

BILL ANALYSIS

C.S.H.B. 1307
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There is a need to create a safer and healthier environment for incarcerated pregnant women, many of whom are assaulted and abused during incarceration in state prison and in county jails. Many others suffer miscarriages during incarceration. Miscarriage, abuse, and physical and sexual assault are extremely detrimental to any pregnant woman's health, incarcerated or not, but the mental and physical health issues often present in the incarcerated female population as a whole are uniquely intensified for pregnant women who, while incarcerated, have had miscarriages or have been physically or sexually assaulted and abused during their incarceration. C.S.H.B. 1307 takes steps to improve outcomes for both mother and baby by requiring, after a sheriff or the Texas Department of Criminal Justice receives a report of a miscarriage or assault, a prompt review of the health care services provided to the incarcerated pregnant prisoner or inmate and requiring an applicable health professional to order additional health care services as appropriate.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1307 amends the Government Code and Local Government Code to require, respectively, a county sheriff and the Texas Department of Criminal Justice, as soon as practicable after receiving a report of a miscarriage or physical or sexual assault of a pregnant prisoner or a pregnant inmate, to ensure that an obstetrician or gynecologist and a mental health professional promptly review the health care services provided to the prisoner or inmate and order additional health care services, including obstetrical and gynecological services and mental health services, as the obstetrician or gynecologist and mental health professional consider appropriate. The bill defines "physical assault" and "sexual assault" by reference to the Penal Code.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1307 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute specifies the following:

- the health care professionals required to review the prisoner's or inmate's health care services and order additional health care services are an obstetrician or gynecologist and a mental health professional; and
- the additional services that may be ordered include obstetrical and gynecological services.

The substitute changes the phrase "physical or sexual abuse" to "physical or sexual assault" and provides a definition of "physical assault" and "sexual assault" by reference to the Penal Code.