

TEXAS COMMISSION ON JAIL STANDARDS

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TECHNICAL ASSISTANCE MEMORANDUM #25-6

To: All Sheriffs and Jail Administrators
From: Brandon Wood, Executive Director
Date: December 5, 2005
RE: SB8 89(2) Bathroom utilization determined by biological sex

SB8 89(2) was recently signed into law during the 89th, 2nd Special Legislative Session. Please see a summary of the bill below. **The bill will go into effect December 4, 2025.** The Commission urges you to read the new law and consult with your attorneys to ensure full compliance.

SB8 89(2)

Amends Subtitle Z, Title 10, Government Code, by adding Chapter 3002, which states:

Sec. 3002.054. (a) TDCJ shall ensure inmates are housed in a **correctional facility**, including a dormitory or cellblock of a correctional facility, according to the inmate's sex.

However, this also applies to county jails, as well as TDCJ, because, according to Section 3002.001 of the bill, "Correctional facility" has the meaning assigned by Section 1.07 of the Penal Code. And Section 1.07, Penal Code, defines a correctional facility as *"a place designated by law for the confinement of a person arrested for, charged with, or convicted of a criminal offense. The term includes:*

- (A) a municipal or county jail;*
- (B) a confinement facility operated by the Texas Department of Criminal Justice;*
- (C) a confinement facility operated under contract with any division of the Texas Department of Criminal Justice;*

In terms of inmate sex, Section 3002.001 of the bill defines "Sex" as an individual's biological sex, either male or female. The bill further defines "female" as *"an individual who naturally has, or will have, or has had or would have but for a congenital anomaly or an intentional or unintentional disruption, a reproductive system designed to produce, transport, and provide eggs for fertilization."*

And a male as *"an individual who naturally has or will have, or had or would have but for a congenital anomaly or an intentional or unintentional disruption, a reproductive system designed to produce, transport, and utilize sperm for fertilization."*

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"The Commission on Jail Standards welcomes all suggestions and will promptly respond to all complaints directed against the agency or any facilities under its purview".

To empower local government to provide safe, secure and suitable local jail facilities through proper rules and procedures while promoting innovative programs and ideas