

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 9. TEXAS COMMISSION ON JAIL STANDARDS

CHAPTER 263. LIFE SAFETY RULES

SUBCHAPTER D. PLANS AND DRILLS FOR EMERGENCIES

37 TAC §263.40

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §263.40, concerning life safety plans in county jails. The proposed rule adds language to 37 TAC §263.40, which makes grammatical corrections. This language is proposed following comments from the State Fire Marshal's Office, which were evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Brandon Wood, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Brandon Wood, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule is enhanced compliance to national standards of fire protection. There will not be an effect on small businesses. There is no anticipated economic cost to persons who are required to comply with proposed amendment.

The agency provides the following government growth impact statement for the proposed rule, as required by Texas Government code §2001.0221. The agency has determined that for each year of the first five years that the proposed rule is in effect, the following statements will apply:

1. The proposed rule will not create a government program and will not eliminate a government program;
2. Implementation of the proposed rule will not require the creation of new employee positions and will not require the elimination of existing employee positions;
3. Implementation of the proposed rule will not require an increase and will not require a decrease in future legislative appropriations to the agency;
4. The proposed rule will not require an increase and will not require a decrease in fees paid to the agency;
5. The proposed rule will not create a new regulation;
6. The proposed rule will expand, limit, or repeal an existing regulation;
7. The proposed rule will change the number of individuals subject to the rules applicability; and
8. The proposed rule will not affect this state's economy.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment,

maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§263.40. Plans.

Each facility shall have and implement a written plan, approved by the commission, for escapes, riots, assaults, fires, evacuations, rebellions, civil disasters, and any other emergencies. Each plan shall provide for:

- (1) use and response to alarms;
- (2) notification of and access for:
 - (A) fire department;
 - (B) emergency medical service;
 - (C) other law enforcement officials;
- (3) isolation of emergency areas;
- (4) prompt release and evacuation of emergency areas (including non-ambulatory [~~nonambulatory~~] inmates);
- (5) prevention of escapes during evacuations;
- (6) fire suppression and extinguishment, rendering of prompt medical aid and quelling disturbances; and
- (7) protection of staff during emergencies.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 25, 2025.

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Brandon Wood

Director Wood

Texas Commission on Jail Standards

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For further information, please call: (512) 850-9668

SUBCHAPTER E. LIFE SAFETY AND EMERGENCY EQUIPMENT

37 TAC §263.53

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §263.53, concerning life safety and portable fire extinguishers in county jails. The proposed rule adds language to 37 TAC §263.53, which adds a reference to the National Fire Protection Association standards. This language is proposed following comments from the State Fire Marshal's Office, which were evaluated by the TCJS Administrative Rules Advisory

Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Brandon Wood, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Brandon Wood, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule is enhanced compliance to national standards of fire protection. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with proposed amendment.

The agency provides the following government growth impact statement for the proposed rule, as required by Texas Government code §2001.0221. The agency has determined that for each year of the first five years that the proposed rule is in effect, the following statements will apply:

1. The proposed rule will not create a government program and will not eliminate a government program;
2. Implementation of the proposed rule will not require the creation of new employee positions and will not require the elimination of existing employee positions;
3. Implementation of the proposed rule will not require an increase and will not require a decrease in future legislative appropriations to the agency;
4. The proposed rule will not require an increase and will not require a decrease in fees paid to the agency;
5. The proposed rule will not create a new regulation;
6. The proposed rule will expand, limit, or repeal an existing regulation;
7. The proposed rule will change the number of individuals subject to the rules applicability; and
8. The proposed rule will not affect this state's economy.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§263.53. Portable Fire Extinguishers.

Portable fire extinguishers of the number, size, and type, and in appropriate locations or in accordance with NFPA 101, Life Safety Code and NFPA 10, Standard for Portable Fire Extinguisher shall be provided.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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37 TAC §263.54

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §263.54, concerning life safety and storage of life safety equipment in county jails. The proposed rule adds language to 37 TAC §263.54, which corrects a grammatical mistake. This language is proposed following comments from the State Fire Marshal's Office, which were evaluated by the TCJS Administrative Rules Advisory Committee (ARAC). The TCJS ARAC recommended publication of this amendment, for public comment, to the Commission.

Brandon Wood, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Brandon Wood, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule is enhanced compliance to national standards of fire protection. There will not be an effect on small businesses. There is no anticipated economic cost to persons who are required to comply with proposed amendment.

The agency provides the following government growth impact statement for the proposed rule, as required by Texas Government code §2001.0221. The agency has determined that for each year of the first five years that the proposed rule is in effect, the following statements will apply:

1. The proposed rule will not create a government program and will not eliminate a government program;
2. Implementation of the proposed rule will not require the creation of new employee positions and will not require the elimination of existing employee positions;
3. Implementation of the proposed rule will not require an increase and will not require a decrease in future legislative appropriations to the agency;
4. The proposed rule will not require an increase and will not require a decrease in fees paid to the agency;
5. The proposed rule will not create a new regulation;
6. The proposed rule will expand, limit, or repeal an existing regulation;
7. The proposed rule will change the number of individuals subject to the rules applicability; and
8. The proposed rule will not affect this state's economy.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§263.54. Equipment.

All life safety equipment shall be out of reach of inmates or otherwise secured from unauthorized tampering. At least one self-contained breathing apparatus shall be available and maintained in or near each facility control station. All staff shall be trained, and quarterly drills conducted in the use of this equipment. A minimum of one unit shall be provided for each building of a multibuilding facility and on each floor of a multistory facility.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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CHAPTER 265. ADMISSION

37 TAC §265.13

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §265.13 verification of inmate status for county jails. The proposed rule adds language to 37 TAC §265.13 that requires a county jail to verify an inmates' veteran status during the intake process. This language is proposed to comply with SB 2938, 89(R).

Brandon Wood, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Brandon Wood, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be enhanced sanitation in county jail holding cells. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

The agency provides the following government growth impact statement for the proposed rule, as required by Texas Government code §2001.0221. The agency has determined that for each year of the first five years that the proposed rule is in effect, the following statements will apply:

1. The proposed rule will not create a government program and will not eliminate a government program;
2. Implementation of the proposed rule will not require the creation of new employee positions and will not require the elimination of existing employee positions;
3. Implementation of the proposed rule will not require an increase and will not require a decrease in future legislative appropriations to the agency;
4. The proposed rule will not require an increase and will not require a decrease in fees paid to the agency;
5. The proposed rule will not create a new regulation;

6. The proposed rule will expand, limit, or repeal an existing regulation;
7. The proposed rule will change the number of individuals subject to the rules applicability; and
8. The proposed rule will not affect this state's economy.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§265.13. Verify Veteran Status.

(a) Each sheriff/operator shall 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 Veteran Affairs or similar service during intake, prior to housing.

(b) Each sheriff/ operator shall provide assistance to prisoners identified as veterans, identified through either self-report or the VRSS, 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. Assistance includes, but not limited to, direct assistance by qualified claims counselor, issuance of a referral card, or similar assistance.

(c) Each sheriff shall maintain a log of positive VRSS returns with identifying prisoner number and whether a referral card was issued to the identified veteran prior to his or her release. If a referral card was not issued, a reason shall be provided on the log. A report shall be provided to the Texas Veterans Commission of positive identification of veteran status weekly.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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CHAPTER 291. SERVICES AND ACTIVITIES

37 TAC §291.4

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §291.4 Visitation Plans in county jails. The proposed rule adds language to 37 TAC §291.4 that requires a county jail to allow certain

visitation to inmates whose veteran status has been confirmed. This language is proposed to comply with SB 2938, 89(R).

Brandon Wood, Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Brandon Wood, Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be enhanced sanitation in county jail holding cells. There will not be an effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

The agency provides the following government growth impact statement for the proposed rule, as required by Texas Government code §2001.0221. The agency has determined that for each year of the first five years that the proposed rule is in effect, the following statements will apply:

1. The proposed rule will not create a government program and will not eliminate a government program;
2. Implementation of the proposed rule will not require the creation of new employee positions and will not require the elimination of existing employee positions;
3. Implementation of the proposed rule will not require an increase and will not require a decrease in future legislative appropriations to the agency;
4. The proposed rule will not require an increase and will not require a decrease in fees paid to the agency;
5. The proposed rule will not create a new regulation;
6. The proposed rule will expand, limit, or repeal an existing regulation;
7. The proposed rule will change the number of individuals subject to the rules applicability; and
8. The proposed rule will not affect this state's economy.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§291.4. Visitation Plan.

Each facility shall have and implement a written plan, approved by the commission, governing inmate visitation. The plan shall:

(1) indicate frequency of visitation periods; each inmate shall be allowed a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(A) Facilities exempt from in-person visitation shall be determined by the provisions set forth in Government Code §511.009(20)(a-1).

(B) The requirement of in-person visitation does not remove a sheriff's/operator's authority to limit visitation for disciplinary reasons as per 37 TAC §283.1.

(2) provide that at least one visitation period be allowed during evenings or weekends;

(3) provide for reasonable attorney/client visitation;

(4) provide for inmates whose veteran status has been verified to have in-person or video visitation with the veterans county service officer for the county or a peer service coordinator, at no cost to the inmate. These visits may not be counted towards the minimum allowed visits;

(5) [(4)] provide procedures for the selection of visitors, including inmates' minor children. Accompaniment by parent, guardian, or legal counsel may be required. The sheriff/operator shall provide procedures regarding visitation by a guardian. The procedures shall include placement of a guardian, at the guardian's request, on the inmate's visitation list, and provide the guardian access to the inmate during regular visitation hours to an eligible inmate. A guardian's visit shall be in addition to normal visitation. The sheriff/operator shall require the guardian to provide the sheriff/operator with letters of guardianship as provided by §§1002.012, 1106.001 - 1106.003, Estates Code, before allowing visitation with the inmate;

(6) [(5)] define procedures where contact visitation is permitted;

(7) [(6)] contain procedures for emergency visitation.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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