

Summaries of Selected Legislation Passed by the 85th Legislature, Regular Session

HB 8 by Capriglione – requires all state agencies to follow certain procedures relating to cybersecurity. The bill also creates a state cybersecurity council; requires the Sunset Advisory Commission to assess state agency cybersecurity practices as part of their reviews; and requires the Department of Information Resources (DIR) to provide mandatory guidelines for all state agency resources employees regarding continuing education for cybersecurity training and certification, as well as develop a plan to address cybersecurity risks and incidents in the state.

HB 104 by White – requires a district attorney to notify TDCJ when a person previously convicted of a 3g offense or an offense with a deadly weapon finding is indicted on a new 3g offense or a new offense with a deadly weapon finding. TDCJ would then notify victims of the new indictment.

HB 239 by Hernandez – requires TDCJ to submit a report that details the conditions of confinement for pregnant offenders, including a list of all policies, procedures and statistics relevant to the health and placement of the pregnant offender while in TDCJ.

HB 351 by Canales – requires citations and other notices to include language regarding alternatives to paying fines and court costs for a defendant who is unable to pay; limits use of personal bonds for a defendant charged with certain misdemeanors; requires a court to consider whether a defendant has sufficient resources to pay all or part of assessed fines; requires a court, before issuing a *capias pro fine* for a defendant for failure to pay, to hold a hearing; increases the amount of credit provided to defendants who satisfy payment of their fine and court costs through confinement in jail or community service and expands the types of work authorized under community service; and establishes a commission to study and review all criminal offenses that are not found in either the penal code or health and safety code and are not related to operating a motor vehicle. Senate Bill 1913 by Zaffirini includes many similar provisions.

HB 501 by Capriglione – requires additional information be disclosed regarding certain contracts, services, and compensation in the personal financial statements filed by public officers and candidates.

HB 553 by White – requires the Windham School District, in consultation with TDCJ, to create a task force for the purpose of identifying opportunities to award high school and college credit as well as industry certification to offenders.

HB 776 by Ashby – requires the Texas Ethics Commission to remove from a financial statement the home address, telephone number, and names of any dependent children of state officers, candidates for elected office, and state party chairs prior to allowing the statement to be viewed or providing a copy to the public.

HB 865 by Blanco – requires TDCJ to designate a veterans service coordinator for offenders, and establish a veterans reentry dorm program that provides rehabilitation and transition programs for state jail offenders.

HB 965 by Springer – permits a retail public utility to require the operator of a correctional facility to comply with water conservation measures adopted by the utility, unless the requirement would endanger health and safety at the facility or unreasonably increase the cost of operating the facility.

HB 1111 by Thompson, S. – specifies that a child safety zone imposed by the BPP does not apply when the parolee is traveling directly to and from a parole office or other authorized locations. Also permits the governing body of certain municipalities to restrict, by ordinance, a registered sex offender from within a specified distance (not more than 1,000 feet) of a child safety zone.

HB 1424 by Murphy – adds various types of correctional facilities to the category of facilities over which it is an offense to operate an unmanned aerial vehicle under a certain height.

HB 1508 by Giddings – requires educational entities that issue licenses, permits and certificates to notify each applicant and enrollee who has committed a criminal offense of their potential ineligibility to receive the license, permit or certificate due to the criminal offense.

HB 1526 by King P. – transfers responsibility for paying insurance contributions for employees of Community Supervision and Corrections Departments (CSCDs) from TDCJ to ERS. TDCJ would maintain administrative responsibilities such as billing and reconciling payments with CSCDs.

HB 2888 by Romero – requires the Board of Pardons and Paroles, when conducting an initial review of a parole-eligible inmate, to identify classes or programs it intends to require the inmate to complete before release to parole and to provide the list of classes or programs to the inmate. TDCJ must take reasonable measures to ensure that the inmates have the opportunity to complete the required classes or programs prior to their initial parole eligibility date, other than classes or programs to be completed immediately prior to an offender's release.

HB 3107 by Ashby – amends the Public Information Act to provide that a request is considered withdrawn if the requestor fails to inspect or duplicate the public information in the offices of the governmental body within 60 days after the information is made available or pay the postage and any other costs associated with the production of the information within 60 days of receiving notification of the charges. The bill also authorizes a governmental body to treat all requests received in one calendar day from the same individual as a single request for calculating costs, and allows a governmental body to establish monthly limits on the amount of time personnel are required to spend producing public information without recovering costs.

HB 3130 by Parker – requires TDCJ to create an Educational and Vocational Training Pilot Program. Allows a judge, when considering a state jail felony case, to suspend the imposition of the sentence and place the defendant on community supervision. Requires as a condition of community supervision that the offender serve a term not to exceed 90 days in a state jail and then participate in the program upon release. The bill requires a period of supervision not to exceed 270 days and requires the judge to credit the presentence credit towards the 90 day confinement.

HB 3402 by Bonnen, D. – requires the Texas Board of Criminal Justice to sell by June 30, 2018, approximately 296 acres of land at the Ramsey Unit in Brazoria County. The land, which is currently used by TDCJ for growing edible crops and grazing cattle, would be used to mitigate flooding in the area.

SB 12 by West - creates a grant program within the Criminal Justice Division of the Governor's Office to assist law enforcement agencies with the purchase of bulletproof vests and body armor.

SB 15 by Huffines – adds a new residence homestead exemption for a surviving spouse of a first responder who is killed or fatally injured in the line of duty, if the surviving spouse has not remarried. The definition of first responder includes most TDCJ employees. The bill would take effect on January 1, 2018, contingent on voter approval of a constitutional amendment (SJR 1).

SB 73 by Nelson - requires state agencies to adopt policies regarding employee leave, to include certain restrictions on the use of emergency leave. The bill also requires the Comptroller to adopt a uniform system for agencies to report leave taken by employees.

SB 78 by Nelson – adds certain volunteer and nonprofit organizations to the list of entities that may receive repaired or refurbished data processing equipment from Texas Correctional Industries.

SB 292 by Huffman – requires the Health and Human Services Commission to create a grant program for the purpose of reducing recidivism, arrest, and incarceration of individuals with mental illness.

SB 343 by Perry - makes it a criminal offense for an employee of a community supervision and corrections department to engage in sexual intercourse with an individual the employee knows is under the supervision of the department.

SB 532 by Nelson - requires the Department of Information Resources to periodically submit a report regarding each state agency's information technology infrastructure to the governor and certain legislative offices. The report would include an analysis and assessment of each state agency's security and operational risks.

SB 1326 by Zaffirini – addresses screening and assessment of defendants for mental health and competency, and requires a sheriff or other person having custody of the person for a Class B or higher offense to notify a magistrate within 12 hours of learning that a person in custody may have mental illness or an intellectual disability. The bill requires a mental health assessment ordered by a judge be provided to the magistrate within 96 hours if the defendant is held in custody. The written assessment is required to be provided to the magistrate on a form promulgated and approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments. The bill would also authorize the court to commit an incompetent defendant charged with a Class B misdemeanor to a jail-based competency restoration program or to a mental health facility or residential care facility, and if the court determines that an incompetent defendant charged with a Class B misdemeanor is not a danger to others and may be safely treated on an outpatient basis, the bill would require the court to order the defendant to participate in an outpatient competency restoration program for a period not to exceed 60 days; and, if state funding is available for reimbursement, require the sheriff or person having custody of the defendant during transportation to ensure the defendant is provided with appropriate medication.

SB 1584 by Garcia – requires a judge to determine a defendant's conditions of community supervision based on the results of a risk assessment. The judge must consider the extent to which the conditions impact the defendant's employment and other obligations. A condition to participate in state-funded substance abuse may only be imposed after considering the results of an appropriate evaluation indicating type and level of treatment needed.

SB 1849 by Whitmire – Known as the Sandra Bland Act. In addition to provisions relating to mental health, such as reducing the time a sheriff's office has to notify a magistrate that a defendant may have mental illness or intellectual disability, and requiring law enforcement to make good faith efforts to divert certain individuals suffering a mental illness, substance abuse or intellectual disability from detention, the bill also requires the Texas Commission on Jail Standards (TCJS) to develop rules establishing minimum standards for jails to promote inmate safety; modifies training requirements for peace officers to include de-escalation training with techniques to limit the use of force; and requires TCJS to appoint a law enforcement agency to investigate prisoner deaths in county jails.

SB 1910 by Zaffirini - establishes certain requirements all agencies are required to follow relating to information technology security, to include requiring each state agency to designate an information security officer.

Note: *Governor Abbott has until June 18, 2017, to take action on bills.*