



SUCCESSFUL JUVENILE AND CRIMINAL JUSTICE POLICIES
2015 TEXAS LEGISLATIVE SESSION

YOUTH JUSTICE

- **HB 263 (Authors: Miles, Guillen | Sponsor: Huffman),** *Relating to the sealing of certain juvenile records.* Youth can be burdened by a juvenile record long after they have been discharged from the juvenile justice system. These records can limit youths' ability to find a job, get into college, or rent an apartment as they move into early adulthood. Under prior law, youth could apply to have their records sealed under certain conditions, but many youth were unaware of the application process. HB 263 streamlines the process for sealing juvenile records by removing the application requirement. Instead, the juvenile court itself can order the records sealed if the statutory conditions are met, ensuring that more youths' records will be protected. – **Signed by the Governor; effective 9/1/15**

- **HB 431 (Authors: James White, Miles | Sponsor: Rodríguez),** *Relating to the creation of an advisory committee to examine and recommend revisions to any state laws pertaining to juvenile records.* Kids who make mistakes and commit low-level offenses may pay for them long after the fact, given the challenges that accompany a criminal record. HB 431 requires the creation of an advisory committee of experienced stakeholders to examine best practices surrounding the retention of juvenile records. Ideally, advisory committee members will recommend stronger confidentiality protections to reduce any unauthorized use or disclosure of records and the stigma that can result from their disclosure. – **Signed by the Governor; effective immediately (5/28/15)**

- **HB 679 (Authors: Sylvester Turner, Reynolds, Giddings | Sponsor: Zaffirini),** *Relating to a study on homeless youth. Homelessness is linked to many negative outcomes for youth, including higher rates of incarceration and increased vulnerability to human trafficking.* However, due to the nature of homelessness, there is a scarcity of information on how Texas youth are struggling with this challenge. HB 679 requires the Texas Department of Housing and Community Affairs to conduct a study of homeless youth to better understand the extent of the problem and identify potential solutions. – **Signed by the Governor; effective 9/1/15**

- **HB 839 (Authors: Naishtat, Collier | Sponsor: Rodríguez),** *Relating to the reinstatement of eligibility of certain children released from a juvenile facility for benefits under the medical assistance and child health plan programs.* Many youth committed to the Texas Juvenile Justice Department (TJJD) have physical and mental health needs. However, when youth are committed to a TJJD facility, Texas has adopted the practice of terminating youths' Medicaid benefits; this means that youth must reapply for Medicaid benefits upon release, leading to significant gaps in coverage. HB 839 requires Medicaid benefits to be suspended rather than terminated upon commitment to a TJJD facility, allowing youth to receive assistance for their physical and mental health needs more quickly after their release. – **Filed without the Governor's signature; effective immediately (6/18/15)**

- **HB 1144 (Author: Dukes | Sponsor: Hinojosa),** *Relating to establishing a task force to examine the adjudication, disposition, and registration of juvenile sex offenders.* Youth who are arrested for sexual offenses are often victims of physical or sexual abuse themselves, but this reality is not always taken into consideration during their adjudication. HB 1144 creates a task force of relevant stakeholders that will study the adjudication process for youth accused of sex offenses, their placement on the sex offender registry, and the programming available to these youth in order to make recommendations to improve outcomes for this population. – **Signed by the Governor; effective immediately (6/17/15)**

- **HB 1491 (Author: McClendon | Sponsor: Menéndez),** *Relating to the publication of confidential criminal and juvenile justice records of certain juveniles; providing civil penalties.* Certain businesses have dedicated websites to the for-profit publication of arrest photos and other pre-disposition criminal record information, as well as post-disposition criminal records. This information is seldom updated to reflect the most current status of a particular case. Such publication of records—especially when they never resulted in a conviction or are otherwise inaccurate—can severely disadvantage any individual, but can be particularly devastating to youth who are trying to apply to college, get a job, or obtain housing away from home for

the first time. HB 1491 prohibits certain business entities from publishing a youth's confidential criminal record information in most circumstances in order to afford youth a higher degree of protection. – **Signed by the Governor; effective 9/1/15**

□ **HB 2372 (Author: Dutton | Sponsor: Whitmire), Relating to training requirements for juvenile correctional officers employed by the Texas Juvenile Justice Department.** Well-trained, professional juvenile correctional officers (JCOs) are key to the success of youth in the juvenile justice system. Under current law, JCOs are required to undergo 300 hours of training before they can begin working in a juvenile corrections facility. HB 2372 allows JCOs to begin working at a facility after 240 hours of training, with the remaining 60 hours of the training requirement to be completed on the job in order to better prepare JCOs for the issues they will face on a day-to-day basis. – **Signed by the Governor; effective 9/1/15**

□ **HB 2398 (Authors: James White, Reynolds | Sponsor: Whitmire), Relating to court jurisdiction and procedures relating to truancy; establishing judicial donation trust funds; providing criminal penalties; imposing a court cost.** The root causes of truancy often lie in family and community factors that are largely outside a student's control. Yet, since 1993, Texas has treated truancy as an adult Class C Misdemeanor that carries a fine of up to \$500. Ultimately, over 100,000 students have been sent to adult criminal courts each year. These overly punitive sanctions have been shown to be ineffective at addressing truancy and can actually further alienate youth from school. Also problematic, this system has disproportionately impacted low-income and minority families. HB 2398 decriminalizes truancy by repealing the Class C misdemeanor and instead creating a new civil truancy offense that will apply to youth. The bill also reduces the \$500 fine to a \$50 court cost, and requires schools to employ truancy intervention procedures that are designed to keep as many students as possible away from the court system. Furthermore, the bill provides that youth who have an existing Class C truancy conviction may have those records automatically expunged. Finally, the bill allows justice of the peace and municipal courts to establish judicial donation trust funds that judges can use to help families address challenges to students' attendance. – **Signed by the Governor; effective 9/1/15**

□ **HB 2684 (Authors: Giddings, Walle | Sponsor: Whitmire), Relating to the creation of a model training curriculum and to the required training for school district peace officers and school resource officers.** School district peace officers and school resource officers do not receive any specialized training on how to work effectively with students in an educational environment. This lack of specialized training likely contributes to the over-criminalization of children in schools, as officers—trained only in situations involving adults—are more likely to overreact to typical student misbehavior. HB 2684 requires the development of a training curriculum for school officers in areas such as youth development, special needs, conflict resolution, and de-escalation techniques. As amended, only school districts with an enrollment of at least 30,000 students will be required to have their officers complete this training. However, the curriculum developed through this legislation would be available to smaller school districts to use at their discretion. – **Signed by the Governor; effective immediately (6/20/15)**

□ **SB 107 (Author: Whitmire | Sponsor: Thompson, Senfronia), Relating to the designation of campus behavior coordinators to serve at public school campuses and issues to be considered when removing a student from class.** In the 1990s, Texas adopted various zero-tolerance policies that mandated the removal of students from the classroom under certain circumstances. Yet disciplinary removals such as suspensions or expulsions are drastic steps that have far-reaching implications; in fact, the overuse of classroom removal as a disciplinary option has been identified as a significant contributor to the school-to-prison pipeline. This practice is all the more problematic when students are removed for committing a minor infraction (e.g., bringing nail clippers to school). SB 107 requires disciplinary removals to be discretionary, rather than mandatory, and also requires schools to designate a campus behavior coordinator to oversee these disciplinary decisions. – **Signed by the Governor; effective immediately (6/20/15)**

□ **SB 108 (Author: Whitmire | Sponsor: Thompson, Senfronia), Relating to certain criminal procedures for misdemeanor offenses committed by children.** During Texas' 2013 Legislative Session, significant legislation was passed to eliminate the use of adult criminal citations for fine-only, school-related misdemeanors. The result is that fewer children have been forced from school into the justice

system. SB 108 cleans up various aspects of that legislation, including by clarifying that it applies to 18-year-olds still in school and expanding the availability of record expunctions for school-related offenses, in order to ensure that all students are afforded the same protections. – **Signed by the Governor; effective 9/1/15**

□ **SB 125 (Author: West | Sponsor: Naishtat)**, *Relating to certain assessments for children in the conservatorship of the Department of Family and Protective Services*. Properly used assessment instruments are critical in determining a child's needs and directing him or her to the services necessary to address those needs. Furthermore, such assessments ensure that children are not subjected to unnecessary, costly interventions. SB 125 mandates that a child receive a developmentally appropriate, comprehensive psychosocial assessment not later than 45 days after entering the conservatorship of the Department of Family and Protective Services (DFPS). This will ensure that more children are given appropriate care while in DFPS conservatorship. – **Signed by the Governor; effective 9/1/15**

□ **SB 133 (Author: Schwertner | Sponsor: Coleman)**, *Relating to mental health first aid training for school district employees and school resource officers*. Youth with mental health needs are an especially vulnerable population in schools because, if a crisis occurs, there may be no one on campus who is well trained to properly and effectively address that situation. SB 133 requires professionals who routinely interact with students to undergo mental health first aid training, an evidence-based program that teaches individuals how to support these youth as a first responder. – **Signed by the Governor; effective immediately (6/17/15)**

□ **SB 830 (Author: Kolkhorst | Sponsor: Dutton)**, *Relating to the creation of an independent ombudsman for children and youth in foster care*. The existing internal oversight division of the Department of Family and Protective Services (DFPS)—tasked with addressing complaints from children in DFPS's care—is often unaware of violations of foster children's rights until well after they occurred. SB 830 creates an ombudsman for children in foster care in order to provide additional safeguards for youth. Specifically, it requires the development of statewide procedures to ensure the effective receipt of complaints from children regarding their conditions of care; that each complaint is investigated in a timely manner; that assistance is given

to any child making a complaint alleging abuse, neglect, or exploitation; and that a secure form of communication for children is established to ensure they are informed of the results of the investigation. – **Signed by the Governor; effective 9/1/15**

□ **SB 888 (Author: Hinojosa | Sponsor: Turner, Sylvester)**, *Relating to the appeal of waiver of jurisdiction and transfer to criminal court in juvenile cases*. If a youth commits a serious crime, the state may seek to have that youth certified to stand trial as an adult. Certification subjects a youth to the adult criminal justice system and removes the special rights and protections that the juvenile justice system affords him or her. Although certification carries such a significant impact, a judge's decision to certify cannot be appealed until after conviction. SB 888 allows youth to appeal their certification immediately, without having to wait until the end of their trial in the adult system, to ensure that the certification is fair before subjecting a youth to adult trial and wasting state resources. – **Signed by the Governor; effective 9/1/15**

□ **SB 1117 (Author: Zaffirini | Sponsor: Naishtat)**, *Relating to housing services provided through the transitional living services program to certain children in the conservatorship of the Department of Family and Protective Services*. Youth who transition out of the care of the Department of Family and Protective Services (DFPS) and find themselves without a stable housing environment are in a dangerous position. Homelessness is linked to many negative outcomes for youth, including higher rates of incarceration. SB 1117 requires DFPS to include in each youth's transition plan information about obtaining housing after he or she leaves care. – **Signed by the Governor; effective 9/1/15**

□ **SB 1630 (Author: Whitmire | Sponsors: Sylvester Turner, Rose, Larson, Wu, Dutton)**, *Relating to the commitment of juveniles in post-adjudication secure correctional facilities operated by the Texas Juvenile Justice Department and by local probation departments*. A 2015 report by the Council of State Governments Justice Center provides a compelling case that system-involved youth treated within their communities have better outcomes than youth sent to distant, state-run juvenile justice facilities. Based largely on this finding, SB 1630 moves the Texas Juvenile Justice Department to a regional model that will keep youth closer to home in lieu of commitment to state facilities; under

the model, youth could be sent to state facilities only if community resources cannot meet their needs. To support this new approach, the bill ensures that local juvenile probation departments continue to effectively serve youth; as a youth is entering the system, the probation department will be required to use risk and needs assessments that have been statistically validated to be effective at establishing the factors that are contributing to a youth's delinquent behavior. To address the greater number of youth that will be held at the county level, SB 1630 also expands the jurisdiction of the Office of the Independent Ombudsman (OIO), an external advocate for the rights of youth in custody; the OIO now has jurisdiction over local post-adjudication facilities (including private/contract facilities), as well as any other facilities where youth adjudicated for "conduct indicating a need for supervision" or delinquent conduct are placed by court order (including Department of Family & Protective Services facilities). Furthermore, this bill prohibits the use of adult facilities to be repurposed as juvenile facilities, ensuring facilities are structurally age-appropriate and geared towards rehabilitation. Finally, SB 1630 requires the success of the juvenile justice system to be measured not only by the number of youth who reoffend but also by various factors indicative of youths' well-being, such as family and community engagement. – **Signed by the Governor; effective 9/1/15**

- **SB 1707 (Author: Huffman | Sponsor: Miles), *Relating to the sealing of certain juvenile records.*** Recognizing the significant, long-term challenges created by a juvenile record, Texas created a process by which these records could be sealed from public disclosure. Under the current sealing procedure, a youth must meet certain conditions and apply to the juvenile court to have his or her records sealed. Unfortunately, less than one percent of youth take advantage of this process because they either are unaware of the ability to have their records sealed or simply lack the financial means to hire an attorney to complete the application. SB 1707 seeks to increase the number of youth whose records are protected by requiring the juvenile court to order records sealed without the need for youth to file an application. – **Signed by the Governor; effective 9/1/15**

DEFENSE & INNOCENCE

- **HB 48 (Authors: McClendon, Leach, Herrero, Moody, Simpson | Sponsor: Ellis), *Relating to the creation of a commission to review convictions after exoneration and to prevent wrongful convictions.*** The justice system can do no greater injustice than convict an innocent person, an act that both deprives individuals of their liberty and damages the public's confidence in the system. Unfortunately, far too many Texans have been convicted wrongfully; in fact, Texas leads the nation with over 200 exonerations to date. HB 48 creates a commission to conduct detailed investigations of recent wrongful convictions, identify the systemic flaws that are contributing to those convictions, and produce a report of recommendations to improve the system to ensure that we learn from our mistakes so that the innocent are protected. – **Signed by the Governor; effective immediately (6/1/15)**
- **HB 510 (Author: Moody | Sponsor: Ellis), *Relating to disclosure of certain information about expert witnesses in a criminal case.*** Texas' 2013 Legislature passed the Michael Morton Act, which revised the state's criminal discovery process to increase transparency. However, that bill did not touch the expert witness disclosure requirements. HB 510 continues the reforms of the Michael Morton Act by changing the disclosure process for expert witnesses in criminal cases, requiring that disclosures be made earlier—20 days before jury selection, rather than 20 days before the trial begins—and in writing. – **Signed by the Governor; effective 9/1/15**
- **HB 638 (Authors: Anchia, Simmons | Sponsor: Ellis), *Relating to annuity payments to surviving spouses and designated beneficiaries of persons wrongfully imprisoned.*** Texas' 2009 Legislature passed the Tim Cole Act, which, among other provisions, allows monetary compensation for individuals who were wrongfully convicted. HB 638 gives exonerees options in how they receive that compensation—through upfront payments or annuities—and also extends such benefits to the beneficiaries of a wrongfully convicted individual upon his or her death. – **Signed by the Governor; effective 9/1/15**

- **HB 2150 (Authors: Alvarado, Herrero, Riddle, Moody, Wu | Sponsor: Whitmire), *Relating to the organization of a grand jury.*** In light of recent, high profile cases that have not resulted in indictments, the efficacy of the grand jury system has become an issue of national debate. Texas' practices in particular have come under fire as it is the last state to use the "key man" (or "pick-a-pal") system, where the judge picks an acquaintance who then selects the grand jury pool. HB 2150 comprehensively reforms Texas' grand jury system by abolishing the key man system, expanding the pool of alternate grand jurors from two to four, increasing the number of reasons that a grand juror can be challenged for cause, and requiring jurors to recuse themselves if they are validly challenged. – ***Signed by the Governor; effective 9/1/15***
- **HB 3633 (Authors: Herrero, Collier | Sponsor: West), *Relating to reimbursement for the costs of legal services provided to an indigent defendant in a criminal case.*** If a defendant is appointed counsel, Texas law allows a judge to order that individual to pay some portion of the legal costs to the extent that he or she has the ability to pay. HB 3633 caps the amount that individuals must pay under repayment orders for appointed counsel to the actual costs paid by the county for legal services, and it also prevents individuals from having their probation revoked due to failure to repay such costs. – ***Signed by the Governor; effective 9/1/15***
- **HB 3724 (Author: Herrero | Sponsor: Whitmire), *Relating to the consideration of certain scientific evidence constituting the basis for an application for a writ of habeas corpus.*** Texas' 2013 Legislature created a process by which an individual could challenge his or her conviction by demonstrating that the scientific evidence upon which the conviction relied has since come into doubt due to scientific advances. HB 3724 codifies a recent Court of Criminal Appeals decision about that process that held that individuals can also challenge their conviction when an expert witness who testified at the individual's trial later changes his or her opinion based on advances in science. – ***Signed by the Governor; effective 9/1/15***
- **SB 316 (Author: Hinojosa | Sponsor: Leach), *Relating to the prioritization of certain available legal defense services when appointing representation for an indigent defendant in a criminal case.*** Under Texas law, counties have the option of creating public defender's offices; however, courts in counties that elect to have public defender's offices are not required to appoint that office to represent individuals. SB 316 requires a public defender's office to be appointed unless the court has reason to appoint other counsel. This will result in a more efficient use of county resources. – ***Signed by the Governor; effective 9/1/15***
- **SB 487 (Author: Ellis | Sponsor: Thompson, Senfronia), *Relating to postconviction forensic DNA analysis.*** Convicted individuals may ask a court to order forensic DNA testing of evidence to support a claim of innocence. However, a recent Court of Criminal Appeals decision ruled that a court could only order testing if the individual could prove that the evidence to be tested contained biological material. SB 487 expands that narrow ruling by requiring courts to order DNA testing of any evidence that has a reasonable likelihood of containing biological material, meaning that more requests for DNA testing should be granted. – ***Signed by the Governor; effective 9/1/15***
- **SB 662 (Author: Rodríguez | Sponsor: Alonzo), *Relating to the representation of certain indigent applicants for a writ of habeas corpus.*** Texas courts may, but are not required to, appoint counsel to represent an individual in habeas corpus proceedings for a non-capital case. SB 662 requires counsel to be appointed for habeas corpus proceedings under circumstances in which the individual's release is not in controversy. For instance, when the district attorney agrees that the individual is actually innocent, is guilty only of a lesser offense, or was convicted or sentenced under a law that has been found unconstitutional, the mandatory appointment of counsel can expedite the proceedings to help the individual secure release sooner. – ***Signed by the Governor; effective immediately (6/16/15)***
- **SB 740 (Author: West | Sponsor: Canales), *Relating to the assessment of court costs and fees on conviction of multiple offenses or on conviction of multiple counts of the same offense.*** Some courts have engaged in the practice of routinely assessing court costs for each count an individual is convicted of in a single criminal case. SB 740 allows courts to assess court costs only once for a single criminal case, regardless of the number of counts against an individual, in order to remove the inequity of having an individual pay multiple court costs for a single proceeding. – ***Signed by the Governor; effective 9/1/15***

□ **SB 1057 (Author: Hinojosa | Sponsor: Herrero), *Relating to the provision of funding for indigent defense services.*** Some rural or small counties have had difficulty meeting Texas' indigent defense standards, either due to a lack of resources or the lack of qualified attorneys available within the county. SB 1057 seeks to help these counties comply with indigent defense standards by allowing select entities outside of the county itself—such as law school legal clinics or regional public defenders—to receive grants for the provision of indigent defense services. – ***Signed by the Governor; effective 9/1/15***

□ **SB 1353 (Author: Hinojosa | Sponsor: Coleman), *Relating to the provision and administration of indigent defense services.*** Texas' indigent defense standards have been difficult to meet for some counties, leading to groups of neighboring counties entering into contracts to collaborate in the provision of indigent defense services. However, under current law, only one county may receive an indigent defense grant, meaning that a single county has had to bear all of the administrative costs. SB 1353 allows indigent defense grants to be awarded to entities that provide administrative services under these contractual relationships in order to improve indigent defense services and prevent one county from unfairly bearing the burden. – ***Signed by the Governor; effective 9/1/15***

□ **SB 1517 (Authors: Seliger, West | Sponsor: Coleman), *Relating to the appointment of counsel to represent indigent defendants in criminal cases.*** When an individual is arrested and jailed in a county on a warrant issued in a different county, current law is unclear on which county is responsible for appointing counsel for the individual. As a result, individuals can remain in jail for longer than necessary as the two counties sort out the issue of counsel. SB 1517 brings clarity to the process for appointing counsel by spelling out when a county is responsible for doing so. Specifically, the county issuing the warrant is generally responsible for appointing counsel, but the arresting county must also appoint counsel for habeas corpus or bail purposes if the individual has not been released or transferred after 11 days. – ***Signed by the Governor; effective 9/1/15***

□ **SB 1743 (Author: Hinojosa | Sponsor: Herrero), *Relating to expanding the powers and duties of the office of capital writs and renaming the office of capital writs the office of capital and forensic writs.*** Scientific evidence has become an increasingly important component of post-conviction advocacy; however, many lawyers lack the technical

experience necessary to effectively evaluate scientific evidence, identify errors, and challenge them. SB 1743 expands the duties of the existing Office of Capital Writs, which already provides post-conviction indigent services to individuals sentenced to death, to include a new division dedicated to forensic writs in non-capital cases. – ***Signed by the Governor; effective 9/1/15***

DIVERSIONS FROM INCARCERATION & STRENGTHENED REHABILITATIVE SYSTEMS

□ **HB 710 (Authors: Sylvester Turner, Guillen, Deshotel, Miles, Peña | Sponsor: Rodríguez), *Relating to procedures for certain persons charged with a violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.*** Under current law, the Parole Division of the Texas Department of Criminal Justice may order an individual under mandatory supervision or parole who is charged with a new offense or with violating a condition of parole to be detained in county jail pending a revocation hearing. HB 710 allows certain individuals to be issued a summons, rather than serve jail time, while awaiting a revocation hearing for a Class C misdemeanor or a technical violation (other than absconding), provided the infraction occurred at least one year after they secured stable housing and employment. This will save counties significant funds that are needlessly spent to incarcerate people who are not a threat to public safety, while also preventing individuals from losing housing or employment while incarcerated. – ***Signed by the Governor; effective 9/1/15***

□ **HB 1338 (Author: Naishtat | Sponsor: Menéndez), *Relating to training for peace officers and first responders on certain persons affected by trauma.*** Individuals affected by trauma can exhibit unusual behaviors, and a misunderstanding of those behaviors creates a dangerous situation when law enforcement officers or other first responders interact with such individuals. HB 1338 requires law enforcement officers and first responders to undergo training on the effects of traumatic brain injuries, techniques to interact with individuals who have those injuries, and information regarding the special types of trauma faced by veterans. – ***Signed by the Governor; effective 9/1/15***

- **HB 1396 (Author: Workman | Sponsor: Burton)**, *Relating to certain criminal offenses, punishments, and procedures; the construction of certain statutes and rules that create or define criminal offenses and penalties; a review of certain penal laws of this state.* HB 1396 is intended to bring fairness into the criminal justice system. It includes provisions from other bills that were amended onto HB 1396, which are listed below. The bill, as introduced and in accordance with the 2008 Supreme Court majority opinion by Justice Scalia in *U.S. v. Santos*, codifies the Rule of Lenity to resolve questions of statutory ambiguity and ensure fair notice of a crime when an offense falls outside the Penal Code and Controlled Substances Act. – **Signed by the Governor; effective 9/1/15**
- **HB 1396 amendment: HB 2565 (Krause, Moody, Leach, Canales)**, *Relating to the creation of a commission to review certain penal laws of this state.* This portion of HB 1396 creates a temporary volunteer commission to review offenses outside of the Penal Code and Controlled Substances Act to eliminate ambiguity and assure fair notice that certain actions constitute criminal violations.
 - **HB 1396 amendment: SB 393 (Authors: Burton, Rodríguez | Sponsor: Peña)**, *Relating to the punishment for certain offenses against property or against public administration.* The penalty for committing a property offense corresponds to the dollar amount lost or damaged (called a “monetary threshold”). This portion of HB 1396 updates Texas’ monetary thresholds, last set in 1993, to account for inflation and align with legislative intent. This addresses the problem caused by yearly inflationary increases in the monetary value of consumer goods that have consequently increased the number of people referred to district felony courts for property crimes that were previously considered to be misdemeanors.
- **SB 239 (Author: Schwertner | Sponsors: Zerwas, Coleman)**, *Relating to student loan repayment assistance for certain mental health professionals.* Access to appropriate, effective treatment is a key factor in preventing a downward spiral that can lead an individual into criminality. However, in many communities, the number of treatment practitioners is insufficient, preventing individuals from getting the help they need to overcome or manage mental health and/or substance abuse problems. SB 239 establishes a program to provide student loan repayment assistance to professionals who directly administer mental health or substance abuse services in order to encourage more professionals to enter these critical fields. – **Signed by the Governor; effective 9/1/15**
- **SB 790 (Author: Kolkhorst | Sponsor: Fletcher)**, *Relating to the procedures applicable to the revocation of a person’s release on parole or to mandatory supervision.* If individuals on parole violate their conditions, the Texas Department of Criminal Justice (TDCJ) may issue a “blue warrant” for their arrest, causing them to be detained in county jail until their revocation hearing. SB 790 grants counties the authority release certain parolees from county jail on bond if they are being held on a blue warrant for a technical violation, provided TDCJ indicated that the individual was eligible for bond release when issuing the warrant. The bill will not apply to those convicted of robbery, felony crimes against another person, or family violence. This bill will reduce costs and overcrowding in county jails, and give people who violate certain parole conditions an opportunity to keep their jobs and housing while they await a revocation hearing. – **Signed by the Governor; effective 9/1/15**
- **SB 1462 (Author: West | Sponsors: Johnson, Alvarado)**, *Relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of suspected opioid overdoses.* Drug overdoses represent a significant number of the accidental deaths in Texas, even outnumbering traffic fatalities in some cities. Many of these overdoses are caused by opioids. SB 1462 removes criminal penalties associated with the prescription and possession of opioid antagonists (medications that prevent overdose by blocking opioids from affecting the body), thus ensuring that these medications are more widely available and that individuals will not be prosecuted for trying to prevent overdose deaths. – **Signed by the Governor; effective 9/1/15**

CONFINEMENT & REENTRY

- **HB 441 (Author: Gonzales, Larry | Sponsor: Schwertner)**, *Relating to the use of a court order as an occupational license.* Current law allows individuals to use a court order as a restricted occupational driver’s license for 31 days after the order was issued. However, in some instances, the Department of Public Safety (DPS) has failed to send the individual a restricted license before the 31-day period expired, making individuals choose between driving illegally

and missing work. HB 441 extends the amount of time a court order can be used as a restricted occupational driver's license from 31 day to 45 days to keep individuals legally on the road. – **Signed by the Governor; effective 9/1/15**

- **HB 549 (Authors: Johnson, Romero, Jr., Stickland, Wu, Rose | Sponsor: Whitmire), Relating to certain duties of the Commission on Jail Standards regarding visitation periods for county jail prisoners.** While most county jails provide an opportunity for incarcerated individuals to have at least two, 20-minute in-person visits per week, some jails have been moving towards video-only visitation, in which incarcerated individuals visit remotely with their loved ones or attorneys via a computer screen. HB 549 codifies the current jail standard, which requires county jails to provide the opportunity for at least two face-to-face visits per week, rather than video-only visits; however, the bill does not apply to those counties that have incurred significant costs toward construction of facilities that allow for video-only visitation. In all other counties, this bill protects in-person visitation, a strong contributor to family reunification and success after release, and it prevents sheriffs from constructing facilities that do not accommodate in-person visitation. – **Filed without the Governor's signature; effective 9/1/15**
- **HB 634 (Author: Metcalf | Sponsor: Creighton), Relating to the rights of a guardian of a person in the criminal justice system.** A court-appointed guardian can provide crucial support to an individual in the criminal justice system. Yet certain visitation policies have prevented guardians from accessing the individuals they are responsible for. HB 634 requires corrections facilities to adopt uniform visitation policies for guardians that would allow them the same level of access as an individual's next of kin in order to increase guardian access. – **Signed by the Governor; effective 9/1/15**
- **HB 943 (Author: Thompson, Senfronia | Sponsor: Rodríguez), Relating to the applicability of a wage and salary presumption to an incarcerated person for purposes of determining child support obligations.** During judicial proceedings to establish child support amounts, parents are allowed to offer proof of income or financial hardship. When the parent is incarcerated and unable to appear during these hearings, judges often apply a presumption of earned income, even though incarcerated individuals may not be making *any* income; this presumption of income

causes their child support debts to swell while they serve their sentence. HB 943 restores fairness to family court proceedings by removing the automatic presumption of earned income during incarceration. Doing so will keep child support arrears at a reasonable level, which will lessen a significant burden facing individuals released to the community, while also encouraging parents to reestablish relationships with children upon release. Additionally, this bill will reduce costs and increase efficiency within the Office of Attorney General, which must currently spend inordinate time on child support collections from people just leaving prison. – **Signed by the Governor; effective 9/1/15**

- **HB 1083 (Authors: Márquez, Guillen, Rose, Collier | Sponsor: Whitmire), Relating to a mental health assessment of certain inmates of the Texas Department of Criminal Justice.** HB 1083 codifies rules that require the Texas Department of Criminal Justice to perform a mental health evaluation prior to placing individuals into administrative segregation (ad-seg, or solitary confinement). People with mental illness who are placed in ad-seg experience increased threat of suicide and exacerbated mental health symptoms. This bill opens a larger discussion about how to prevent individuals from being placed into solitary confinement altogether. – **Signed by the Governor; effective 9/1/15**
- **HB 1140 (Authors: Israel, James White, Susan King, Coleman, Stickland | Sponsor: Whitmire), Relating to the confinement of pregnant prisoners in county jails.** While legislation from Texas' 2013 Legislative Session sought to improve the health care standards for pregnant individuals held in county jails, reports indicate that conditions in some jails remain unacceptable. HB 1140 requires jails to report their compliance with the health care standards for pregnant individuals, including the availability of medical professionals, compliance with nutritional standards, and use of administrative segregation. – **Signed by the Governor; effective 9/1/15**
- **HB 1510 (Author: Thompson, Senfronia | Sponsor: Garcia), Relating to liability of persons who lease dwellings to persons with criminal records.** Most landlords conduct criminal background checks of prospective renters, and most are unlikely to lease a property to someone with negative items on that history. This is true even if the person can meet all other criteria, including stable employment. Landlords report that the risk of lawsuit is too great for them

to take a chance on potential renters with questionable items on their criminal record. HB 1510 protects landlords from the risk of lawsuits when they lease a dwelling to a tenant with a record that includes conviction, arrest, or deferred adjudication. This bill ensures that individuals with criminal records have access to stable housing, which is a critical factor in living successful, law-abiding lives in the community. – **Filed without the Governor’s signature; effective 1/1/16**

□ **HB 1546 (Author: Allen | Sponsor: Rodríguez), Relating to the award of diligent participation credit to defendants confined in a state jail felony facility. Approximately 99% of people in Texas’ state jails are incarcerated for nonviolent offenses.** HB 1546 requires judges who sentence an individual to serve time in state jail to make a finding whether that individual is eligible to earn “early release” credit for participating in educational, vocational, treatment, or work programs. If the judge makes the affirmative finding, the individual will be automatically eligible to have up to 20 percent of the full sentence deducted for successful program participation. If the judge does not make the affirmative finding, the judge will receive a report of the individual’s program participation and make a decision at that time whether to grant early release. – **Signed by the Governor; effective 9/1/15**

□ **HB 1908 (Author: Naishtat | Sponsor: Garcia), Relating to the continuity of care for offenders with mental impairments.** The Texas Department of Criminal Justice administers a program that links people with mental illness to community mental health centers prior to their release from incarceration, and provides ongoing case management to these individuals post release. Program participants have had marked success, with a recidivism rate that is nearly half that of the general population. Unfortunately, the program’s services are only available to individuals with a mental health diagnosis of depression, bipolar disorder, or schizophrenia, making ineligible many people with other types of mental health issues. HB 1908 corrects this gap by revising the eligibility for continuity-of-care services to include anyone with a high level of need along with the presence of any mental health impairment, regardless of specific diagnosis. – **Signed by the Governor; effective 9/1/15**

□ **HB 2189 (Author: Parker | Sponsor: Creighton), Relating to a developmentally disabled offender program established by the Texas Department of Criminal Justice.** Adequate and meaningful programming is critical in addressing an individual’s criminogenic factors and preparing them to reenter the community after incarceration. However, the Texas Department of Criminal Justice (TDCJ) currently does not have adequate programming to meet the needs of individuals with intellectual disabilities. HB 2189 requires TDCJ to create a specialized program for individuals with intellectual disabilities that provide them with a safe environment where their disability can be managed and their needs can be accommodated. – **Signed by the Governor; effective 9/1/15**

□ **SB 200 (Authors: Nelson, Birdwell, Campbell, Hinojosa, Schwertner | Sponsors: Price, Raymond, Dutton, Burkett, Larry Gonzales), Relating to the continuation and functions of the Health and Human Services Commission and the provision of health and human services in this state.** SB 200 is the Sunset legislation for the Health and Human Services Commission, continuing the agency for 12 years and consolidating various agencies’ functions. This bill also includes an important provision related to reentry that was amended onto the bill (see below). – **Signed by the Governor**

■ **SB 200 Amendment: HB 1267 (Senfronia Thompson, Naishtat), Relating to the eligibility of certain persons for the supplemental nutrition assistance program.** This amendment restores eligibility for the Supplemental Nutrition Assistance Program (SNAP), formerly called food stamps, to those who were barred from the program due to a drug felony conviction. Anyone who has eligibility restored under this bill will be locked out of the program for two years if he or she violates probation or parole terms, and the lifetime ban on SNAP will take hold if the person is convicted of a new offense. These provisions ensure that thousands of people trying to start new lives will have access to food assistance, as well the related employment and training programs, during or after criminal justice system involvement.

□ **SB 578 (Authors: Hinojosa, Rodríguez | Sponsor: Allen), Relating to providing inmates of the Texas Department of Criminal Justice with information regarding reentry and reintegration resources.** Texas only has 139 caseworkers and 1,800 state-run halfway homes to serve the 75,000

people released from Texas prisons each year. SB 578 requires the Texas Department of Criminal Justice to provide comprehensive, county-specific reentry resources to individuals being released from prison. This will enable returning individuals to formulate a tailored reentry plan that will increase their chances of success in the community. – **Signed by the Governor; effective 9/1/15**

- **SB 1024 (Author: Seliger | Sponsors: James White, Allen, Huberty),** *Relating to eligibility for course credit and high school diplomas of students enrolled in educational programs provided by the Windham School District in the Texas Department of Criminal Justice.* The Windham School District runs school programs that educate thousands of eligible individuals within Texas Department of Criminal Justice (TDCJ) facilities. While Windham may currently issue a GED, it has not been permitted to grant individuals high school diplomas to reflect their educational attainment. SB 1024 gives Windham the ability to issue high school diplomas to qualified individuals, ensuring they have this important credential in order to expand their employment opportunities after release from incarceration. – **Signed by the Governor; effective immediately (5/19/15)**
- **SB 1902 (Author: Perry | Sponsors: Herrero, Senfronia Thompson, Murphy, Villalba, Leach),** *Relating to the eligibility of criminal defendants for an order of nondisclosure of criminal history record information; authorizing a fee.* An order of nondisclosure seals a criminal record from the public but makes it available to criminal justice agencies and other sensitive agencies and industries. Eligibility criteria to petition for an order of nondisclosure are very strict, and not many people even attempt to file a petition. SB 1902 extends the relief offered by orders of nondisclosure to those convicted of misdemeanors for the first time, and allows individuals who complete probation for a misdemeanor under deferred adjudication to receive an order of nondisclosure at the time the case is dismissed without paying the civil petition fee. This bill will ultimately expand individuals' access to employment and stable housing, as those with an order of nondisclosure can deny having a record when applying for a job or a place to live. – **Signed by the Governor; effective 9/1/15**

VETERANS ASSISTANCE

- **HB 19 (Authors: Susan King, Burkett | Sponsor: Campbell),** *Relating to a preventive services program and mental health programs for veterans and military families.* In response to increasing awareness of the unique issues faced by veterans, HB 19 enhances the level of mental health services available to veterans through the Military Veteran Peer Network of the Texans Veterans Commission, and it requires state support of collaborative mental health and family crisis support services available at the local level. – **Signed by the Governor; effective immediately (6/4/15)**
- **HB 583 (Author: Larson | Sponsor: Menéndez),** *Relating to donations to certain local veteran's charities ordered as a condition of community supervision.* As a condition of community supervision, judges may order an individual to donate a specific amount of money to a nonprofit food bank in lieu of completing community service. Recognizing an opportunity to provide another avenue to support veterans in smaller communities, HB 583 allows these donations to also be given to nonprofits that primarily serve veterans in counties with a population of less than 50,000 people. – **Signed by the Governor; effective 9/1/15**
- **HB 867 (Authors: Hernandez, Susan King, Farias, Blanco, Martinez Fischer | Sponsor: Garcia),** *Relating to the establishment and operation of the Texas Women Veterans Program.* Recent research has demonstrated the significant needs of female veterans; for example, female veterans have a suicide rate that is six times higher than civilian women. HB 867 establishes the Texas Women Veterans Program within the Texas Veterans Commission, with the mission to ensure that all veterans have equal access to federal and state veterans' benefits and services. – **Signed by the Governor; effective immediately (6/4/15)**
- **HB 875 (Authors: Farias, Guillen | Sponsor: Menéndez),** *Relating to the verification of the veteran status of inmates and prisoners.* The Texas Department of Criminal Justice is required to verify inmates' veteran status during the diagnostic process so it can assist veterans in applying for federal veterans' benefits. However, the current verification process is inefficient and does not capture up-to-date information. HB 875 provides a new verification process that is more accurate, while also expanding the requirement to verify veteran status to county jails. – **Signed by the Governor; effective 9/1/15**

- **HB 3404 (Author: Thompson, Senfronia | Sponsor: Lucio)**, *Relating to a study on providing care to veterans with post-traumatic stress disorder.* Post-traumatic stress disorder (PTSD) is one of the most prevalent issues facing our veterans, and has been identified as a significant driver of veterans' overrepresentation in the criminal justice system. HB 3404 requires the Health and Human Services Commission, in partnership with a university and medical school, to study the benefits of providing integrated care to veterans with PTSD through a standardized assessment that determines veterans' needs, and to involve family members in the treatment of those needs. – **Filed without the Governor's signature; effective 9/1/15**
- **HB 3729 (Authors: Farias, Guillen | Sponsor: Menéndez)**, *Relating to inclusion of family members of veterans court program participants in the treatment and services provided to the participants under the program.* Veterans courts are programs in which veterans receive integrated services to treat criminal behavior in a nonadversarial judicial setting. HB 3729 changes the definition of veterans court programs to include participation by family members in the treatment process in order to encourage greater use of the critical family support network. – **Signed by the Governor; effective immediately (6/16/15)**
- **HCR 46 (Authors: Farias, Guillen | Sponsor: Rodríguez)**, *Urging Congress to require the U.S. Department of Veterans Affairs to provide VA services to incarcerated veterans detained in state hospitals and to consider expanding such services to all incarcerated veterans.* The federal government provides many services and benefits to veterans; however, when a veteran is incarcerated, federal law requires most benefits to be suspended or terminated. This resolution encourages the federal government to expand Veterans Affairs benefits to all incarcerated veterans so that the continuation of those services—such as mental health care—can help veterans move successfully beyond their criminal justice system involvement. – **Signed by the Governor**
- **SB 55 (Author: Nelson | Sponsor: King, Susan)**, *Relating to the creation of a grant program to support community mental health programs for veterans and their families.* Veterans have greater mental health needs than the civilian population, and these mental health concerns (such as post-traumatic stress disorder) can be a driving force behind criminal behavior. SB 55 creates a grant program for the establishment of community mental health programs for veterans in which the Health and Human Services Commission (HHSC) would contract with a private entity to administer the program, and HHSC and the private entity would each provide half of the grant money to be awarded. – **Signed by the Governor; effective immediately (6/4/15)**
- **SB 1304 (Author: Menéndez | Sponsor: Minjarez)**, *Relating to the creation of a women veterans mental health initiative within the mental health intervention program for veterans.* Female veterans face numerous gender-specific challenges, such as military sexual trauma. SB 1304 requires the Department of State Health Services to include within its existing mental health intervention program for veterans a special mental health initiative for women veterans. – **Signed by the Governor; effective immediately (6/19/15)**
- **SB 1305 (Author: Menéndez | Sponsor: Minjarez)**, *Relating to the creation of a rural veterans mental health initiative within the mental health intervention program for veterans.* While veterans have significant mental health needs, veterans in many rural communities have little to no access to mental health services. Recognizing that 30% of Texas veterans live in these rural areas, SB 1305 requires the Department of State Health Services to include within its existing mental health intervention program for veterans a special initiative for rural veterans to help bring services to areas that have been historically underserved. – **Signed by the Governor; effective immediately (6/19/15)**
- **SB 1474 (Author: Garcia | Sponsor: Farias)**, *Relating to the redesignation of veterans court programs as veterans treatment court programs and the eligibility for participation in and administration of those programs.* Veterans court programs have been effective at meeting the needs of veterans in a structured, therapeutic environment. However, current law only deems veterans who have served in a combat zone eligible for the programs. Because many veterans experience trauma outside of combat zones, including military sexual trauma or other issues not related to combat, some veterans who could be helped by veterans court programs are not allowed to participate. SB 1474 expands eligibility for veterans court programs to any veteran who suffers from a brain injury, mental illness, or mental disorder that resulted from his or her military service, so that more veterans can take advantage of these beneficial programs. – **Signed by the Governor; effective 9/1/15**

- ❑ **SB 1580 (Author: Garcia | Sponsors: Sylvester Turner, Peña),** *Relating to a study on homeless veterans. Independently, veteran status and homelessness are two predictors of criminal justice system involvement.* Together, homeless veterans are at very high risk of entering the system, and they have elevated rates of mental illness, physical illness, and substance abuse. SB 1580 requires the Texas Department of Housing and Community Affairs to conduct a study on homeless veterans, with the purpose of identifying the challenges these individuals face and proposing research-based solutions. – **Signed by the Governor; effective immediately (6/18/15)**

POLICE ACCOUNTABILITY

- ❑ **HB 324 (Authors: Dutton, Simpson, Wu | Sponsor: Burton),** *Relating to a requirement that a peace officer obtain a search warrant before conducting a body cavity search during a traffic stop.* As brought to light in recent headlines, some Texas law enforcement officers have conducted warrantless body cavity searches of individuals during traffic stops. HB 324 recognizes that this practice runs contrary to the constitutional protection against unreasonable searches by requiring officers to obtain a warrant before conducting a body cavity search during a traffic stop. – **Signed by the Governor; effective 9/1/15**
- ❑ **HB 1036 (Author: Johnson | Sponsor: Whitmire),** *Relating to reporting requirements for certain injuries or deaths caused by peace officers and for certain injuries or deaths of peace officers.* Several high-profile incidents have thrust the issue of officer shootings of civilians into the national limelight. However, Texas does not collect statistics on how many officer shootings occur each year, making it impossible for policy-makers to evaluate whether changes should be made to current practices or procedures. HB 1036 requires law enforcement agencies to report details about each officer-involved injury or death to the Texas Attorney General’s office. – **Signed by the Governor; effective 9/1/15**
- ❑ **SB 158 (Author: West | Sponsors: Fletcher, James White, Johnson, Koop, Reynolds),** *Relating to a body worn camera program for certain law enforcement agencies in this state; creating a criminal offense; authorizing a fee.* Recent, high profile police shootings have demonstrated the tremendous difficulties of determining crucial facts relating

to use of force by police against members of the public. In response, there has been a national call for the increased use of body worn cameras (BWCs) by police officers. SB 158 establishes a statewide grant program through which Texas law enforcement agencies may apply for funding in order to equip their frontline officers with BWCs. The bill conditions the funding on compliance with officer training and other requirements, and also mandates that law enforcement agencies that use body cameras develop guidelines for their use within certain statutory parameters. BWCs have proven to be a boon to both officers and the public alike, resulting in substantial decreases in citizen complaints against officers and use of force incidents. This legislation will help expand the use of this beneficial technology. – **Signed by the Governor; effective 9/1/1**

