;
- 23 (D) convicted misdemeanor offenders;
- 24 (E) felony offenders whose penalty has been
25 reduced to a misdemeanor;
- 26 (F) pretrial felony offenders;
- 27 (G) convicted felony offenders;

1 (H) prisoners detained on bench warrants;
2 (I) prisoners detained for parole violations;
3 (J) prisoners detained for federal officers;
4 (K) prisoners awaiting transfer to the
5 institutional division of the Texas Department of Criminal Justice
6 following conviction of a felony or revocation of probation,
7 parole, or release on mandatory supervision and for whom paperwork
8 and processing required for transfer have been completed;

9 (L) prisoners detained after having been
10 transferred from another jail and for whom the commission has made a
11 payment under Subchapter F, Chapter 499, Government Code; and

12 (M) other prisoners;

13 (2) the total capacity of the county jail on the first
14 day of the month; ~~and~~

15 (3) the total number of prisoners who were confined in
16 the county jail during the preceding month, based on a count
17 conducted on each day of that month, who were known or had been
18 determined to be pregnant; and

19 (4) certification by the reporting official that the
20 information in the report is accurate.

21 SECTION 11. Chapter 511, Government Code, is amended by
22 adding Section 511.0115 to read as follows:

23 Sec. 511.0115. PUBLIC INFORMATION ABOUT COMPLIANCE STATUS
24 OF JAILS. The commission shall provide information to the public
25 concerning whether jails under the commission's jurisdiction are in
26 compliance with state law and the rules, standards, and procedures
27 of the commission:

1 (1) on any publicly accessible Internet website
2 maintained by the commission; and

3 (2) through other formats, including newsletters or
4 press releases, as determined by the commission.

5 SECTION 12. Chapter 511, Government Code, is amended by
6 adding Section 511.018 to read as follows:

7 Sec. 511.018. ALTERNATIVE DISPUTE RESOLUTION. (a) The
8 commission shall develop and implement a policy to encourage the
9 use of:

10 (1) negotiated rulemaking procedures under Chapter
11 2008 for the adoption of commission rules; and

12 (2) appropriate alternative dispute resolution
13 procedures under Chapter 2009 to assist in the resolution of
14 internal and external disputes under the commission's
15 jurisdiction.

16 (b) The commission's procedures relating to alternative
17 dispute resolution must conform, to the extent possible, to any
18 model guidelines issued by the State Office of Administrative
19 Hearings for the use of alternative dispute resolution by state
20 agencies.

21 (c) The commission shall designate a trained person to:

22 (1) coordinate the implementation of the policy
23 adopted under Subsection (a);

24 (2) serve as a resource for any training needed to
25 implement the procedures for negotiated rulemaking or alternative
26 dispute resolution; and

27 (3) collect data concerning the effectiveness of those

1 procedures, as implemented by the commission.

2 SECTION 13. Section 511.0071(c), Government Code, is
3 repealed.

4 SECTION 14. The change in law made by Section 511.004(h),
5 Government Code, as amended by this Act, regarding training for
6 members of the Commission on Jail Standards does not affect the
7 entitlement of a member serving on the commission immediately
8 before September 1, 2009, to continue to serve and function as a
9 member of the commission for the remainder of the member's term,
10 unless otherwise removed as provided by law. The change in law
11 described by Section 511.004(h), Government Code, applies only to a
12 member appointed or reappointed on or after September 1, 2009.

13 SECTION 15. The changes in law made by this Act in the
14 prohibitions or qualifications applying to a member of the
15 Commission on Jail Standards do not affect the entitlement of a
16 member serving on the commission immediately before September 1,
17 2009, to continue to serve and function as a member of the
18 commission for the remainder of the member's term, unless otherwise
19 removed as provided by law. Those changes in law apply only to a
20 member appointed on or after September 1, 2009.

21 SECTION 16. This Act takes effect September 1, 2009.

Senate Bill 1009
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION	CONFERENCE
SECTION 1. Amends Sec. 511.003, Government Code. Changes the sunset date for the Texas Commission on Jail Standards from 2009 to 2021.	SECTION 1. Same as Senate version.	Same as Senate version.
SECTION 2. Amends Sec. 511.004(g), Government Code. Updates standard Sunset language regarding eligibility of persons to serve as public members of the Commission. Amends Sec. 511.004(h), (i), and (j), Government Code. Updates standard Sunset language requiring members of the Commission to complete training before assuming their duties.	SECTION 2. Same as Senate version.	Same as Senate version.
SECTION 3. Amends Sec. 511.0041(a), Government Code. Updates standard Sunset language specifying the grounds for removing a Commission member.	SECTION 3. Same as Senate version.	Same as Senate version.
SECTION 4. Amends Sec. 511.0042, Government Code. Updates standard Sunset language prohibiting a person from serving as a Commission member or high-level agency employee if the person, or the person's spouse, is an officer, employee, or paid consultant of a Texas trade association in the field of county corrections.	SECTION 4. Same as Senate version.	Same as Senate version.
SECTION 5. Adds Sec. 511.0061, Government Code. Adds standard Sunset language requiring the Commission to make effective use of technology in its delivery of services and provision of information to the public.	SECTION 5. Same as Senate version.	Same as Senate version.

Senate Bill 1009
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 6. Amends Sec. 511.0071 (a), (d), (e), and (f), and adds Subsec. (a-1), Government Code. Requires the Commission to develop procedures for complaints regarding the Commission and jails under its jurisdiction, track and analyze complaints, and provide better information about how to file a complaint. Requires the Commission to adopt rules relating to complaints procedures. Modifies standard Sunset language requiring the Commission to maintain information on all complaints and notify the parties about policies for and status of complaints.

SECTION 7. Amends Sec. 511.008(e), Government Code. Updates standard Sunset language requiring the Commission to separate its policymaking duties from the agency's management functions.

SECTION 8. Adds Sec. 511.0085, Government Code. Requires the Commission to develop a comprehensive set of risk factors, including a specific list of risk factors. Requires the Commission to use the risk factors to guide the inspections process for all jails under the Commission's jurisdiction by establishing a risk-assessment plan and regularly monitoring the overall risk level of jails.

SECTION 9. Amends Sec. 511.009(a), Government Code. Adds to the list of Commission duties the requirement to

HOUSE VERSION

SECTION 6. Same as Senate version.

SECTION 7. Same as Senate version.

SECTION 8. Same as Senate version, but adds to the list of risk factors a requirement for the Commission to consider whether a jail is in compliance with commission rules, standards developed by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI), and requirements in the Code of Criminal Procedure regarding screening and assessment protocols for the early identification of and reports concerning persons with mental illness.

SECTION 9. Same as Senate version, but adds to the list of Commission duties the requirement to report to

CONFERENCE

Same as Senate version.

Same as Senate version.

Same as House version.

Same as House version.

Senate Bill 1009
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

use the risk-assessment plan required by Sec. 511.0085, Government Code, to guide the process of scheduling jail inspections and the requirement to adopt a policy for collecting and distributing best practices and other useful information about jail operations to jails under the Commission's jurisdiction.

TCOOMMI on a jail's compliance with the mental illness screening, assessment, and reporting protocol requirements in the Code of Criminal Procedure. Adds the requirement for the Commission to adopt reasonable rules and procedures establishing minimum requirements for jails to determine if a prisoner is pregnant and to ensure that jail health services plans address the medical, mental health, nutritional, housing, and work assignment needs of inmates known or determined to be pregnant.

No equivalent provision.

Adds a requirement for the Commission to provide guidelines to sheriffs regarding contracts for jail commissary services, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety. (Floor Amendment 1 on Second Reading, by Madden, and Floor Amendment 5 on Second Reading, by Gallego)

Same as House version.

No equivalent provision.

SECTION 10. Adds Sec. 511.0101(a)(3), Government Code. Requires county jails to report to the Commission each month the total number of prisoners who were known or had been determined to be pregnant during the preceding month.

Same as House version.

No equivalent provision

SECTION _____. Adds Sec. 511.0102, Government Code. Authorizes the Commission to grant variances to allow a jail to exclude from population counts inmates awaiting transfer to TDCJ or held on technical violations of parole ("blue warrants.") Prohibits the Commission from granting

Same as Senate version.

Senate Bill 1009
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

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such a variance if it would result in an inadequate number of corrections officers being available to provide safe, suitable, and sanitary conditions. Requires the Commission to determine if jails found out of compliance based on population would be in compliance if the jail excluded the specified inmates from the count, and provide this information to the jail. (Floor Amendment 2 on Second Reading, by Martinez Fischer, and Floor Amendment 2 on Third by Martinez Fischer)

SECTION 10. Adds Sec. 511.0115, Government Code. Requires the Commission to make enforcement information about the compliance status of jails more accessible to the public, including on the Commission's website.

SECTION 11. Same as Senate version.

Same as Senate version.

SECTION 11. Adds Sec. 511.018, Government Code. Adds standard Sunset language requiring the Commission to develop a policy that encourages the use of negotiated rulemaking and alternative dispute resolution.

SECTION 12. Same as Senate version.

Same as Senate version.

No equivalent provision.

Adds Sec. 511.019, Government Code. Requires the Commission to review existing Commission rules and determine the need to adopt new rules requiring that jails provide reasonable access to jail personnel to obtain publicly available information concerning jail operations, including visitation policies. (Floor Amendment 3 on Second Reading, by Olivo, and Floor Amendment 4 on Second Reading, by Harper-Brown)

Same as Senate version.

Senate Bill 1009
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

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No equivalent provision.

Adds Sec. 511.019, Government Code. Requires the Commission to conduct a one-time study of jail commissary pricing practices statewide and report findings to the Legislature by September 1, 2010. (Floor Amendment 1 on Third Reading, by Olivo)

Same as Senate version.

SECTION 12. Repeals Sec. 511.0071(c), Government Code. Repeals outdated standard Sunset language relating to notification of complaint procedures.

SECTION 13. Same as Senate version.

Same as Senate version.

SECTION 13. Instructional provision specifying that the changes to Sec. 511.004(h), Government Code, relating to Commission member training, apply only to members of the Commission appointed or reappointed on or after the effective date of the bill, September 1, 2009.

SECTION 14. Same as Senate version.

Same as Senate version.

SECTION 14. Instructional provision specifying that the changes relating to the prohibitions or qualifications applying to Commission members apply only to members of the Commission appointed on or after the effective date of the bill, September 1, 2009.

SECTION 15. Same as Senate version.

Same as Senate version.

SECTION 15. Establishes the effective date of the Act as September 1, 2009.

SECTION 16. Same as Senate version.

Same as Senate version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

**TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives**

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1009 by Deuell (Relating to the continuation and functions of the Commission on Jail Standards.), Conference Committee Report

No significant fiscal implication to the State is anticipated.

The Texas Commission on Jail Standards (TCJS) is subject to the Sunset Act and will be abolished on September 1, 2009, unless continued by the Legislature. The bill would take effect on September 1, 2009.

SECTION 5 of the bill would amend the Government Code, Chapter 511, by adding Section 511.0061 to include language requiring TCJS to make effective use of technology in its delivery of services and provision of information to the public.

SECTION 6 of the bill would amend the Government Code, Section 511.0071, to require TCJS to adopt updated rules and procedures to clearly describe the complaints process; provide a standard form for submitting complaints; and establish a procedure to track, analyze, and report summary information about complaints to the Commission members.

SECTION 8 of the bill would amend the Government Code by adding Section 511.0085, which would require TCJS to develop a comprehensive set of risk factors and a risk assessment plan to guide the inspections process for all jails under its jurisdiction.

SECTION 9 of the bill would amend the Government Code, Section 511.009, to require TCJS to develop a best practices program to share useful information about jail compliance and common operational challenges with its stakeholders and report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with certain provisions in the Code of Criminal Procedure related to defendants with mental illness or mental retardation. The bill would require TCJS to adopt rules and procedures for minimum requirements for jails related to pregnant inmates. It would also require TCJS to provide guidelines to sheriffs regarding contracts for jail commissary services, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety.

SECTION 11 of the bill would amend the Government Code by adding Section 511.0115, requiring TCJS to provide public information about the compliance status of jails on the agency's website.

SECTION 12 of the bill would amend the Government Code by adding Section 511.018, requiring TCJS to develop a policy that encourages the use of negotiated rule making and alternative dispute resolution.

SECTION 13 of the bill would repeal the Government Code, Section 511.0071(c), relating to TCJS establishing methods by which consumers and service recipients are notified of the name, mailing address, and telephone number to the Commission for the purpose of directing complaints.

The Texas Commission on Jail Standard anticipates no significant fiscal impact to the agency.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 409 Commission on Jail Standards

LBB Staff: JOB, DB, GG, MC

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on S. B. 1009 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

L. Haynes Brewer
(name)

5-29-09
(date)