

GOVERNMENT CODE
TITLE 4. EXECUTIVE BRANCH
SUBTITLE G. CORRECTIONS
CHAPTER 511. COMMISSION ON JAIL STANDARDS

Sec. 511.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Commission on Jail Standards.

(2) "Correctional facility" means a facility operated by a county, a municipality, or a private vendor for the confinement of a person arrested for, charged with, or convicted of a criminal offense.

(3) "County jail" means a facility operated by or for a county for the confinement of persons accused or convicted of an offense.

(4) "Executive director" means the executive director of the commission.

(5) "Federal prisoner" means a person arrested for, charged with, or convicted of a violation of a federal law.

(6) "Inmate" means a person arrested for, charged with, or convicted of a criminal offense of this state or another state of the United States and confined in a county jail, a municipal jail, or a correctional facility operated by a county, a municipality, or a private vendor.

(7) "Prisoner" means a person confined in a county jail.

Added by Acts 1989, 71st Leg., ch. 212, Sec. 2.01, eff. Sept. 1, 1989. Amended by Acts 1997, 75th Leg., ch. 259, Sec. 1, eff. Sept. 1, 1997.

Sec. 511.002. COMMISSION. The Commission on Jail Standards is an agency of the state.

Added by Acts 1989, 71st Leg., ch. 212, Sec. 2.01, eff. Sept. 1, 1989.

Sec. 511.003. SUNSET PROVISION. The Commission on Jail Standards is subject to Chapter 325 (Texas Sunset Act). Unless

continued in existence as provided by that chapter, the commission is abolished September 1, 2035.

Added by Acts 1989, 71st Leg., ch. 212, Sec. 2.01, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 740, Sec. 1, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., 1st C.S., ch. 17, Sec. 3.03, eff. Nov. 12, 1991; Acts 1997, 75th Leg., ch. 259, Sec. 2, eff. Sept. 1, 1997.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1215 (S.B. [1009](#)), Sec. 1, eff. September 1, 2009.

Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. [1545](#)), Sec. 1, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 941 (S.B. [1659](#)), Sec. 3.07, eff. June 18, 2023.

Sec. 511.004. MEMBERSHIP; TERMS; VACANCIES. (a) The commission consists of nine members appointed by the governor with the advice and consent of the senate. One member must be a sheriff of a county with a population of more than 35,000, one must be a sheriff of a county with a population of 35,000 or less, one must be a county judge, one must be a county commissioner, one must be a practitioner of medicine licensed by the Texas State Board of Medical Examiners, and the other four must be representatives of the general public. At least one of the four citizen members must be from a county with a population of 35,000 or less.

(b) The sheriffs, county judge, and county commissioner appointed to the commission shall perform the duties of a member in addition to their other duties.

(c) Members serve for terms of six years with the terms of one-third of the members expiring on January 31 of each odd-numbered year.

(d) If a sheriff, county judge, or county commissioner member of the commission ceases to be sheriff, county judge, or county commissioner, the person's position on the commission becomes vacant.

(e) A person appointed to fill a vacancy must have the same qualifications for appointment as the member who vacated the

position.

(f) Appointments to the commission shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(g) A person is not eligible for appointment as a public member of the commission if the person or the person's spouse:

(1) is registered, certified, or licensed by a regulatory agency in the field of law enforcement;

(2) is employed by or participates in the management of a business entity, county jail, or other organization regulated by the commission or receiving funds from the commission;

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the commission or receiving funds from the commission; or

(4) uses or receives a substantial amount of tangible goods, services, or funds from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses.

Added by Acts 1989, 71st Leg., ch. 212, Sec. 2.01, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 740, Sec. 2, eff. Sept. 1, 1991; Acts 1997, 75th Leg., ch. 259, Sec. 3, eff. Sept. 1, 1997. Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1215 (S.B. [1009](#)), Sec. 2, eff. September 1, 2009.

Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. [1545](#)), Sec. 2, eff. September 1, 2021.

Sec. 511.00405. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the law governing commission operations;

(2) the programs, functions, rules, and budget of the

commission;

(3) the scope of and limitations on the rulemaking authority of the commission;

(4) the results of the most recent formal audit of the commission;

(5) the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and

(B) other laws applicable to members of a state policy-making body in performing their duties; and

(6) any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(c) A person appointed to the commission is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether attendance at the program occurs before or after the person qualifies for office.

(d) The executive director of the commission shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each member of the commission. Each member of the commission shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

Redesignated from Government Code, Sec. 511.004(h), (i), (j) and amended by Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. [1545](#)), Sec. 2, eff. September 1, 2021.

Sec. 511.0041. REMOVAL OF COMMISSION MEMBERS. (a) It is a ground for removal from the commission if a member:

(1) does not have at the time of taking office the qualifications required by Section [511.004](#);

(2) does not maintain during service on the commission the qualifications required by Section [511.004](#);

(3) is ineligible for membership under Section [511.004](#)(g) or [511.0042](#);

(4) cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or

(5) is absent from more than half of the regularly scheduled commission meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the commission.

(b) The validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commission member exists.

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the commission of the ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the commission, who shall notify the governor and the attorney general that a potential ground for removal exists.

Added by Acts 1991, 72nd Leg., ch. 740, Sec. 3, eff. Sept. 1, 1991.
Amended by Acts 1997, 75th Leg., ch. 259, Sec. 4, eff. Sept. 1, 1997.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1215 (S.B. [1009](#)), Sec. 3, eff. September 1, 2009.

Sec. 511.0042. CONFLICT OF INTEREST. (a) A person may not be a member of the commission and may not be a commission employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of county corrections; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of county

corrections.

(b) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(c) A person may not be a member of the commission or act as the general counsel to the commission if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

Added by Acts 1991, 72nd Leg., ch. 740, Sec. 4, eff. Sept. 1, 1991.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1215 (S.B. 1009), Sec. 4, eff. September 1, 2009.

Sec. 511.005. PRESIDING OFFICER; ASSISTANT PRESIDING OFFICER. (a) The governor shall designate one member of the commission as the presiding officer of the commission to serve in that capacity at the pleasure of the governor.

(b) The commission biennially shall elect from the membership an assistant presiding officer. The assistant presiding officer serves in that capacity for a period of two years expiring February 1 of each odd-numbered year.

Added by Acts 1989, 71st Leg., ch. 212, Sec. 2.01, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 740, Sec. 5, eff. Sept. 1, 1991.

Sec. 511.006. MEETINGS; RULES. (a) The commission shall hold a regular meeting each calendar quarter and may hold special meetings at the call of the presiding officer or on the written request of three members. If the presiding officer is absent, the assistant presiding officer shall preside at a meeting.

(b) The commission shall adopt, amend, and rescind rules for the conduct of its proceedings.

(c) The commission shall develop and implement policies

that provide the public with a reasonable opportunity to appear before the commission and to speak on any issue under the jurisdiction of the commission.

Added by Acts 1989, 71st Leg., ch. 212, Sec. 2.01, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 740, Sec. 6, eff. Sept. 1, 1991.

Sec. 511.0061. USE OF TECHNOLOGY. The commission shall implement a policy requiring the commission to use appropriate technological solutions to improve the commission's ability to perform its functions. The policy must ensure that the public is able to interact with the commission on the Internet.

Added by Acts 2009, 81st Leg., R.S., Ch. 1215 (S.B. [1009](#)), Sec. 5, eff. September 1, 2009.

Sec. 511.007. COMPENSATION; REIMBURSEMENT. A member of the commission is not entitled to compensation but is entitled to reimbursement for actual and necessary expenses incurred in performing official duties.

Added by Acts 1989, 71st Leg., ch. 212, Sec. 2.01, eff. Sept. 1, 1989.

Sec. 511.0071. COMPLAINTS AND ACCESS. (a) The commission shall prepare information of public interest describing the functions of the commission. The commission shall make the information available:

(1) to the public, inmates, county officials, and appropriate state agencies; and

(2) on any publicly accessible Internet website maintained by the commission.

(a-1) The commission shall adopt rules and procedures regarding the receipt, investigation, resolution, and disclosure to the public of complaints regarding the commission and complaints regarding jails under the commission's jurisdiction that are filed with the commission. The commission shall:

(1) prescribe a form or forms on which written complaints regarding the commission and complaints regarding jails

under the commission's jurisdiction may be filed with the commission;

(2) keep an information file in accordance with Section 511.0072 regarding each complaint filed with the commission regarding the commission or a jail under the commission's jurisdiction;

(3) develop procedures for prioritizing complaints filed with the commission and a reasonable time frame for responding to those complaints and appeals of those complaints;

(4) develop a procedure for tracking and analyzing all complaints filed with the commission, according to criteria that must include:

(A) the reason for or origin of complaints;

(B) the average number of days that elapse between the date on which complaints are filed, the date on which the commission first investigates or otherwise responds to complaints, and the date on which complaints are resolved;

(C) the outcome of investigations or the resolution of complaints, including dismissals and commission actions resulting from complaints;

(D) the number of pending complaints at the close of each fiscal year;

(E) a list of complaint topics that the commission does not have jurisdiction to investigate or resolve;

(F) the detailed categorization of each violation alleged in a complaint;

(G) the comprehensive documentation of each violation alleged in a complaint; and

(H) for a complaint for which the commission took no action, the documentation of the reason the complaint was closed without action;

(5) regularly analyze complaints to identify trends, including trends with respect to jails with a higher than average number of complaints, to determine jails requiring additional inspections; and

(6) regularly prepare and distribute to members of the commission and make available to the public a report containing a

summary of the information compiled under Subdivisions (4) and (5).

(b) The commission shall prepare and maintain a written plan that describes how a person who does not speak English or who has a physical, mental, or developmental disability can be provided reasonable access to the commission programs.

(c) Repealed by Acts 2009, 81st Leg., R.S., Ch. 1215, Sec. 13, eff. September 1, 2009.

(d) The commission shall adopt rules and procedures regarding the referral of a complaint filed with the commission from or related to a prisoner to the appropriate local agency for investigation and resolution. The commission may perform a special inspection of a facility named in the complaint to determine compliance with commission requirements.

(e) Repealed by Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. 1545), Sec. 13, eff. September 1, 2021.

(f) Repealed by Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. 1545), Sec. 13, eff. September 1, 2021.

(g) The commission shall adopt rules requiring jail administrators to include in any inmate handbook and prominently display throughout the jail information regarding the procedure for complaint investigation and resolution.

(h) The commission shall ensure that a jail complies with Subsection (g) during any inspection of the jail.

Added by Acts 1991, 72nd Leg., ch. 740, Sec. 7, eff. Sept. 1, 1991.

Amended by Acts 1997, 75th Leg., ch. 259, Sec. 5, eff. Sept. 1, 1997.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1215 (S.B. 1009), Sec. 6, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1215 (S.B. 1009), Sec. 13, eff. September 1, 2009.

Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. 1545), Sec. 3, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. 1545), Sec. 13, eff. September 1, 2021.

Sec. 511.0072. COMPLAINT INFORMATION. (a) The commission

shall maintain a system to promptly and efficiently act on complaints filed with the commission. The commission shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The commission shall make information available describing its procedures for complaint investigation and resolution.

(c) The commission shall periodically notify the complaint parties of the status of the complaint until final disposition unless the notice would jeopardize an investigation.

Added by Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. [1545](#)), Sec. 4, eff. September 1, 2021.

Sec. 511.008. DIRECTOR; STAFF. (a) The commission shall employ an executive director who is the chief executive officer of the commission and who serves at the will of the commission. The executive director is subject to the policy direction of the commission.

(b) The executive director may employ personnel as necessary to enforce and administer this chapter.

(c) The executive director and employees are entitled to compensation and expenses as provided by legislative appropriation.

(d) The commission shall provide to its members and employees, as often as necessary, information regarding their qualifications for office or employment under this chapter and their responsibilities under applicable laws relating to standards of conduct for state officers or employees.

(e) The commission shall develop and implement policies that clearly separate the policymaking responsibilities of the commission and the management responsibilities of the executive director and the staff of the commission.

(f) The executive director or the executive director's designee shall develop an intraagency career ladder program. The program shall require intraagency postings of all nonentry level positions concurrently with any public posting.

(g) The executive director or the executive director's designee shall develop a system of annual performance evaluations. All merit pay for commission employees must be based on the system established under this subsection.

(h) The executive director or the executive director's designee shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin. The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel, that are in compliance with Chapter 21, Labor Code;

(2) a comprehensive analysis of the commission work force that meets federal and state laws, rules, regulations, and instructions directly adopted under those laws, rules, or regulations;

(3) procedures by which a determination can be made about the extent of underuse in the commission work force of all persons for whom federal or state laws, rules, regulations, and instructions directly adopted under those laws, rules, or regulations encourage a more equitable balance; and

(4) reasonable methods to appropriately address those areas of underuse.

(i) A policy statement prepared under Subsection (h) must cover an annual period, be updated at least annually and reviewed by the Commission on Human Rights for compliance with Subsection (h)(1), and be filed with the governor's office.

(j) The governor's office shall deliver a biennial report to the legislature based on the information received under Subsection (i). The report may be made separately or as a part of other biennial reports made to the legislature.

Added by Acts 1989, 71st Leg., ch. 212, Sec. 2.01, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 740, Sec. 8, eff. Sept. 1, 1991; Acts 1997, 75th Leg., ch. 259, Sec. 6, eff. Sept. 1, 1997. Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1215 (S.B. [1009](#)), Sec. 7, eff. September 1, 2009.

Sec. 511.0081. ADVISORY COMMITTEES. (a) The commission by rule may establish advisory committees to make recommendations to the commission on programs, rules, and policies administered by the commission.

(b) In establishing an advisory committee under this section, the commission shall adopt rules, including rules regarding:

(1) the purpose, role, responsibility, goals, and duration of the committee;

(2) the size of and quorum requirement for the committee;

(3) qualifications for committee membership;

(4) appointment procedures for members;

(5) terms of service for members;

(6) training requirements for members;

(7) policies to avoid conflicts of interest by members;

(8) a periodic review process to evaluate the continuing need for the committee; and

(9) policies to ensure the committee does not violate any provision of Chapter [551](#) applicable to the commission or the committee.

Added by Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. [1545](#)), Sec. 5, eff. September 1, 2021.

Sec. 511.0085. RISK FACTORS; RISK ASSESSMENT PLAN.

(a) The commission shall develop a comprehensive set of risk factors to use in assessing the overall risk level of each jail under the commission's jurisdiction. The set of risk factors must include:

(1) a history of the jail's compliance with state law and commission rules, standards, and procedures;

(2) the population of the jail;

(3) the number and nature of complaints regarding the

jail, including complaints regarding a violation of any required ratio of correctional officers to inmates;

(4) problems with the jail's internal grievance procedures;

(5) available mental and medical health reports relating to inmates in the jail, including reports relating to infectious disease or pregnant inmates;

(6) recent turnover among sheriffs and jail staff;

(7) inmate escapes from the jail;

(8) the number and nature of inmate deaths at the jail, including the results of the investigations of those deaths; and

(9) whether the jail is in compliance with commission rules, standards developed by the Texas Correctional Office on Offenders with Medical or Mental Impairments, and the requirements of Article 16.22, Code of Criminal Procedure, regarding screening and assessment protocols for the early identification of and reports concerning persons with mental illness or an intellectual disability.

(b) The set of risk factors developed under this section may include the number of months since the commission's last inspection of the jail.

(c) The commission shall use the set of risk factors developed under this section to guide the inspections process for all jails under the commission's jurisdiction by:

(1) establishing a risk assessment plan to use in assessing the overall risk level of each jail; and

(2) regularly monitoring the overall risk level of each jail.

Added by Acts 2009, 81st Leg., R.S., Ch. 1215 (S.B. 1009), Sec. 8, eff. September 1, 2009.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1276 (H.B. 601), Sec. 22, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. 1545), Sec. 6, eff. September 1, 2021.

Sec. 511.0086. RISK-BASED INSPECTIONS. (a) The commission

shall adopt a policy prioritizing the inspection of jails under the commission's jurisdiction based on the relative risk level of a jail. The policy must require the commission to use the risk assessment plan established under Section [511.0085](#) to:

(1) schedule announced and unannounced inspections of jails under the commission's jurisdiction; and

(2) determine how frequently and intensively the commission conducts risk-based inspections.

(b) The policy may provide for the commission to use alternative inspection methods for jails determined to be low-risk, including using abbreviated inspection procedures or other methods instead of conducting an in-person inspection.

Added by Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. [1545](#)), Sec. 7, eff. September 1, 2021.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [2938](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 511.009. GENERAL DUTIES.

(a) The commission shall:

(1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;

(2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;

(3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;

(4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;

(5) regularly review the commission's rules and procedures and revise, amend, or change the rules and procedures if necessary;

(6) provide to local government officials

consultation on and technical assistance for county jails;

(7) review and comment on plans for the construction and major modification or renovation of county jails;

(8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;

(9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;

(10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article [42.034](#), Code of Criminal Procedure;

(11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;

(12) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:

(A) common issues concerning jail administration;

(B) examples of successful strategies for maintaining compliance with state law and the rules, standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(13) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article [16.22](#), Code of Criminal Procedure;

(14) adopt reasonable rules and procedures establishing minimum requirements for a county jail to:

(A) determine if a prisoner is pregnant;

(B) ensure that the jail's health services plan addresses medical care, including obstetrical and gynecological

care, mental health care, nutritional requirements, and any special housing or work assignment needs for prisoners who are known or determined to be pregnant; and

(C) identify when a pregnant prisoner is in labor and provide appropriate care to the prisoner, including promptly transporting the prisoner to a local hospital;

(15) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety;

(16) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(17) require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(18) adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section [1002.012](#), Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff

with letters of guardianship issued as provided by Section [1106.001](#), Estates Code, before being allowed to visit the prisoner;

(19) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail or through a telemental health service 24 hours a day or, if a mental health professional is not at the county jail at the time, then require the jail to use all reasonable efforts to arrange for the inmate to have access to a mental health professional within a reasonable time;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and

(C) if funding is available under Section [511.019](#), install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals; and

(20) adopt reasonable rules and procedures establishing minimum standards for the quantity and quality of feminine hygiene products, including tampons in regular and large sizes and menstrual pads with wings in regular and large sizes, provided to a female prisoner.

(a-1) A county jail that as of September 1, 2015, has incurred significant design, engineering, or construction costs to provide prisoner visitation that does not comply with a rule or procedure adopted under Subsection (a)(16), or does not have the physical plant capability to provide the in-person prisoner visitation required by a rule or procedure adopted under Subsection (a)(16), is not required to comply with any commission rule or procedure adopted under Subsection (a)(16).

(a-2) A commission rule or procedure adopted under Subsection (a)(16) may not restrict the authority of a county jail under the commission's rules in effect on September 1, 2015, to limit prisoner visitation for disciplinary reasons.

(b) A commission rule or procedure is not unreasonable because compliance with the rule or procedure requires major modification or renovation of an existing jail or construction of a new jail.

(c) At any time and on the application of the county commissioners court or sheriff, the commission may grant reasonable variances, including variances that are to last for the life of a facility, clearly justified by the facts, for operation of a facility not in strict compliance with state law. A variance may not permit unhealthy, unsanitary, or unsafe conditions.

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that:

(1) a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody; and

(2) a prisoner with a mental illness be provided with each prescription medication that a qualified medical professional or mental health professional determines is necessary for the care, treatment, or stabilization of the prisoner.

(e) The commission may monitor compliance with the provisions of Article [43.13](#), Code of Criminal Procedure, relating to the release of a prisoner from county jail.

(f) The commission's compliance with the requirements of this section, particularly the requirements regarding the adoption of rules and procedures, is not contingent on the enactment and becoming law of any additional legislation.

Added by Acts 1989, 71st Leg., ch. 212, Sec. 2.01, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 171, Sec. 1, eff. Aug. 28, 1995; Acts 1995, 74th Leg., ch. 262, Sec. 89, eff. Jan. 1, 1996; Acts 1995, 74th Leg., ch. 722, Sec. 2, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 165, Sec. 12.30, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 259, Sec. 7, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 1092, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1094 (H.B. [2120](#)), Sec. 8, eff.

September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. 977 (H.B. [3654](#)), Sec. 1, eff.

September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1215 (S.B. [1009](#)), Sec. 9, eff.

September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. [1303](#)), Sec. 11.012, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 281 (H.B. [875](#)), Sec. 2, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 648 (H.B. [549](#)), Sec. 1, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 688 (H.B. [634](#)), Sec. 4, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. [1488](#)), Sec. 8.008, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. [1849](#)), Sec. 3.05, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. [1849](#)), Sec. 3.06, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 401 (S.B. [1700](#)), Sec. 2, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1074 (H.B. [1651](#)), Sec. 1, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1104 (H.B. [2169](#)), Sec. 1, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1252 (H.B. [4468](#)), Sec. 1, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. [1545](#)), Sec. 8, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 936 (S.B. [49](#)), Sec. 10, eff. September 1, 2021.

Sec. 511.00901. DUTY REGARDING MINIMUM STANDARDS. (a) The commission shall ensure that the minimum standards established under Section [511.009](#) take into consideration the needs and risks of the different types and sizes of jails under the commission's jurisdiction.

(b) The commission shall, on an ongoing basis, review the minimum standards to identify any standards that do not account for the needs and risks of the different types and sizes of jails. In conducting the review, the commission shall solicit feedback from a diverse collection of jails, including those of different types and sizes.

(c) The commission shall revise any standards identified under Subsection (b) as the commission considers necessary. In revising a standard, the commission shall consider:

(1) establishing tiered or separate standards depending on the size, resources, or type of jail;

(2) clarifying or amending existing standards; and

(3) publishing guidance on the commission's rule interpretations.

(d) The commission may not lower any standard in effect on September 1, 2021, as a result of a review conducted under this section.

Added by Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. [1545](#)), Sec. 9, eff. September 1, 2021.

Sec. 511.00902. REINSPECTION. The commission shall adopt rules and procedures for reinspecting a jail following a determination by the commission that the jail is not in compliance with minimum standards. The rules and procedures must require the commission to:

(1) reinspect all jails not in compliance;

(2) establish a percentage of reinspections for which the commission shall assess the jail's compliance with all minimum standards, regardless of whether the jail was in compliance with a particular standard during the previous inspection; and

(3) randomly select the jails subject to a reinspection described by Subdivision (2).

Added by Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. [1545](#)), Sec. 9, eff. September 1, 2021.

Sec. 511.00903. INSPECTION TREND ANALYSIS. The commission shall regularly analyze data collected during inspections or

reported to the commission under this chapter to identify trends in noncompliance, inspection outcomes, serious incidents, and any other related area of jail operations.

Added by Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. [1545](#)), Sec. 9, eff. September 1, 2021.

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED. (a) The Texas Commission on Law Enforcement shall develop and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.

(b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not be reinstated until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

Added by Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. [1849](#)), Sec. 4.01, eff. September 1, 2017.

Sec. 511.0091. FEES; INSPECTION ACCOUNT. (a) The commission shall set and collect reasonable fees to cover the cost of performing the following services for municipal jails operated for a municipality by a private vendor or for county jails, whether financed, purchased, designed, constructed, leased, operated, maintained, or managed for the county by a private vendor or provided entirely by the county:

(1) review of and comment on construction documents for new facilities or expansion projects;

(2) performance of occupancy inspections; and

(3) performance of annual inspections.

(b) The commission may collect a fee under Subsection (a)(1) only for the review of and comment on construction documents for a jail for which the commission projects:

(1) a rated capacity of 100 or more prisoners; and

(2) an annual average jail population of prisoners sentenced by jurisdictions other than the courts of this state that is 30 percent or more of the total population of the jail.

(c) The commission may collect a fee under Subsection (a)(2) or (a)(3) only for the performance of an inspection of a jail that during the year in which the inspection is performed:

(1) has a rated capacity of 100 or more prisoners; and

(2) the commission projects as having an annual average jail population of prisoners sentenced by jurisdictions other than the courts of this state that is 30 percent or more of the total population of the jail.

(c-1) In addition to the other fees authorized by this section, the commission may set and collect a reasonable fee to cover the cost of performing any reinspection of a municipal or county jail described by Subsection (a) that is conducted by the commission:

(1) following a determination by the commission that the jail is not in compliance with minimum standards; and

(2) in response to a request by the operator of the jail for an inspection.

(d) All money paid to the commission under this chapter:

(1) is subject to Subchapter F, Chapter 404; and

(2) shall be deposited to the credit of a special account in the general revenue fund to be appropriated only to pay costs incurred by the commission in performing services under this section.

Added by Acts 1991, 72nd Leg., ch. 740, Sec. 9, eff. Sept. 1, 1991.

Amended by Acts 1997, 75th Leg., ch. 259, Sec. 8, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 359 (S.B. 1264), Sec. 1, eff.

September 1, 2005.

Sec. 511.0092. CONTRACTS FOR OUT-OF-STATE INMATES. (a) The only entities other than the state that are authorized to operate a correctional facility to house in this state inmates convicted of offenses committed against the laws of another state of the United States are:

(1) a county or municipality; and

(2) a private vendor operating a correctional facility under a contract with a county under Subchapter F, Chapter 351, Local Government Code, or a municipality under Subchapter E, Chapter 361, Local Government Code.

(b) A county commissioners court or the governing body of a municipality may enter into a contract with another state or a jurisdiction in another state for the purpose described by Subsection (a) only if:

(1) the county or municipality submits to the commission:

(A) a statement of the custody level capacity and availability in the correctional facility that will house the inmates; and

(B) a written plan explaining the procedure to be used to coordinate law enforcement activities in response to any riot, rebellion, escape, or other emergency situation occurring in the facility; and

(2) the commission:

(A) inspects the facility and reviews the statement and plan submitted under Subdivision (1); and

(B) after the inspection and review, determines that the correctional facility is a proper facility for housing the inmates and provides the county or municipality with a copy of that determination.

(c) A private vendor operating a correctional facility in this state may not enter into a contract for the purposes of Subsection (a) with another state or a jurisdiction in another state.

(d) A contract described by Subsection (b) must provide

that:

(1) each correctional facility in which inmates are to be housed meets minimum standards established by the commission;

(2) each inmate to be released from custody must be released in the sending state;

(3) before transferring an inmate, the receiving facility shall review for compliance with the commission's classification standards:

(A) all records concerning the sending state's classification of the inmate, including records relating to the inmate's conduct while confined in the sending state; and

(B) appropriate medical information concerning the inmate, including certification of tuberculosis screening or treatment;

(4) except as provided by Subsection (e), the sending state will not transfer and the receiving facility will not accept an inmate who has a record of institutional violence involving the use of a deadly weapon or a pattern of violence while confined in the sending state or a record of escape or attempted escape from secure custody;

(5) the receiving entity will determine the inmate's custody level in accordance with commission rules, in order to ensure that the custody level assignments for the facility as a whole are compatible with the construction security level availability in the facility; and

(6) the receiving facility is entitled to terminate at will the contract by providing the sending state with 90 days' notice of the intent to terminate the contract.

(e) The commission may waive the requirement that a contract contain the provision described by Subsection (d)(4) if the commission determines that the receiving facility is capable of confining an inmate described by Subsection (d)(4).

(f) A county, municipality, or private vendor operating under a contract described by Subsection (b) shall:

(1) send a copy of the contract to the commission;

(2) require all employees at the facility to maintain certification as required by the Texas Commission on Law

Enforcement;

(3) submit to inspections by the commission; and

(4) immediately notify the commission of any riot, rebellion, escape, or other emergency situation occurring at the facility.

(g) The commission may require the sending state or an entity described in Subsection (a) to reimburse the state for any cost incurred by a state agency in responding to any riot, rebellion, escape, or other emergency situation occurring at the facility.

(h) Notwithstanding the provisions of Chapter 252, Chapter 262, Subchapter F, Chapter 351, or Subchapter E, Chapter 361, Local Government Code, the governing body of a municipality or a county commissioners court may enter into a contract with a private vendor to provide professional services under this section if the commission reviews and approves the private vendor's qualifications to provide such services and the terms of the proposed contract comply with this section.

(i) Chapter 1702, Occupations Code, does not apply to an employee of a facility in the actual discharge of duties as an employee of the facility if the employee is required by Subsection (f)(2) to maintain certification from the Texas Commission on Law Enforcement.

Added by Acts 1997, 75th Leg., ch. 259, Sec. 9, eff. Sept. 1, 1997.

Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.764, eff. Sept. 1, 2001.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.30, eff. May 18, 2013.

Sec. 511.0093. RULES AND FEES RELATED TO OUT-OF-STATE INMATES. (a) The commission may impose a fee on a private vendor that operates a correctional facility housing prisoners from jurisdictions other than this state. The fee must reasonably compensate the commission for the cost of regulating and providing technical assistance to the facility.

(b) The commission may adopt rules regulating the number of

federal prisoners and prisoners from jurisdictions other than Texas that are housed in a county jail, a municipal jail, or a correctional facility operated by a private vendor under contract with a municipality if the jail or correctional facility houses state, county, or municipal prisoners or prisoners of another state of the United States.

(c) The commission may adopt other rules regulating jails or correctional facilities described by Subsection (b) as necessary to protect the health and safety of prisoners described by Subsection (b), local and Texas prisoners, jail personnel, and the public.

Added by Acts 1997, 75th Leg., ch. 259, Sec. 9, eff. Sept. 1, 1997.

Sec. 511.0094. EXCLUSION OF JAILS OR CORRECTIONAL FACILITIES HOUSING ONLY FEDERAL PRISONERS. The provisions of this chapter do not apply to a correctional facility contracting to house only federal prisoners and operating pursuant to a contract between a unit of the federal government and a county, a municipality, or a private vendor. If a county, municipality, or private vendor contracts to house or begins to house state, county, or municipal prisoners or prisoners of another state of the United States, it shall report to the commission before placing such inmates in a correctional facility housing only federal prisoners.

Added by Acts 1997, 75th Leg., ch. 259, Sec. 9, eff. Sept. 1, 1997.

Amended by Acts 2003, 78th Leg., ch. 755, Sec. 1, eff. Sept. 1, 2003.

Sec. 511.0095. AUTHORITY TO HOUSE OUT-OF-STATE INMATES. Nothing in this chapter shall be construed to limit the authority of the state granted under Article [42.19](#), Code of Criminal Procedure, or other applicable law to house in this state inmates convicted of offenses committed against the laws of another state of the United States.

Added by Acts 1997, 75th Leg., ch. 259, Sec. 9, eff. Sept. 1, 1997.

Sec. 511.0096. TERMINATION OF CONTRACTS FOR OUT-OF-STATE INMATES. The commission may require the receiving facility to terminate a contract under Section [511.0092](#)(d)(6), if the

commission determines that the receiving facility is needed to house inmates convicted of offenses against the laws of the state and funds have been appropriated by the state to compensate the receiving facility for the incarceration of the inmates.

Added by Acts 1997, 75th Leg., ch. 259, Sec. 9, eff. Sept. 1, 1997.

Sec. 511.0097. FIRE SPRINKLER HEAD INSPECTION. (a) On the request of a sheriff, the commission shall inspect a facility to determine whether there are areas in the facility in which fire sprinkler heads should not be placed as a fire prevention measure. In making a decision under this section, the commission shall consider:

(1) the numbers and types of inmates having access to the area;

(2) the likelihood that an inmate will attempt to vandalize the fire sprinkler system or commit suicide by hanging from a sprinkler head; and

(3) the suitability of other types of fire prevention and smoke dispersal devices available for use in the area.

(b) If the commission determines that fire sprinkler heads should not be placed in a particular area within a facility, neither a county fire marshal nor a municipal officer charged with enforcing ordinances related to fire safety may require the sheriff to install sprinkler heads in that area.

Added by Acts 2003, 78th Leg., ch. 1276, Sec. 9.008(a), eff. Sept. 1, 2003.

Sec. 511.0098. PRISONER HEALTH BENEFITS COVERAGE INFORMATION; PAYMENT FOR MENTAL HEALTH SERVICES. (a) The commission shall adopt procedures by which a local mental health authority or other mental health services provider providing services to a prisoner in a county jail under a contract with the county may collect the following from a prisoner who receives those services and is covered by health insurance or other health benefits coverage:

(1) the name of the policyholder or group contract holder;

- (2) the number of the policy or evidence of coverage;
- (3) a copy of the health coverage membership card, if available; and
- (4) any other information necessary for the prisoner to obtain benefits under the coverage.

(b) A local mental health authority or other mental health services provider who provides mental health services to a prisoner under a contract with a county may arrange for the issuer of the health insurance policy or other health benefits coverage to pay for those services.

Added by Acts 2019, 86th Leg., R.S., Ch. 1195 (H.B. [4559](#)), Sec. 1, eff. September 1, 2019.

Sec. 511.010. GATHERING OF INFORMATION. (a) The commission shall be granted access at any reasonable time to a county jail and to books, records, and data relating to a county jail that the commission or executive director considers necessary to administer the commission's functions, powers, and duties.

(b) The county commissioners and sheriff of each county shall furnish the commission, a member of the commission, the executive director, or an employee designated by the executive director any information that the requesting person states is necessary for the commission to:

- (1) discharge its functions, powers, and duties;
- (2) determine whether the commission's rules are being observed or whether its orders are being obeyed; and
- (3) otherwise implement this chapter.

(c) To carry out its functions, powers, and duties, the commission may:

- (1) issue subpoenas and subpoenas duces tecum to compel attendance of witnesses and the production of books, records, and documents;
- (2) administer oaths; and
- (3) take testimony concerning all matters within its jurisdiction.

(d) The commission is not bound by strict rules of evidence or procedure in the conduct of its proceedings, but its

determinations must be founded on sufficient legal evidence.

(e) The commission may delegate to the executive director the authority conferred by this section.

Added by Acts 1989, 71st Leg., ch. 212, Sec. 2.01, eff. Sept. 1, 1989.

Sec. 511.0101. JAIL POPULATION REPORTS. (a) Each county shall submit to the commission on or before the fifth day of each month a report containing the following information:

(1) the number of prisoners confined in the county jail on the first day of the month, classified on the basis of the following categories:

(A) total prisoners;

(B) pretrial Class C misdemeanor offenders;

(C) pretrial Class A and B misdemeanor offenders;

(D) convicted misdemeanor offenders;

(E) felony offenders whose penalty has been reduced to a misdemeanor;

(F) pretrial felony offenders;

(G) convicted felony offenders;

(H) prisoners detained on bench warrants;

(I) prisoners detained for parole violations;

(J) prisoners detained for federal officers;

(K) prisoners awaiting transfer to the institutional division of the Texas Department of Criminal Justice following conviction of a felony or revocation of probation, parole, or release on mandatory supervision and for whom paperwork and processing required for transfer have been completed;

(L) prisoners detained after having been transferred from another jail and for whom the commission has made a payment under Subchapter F, Chapter 499, Government Code;

(M) prisoners for whom an immigration detainer has been issued by United States Immigration and Customs Enforcement;

(N) female prisoners; and

(O) other prisoners;

(2) the total capacity of the county jail on the first

day of the month;

(3) the total number of prisoners who were confined in the county jail during the preceding month, based on a count conducted on each day of that month, who were known or had been determined to be pregnant;

(4) the total cost to the county during the preceding month of housing prisoners described by Subdivision (1)(M), calculated based on the average daily cost of housing a prisoner in the county jail; and

(5) certification by the reporting official that the information in the report is accurate.

(b) The commission shall prescribe a form for the report required by this section. If the report establishes that a county jail has been operated in excess of its total capacity for three consecutive months, the commission may consider adoption of an order to prohibit confinement of prisoners in the county jail under Section [511.012](#).

Added by Acts 1991, 72nd Leg., 2nd C.S., ch. 10, Sec. 18.01, eff. Oct. 1, 1991. Amended by Acts 1997, 75th Leg., ch. 1368, Sec. 1, eff. June 20, 1997.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 977 (H.B. [3654](#)), Sec. 2, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1215 (S.B. [1009](#)), Sec. 10, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 458 (S.B. [1698](#)), Sec. 1, eff. September 1, 2011.

Acts 2019, 86th Leg., R.S., Ch. 1104 (H.B. [2169](#)), Sec. 2, eff. September 1, 2019.

Sec. 511.0102. INFORMATION ON LICENSED JAILER TURNOVER. On or before the fifth day of each month, each jail under the commission's jurisdiction shall submit to the commission a report containing the number of licensed jailers who left employment at the jail during the previous month. The commission shall prescribe a form for the report required by this section.

Added by Acts 2011, 82nd Leg., R.S., Ch. 929 (S.B. [1687](#)), Sec. 1,

eff. September 1, 2011.

Sec. 511.0103. NOTIFICATION REGARDING POLICY CHANGE. In the manner prescribed by the commission, a county jail shall notify the commission of any change in the jail's policies and procedures related to:

(1) the provision of health care to pregnant prisoners; and

(2) the placement of a pregnant prisoner in solitary confinement or administrative segregation.

Added by Acts 2015, 84th Leg., R.S., Ch. 522 (H.B. [1140](#)), Sec. 1, eff. September 1, 2015.

Sec. 511.0104. RULES REGARDING RESTRAINT OF PREGNANT PRISONER. (a) The commission shall adopt reasonable rules and procedures regarding the use of any type of restraints to control or restrict the movement of a prisoner, including a limb or other part of the prisoner, who is confirmed to be pregnant or who gave birth in the preceding 12 weeks.

(b) The rules and procedures must:

(1) prohibit the use of restraints on a prisoner described by Subsection (a) for the duration of the pregnancy and for a period of not less than 12 weeks after the prisoner gives birth unless:

(A) supervisory personnel determines:

(i) the use of restraints is necessary to prevent an immediate and credible risk that the prisoner will attempt to escape; or

(ii) the prisoner poses an immediate and serious threat to the health and safety of the prisoner, staff, or any member of the public; or

(B) a health care professional responsible for the health and safety of the prisoner determines that the use of restraints is appropriate for the health and safety of the prisoner and, if applicable, the unborn child of the prisoner;

(2) require jail staff that uses restraints as permitted under Subdivision (1) to use the least restrictive

restraints necessary to prevent escape or to ensure health and safety; and

(3) notwithstanding Subdivision (1), require jail staff to, at the request of a health care professional responsible for the health and safety of the prisoner, refrain from using restraints on the prisoner or to remove the restraints.

Added by Acts 2019, 86th Leg., R.S., Ch. 1074 (H.B. [1651](#)), Sec. 2, eff. September 1, 2019.

Sec. 511.0105. REPORT REGARDING RESTRAINT OF PREGNANT PRISONER. (a) Not later than February 1 of each year, each county jail shall submit to the commission a report regarding the jail's use, during the preceding calendar year, of any type of restraints to control or restrict the movement of a prisoner, including a limb or other part of the prisoner, who is confirmed to be pregnant or who gave birth in the preceding 12 weeks.

(b) The report must include the circumstances of each use of restraints, including:

(1) the specific type of restraints used;

(2) what activity the prisoner was engaged in immediately before being restrained;

(3) whether the prisoner was restrained during or after delivery;

(4) whether the prisoner was restrained while being transported to a local hospital; and

(5) the reasons supporting the determination to use the restraints, a description of the process by which the determination was made, and the name and title of the person or persons making the determination.

(c) The commission shall prescribe a form for the report required for this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 1074 (H.B. [1651](#)), Sec. 2, eff. September 1, 2019.

Sec. 511.0106. ELECTRONIC SUBMISSION OF FORMS, DATA, AND DOCUMENTS. (a) The commission shall establish a system for the electronic submission of forms, data, and documents required to be

submitted to the commission under this chapter or a rule adopted under this chapter.

(b) Except as provided by Subsection (c), a person shall submit all forms, data, or documents described by Subsection (a) to the commission through the system established under that subsection and in a standardized electronic format prescribed by the commission.

(c) The commission may allow a person to submit the forms, data, or documents described by Subsection (a) in a nonelectronic format. The commission shall set and collect a reasonable fee to cover the cost of processing the forms, data, or documents.

(d) The commission may adopt rules as necessary to implement this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 891 (H.B. 3440), Sec. 1, eff. September 1, 2019.

Redesignated from Government Code, Section 511.0104 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(32), eff. September 1, 2021.

Sec. 511.011. REPORT ON NONCOMPLIANCE. (a) If the commission finds that a county jail does not comply with state law, including Chapter 89, Health and Safety Code, or the rules, standards, or procedures of the commission, it shall report the noncompliance to the county commissioners and sheriff of the county responsible for the county jail and shall send a copy of the report to the governor.

(b) If a notice of noncompliance is issued to a facility operated by a private entity under Section 351.101 or 361.061, Local Government Code, the compliance status of the facility shall be reviewed at the next meeting of the Commission on Jail Standards. Added by Acts 1989, 71st Leg., ch. 212, Sec. 2.01, eff. Sept. 1, 1989. Amended by Acts 1997, 75th Leg., ch. 348, Sec. 12, eff. Sept. 1, 1997.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1252 (H.B. 4468), Sec. 2, eff. September 1, 2019.

Sec. 511.0115. PUBLIC INFORMATION ABOUT COMPLIANCE STATUS OF JAILS. The commission shall provide information to the public concerning whether jails under the commission's jurisdiction are in compliance with state law and the rules, standards, and procedures of the commission:

(1) on any publicly accessible Internet website maintained by the commission; and

(2) through other formats, including newsletters or press releases, as determined by the commission.

Added by Acts 2009, 81st Leg., R.S., Ch. 1215 (S.B. 1009), Sec. 11, eff. September 1, 2009.

Sec. 511.012. FAILURE TO COMPLY AFTER REPORT. (a) The commission shall grant the county or sheriff a reasonable period of not more than one year after the date of the report under Section 511.011 to comply with commission rules and procedures and state law.

(b) If the county commissioners or sheriff does not comply within the period granted by the commission, the commission by order may prohibit confinement of prisoners in the county jail. In that event, the commission shall furnish the sheriff with a list of qualified detention facilities to which the prisoners may be transferred for confinement. Immediately on issuance of the commission's order, the sheriff shall transfer the number of prisoners necessary to bring the county jail into compliance to a detention facility that agrees to accept the prisoners. The agreement must be in writing and signed by the sheriffs of the counties transferring and receiving the prisoners. A county transferring prisoners under this section shall remove the prisoners from the receiving facility immediately on request of the sheriff of the receiving county.

(c) The county transferring prisoners under this section is liable for payment of the costs of transportation for, and maintenance of, transferred prisoners. These costs shall be determined by agreement between the participating counties and shall be paid into the treasury of the entity operating the detention facility receiving the prisoners.

Added by Acts 1989, 71st Leg., ch. 212, Sec. 2.01, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., ch. 1092, Sec. 2, eff. June 20, 2003.

Sec. 511.0121. FAILURE TO COOPERATE IN PAROLE IN ABSENTIA PROGRAM. The Texas Board of Criminal Justice shall notify the commission of the failure of a county to fully cooperate with employees of the institutional division of the Texas Department of Criminal Justice in evaluating inmates for release on parole from the county jail. On such notification, the commission shall find the county in noncompliance for the purpose of this chapter and may invoke a remedy as provided by Section [511.012](#).

Added by Acts 1991, 72nd Leg., 2nd C.S., ch. 10, Sec. 11.07, eff. Aug. 29, 1991.

Sec. 511.013. APPEAL OF ORDER. (a) A county commissioner or sheriff may seek review of an order issued under Section [511.012](#)(b) by making a written request to the executive director for a contested case hearing not later than the 30th day after the date of receipt of the order.

(b) Procedure and practice in a contested case hearing is governed by Chapter [2001](#) and the rules of the commission.

(c) After the contested case hearing, judicial review of the final decision of the commission is governed by Subchapter [G](#), Chapter [2001](#).

Added by Acts 1989, 71st Leg., ch. 212, Sec. 2.01, eff. Sept. 1, 1989. Amended by Acts 2003, 78th Leg., ch. 1092, Sec. 3, eff. June 20, 2003.

Sec. 511.014. ACTION TO ENFORCE. (a) Instead of closing a county jail, the commission may bring an action in its own name to enforce or enjoin a violation of Subchapter [A](#), Chapter [351](#), Local Government Code, Chapter [89](#), Health and Safety Code, or a commission rule, order, or procedure. The action is in addition to any other action, proceeding, or remedy provided by law. The court shall give preferential setting and shall try the action without a jury, unless the county requests a jury trial. The attorney general

shall represent the commission.

(b) The suit may be brought in a district court of Travis County.

(c) The court shall issue an injunction ordering compliance with commission rules and procedures and state law if it finds that:

(1) the operation of the county jail does not comply with the rules and procedures or state law; and

(2) the county commissioners or sheriff, having been given a reasonable period to comply, has failed to comply with the rules and procedures.

Added by Acts 1989, 71st Leg., ch. 212, Sec. 2.01, eff. Sept. 1, 1989. Amended by Acts 1997, 75th Leg., ch. 348, Sec. 13, eff. Sept. 1, 1997.

Sec. 511.0145. ENFORCEMENT ACTIONS. (a) The commission shall adopt rules establishing a system of graduated, escalating enforcement actions the commission is authorized under this chapter to take against jails under the commission's jurisdiction that:

(1) have not made timely progress correcting noncompliance issues; or

(2) have failed multiple inspections within a certain number of years as determined by the commission.

(b) The rules must establish time frames for the commission to take certain graduated, escalating enforcement actions against jails.

(c) The commission shall develop a schedule of actions to guide the enforcement actions the commission may take under rules adopted under Subsection (a). The commission shall make the schedule available on any publicly accessible Internet website maintained by the commission. The schedule must:

(1) recommend the appropriate enforcement action based on the severity of the noncompliance; and

(2) include consideration of any:

(A) aggravating factors, including repeat violations and failing consecutive inspections; and

(B) mitigating factors.

Added by Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. [1545](#)), Sec. 10,

eff. September 1, 2021.

Sec. 511.015. ANNUAL REPORTS. (a) Before February 1 of each year the commission shall submit to the governor and the presiding officer of each house of the legislature a report on its operations, its findings concerning county jails during the preceding year, and recommendations that it considers appropriate.

(b) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1083, Sec. 25(50), eff. June 17, 2011.

Added by Acts 1989, 71st Leg., ch. 212, Sec. 2.01, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 740, Sec. 10, eff. Sept. 1, 1991.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1083 (S.B. [1179](#)), Sec. 25(50), eff. June 17, 2011.

Sec. 511.016. AUDITS. (a) Each county auditor shall provide the commission with a copy of each audit of the county jail's commissary operations the auditor performs under Section [351.0415](#), Local Government Code, and a copy of the annual financial audit of general operations of the county jail. The county auditor shall provide a copy of an audit not later than the 10th day after completing the audit.

(b) At the request of the commissioners court or a sheriff or on the commission's own initiative, the commission shall conduct an audit of staffing matters at a county jail.

Added by Acts 1991, 72nd Leg., 2nd C.S., ch. 10, Sec. 18.02, eff. Oct. 1, 1991.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 230 (H.B. [1780](#)), Sec. 1, eff. May 25, 2007.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. [2405](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 511.017. DUTIES RELATED TO STATE JAIL FELONY

FACILITIES. (a) In this section:

(1) "State jail division" means the state jail division of the Texas Department of Criminal Justice.

(2) "State jail felony facility" means a state jail felony facility authorized by Subchapter A, Chapter 507.

(3) Repealed by Acts 2021, 87th Leg., R.S., Ch. 126 (H.B. 719), Sec. 9(3), eff. September 1, 2021.

(b) The commission shall provide the state jail division with consultation and technical assistance relating to the operation and construction of state jail felony facilities.

Added by Acts 1993, 73rd Leg., ch. 988, Sec. 1.09, eff. Sept. 1, 1993.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 126 (H.B. 719), Sec. 8, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 126 (H.B. 719), Sec. 9(3), eff. September 1, 2021.

Sec. 511.018. ALTERNATIVE DISPUTE RESOLUTION. (a) The commission shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008 for the adoption of commission rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009 to assist in the resolution of internal and external disputes under the commission's jurisdiction.

(b) The commission's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The commission shall designate a trained person to:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative

dispute resolution; and

(3) collect data concerning the effectiveness of those procedures, as implemented by the commission.

Added by Acts 2009, 81st Leg., R.S., Ch. 1215 (S.B. [1009](#)), Sec. 12, eff. September 1, 2009.

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

(1) appropriations of money to the fund by the legislature; and

(2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section [511.009](#)(a)(19).

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 288 prisoners.

Added by Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. [1849](#)), Sec. 3.07, eff. September 1, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1252 (H.B. [4468](#)), Sec. 3, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. [1545](#)), Sec. 11, eff. September 1, 2021.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

- (1) a suicide;
- (2) an attempted suicide;
- (3) a death;

(4) a serious bodily injury, as that term is defined by Section 1.07, Penal Code;

(5) an assault;

(6) an escape;

(7) a sexual assault; and

(8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code.

(b) The commission shall prescribe a form for the report required by Subsection (a).

(c) The information required to be reported under Subsection (a)(8) may not include the name or other identifying information of a county jailer or jail employee.

(d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552.

Added by Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 3.07, eff. September 1, 2017.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible. Except as otherwise provided by Subsection (b), the appointed law enforcement agency shall conduct the investigation.

(b) A law enforcement agency appointed by the commission under Subsection (a) may present evidence to the commission that investigating the death would create a conflict of interest that cannot be mitigated by the law enforcement agency. If the commission determines that the conflict of interest cannot be mitigated, the commission shall appoint another law enforcement agency under Subsection (a) to investigate the death.

(c) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection (a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

Added by Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 3.07, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 254 (H.B. [1545](#)), Sec. 12, eff. September 1, 2021.

Sec. 511.022. ADVISORY COMMITTEE. (a) The commission shall establish an advisory committee to advise the commission and make recommendations on matters related to the confinement in county jail of persons with intellectual or developmental disabilities.

(b) The advisory committee consists of 13 members appointed by the presiding officer of the commission, with the commission's approval, as follows:

- (1) one representative of the commission;
- (2) one representative of the Department of State Health Services;
- (3) one representative of the Health and Human Services Commission with expertise in intellectual and developmental disabilities;
- (4) one representative of the Texas Commission on Law Enforcement;
- (5) one representative of the Texas Correctional Office on Offenders with Medical or Mental Impairments;
- (6) one sheriff of a county with a population of 80,000 or more;
- (7) one sheriff of a county with a population of less than 80,000;
- (8) two representatives of statewide organizations that advocate for individuals with intellectual and developmental disabilities;
- (9) one representative who is a mental health professional with a focus on trauma and intellectual and developmental disabilities;
- (10) one representative from a state supported living center;
- (11) one member who has an intellectual or developmental disability or whose family member has an intellectual or developmental disability; and

(12) one member who represents the public.

(c) Members of the advisory committee serve staggered six-year terms, with the terms of three or four members expiring January 31 of each odd-numbered year. If a vacancy occurs during a member's term, the presiding officer of the commission, with the commission's approval, shall appoint a replacement to fill the unexpired term.

(d) The presiding officer of the commission shall designate one member of the advisory committee to serve as presiding officer of the committee for a two-year term.

(e) The advisory committee shall:

(1) gather and review data regarding the confinement in county jails of persons with intellectual or developmental disabilities; and

(2) provide recommendations and guidelines to sheriffs and counties regarding the confinement of persons with intellectual or developmental disabilities.

(f) Not later than December 1 of each even-numbered year, the advisory committee shall submit a report that includes recommendations for legislative or other action related to the confinement of persons with intellectual or developmental disabilities in county jails to:

(1) the governor;

(2) the lieutenant governor;

(3) the speaker of the house of representatives; and

(4) each standing committee of the legislature with primary jurisdiction over the commission.

(g) Chapter 2110 does not apply to the size, composition, or duration of the advisory committee or to the designation of the committee's presiding officer.

Added by Acts 2021, 87th Leg., R.S., Ch. 708 (H.B. 2831), Sec. 1, eff. September 1, 2021.

Sec. 511.023. INTAKE OF PERSONS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES. (a) The commission, with the assistance of the advisory committee established under Section 511.022, shall:

(1) monitor the intake processes in county jails to assess each county jail's ability to properly identify persons with intellectual or developmental disabilities; and

(2) assist county jails in improving the intake processes with respect to persons with intellectual or developmental disabilities.

(b) The commission shall periodically update the intake screening form adopted by the commission for use by county jails as necessary to reflect the recommendations of the advisory committee established under Section [511.022](#).

Added by Acts 2021, 87th Leg., R.S., Ch. 708 (H.B. [2831](#)), Sec. 2, eff. September 1, 2021.