

SUBJECT: Restricting access to certain information about prison inmates

COMMITTEE: Corrections — committee substitute recommended

VOTE: 8 ayes — Haggerty, Staples, Allen, Culberson, Ellis, Farrar, Gray, Lengefeld
0 nays
1 absent — Longoria

WITNESSES: For — None
Against — None
On — Carl Reynolds, Texas Department of Criminal Justice

DIGEST: CSHB 1379 would exempt from the Public Information Act information about inmates confined in a facility operated by the Texas Department of Criminal Justice (TDCJ) or operated under contract with TDCJ. Information concerning statistical or other aggregated information or about an inmate sentenced to death would remain subject to the Public Information Act.

In addition, CSHB 1379 would specify that certain information about an inmate would be subject to required disclosure, including:

- ! the inmate's name, identification number, age, birthplace, description, general health, or the nature of an injury or illness;
- ! the inmate's unit and date of receipt, unless such information would violate the inmate's privacy relating to drug treatment programs;
- ! the inmate's offense and length of sentence;
- ! the county and court in which the inmate was convicted;
- ! the earliest or latest possible release or parole dates;
- ! any prior confinements by TDCJ; and
- ! basic information relating to the death of an inmate, incidents involving the use of force, or an alleged crime involving an inmate.

The disclosure provisions of CSHB 1379 would override any confidentiality required by Government Code, sec. 508.313 relating to parole and mandatory-supervision decisions.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

SUPPORTERS
SAY:

The current federal court order in the *Ruiz v. Estelle* prisoner class-action suit contains a provision prohibiting the release of sensitive information about inmates to other inmates. The attorney general has interpreted this provision to restrict the release of sensitive information to anyone. To clarify this provision and also to protect inmate information in the event of the end of the *Ruiz* litigation, CSHB 1379 would establish in state law the parameters of what information concerning inmates is a public record and what information should remain confidential.

CSHB 1379 represents a balanced compromise between the right of inmates to protect the release of sensitive information and the right of the public to gain general information about inmates or about the prison system. CSHB 1379 would not limit access to inmate information beyond the current state of the law. It actually would allow greater access to the type of information that the public and the press would like to have, including full disclosure of any public information relating to death-row inmates. Information about those inmates generally would not be restricted because of the heightened public interest in all matters related to inmates on death row.

OPPONENTS
SAY:

While there may be greater public interest in information relating to death-row inmates, these inmates should not be denied privacy protections afforded to other inmates simply because they have been sentenced to death.

NOTES:

The original bill would have exempted from public release information relating to:

- ! the inmate's medical, psychiatric, or psychological condition or treatment;
- ! the inmate's education, I.Q., trust fund account, social history, known enemies, disciplinary records, next of kin, and home address; or
- ! a use-of-force incident involving the inmate that was still under investigation.

The original bill would have permitted the same access to information about the inmate, except that it would not have included information relating to the general health or nature of an illness or injury or basic information relating to the death of an inmate, incidents involving the use of force, or an alleged crime involving an inmate. The committee substitute also added an exception for release of information about death-row inmates.