

BILL ANALYSIS

Senate Research Center
88R13028 MZM-D

S.B. 1896
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, if an inmate dies while in custody of a law enforcement agency, the agency must immediately notify a justice of the peace. From there, an inquiry into the cause of death will begin to determine if the evidence indicates any wrongdoing. Generally, the death of an inmate requires a full investigation by an outside law enforcement agency. There are two exceptions where that does not apply: if the individual dies of natural causes while attended by a physician or is lawfully executed. There are instances, however, when an inmate's death does not indicate wrongdoing nor does it fall within the two exceptions. Unexpected, natural deaths, such as cardiac arrest or cancer, often occur outside the supervision of a doctor and should not require a full scale investigation by a district attorney, law enforcement agency, or a grand jury.

S.B. 1896 would reform regulations regarding the natural or unexpected death of an inmate in the custody of law enforcement or in incarceration to ensure that lawful or natural deaths and deaths that do not indicate wrongdoing do not require a full criminal investigation.

As proposed, S.B. 1896 amends current law relating to the investigation of the death of a person in county jail or in the custody of the Texas Department of Criminal Justice.

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. Amends Section 501.055(b), Government Code, as follows:

(b) Provides that Subsection (a) (relating to a report and investigation on the death of an inmate in the custody of the Texas Department of Criminal Justice) does not apply if the inmate:

- (1) dies of natural causes, rather than dies of natural causes while attended by a physician or a registered nurse. Makes a nonsubstantive change;
- (2) makes a nonsubstantive change to this subdivision; or
- (3) dies in a manner that does not indicate an offense has been committed.

SECTION 2. Amends Section 511.021(a), Government Code, as follows:

(a) Requires the Texas Commission on Jail Standards, on the death of a prisoner in a county jail, other than a death from natural causes or occurring in a manner that does not indicate an offense has been committed, to appoint a law enforcement agency, other than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

SECTION 3. Effective date: September 1, 2023.