

BILL ANALYSIS

Senate Research Center
83R4362 JRR-D

S.B. 1003
By: Carona
Criminal Justice
3/22/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2011, the Texas Department of Criminal Justice (TDCJ) housed 8,784 prisoners in administrative segregation, also known as solitary confinement. While the current administrative segregation population in Texas is over five percent of the total prison population, the national average is under two percent. Of the 8,784 Texans in administrative segregation, TDCJ reported that 2,060 were identified with a serious mental health or mental retardation diagnosis.

Very little is known about the conditions of confinement for the administrative segregation population and how those conditions affect its population and society once those individuals are released. Since nearly one in four individuals in the program have some type of mental health or mental retardation diagnosis, S.B. 1003 creates the Administrative Segregation Task Force, an eighteen-member task force, which will review TDCJ's use of administrative segregation in-state facilities. The task force will also recommend methods to reduce the administrative segregation population by diverting individuals with serious mental illness to more appropriate programs and services. S.B. 1003 establishes the task force for two years only, requires it to issue a report on those matters by December 1, 2014, and terminates it in 2015.

As proposed, S.B. 1003 amends current law relating to the creation of the Adult and Juvenile Administrative Segregation Task Force.

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. ADULT AND JUVENILE ADMINISTRATIVE SEGREGATION TASK FORCE. (a) Defines "facility," "inmate," and "task force" in this Act.

(b) Establishes the Adult and Juvenile Administrative Segregation Task Force (task force).

(c) Provides that the task force is composed of the following 18 members:

(1) the executive director of the Texas Department of Criminal Justice or the executive director's designee;

(2) the executive director of the Texas Juvenile Justice Department or the executive director's designee;

(3) the executive director of the Commission on Jail Standards or the executive director's designee;

(4) the director of the Texas Correctional Office on Offenders with Medical or Mental Impairments or the director's designee;

- (5) the presiding officer of the Correctional Managed Health Care Committee or the presiding officer's designee;
- (6) one representative designated by the office of independent ombudsman of the Texas Juvenile Justice Department;
- (7) one representative designated by Disability Rights Texas;
- (8) one representative designated by the Texas Association of Business;
- (9) one representative designated by Texas Impact;
- (10) one representative designated by the Texas Criminal Justice Coalition;
- (11) one representative designated by Mental Health America of Texas;
- (12) one representative designated by the National Alliance on Mental Illness; and
- (13) six members appointed by the governor, consisting of one representative of a nonprofit entity involved with the reintegration of inmates; one representative of a faith-based organization involved with the reintegration of inmates; one member who was convicted of a criminal offense in this state; one member who has expertise in issues related to adult or juvenile criminal justice; and two members who have expertise in issues related to administrative segregation, seclusion, or solitary confinement.

(d) Requires the governor to designate a member of the task force to serve as presiding officer.

(e) Requires the task force to meet at the times and places that the presiding officer determines are appropriate.

(f) Provides that a member of the task force is not entitled to compensation but is entitled to reimbursement for the member's actual and necessary expenses incurred in attending meetings of the task force and performing other official duties authorized by the presiding officer of the task force, as provided by the General Appropriations Act.

(g) Provides that the task force is not subject to Chapter 2110 (State Agency Advisory Committees), Government Code.

SECTION 2. DUTIES OF TASK FORCE. Requires the task force to:

- (1) conduct a comprehensive review of administrative segregation and seclusion policies and practices in facilities in this state;
- (2) develop methods to reduce the number of inmates and juveniles housed in administrative segregation or subject to other restrictive means of confinement and provide inmates and juveniles housed in administrative segregation with increased access to programs, services, and mental health treatment; and
- (3) make findings and policy recommendations relating to the use of administrative segregation in facilities in this state.

SECTION 3. REPORT. Requires the task force, not later than December 1, 2014, to deliver a report of the task force's findings and recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, the standing committees of each house of the legislature with primary jurisdiction over criminal justice matters, the executive director of the Texas Department of Criminal Justice, and the executive director of the Texas Juvenile Justice Department.

SECTION 4. EXPIRATION. Provides that the task force is abolished and this Act expires August 31, 2015.

SECTION 5. INITIAL APPOINTMENTS; FIRST MEETING. (a) Requires the governor, not later than the 60th day after the effective date of this Act, to make the appointments required by Section 1(c) of this Act.

(b) Requires the presiding officer of the task force to convene the first meeting of the task force not later than December 1, 2013.

SECTION 6. EFFECTIVE DATE. Effective date: upon passage or September 1, 2013.