

## **Rules for Public Comment: CCTV To Video Monitoring**

### 259.168 Television Monitoring

~~Closed circuit television~~ Video monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas. Digital privacy screens shall be used.

### § 259.264. Television Monitoring

~~Closed circuit television~~ Video monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas. Digital privacy screens shall be used.

### § 259.358. Television Monitoring

~~Closed circuit television~~ Video monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas. Digital privacy screens shall be used.

### § 259.454. Television Monitoring

~~Closed circuit television~~ Video monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas. Digital privacy screens shall be used.

### § 259.770. Television Monitoring

Closed circuit television monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas. Digital privacy screens shall be used.

### § 275.1. Regular Observation by Corrections Officers

Every facility shall have the appropriate number of jailers at the facility 24 hours each day. Facilities shall have an established procedure for documented, face-to-face observation of all inmates by jailers no less than once every 60 minutes. Observation shall be performed at least every 30 minutes in areas where inmates known to be assaultive, potentially suicidal, mentally ill, or who have demonstrated bizarre behavior are confined. There shall be a two-way voice communication capability between inmates and jailers, licensed peace

officers, bailiffs, and designated staff at all times. ~~Closed circuit television~~ Video monitoring may be used, but not in lieu of the required personal observation. Electronic sensors or cameras capable of recording the required personal observations of inmates in high-risk cells or groups of cells shall be installed no later than August 31, 2020.

#### § 275.7. Supervision Outside the Security Perimeter--Court Holding Cells

Inmates shall be observed by a peace officer or a jailer licensed by the Texas Commission on Law Enforcement or bailiff when outside the security perimeter in court holding cells. The sheriff/operator shall have an established procedure for documented, face-to-face observation of all inmates no less than once every 30 minutes. One jailer, licensed peace officer, or bailiff shall be provided on each floor where 10 or more inmates are detained, with no less than one jailer, licensed peace officer, or bailiff per 48 inmates or increment thereof on each floor for direct inmate supervision. Where required, there shall be a two-way voice communication capability between inmates and jailers, licensed peace officers, or bailiffs at all times. ~~Closed circuit television~~ Video monitoring may be used, but not in lieu of the required personal observation.

## **Rules for Public Comment: Chapter 259**

### § 259.117. Inmate Entrance

The inmate entrance shall be from the vehicular sally port through a safety vestibule into the processing area. This entrance shall allow for passage of patient evacuation equipment between interlocking doors. The entrance shall be designed and constructed to allow observation and identification of persons approaching the inmate entrance. Electronic surveillance equipment may be used. Adjacent space should be provided for immediate medical and mental health screening activities.

### § 259.123. Kitchen

A properly equipped kitchen of adequate size shall be provided within the system and shall include the following:

- (1) Functions. Kitchen space and equipment shall allow for the efficient operations of receiving, storage, processing, preparation, cooking, baking, serving, dish washing, cleaning, menu preparation, record keeping, personal hygiene, and removal of waste and garbage. Kitchen functions shall be performed without compromising the security of the facility. The kitchen shall not be designed as a passageway for nonfood handling persons.
- (2) Storage. Adequate dry and cold storage shall be provided appropriate for the size of kitchen. Separate storage shall be provided for nonfood items.
- (3) Surfaces. The kitchen floor shall be properly pitched to adequate floor drains and allow for proper cleaning. Floor finish should reduce the possibility of slipping. The junction between floors and walls shall be ~~covered~~ coved. Walls and ceilings shall be finished with smooth, washable, light colored surfaces.

(4) Light. Adequate lighting shall be provided on all work surfaces.

(5) Ventilation. Food service areas shall be adequately ventilated to control disagreeable odors and moisture. All openings to the outside shall be secured and provided with insect screens.

(6) Water. Adequate hot and cold water shall be provided for food preparation, cleaning, and dish washing. Hot water equipment shall be of sufficient size and capacity to meet the needs of the facility.

(7) Codes. Kitchens shall comply with state health codes.

#### §259.132 Exercise Area

See supplemental

#### § 259.141. Dimensions

All cells and day rooms shall be not less than eight feet from finished floor to ceiling and ~~five feet six inches~~ seven feet from wall to wall, in accordance with International Building Code. Cells containing over/under bunk units shall be measured from center line of units to wall. Corridors shall be not less than four feet wide.

#### § 259.151. Detention Doors

Hollow metal doors shall be constructed of 12 to 14 gauge steel inside the security perimeter. ~~Eighteen gauge hollow metal doors may be used outside the security perimeter.~~ Plate doors shall be constructed of material not less than 3/16 inches thick. The security

quality of each detention door shall be determined by the level of security sought to be achieved. Detention doors shall be equipped with detention hardware and accessories. All cell doors shall be not less than ~~28~~ 32 inches in clear width and not less than six feet-eight inches high.

#### § 259.153. Door Closers

~~Door closers for all detention swinging doors shall be appropriate for the weight of the door.~~  
All detention doors shall be equipped with an appropriate door closer.

#### § 259.737. Dormitories

Dormitories shall contain 9 to 48 bunks. Dormitories operated as direct supervision may accommodate more than 48 inmates but shall not exceed more than 72 inmates.

Dormitories shall contain not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each dormitory shall have adequate toilets, lavatories, and may include showers. Dormitories with contiguous day rooms in direct supervision facilities may exceed 40% of the facility capacity.

## **Rules for Public Comment: Weapon/Ammunition Procedures**

Effective Date: January 1, 2026

### 269.3 Weapon /Ammunition Procedures

Each sheriff/operator shall develop, submit, and implement a Weapon Ammunition Procedure approved by the Texas Commission on Jail Standards no later than January 1, 2026.

The weapon ammunition procedure shall include, at a minimum, the following components

- (a) Weapon Classification. A list of approved weapons permitted inside the jail (e.g., tasers, OC spray, batons) and how they will be stored when within the secured perimeter.

PLEASE NOTE: Due to Texas Register formatting requirements, this may be submitted differently. The rule will not be substantively changed, only formatted differently. The effective date for the standard will be updated.

## **Rules for Public Comment: SCBA Plans**

### §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 nonambulatory inmates);
- (5) prevention of escapes during evacuations;
- (6) fire suppression and extinguishment, rendering of prompt medical aid and quelling disturbances;
- (7) protection of staff during emergencies.
- (8) A commission approved Self-Contained Breathing Apparatus (SCBA) plan that specifies the agreed upon charge for air tanks and has been coordinated with a certified Fire Marshal.

## 253.1 Definitions

(14) “guardianship database query” (GDQ) – a database maintained by the Office of Court Administration, accessed via TLETS terminal, used to confirm the guardianship status.

(20) "Legally authorized representative" (LAR) has the meaning assigned in Texas Occupations Code Chapter 151.002, as amended. As of the adoption of this rule, LAR includes:

- (A) a parent or legal guardian if the inmate is a minor;
- (B) a legal guardian if the inmate has been adjudicated incompetent to manage the inmate's personal affairs;
- (C) an agent of the inmate authorized under a durable power of attorney for health care;
- (D) an attorney ad litem appointed for the inmate;
- (E) a guardian ad litem appointed for the inmate;
- (F) a personal representative or statutory beneficiary if the inmate is deceased; or
- (G) an attorney retained by the inmate or by another person listed by this subdivision.

## 216.6 Complaints

(c)(2) An inmate handbook shall be issued to a Guardian/LAR upon the jail’s receipt of verified guardianship documentation and the Guardian’s contact information. It shall be documented in the inmate file whether the Guardian/LAR refuses or accepts the inmate handbook.

## §265.4. Inmate Files.

- (a) Upon intake, a file on each inmate shall be established. The file shall include:
- (1) for inmates who have been appointed a guardian: the following information, the information contained in the Guardianship Database Query (GDQ) return, under Texas Government Code 155.153, and documentation showing that the court with jurisdiction over the guardianship has been notified per Code of Criminal Procedure §15.055(b);
  - (2) name of inmate with aliases;
  - (3) description;
  - (4) Gender
  - (5) marital status;
  - (6) address;
  - (7) date of birth;
  - (8) offense charged;

- (9) date of commitment;
- (10) previous criminal record;
- (11) record of injuries;
- (12) inmate property inventory;
- (13) disabilities warranting special accessibility consideration;
- (14) name, address, and phone number of person to be contacted in event of emergency;
- (15) the name of the delivering officer, and the arresting agency;
- (16) documents that purport to legally authorize the inmate's commitment;
- (17) certificate of guardianship or letters of guardianship, as defined in Texas Estates Code Chapter 1106; and
- (18) documentation showing whether the Guardian/LAR refuses or accepts the inmate handbook.

(b) Upon intake, a medical record shall be established and shall be kept separate.

#### §265.5. Health Tags.

"Health tags" which may identify the inmate as having special medical or mental health needs, or a Guardian/LAR shall be noted in the inmate's medical record and brought to the attention of health personnel and the supervisor on duty in writing.

#### §265.7. Telephone Use.

A telephone shall be available for inmates' use within the processing area. The facility shall allow reasonable access to a written or electronic contact list that is in the inmate's possession upon booking. For inmates with a Guardian/LAR, the jail shall attempt to facilitate telephone communication with the Guardian/LAR.

#### 267.7 Release of Ward

For inmates who have a Guardianship registered with the GDQ, or who have a LAR, the releasing officer shall attempt to coordinate release with the Guardian/LAR, and release the inmate into the custody of the Guardian/LAR or a person/facility of the Guardian/LAR's choice. A record of the person/facility taking custody of the inmate shall be maintained.

If jail staff cannot make contact with the Guardian/LAR after three documented attempts, or if the Guardian/LAR refuses to take custody of the inmate, the inmate shall be released according to normal releasing procedures per 37 Texas Administrative Code 267. Attempts to make contact with a Guardian/LAR shall not delay release of the inmate when release is required by law.

## 273.2 Health Services Plan

Each facility shall have and implement a written plan, approved by the Commission, for inmate medical, mental, and dental services. The plan shall:

- (1) provide procedures for regularly scheduled sick calls;
- (2) provide procedures for referral for medical, mental, and dental services;
- (3) provide procedures for efficient and prompt care for acute and emergency situations;
- (4) provide procedures for long-term, convalescent, and care necessary for disabled inmates;
- (5) provide procedures for medical, to include obstetrical and gynecological care, mental, nutritional requirements, special housing and appropriate work assignments and the documented use of restraints during labor, delivery and recovery for known pregnant inmates. A sheriff/operator shall notify the commission of any changes in policies and procedures in the provision of health care to pregnant prisoners. A sheriff/operator shall notify the commission of any changes in policies and procedures in the placement of a pregnant prisoner in administrative separation. As soon as practicable after receiving a report of a miscarriage or physical or sexual assault of a pregnant inmate while in the custody of a county jail, the sheriff shall ensure that an obstetrician or gynecologist and a mental health professional promptly:
  - (A) review the health care services provided to the prisoner; and
  - (B) order additional health care services, including obstetrical and gynecological services and mental health services, as appropriate.
- (6) provide procedures for the control, distribution, secured storage, inventory, and disposal of prescriptions, syringes, needles, and hazardous waste containers;
- (7) provide procedures for the distribution of prescriptions in accordance with written instructions from a physician by an appropriate person designated by the sheriff/operator;
- (8) provide procedures for the control, distribution, and secured storage of over-the-counter medications;
- (9) provide procedures for the rights of inmates to refuse health care in accordance with informed consent standards for certain treatments and procedures (in the case of minors, the informed consent of a parent, guardian, or legal custodian, when required, shall be sufficient);

(10) provide procedures for all examinations, treatments, and other procedures to be performed in a reasonable and dignified manner and place;

(11) provide that adequate first aid equipment and patient evacuation equipment be on hand at all times;

(12) provide procedures that shall require that a qualified medical professional shall review as soon as possible any prescription medication an inmate is taking when the inmate is taken into custody. These procedures shall include providing each prescription medication that a qualified medical professional or mental health professional determines is necessary for the care, treatment, or stabilization of an inmate with mental illness;

(13) provide procedures that shall give inmates the ability to access a mental health professional at the jail or through a telemental health service 24 hours a day and approved by the Commission by August 31, 2020. If a mental health professional is not present at the county jail at the time or available by telemental health services, then require the jail to provide the inmate access to, at a minimum, a qualified mental health professional (as defined by 25 TAC §412.303(48)) within a reasonable time;

(14) provide procedures that shall 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 approved by the Commission by August 31, 2020;

(15) provide procedures to train staff to identify when a pregnant inmate is in labor and provide access to appropriate care. Inmates shall be promptly transported to a local hospital when they state that they are in labor or are determined by a person at the level of emergency medical technician or above to be in labor; and

(16) provide procedures for a Guardian/LAR to have access to their Ward's jail medical records and the opportunity to make informed decisions and/or provide consent for their Ward's medical care, as authorized by Texas Health and Safety Code 313.004.

### 273.9 Guardianship

(1) "Guardian" has the meaning assigned by Section 1002.012, Estates Code.

(2) "Legally Authorized Representative" has the meaning assigned by the current Texas Occupations Code 151.002(a)(6).

(3) "Letters of guardianship" means a certificate issued under Section 1106.001(a), Estates Code.

(4) "Guardianship Database Query" has the meaning as set forth in Texas Government Code Chapter 155, Subchapter D.

**(5) Texas Jail Medical Treatment Policy for Inmates with a Guardian or LAR.** This policy applies to all inmates incarcerated in Texas county jails who have been legally appointed a Guardian or legally authorized representative (LAR) under Texas law.

(a) Inmates with a Guardian or LAR shall receive medical care from the designated medical provider within the jail facility.

(b) The attending medical provider shall retain clinical authority to determine the appropriate course of treatment based on medical necessity and professional judgment.

#### **(4) Guardian/LAR Notification and Consent**

(a) The medical provider shall notify and seek consent from a Guardian or LAR with medical authority, for all medical decisions, including those listed below in sections (i)-(iii). This requirement does not apply to the medical decisions specified in Texas Health and Safety Code 313.004.

- (i) The inmate has been adjudicated as **incapacitated**, and the guardian has legal authority over medical decisions; or
- (ii) The inmate is unable to provide informed consent and the Guardian or LAR is legally authorized to act on their behalf.

(b) In cases of **emergency medical treatment**, the medical provider may proceed without prior consent if, based upon medical necessity and professional judgment, delay would result in serious harm, in accordance with **Texas Health & Safety Code § 313.004.**

(c) The medical provider shall contact an inmate's Guardian within three business days of the provider obtaining the Guardian's contact information to obtain the inmate's medical history and any medical records the Guardian will provide.

(d) The medical provider is authorized to continue the inmate on the most recent list of medications known to the jail and to prescribe life sustaining medications to the inmate without consent of the Guardian/LAR.

(e) If the GDQ does not provide the contact information of a Guardian/LAR, and the inmate cannot provide contact information for the Guardian/LAR, the jail and jail medical provider are excused from any requirement to contact the Guardian.

#### **(5) Access to Medical Records**

(a) An appointed Guardians or LAR may request, and shall receive, access to the inmate's medical records in accordance with:

- (i) **HIPAA regulations (45 CFR § 164.502(g))**
- (ii) **Texas Health & Safety Code § 181**

**(b) Documentation:** All decisions regarding medical treatment, consent, refusal, and Guardian/LAR involvement shall be documented in the inmate's clinical record, including:

- (i) reason for treatment;
- (ii) Guardian/LAR contact and response;
- (iii) inmate's expressed wishes, if known;
- (iv) the inmate's medical history obtained from the Guardian; and
- (v) any medical records received from the Guardian.