

2023

BILL ANALYSIS

GUIDE

New Justice Legislation in Texas



Texas Center for
Justice & Equity

SOLUTIONS FOR SAFE, HEALTHY,
JUST COMMUNITIES

★ 2023 BILL ANALYSIS GUIDE ★

Welcome to the 2023 Bill Analysis Guide from the Texas Center for Justice and Equity (TCJE)!

The goal of this guide is to make new justice-related legislation as accessible and transparent as possible, particularly for those whose lives may be impacted by new Texas laws.

Throughout the pages that follow, you'll find an in-depth analysis of nearly 40 bills that passed into law during Texas' 88th Regular Session. These new laws affect both the youth and adult criminal punishment systems, and some also involve intersecting systems.

As the regular session concluded, the TCJE team shared our initial assessment of the scope and impact of these bills. As we wrote then:

Although we're happy to see some progress being made, we must be clear that not every bill on this list is as transformative and impactful as we would prefer. Many take positive steps but fall short of deeper progress. Most avoid investing entirely outside of the prison industrial complex.

For a long time—and particularly over the past three years—community members have been demanding real change. Alongside them, we've urged lawmakers to keep people out of prisons and jails, to make common-sense changes to parole and reentry, to protect the state's most vulnerable kids, and to meaningfully address systemic racism. The end of this legislative session marks another milestone when Texas leaders have failed to deliver on the change that Texans deserve.

We are providing our analyses of these new bills while renewing our commitment to safe, healthy, just communities. With our partners and our wider community, we look forward to continuing this fight at the Texas Capitol and beyond.

YOUTH JUSTICE BILLS

Court Proceedings and Juvenile Records	2
Youth Diversion	2
Education Justice and School-Related Bills	3
Juvenile Curfews	5
Mental Health and Other Services for Kids	5
TJJD Sunset Bill	5
Truancy and Parental Impact	6

INDIGENT DEFENSE AND COURT-RELATED BILLS

Hypnotically Induced Testimony	7
Indigent Defense	7
Judicial Accountability	7

BILLS RELATED TO WOMEN'S INCARCERATION AND FAMILY JUSTICE

Family Justice and Child Welfare	8
Women's Incarceration and Transportation	9

BILLS RELATED TO DECARCERATION, SENTENCING REFORM, AND COMMUNITY-BASED SUPPORTS

Mental Health Services	10
Supports for and Awareness about Substance Use	12

BILLS RELATED TO CONFINEMENT IN STATE CORRECTIONS FACILITIES

In-Prison Education	13
Visitation	13

BILLS RELATED TO RELEASE FROM INCARCERATION AND THE CONSEQUENCES OF A CONVICTION

Driving-Related Offenses	14
Post-Release Supports	14
State Jail Release	15

BILLS RELATED TO OTHER JUSTICE ISSUES

Anti-Racism	16
Health Insurance for the Wrongfully Convicted	16
Police Public Records	16
TCJE Staff and Partner Resolutions!	17

TCJE works to end mass incarceration and build safe, healthy, thriving Texas communities. To learn more about our work, visit:

www.TexasCJE.org

YOUTH JUSTICE BILLS

COURT PROCEEDINGS AND JUVENILE RECORDS

HB 422, SB 1585, SB 1725

HB 422 (Authors: VanDeaver; Burns; Cain; Leo-Wilson | Sponsor: Perry), *Relating to remotely conducting detention hearings in juvenile cases.* HB 422 allows a detention hearing for children to be conducted as a remote proceeding, meaning one or more participants uses technology like teleconferencing or video-conferencing. A remote detention hearing can be ordered without the consent of the parties unless consent is required by the U.S. or Texas Constitution. A juvenile court may allow or require a party, attorney, witness, court reporter, or any other individual to participate in the hearing. The judge of a juvenile court must submit a plan for conducting a remote detention hearing to the Texas Judicial System's Office of Court Administration; the plan must: include protocols for handling physical evidence, and require an unobstructed view of any party or witness who provides testimony from a remote location. **Effective on 6/13/23**

SB 1585 (Authors: Sparks; Perry | Sponsors: Ann Johnson; Wu), *Relating to certain proceedings in juvenile court for children with mental illness and intellectual disabilities.* SB 1585 simplifies juvenile court proceedings involving children with mental illness or intellectual disabilities. This bill, among other things, clarifies how to identify these children, creates comprehensive criteria for court-ordered inpatient or outpatient mental health services, makes a transfer to a criminal court on a child's 18th birthday discretionary versus mandatory if the child has a mental illness or intellectual

disability, and gives juvenile probation departments more flexibility to work with various treatment and service providers to provide competency restoration. **Effective on 9/1/23**

SB 1725 (Author: Hughes | Sponsor: Leo-Wilson), *Relating to the expunction of certain convictions or arrests of a minor for certain alcohol-related offenses.* SB 1725 pertains to a minor child's eligibility for expunction if they have been arrested for more than one alcohol-related violation. The bill states that if an event leading to the violation included multiple violations, all are eligible for expungement. Applicants for expunction must swear in the application that they were not arrested for a violation of the Alcoholic Beverage Code other than the one they seek to expunge. The bill applies to the expunction records of a conviction or arrest made before, on, or after the bill's effective date. **Effective on 9/1/23**

YOUTH DIVERSION

HB 3186

HB 3186 (Authors: Leach; Garcia; Morales Shaw | Sponsor: Zaffirini), *Relating to youth diversion strategies and procedures for children accused of certain fine-only offenses in municipal and justice courts and related criminal justice matters; authorizing fees.* HB 3186 [known as "the Texas Youth Diversion and Early Intervention Act"] requires each justice and municipal court to adopt a written plan that diverts children accused of a misdemeanor punishable by fine only (other than a traffic offense) to diversion services for up to 180 days, rather than face formal criminal prosecution.

Eligible children must be between the ages of 10 and 16 and have been charged with or convicted of an offense under the jurisdiction of a justice or municipal court. However, children who have had a previously unsuccessful diversion or whose prosecutor objects are not eligible for this type of diversion, and a child who does not comply with the terms of a diversion agreement will be referred to court for a hearing.

This bill authorizes courts to designate a Youth Diversion Coordinator to assist with implementation. Diversion strategies include: requiring a child to participate in relevant programming (including court-approved teen court programs, school-related programs, alcohol or tobacco awareness and drug education programs, rehabilitations programs, and self-improvement programs); referring a child to a service provider; or requiring a child to participate in mediation, submit to drug and alcohol testing, and/or comply with a course of treatment prescribed by a physician or mental health professional. Strategies may also include requiring a child by court order to: pay restitution not to exceed \$100; perform not more than 20 hours of community service; or any other reasonable action determined by the court.

General youth diversion plans must be maintained on file for public inspection in each justice and municipal court. Specific diversion records are confidential. **Effective on 1/1/24**

EDUCATION JUSTICE AND SCHOOL-RELATED BILLS

*HB 473, HB 1211, HB 3908, SB 133,
SB 629, SB 798*

HB 473 (Author: Hull | Sponsor: Sparks),
Relating to parental rights regarding a threat assessment of a student conducted by a public school's threat assessment and safe and

supportive school team. HB 473 requires schools to notify a parent of a student (or a person standing in parental relation to the student) before a “threat assessment and safe and supportive school team” conducts a threat assessment of that student. These assessments evaluate students who make threats of violence or exhibit harmful, threatening, or violent behavior. The team must provide the notified person the opportunity to participate in the assessment either in person or remotely, and must allow them to offer information regarding the student. Following the assessment, the team must provide its findings and conclusions to the parent or person. **Effective on 6/13/23**

HB 1211 (Authors: Guillen; Ramos; Plesa | Sponsor: Zaffirini), *Relating to financial assistance, including repayment of loans, for certain students attending postsecondary educational institutions.* HB 1211 expands eligibility for mental health professional education loan repayment programs to include a licensed specialist in school psychology (LSSP). To be eligible to receive repayment assistance up to \$40,000, LSSPs must apply to the Texas Higher Education Coordinating Board and be employed by a school district or an open-enrollment charter school located in a federally designated mental health care health professional shortage area or a public school that receives federal funding under Title I. Additionally, LSSPs must provide mental health services to students enrolled in their district or school, and must have completed between one and five consecutive years of practice in Texas. **Effective on 9/1/23**

HB 3908 (Author: Wilson | Sponsor: Creighton),
Relating to fentanyl abuse prevention and drug poisoning awareness education in public schools. HB 3908 [known as “Tucker’s Law”] requires the Governor to designate one week during the school year as Fentanyl Poisoning

Awareness Week to educate students about the dangers posed by the drug fentanyl and the risks of fentanyl poisoning. The week may include age-appropriate instruction, including instruction on prevention of the abuse of and addiction to fentanyl. This bill creates The Fentanyl Abuse Prevention and Drug Poisoning Awareness Education program, which requires school districts to annually provide research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to students in grades 6 through 12. The required instruction must include: suicide prevention; prevention of the abuse of and addiction to fentanyl; awareness of local school and community resources and any processes involved in accessing those resources; and health education that includes information about substance use and abuse, including youth substance use and abuse. The instruction may be provided by a public or private institution of higher education, a library, a community service organization, a religious organization, a local public health agency, or an organization employing mental health professionals. Provision of this educational instruction may satisfy current statutory requirements for school districts to implement a program in the area of substance abuse prevention and intervention. **Effective on 6/17/23**

SB 133 (Author: West | Sponsors: Hull; Mary González; Cain; Moody; Lozano), *Relating to prohibiting the physical restraint of or use of chemical irritants or Tasers on certain public school students by peace officers and school security personnel under certain circumstances.* Per SB 133, peace officers performing law enforcement duties and school security personnel performing security-related duties on school property or at a school-sponsored or school-related activity may not restrain or use a chemical irritant spray or Taser on a student enrolled in 5th grade or below, unless that student poses a serious risk of harm to

themselves or another person. **Effective on 6/18/23**

SB 629 (Author: Menéndez | Sponsors: Talarico; Oliverson; Leo-Wilson; Howard; Zwiener), *Relating to the maintenance, administration, and disposal of opioid antagonists on public and private school campuses and to the permissible uses of money appropriated to a state agency from the opioid abatement account.* SB 629 requires school districts to develop and implement a policy regarding the maintenance, administration, and disposal of opioid antagonists (medications meant to block the effects of opioids, like naloxone and naltrexone) at each district campus that serves students in grades 6 through 12, and it may adopt and implement a policy on campuses serving students in lower grade levels. Open-enrollment charter schools and private schools are similarly allowed to implement such a policy.

The policy must: provide that school personnel and school volunteers who are authorized and trained may administer an opioid antagonist to a person who is reasonably believed to be experiencing an opioid-related drug overdose; require that each school campus subject to the policy have one or more school personnel members or school volunteers authorized and trained to administer an opioid antagonist present during regular school hours; establish the number of opioid antagonists that must be available at each campus at any given time; and require that the supply of opioid antagonists at each relevant school campus be stored in a secure location and easily accessible to authorized and trained school personnel and school volunteers. Within 10 business days of administering an opioid antagonist, the school must report relevant information to school leadership, the prescribing physician or other personnel, and the Commissioner of State Health Services. **Effective on 6/18/23**

SB 798 (Author: Middleton | Sponsor: Buckley), *Relating to the certification requirements for a public school counselor.* SB 798 repeals the requirement that a candidate for certification of a school counselor must have experience as a classroom teacher. **Effective on 9/1/23**

JUVENILE CURFEWS

HB 1819

HB 1819 (Author: Cook | Sponsor: Hughes), *Relating to the repeal of the authority of political subdivisions to adopt or enforce juvenile curfews.* Per HB 1819, political subdivisions may not adopt or enforce juvenile curfews to regulate the movements or actions of people younger than 18 years of age. This does not apply to curfews implemented for emergency purposes.

Note: A political subdivision refers to a county, municipality, special district, school district, junior college district, housing authority, or other political subdivision of this state or any other state. **Effective on 9/1/23**

MENTAL HEALTH AND OTHER SERVICES FOR KIDS

HB 5195

HB 5195 (Author: Senfronia Thompson | Sponsor: Johnson), *Relating to the services provided to certain children detained in a juvenile detention facility.* Per HB 5195, a child ordered to be detained in a juvenile facility pending criminal proceedings in adult court must, to the extent practicable, receive education, programming, and services consistent with minimum standards already in place for children in a juvenile facility. The

administrator (or administrator’s designee) of a juvenile detention facility must: before the 21st day after a child is ordered to be detained, complete an initial assessment to evaluate the needs of the child; and develop a plan to ensure the child has an opportunity to make progress on identified rehabilitation goals pending trial. At least every 90 days, a status report must be produced that documents: the education, programming, and other services provided to the child; behavioral compliance or incidents, if any; any measurable progress on identified rehabilitation goals during the preceding 90 days of detention; and any comments, observations, or recommendations related to the child’s educational or rehabilitative needs.

Effective on 9/1/23

TJJD SUNSET BILL

SB 1727

SB 1727 (Authors: Schwertner; Johnson; Paxton; Perry; Springer | Sponsors: Canales; Dutton), *Relating to the continuation and functions of the Texas Juvenile Justice Department, the functions of the office of independent ombudsman for the Texas Juvenile Justice Department, and the powers and duties of the office of inspector general of the Texas Juvenile Justice Department.* SB 1727 is intended to address the functions, policies, and practices of the Texas Juvenile Justice Department (TJJD). Positive provisions relate to: ongoing regionalization efforts that would keep children closer to home; a requirement for TJJD to consider processes for downsizing, closing, or repurposing large state secure facilities to shift toward a more regionally-based juvenile justice system; increased flexibility in funding within TJJD to prioritize diversion; improvements in aggregate data collection and publishing; and expansion of independent oversight of the Department. However, the bill does include a

provision allowing for the retrofitting of adult prisons and jails to be utilized for children, a reversal of a change in code from SB 1630 in 2015.

See a TJJJ summary of the bill here: https://www.sunset.texas.gov/public/uploads/2023-05/TJJJ_OIO.pdf

Effective on 9/1/23

TRUANCY AND PARENTAL IMPACT

HB 3917

HB 3917 (Author: Buckley | Sponsor: Middleton), *Relating to dismissal of a complaint alleging a parent contributing to nonattendance on the parent's fulfillment of certain terms.* HB 3917 allows for the dismissal of a complaint alleging a parent contributed to their child's nonattendance at school, provided the parent enters into a written agreement with the school district to complete counseling, training, or another program as designated by the school district. The parent must complete the required counseling within 30 days of the complaint or within a period designated by the district.

Effective on 9/1/23

☆ Youth Justice in the 88th Session

☆ Texas' 2023 Legislative Session took place against the backdrop of scandal and abuse in the state's youth prison system (TJJJ). In August 2022, an investigation by the *Texas Tribune* revealed that nearly 600 children in Texas' 5 remaining child prisons were living in dangerous and unsanitary conditions.

☆ Incident reports revealed that kids in understaffed facilities were stuck in their cells for over 22 hours a day, unable to access bathrooms and appropriate medical care. High numbers of these incarcerated children were on suicide watch, and some had harmed themselves.

☆ In spite of these reports and an ongoing investigation of TJJJ by the federal Department of Justice, lawmakers in 2023 failed to advance the transformative changes that would have kept children out of the system and stop the cycle of abuse.

☆ The Finish the 5 Coalition – which was convened by TCJE and partners, with leadership from Texas youth and impacted people – will continue to fight for the closure of Texas' child prisons and against the construction of new facilities. For more information about the Coalition, visit:

☆ <https://www.texascje.org/finish-the-5>



↪ The Finish the 5 Coalition at the Texas Capitol and beyond ↩

INDIGENT DEFENSE AND COURT-RELATED BILLS

HYPNOTICALLY INDUCED TESTIMONY

SB 338

SB 338 (Author: Hinojosa | Sponsor: Leach), *Relating to the use of hypnotically induced statements in a criminal trial.* Per SB 338, statements made by a person during or after a hypnotic session performed by a law enforcement agency are not admissible evidence against a defendant in a criminal trial, whether offered in the guilt or innocence phase or the punishment phase of the trial. **Effective on 9/1/23**

INDIGENT DEFENSE

HB 409, SB 2120

HB 409 (Author: Collier | Sponsor: Zaffirini), *Relating to the governance and administration of the Texas Indigent Defense Commission and to certain disclosures made in relation to the provision of funding for indigent defense services.* HB 409 adds two board members to the current 5-member governing board of the Texas Indigent Defense Commission (TIDC). One member must be either a director of a managed assigned counsel (MAC) program in Texas or a person with demonstrated expertise in indigent defense issues. The other member must be a justice of the peace, municipal court judge, or appointed magistrate whose regular duties include presiding over magistration hearings. A director of a MAC program who sits on the TIDC governing board must disclose their position if

the program they direct is applying for funds, and they may not participate in the voting process. **Effective on 9/1/23**

SB 2120 (Authors: Zaffirini; Sparks | Sponsor: Cook), *Relating to the establishment of a family protection representation program within the Texas Indigent Defense Commission.* SB 2120 implements the Texas Judicial Council's adopted resolution [2022] requesting the establishment of a Family Protection Representation Program within the Texas Indigent Defense Commission (TIDC). This bill requires TIDC to develop policies and standards for providing family protection services to indigent parents and children; the policies may include performance and qualification standards for appointed attorneys in suits filed by the Department of Family and Protective Services. TIDC must also develop a plan that establishes statewide requirements for counties reporting indigent defense and family protection services information, and it must provide technical support to assist counties in improving their systems for providing family protection services. Counties must submit to TIDC biannual reports detailing representation procedures and annual reports detailing appointment data. **Effective on 9/1/23**

JUDICIAL ACCOUNTABILITY

HB 841, HB 1182

HB 841 (Authors: Ordaz; Leach; Moody | Sponsor: Middleton), *Relating to certain judicial statistics and related information gathered by*

the Texas Judicial Council. HB 841 requires the Texas Judicial Council to gather case-level information on the amount and character of business transacted by courts. **Effective on 9/1/23**

HB 1182 (Author: Harless | Sponsor: Whitmire), *Relating to judicial statistics and other pertinent information gathered by the Texas Judicial Council and certain populous counties.* HB 1182 requires the Texas Judicial Council to collect monthly court activity statistics and case-level information for each trial court in Texas. Trial courts in counties with at least one million

residents must report more information, including: the number of cases assigned to the court; the court's case clearance rate; number of cases disposed; number of jury panels; number of orders of continuance for an attorney before the court; number of pleas accepted by the court; number of cases tried by the judge of the court; number of cases tried before a visiting or associate judge of the court; and other court activity data. The Office of Court Administration must publish the collected data online in a searchable format; similarly, counties with a population greater than one million must publish the data on their county website for each of their trial courts. **Effective on 9/1/23**

BILLS RELATED TO WOMEN'S INCARCERATION AND FAMILY JUSTICE

FAMILY JUSTICE AND CHILD WELFARE

SB 1930

SB 1930 (Author: Kolkhorst | Sponsors: Dutton; Garcia; Campos; Oliverson; Sherman, Sr.), *Relating to policies and procedures regarding children placed by the Department of Family and Protective Services in a residential treatment center or qualified residential treatment program.* Under SB 1930, if a child is or may be placed in a residential treatment center, a qualified residential treatment program, or a similar treatment setting, the guardian ad litem appointed for the child must: review any available information regarding whether the placement is appropriate to meet the child's needs; meet in person with the child before

providing a recommendation; and provide the court a recommendation regarding the placement that is in the best interest of the child. The guardian ad litem must also attempt to elicit, in a developmentally appropriate manner, the child's own opinion of and concerns regarding their current or proposed placement.

In these situations, the attorney ad litem must review any available information related to the child's needs (including psychological evaluations and counseling notes), and review information regarding whether the placement is appropriate to meet the child's specific needs. The attorney ad litem must also meet with the child before any hearing to prepare for the hearing in accordance with the child's expressed representation objectives, and elicit the child's own opinion and concerns about the placement. Additionally, the attorney ad litem must: advise the child regarding a request or

recommendation for placement by the Department of Family and Protective Services (DFPS), as well as the likelihood of that request being granted; and advocate to the court for the child’s specific desires regarding the requested placement.

As appropriate, both the guardian ad litem and attorney ad litem can request a placement conference, and can participate in any conferences conducted by DFPS or the child’s treatment team related to an initial or ongoing placement.

If a child is placed or referred to and awaiting placement in a residential treatment center, the court must determine whether: the child’s needs can be met through placement in a family-like setting; the recommended or existing program can provide the most effective and appropriate level of care; the program is the least restrictive setting consistent with the child’s best interest and individual needs; and the placement is consistent with the short-term and long-term goals for the child. In making this determination, the court may consider medical and mental health assessments; the child’s current treatment plan and progress being made; any significant medical, legal, or behavioral incidents involving the child; reasons for the child’s removal from any previous placement; the programs available at the facility to address the child’s needs; the program’s plan to discharge the child after treatment; and whether there are other programs that more effectively meet the child’s needs. The court must also ultimately determine whether continued placement in the particular setting is appropriate. **Effective on 9/1/23**



WOMEN'S INCARCERATION AND TRANSPORTATION

SB 1146

SB 1146 (Author: West | Sponsors: Klick; Moody; Rose; Leach; Swanson), *Relating to the medical transportation and care for certain inmates in the Texas Department of Criminal Justice*. SB 1146 requires the Texas Department of Criminal Justice (TDCJ) to establish procedures used during the regularly scheduled transportation of incarcerated women for nonemergency medical care to The University of Texas Medical Branch at Galveston or another medical facility that provides medical services for incarcerated people. The procedures must ensure that: any searches conducted are performed in an area and manner that conforms with the requirements of the Prison Rape Elimination Act of 2003 (34 U.S.C. Section 30301 et seq.) and any regulation adopted under that Act; buses used to transport incarcerated women are equipped with bathrooms and have an adequate supply of toilet paper and feminine hygiene products for those being transported; incarcerated women receive sufficient food and nutrition in accordance with medical or nutritional standards as determined by TDCJ; and facilities used to house incarcerated women overnight while being transported have an adequate number of beds for those being transported.

TDCJ – in conjunction with The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center – must establish procedures to increase opportunities and expand access to telemedicine medical services and telehealth services, and onsite medical care for incarcerated people, including on-site mobile care units that provide diagnostic imaging, physical therapy, and other appropriate mobile health services. **Effective on 9/1/23**

BILLS RELATED TO DECARCERATION, SENTENCING REFORM, AND COMMUNITY-BASED SUPPORTS

MENTAL HEALTH SERVICES

HB 400, HB 2100, SB 26, SB 532, SB 1677

HB 400 (Author: Klick | Sponsor: Kolkhorst), *Relating to innovation grant programs to support residency training programs in psychiatric specialty fields and recruitment, training, and retention programs in behavioral health fields.* To address a shortage of licensed mental health providers in Texas, HB 400 establishes the Psychiatric Specialty Innovation Grant Program to award incentive payments – subject to available funds – to medical schools with innovative residency programs designed to increase the number of physicians specializing in adult or pediatric psychiatric care. This bill similarly establishes the Behavioral Health Innovation Grant Program to award incentive payments – again subject to available funds – to institutions of higher education that administer innovative recruitment, training, and retention programs designed to increase the number of mental health professionals or professionals in related fields. The Texas Higher Education Coordinating Board must draft rules regarding eligibility criteria, including demonstrating regional and state workforce needs and guidelines for grant procedures and amounts. **Effective on 9/1/23**

HB 2100 (Author: Price | Sponsor: Schwertner), *Relating to eligibility requirements for student loan repayment assistance for certain mental health professionals.* To incentivize more people to enter Texas’ behavioral health workforce, HB 2100 expands eligibility for the state’s Loan

Repayment for Mental Health Professionals Program to include mental health professionals providing services to: people in state psychiatric hospitals, or people receiving community-based mental health services from Local Mental Health Authorities, regardless of location. To be eligible to receive repayment assistance, mental health professionals must apply to the Texas Higher Education Coordinating Board and must have completed between one and five consecutive years of practice in Texas. **Effective on 9/1/23**

SB 26 (Authors: Kolkhorst; Alvarado; Bettencourt; Blanco; Campbell; et al. | Sponsor: Jetton), *Relating to local mental health authority and local behavioral health authority audits and mental and behavioral health reporting, services, and programs.* Among other provisions related to audits of and transparency around behavioral health services, SB 26 requires the Health and Human Services Commission (HHSC) – provided money is appropriated – to establish a matching grant program for mental health early intervention and treatment. This program provides support to eligible entities for community-based initiatives that promote identification of mental health issues and improve access to early intervention and treatment for children and families. Eligible entities include certain nonprofit organizations, mental health hospitals and other hospitals, Local Mental Health Authorities, child-care facilities, and counties or municipalities.

The community-based initiatives may be evidence-based or otherwise demonstrate positive outcomes, including reduced involvement in the juvenile justice system,

avoidance of emergency room use, and improved relationship skills and self-esteem. The initiatives may also include training, as well as services and supports for children in or at risk of placement in foster care or the juvenile justice system, agencies that provide services to children and families, community-based initiatives, and individuals who work with children or caregivers of children showing atypical social or emotional development or other challenging behaviors.

The HHSC must prioritize entities that work with children and family members of children with a high risk of experiencing a crisis or developing a mental health condition, in specific efforts to reduce: the number of children at risk of placement in foster care or the juvenile justice system; the need for future intensive mental health services; or the demand for placement in state hospitals, inpatient mental health facilities, and residential behavioral health facilities. A grant recipient may only use grant money to develop innovative strategies that provide resiliency, coping and social skills, healthy social and familial relationships, and parenting skills and behaviors. **Effective on 9/1/23**

SB 532 (Author: West | Sponsors: Kuempel; Mary González; Anchía), *Relating to providing mental health services information to certain higher education students and to the repayment of certain higher education loans.* To help the state meet its need for more mental health professionals, SB 532 extends eligibility for participation in the state’s Mental Health Professional Loan Repayment Program to those providing services to: people in state psychiatric hospitals, or people receiving community-based mental health services from a Local Mental Health Authority. Additionally, mental health professionals will be required to participate in loan repayment for only three (versus five) years.

Separately, SB 532 requires institutions of higher education to provide any incoming students with

information about available mental health and suicide prevention services, as well as information regarding early warning signs that are often present if someone is considering suicide. Additionally, incoming students must receive a campus map identifying where mental health services are provided, and each tour for entering students must include at least one location where students can receive mental health services. **Effective on 9/1/23**

SB 1677 (Author: Perry | Sponsor: Price), *Relating to the establishment and administration of Health and Human Services Commission programs providing mental health services to certain individuals in this state.* Among other things, SB 1677 requires Texas’ Health and Human Services Commission (HHSC) – in cooperation with Local Mental Health Authorities located primarily in rural areas, and provided sufficient money is appropriated – to contract with nonprofit organizations or governmental entities to establish or expand behavioral health centers and jail diversion centers to provide: services to reduce recidivism and the frequency of arrest, incarceration, and emergency detentions among people with mental illness; inpatient and outpatient mental health services to children and adults; and additional forensic hospital beds and competency restoration services. HHSC’s Executive Commissioner must develop criteria for the evaluation of applications and proposals submitted by nonprofits or governmental entities seeking a contract.

Separately, the State Auditor’s Office must conduct an audit of incarcerated people in county jails waiting for a forensic hospital bed for competency restoration services. The audit must identify any issues and inefficiencies in the commitment process. By December 2024, the State Auditor must prepare a report of the audit and publish it on its website. The report must include: a review of the history and status of the waitlist beginning September 2018 through the

most current year for which information is available; as well as any disparities in treatment in the forensic commitment process based on race, gender, ethnicity, or age. **Effective on 9/1/23**

SUPPORTS FOR AND AWARENESS ABOUT SUBSTANCE USE

HB 1357, HB 3144, SB 867, SB 998

HB 1357 (Author: Holland | Sponsor: Huffman), *Relating to Medicaid reimbursement for certain medication-assisted treatments for opioid or substance use disorder.* Under existing law, the Health and Human Services Commission has been required to provide reimbursement for medication-assisted opioid or substance abuse treatment, but that requirement was due to expire on August 31, 2023. HB 1357 makes the Medicaid reimbursement requirement permanent. **Effective on 6/13/23**

HB 3144 (Authors: Lujan; Talarico; Rogers; Thimesch; Cunningham | Sponsor: Campbell), *Relating to designating October as Fentanyl Poisoning Awareness Month.* HB 3144 designates October as Fentanyl Poisoning Awareness Month. This may be regularly observed through appropriate activities in communities to increase awareness of the dangers of fentanyl and potential overdoses. **Effective on 9/1/23**

SB 867 (Author: West | Sponsors: Rose; Plesa), *Relating to the recipients of opioid antagonists under the opioid antagonist program.* Under SB 867, the Health and Human Services Commission may now provide opioid

antagonists to institutions of higher education as part of the state's existing Opioid Antagonist Program. **Effective on 6/17/23**

SB 998 (Author: West | Sponsor: Geren), *Relating to an opioid-related drug overdose training program for certain alcoholic beverage permit holders.* SB 998 requires the Texas Alcoholic Beverage Commission (TABC) to develop a program that provides training on the signs and symptoms of an opioid-related drug overdose and the administration of an opioid antagonist; TABC can make this training available online. The holder of a mixed beverage permit and each employee of the permit holder who is required to complete a TABC-approved seller training program must annually complete this opioid-related drug overdose training. Similarly, this bill requires annual opioid-related drug overdose training for the holder of a private club registration permit and each employee who is required to complete a TABC-approved seller training program. These requirements do not apply to a mixed beverage permit holder or a private club registration permit that is a restaurant. **Effective on 9/1/23**

☆ "The way we're addressing substance use right now is through incarceration, which isn't working. People are thrown into the system without any of the tools they need to stay safe."

☆ Policy Analyst Sarah Reyes in testimony on harm reduction

BILLS RELATED TO CONFINEMENT IN STATE CORRECTIONS FACILITIES

IN-PRISON EDUCATION

SB 2158

SB 2158 (Author: King | Sponsors: Murr; Talarico), *Relating to the establishment of an adult education pilot program by the Windham School District.* SB 2158 requires the Windham School District (WSD) – the educational program provider for Texas’ prison system – to establish a pilot program under which one or more nonprofit entities must provide an adult education program to enable incarcerated people to successfully complete a high school program that can lead to a diploma. People between the ages of 26 and 50 are eligible to enroll if they have failed to: complete the curriculum requirements for high school graduation; perform satisfactorily on an assessment instrument required for high school graduation; or earn a high school equivalency certificate. WSD must enter into a memorandum of understanding with at least one nonprofit to provide an adult education program, and it must require the nonprofit entity to identify each region of Texas in which the entity is able to operate the program. WSD must identify at least three schools among those it operates that are suitable to serve as sites for the pilot program.

Effective on 5/23/23

VISITATION

HB 2708

HB 2708 (Authors: Swanson; Venton Jones | Sponsor: Flores), *Relating to visitation policies for inmates and state jail felony defendants.* HB 2708 requires the Texas Department of Criminal Justice (TDCJ) to allow in-person visitation for eligible incarcerated people and defendants, regardless of the existing implementation of video visitation or visitation by other electronic means. TDCJ may temporarily suspend in-person visitation in the event of a health or safety emergency. **Effective on 9/1/23**

☆ "You're taking a very vulnerable population—and we know most of the women that come into prison have severe trauma—and then the child being separated from their parent is trauma in itself. And then [with these visitation policies] you're retraumatizing them."

☆ Women's Justice Director Cynthia Simons in testimony on visitation

BILLS RELATED TO RELEASE FROM INCARCERATION AND THE CONSEQUENCES OF A CONVICTION

DRIVING-RELATED OFFENSES

SB 347

SB 347 (Author: Zaffirini | Sponsor: Harless), *Relating to the extension of a driver's license suspension or disqualification following certain convictions.* If someone is found guilty of driving with a canceled, suspended, or revoked license, their license suspension period is extended for the same length as the original violation that caused their license to become invalid; the maximum suspension period is currently two years. SB 347 reduces the maximum suspension period to 90 days for individuals convicted of driving without a valid license. **Effective on 9/1/23**

POST-RELEASE SUPPORTS

HB 299, HB 1743

HB 299 (Authors: Murr; Wilson | Sponsor: Johnson), *Relating to the creation of a voluntary accreditation for recovery housing; authorizing fees.* HB 299 establishes provisions related to recovery houses, which are shared living environments that: promote sustained recovery from substance use disorders by integrating residents into the surrounding community and providing a setting that connects residents to supports and services promoting sustained recovery from substance use disorders; are centered on peer support; and are free from alcohol and drug use.

Per this bill, the Health and Human Service Commission (HHSC) must adopt minimum standards for accreditation as a recovery house that are consistent with the quality standards established by the National Alliance for Recovery Residences and the Oxford House Incorporated. The standards must prohibit an accredited recovery house from providing personal care services, including: assistance with feeding, dressing, moving, bathing, or other personal needs or maintenance; or general supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence in an assisted living facility or who needs assistance to manage their personal life, regardless of whether a guardian has been appointed for the person.

Certain entities are ineligible for accreditation as a recovery house – including chemical dependency treatment facilities, family violence shelter centers, child care facilities, intermediate care facilities for individuals with an intellectual disability, home and community support services agencies, nursing facilities, continuing care facilities, assisted living facilities, boarding homes, community homes, and hotels.

Except in regard to recovery houses accredited by Oxford House Incorporated, HHSC's minimum standards must require at least one individual to be designated as the responsible party of an accredited recovery house. That person must satisfactorily complete training concerning accreditation standards and requirements and is responsible for administering the recovery house in accordance with those standards and requirements.

HHSC must prepare an annual report that includes information on: the total number of accredited recovery houses; the number accredited during the preceding year; any issues concerning the accreditation or reaccreditation process; the number of accredited recovery houses that had an accreditation revoked during the preceding year; and the reasons for the revocation.

If an accredited recovery house violates any provisions of this bill, its accrediting organization may suspend the accreditation for up to six months while the accrediting organization conducts an audit of the recovery house. After the audit is complete, the accrediting organization can implement a corrective action plan or revoke the accreditation. A recovery house that is not accredited by an accrediting organization is ineligible for and may not receive state money. **Effective on 9/1/23, though the final provision relating to state funding [specified in Health and Safety Code Section 469.009] takes effect 9/1/25.**

HB 1743 (Authors: Leach; Noble; Venton Jones; Collier; Senfronia Thompson | Sponsor: West), *Relating to a memorandum of understanding between the Health and Human Services Commission and the Texas Department of Criminal Justice to assess the eligibility of certain inmates for supplemental nutrition assistance program benefits on discharge or release from confinement.* HB 1745 requires the Texas Health and Human Service Commission (HHSC) and the Texas Department of Criminal Justice (TDCJ) to enter a memorandum of understanding to ensure that incarcerated people are assessed for Supplemental Nutrition Assistance Program (SNAP) benefits before they are set to be discharged or released on parole, mandatory supervision, or conditional pardon.

The memorandum of understanding must establish a procedure through which HHSC must

accept and process SNAP applications from incarcerated people, and define the roles and responsibilities of HHSC and TDCJ. The memorandum must be tailored to achieve the goal of ensuring that an incarcerated individual eligible for SNAP benefits may begin receiving services under that program at the time of their discharge or release. **Effective on 6/12/23**

STATE JAIL RELEASE

HB 1710

HB 1710 (Author: Canales | Sponsor: Hinojosa), *Relating to notice provided to a court regarding a defendant confined in a state jail felony facility.* Upon a judge's request, the Texas Department of Criminal Justice (TDCJ) must, within 60 days after a defendant is received into the custody of a state jail felony facility, notify that judge when the defendant will have served 75 days in the facility. The notice must be provided by email or other electronic communication. A judge can submit a single request to TDCJ with respect to all applicable defendants sentenced in their court. **Effective on 9/1/24**



BILLS RELATED TO OTHER JUSTICE ISSUES

ANTI-RACISM

HB 567

HB 567 (Authors: Bowers; Rose; Reynolds; Sherman, Sr.; Buckley | Sponsor: Miles), *Relating to discrimination on the basis of hair texture or protective hairstyle associated with race.* HB 567 [known as “The CROWN Act”] prohibits discrimination based on a person’s hair texture or hairstyle – specifically braids, locks, and twists – when it comes to education (student dress or grooming policies), employment (employer, labor union, or employment agency practices), and housing.

Note: Black Texans have suffered negative impacts, including lost employment and housing opportunities and suspension from school, due to policies that discriminated against their natural hair. Many Black women have changed their hair to fit in at work, often by using chemical straighteners that burn the scalp and recently have been linked to uterine cancer. Other ways of forcing natural hair to comply with policies regulating appearance – such as binding, pinning, or pulling up hair – are often impractical and painful. Additionally, discriminatory hair policies in schools are damaging to Black students’ self-esteem, especially for girls. Certain hairstyles, including braids, locks, and twists, can be necessary to preserve natural Black hair. **Effective on 9/1/23**

HEALTH INSURANCE FOR THE WRONGFULLY CONVICTED

HB 1455

HB 1455 (Authors: Anchía; Lambert; Bhojani; Rose; Garcia | Sponsor: Johnson), *Relating to health care benefits of persons wrongfully imprisoned.* Under existing law, those who have been wrongfully incarcerated and exonerated are eligible to receive the same health benefits as if they were an employee with the Texas Department of Criminal Justice. However, this has not applied to the exoneree’s spouse or other dependents. HB 1455 extends healthcare eligibility to spouses and dependents of exonerees. **Effective on 9/1/23**

POLICE PUBLIC RECORDS

HB 30

HB 30 (Authors: Moody; Burrows; Slawson; Metcalf; Turner | Sponsor: King), *Relating to access to certain law enforcement, corrections, and prosecutorial records under the public information law.* HB 30 allows certain criminal information or records about a person to be made public if that person is deceased or incapacitated or if all living parties depicted in or described by the information or records agree to its release.

Note: This is intended to increase transparency in policing by providing public information in connection with people's deaths, including in-custody deaths or deaths in school shootings.

Effective on 9/1/23

TCJE STAFF AND PARTNER RESOLUTIONS!

HR 1176, HR 1177

HR 1176 (Author: Jarvis Johnson), Recognizing April 2023 as Second Chance Month and honoring Cynthia Simons and Justin Martinez for their contributions as activists for criminal justice reform and rehabilitation.

HR 1177 (Author: Jarvis Johnson), Recognizing April 2023 as Second Chance Month and honoring Maggie Luna and Jennifer Toon for their contributions as activists for criminal justice reform and rehabilitation.



Justin stands in the House gallery

Maggie and Jennifer stand in the House gallery



On April 25, 2023, Rep. Jarvis Johnson presented resolutions celebrating system-impacted advocates on the House floor. These resolutions honored members of the TCJE team as well as our Statewide Leadership Council (SLC), a group of formerly incarcerated and otherwise system-impacted advocates. Learn more about the SLC at:

<https://www.texascje.org/slc>