

Vernon's Texas Statutes and Codes Annotated [Currentness](#)

Government Code ([Refs & Annos](#))

Title 4. Executive Branch ([Refs & Annos](#))

Subtitle G. Corrections

▣ [Chapter 501. Inmate Welfare \(Refs & Annos\)](#)

→ [Subchapter C. Continuity of Care Programs; Reentry Program](#)

→ **§ 501.091. Definitions**

< Text of section effective upon specific appropriation by 81st Legislature. see, also, sections as added by Acts 2009, 81st Leg., ch. 180, § 10 and Acts 2009, 81st leg., ch. 1389, § 1.>

In this subchapter:

- (1) "Correctional facility" means a facility operated by or under contract with the department.
- (2) "Offender" means an inmate or state jail defendant confined in a correctional facility.

§ 501.091. Reentry and Reintegration Services for Wrongfully Imprisoned Persons

< Text of section as added by Acts 2009, 81st Leg., ch. 180, § 10. See, also, sections as added by Acts 2009, 81st Leg., ch. 643, § 2 and Acts 2009, 81st Leg., ch. 1389, § 1. >

(a) In this section, "wrongfully imprisoned person" means a person who:

- (1) has served wholly or partly a sentence in prison under the laws of this state; and
- (2) has:
 - (A) received a full pardon on the basis of innocence for the crime for which the person was sentenced; or
 - (B) been granted relief on the basis of actual innocence of the crime for which the person was sentenced.

(b) The department shall develop a comprehensive plan to ensure the successful reentry and reintegration of wrongfully imprisoned persons into the community following discharge from the department. The reentry and reintegration plan developed under this section must include:

(1) life-skills, job, and vocational training for a wrongfully imprisoned person following discharge, for as long as those services are beneficial to the person;

(2) a requirement that the department provide, before a wrongfully imprisoned person is discharged from the department, the person with any documents that are necessary after discharge, including a state identification card; and

(3) the provision of financial assistance to aid a wrongfully imprisoned person in the reentry and reintegration process and in covering living expenses following discharge, in an amount not to exceed \$10,000.

(c) The provision of financial assistance under Subsection (b)(3) shall be administered by the Texas Correctional Office on Offenders with Medical or Mental Impairments or the department.

(d) The amount of financial assistance provided to a wrongfully imprisoned person under Subsection (b)(3) shall be deducted from the amount of compensation provided to the person under [Section 103.052, Civil Practice and Remedies Code](#).

(e) The department may contract with private vendors or other entities to implement the comprehensive reentry and reintegration plan required by this section.

§ 501.091. Programs and Services for Wrongfully Imprisoned Persons Who are Discharged

<Text of section as added by Acts 2009, 81st Leg., ch. 1389, § 1. See, also, sections as added by Acts 2009, 81st Leg., ch. 180, § 10 and Acts 2009, 81st leg., ch. 643, § 2.>

(a) In this section, “wrongfully imprisoned person” means a person who:

(1) has served in whole or in part a sentence in a facility operated by or under contract with the department; and

(2) has:

(A) received a pardon for innocence for the crime for which the person was sentenced; or

(B) otherwise been granted relief on the basis of actual innocence of the crime for which the person was sentenced.

(b) The department shall ensure that the same programs and services that are available to or in which particip-

ation is mandatory for an inmate released on parole or to mandatory supervision, including programs and services offered or required under Subchapter F or G [FN1] of Chapter 508, are available to a wrongfully imprisoned person when the person is discharged from the department.

(c) The executive director of the department may:

(1) adopt rules as necessary to implement this section; and

(2) direct the director of the Texas Correctional Office on Offenders with Medical or Mental Impairments to take any actions necessary to implement this section.

[FN1] V.T.C.A., Government Code § 508.181 et seq. or Government Code § 508.221 et seq.

§ 501.092. Comprehensive Reentry and Reintegration Plan for Offenders

< Text of section effective upon specific appropriation by 81st Legislature >

(a) The department shall develop a comprehensive plan to reduce recidivism and ensure the successful reentry and reintegration of offenders into the community following an offender's release or discharge from a correctional facility.

(b) The reentry and reintegration plan developed under this section must provide for:

(1) an assessment of offenders entering a correctional facility to determine which skills the offender needs to develop to be successful in the community following release or discharge;

(2) programs that address the assessed needs of offenders;

(3) a comprehensive network of transition programs to address the needs of offenders released or discharged from a correctional facility;

(4) the identification of providers of existing local programs and transitional services with whom the department may contract under [Section 495.028](#) to implement the reentry and reintegration plan; and

(5) subject to Subsection (c), the sharing of information between local coordinators, persons with whom the department contracts under [Section 495.028](#), and other providers of services as necessary to adequately assess and address the needs of each offender.

(c) An offender's personal health information may be disclosed under Subsection (b)(5) only if:

(1) the offender consents to the disclosure; and

(2) the disclosure does not violate the Health Insurance Portability and Accountability Act of 1996 ([Pub. L. No. 104-191](#)) or other state or federal law.

(d) The programs provided under Subsections (b)(2) and (3) must:

(1) be implemented by highly skilled staff who are experienced in working with inmate reentry and reintegration programs;

(2) provide offenders with:

(A) individualized case management and a full continuum of care;

(B) life-skills training, including information about budgeting, money management, nutrition, and exercise;

(C) education and, if an offender has a learning disability, special education;

(D) employment training;

(E) appropriate treatment programs, including substance abuse and mental health treatment programs; and

(F) parenting and relationship building classes; and

(3) be designed to build for former offenders post-release and post-discharge support from the community into which an offender is released or discharged, including support from agencies and organizations within that community.

(e) In developing the reentry and reintegration plan under this section, the department shall ensure that the reentry program for long-term inmates under [Section 501.096](#) and the reintegration services provided under [Section 501.097](#) are incorporated into the plan.

§ 501.093. Inmates Suffering From Drug or Alcohol Abuse

(a) The department, the Texas Department of Mental Health and Mental Retardation, and the Texas Commission on Alcohol and Drug Abuse shall by rule adopt a memorandum of understanding that establishes their respective responsibilities to establish a continuity of care program for inmates with a history of drug or alcohol abuse.

(b) An agency of the state not listed in Subsection (a) that determines that it may provide services to inmates with a history of drug or alcohol abuse may participate in the development of the memorandum, if the parties listed in this subsection approve the agency's participation.

(c) The memorandum of understanding must establish methods for:

(1) identifying inmates with a history of drug or alcohol abuse;

(2) notifying the pardons and paroles division, the Texas Department of Mental Health and Mental Retardation, and the commission as to when an inmate with a history of drug or alcohol abuse is to be released and as to the inmate's release destination;

(3) identifying the services needed by inmates with a history of drug or alcohol abuse to reenter the community successfully; and

(4) determining the manner in which each agency that participates in the establishment of the memorandum can share information about inmates and use that information to provide continuity of care.

(d) The Texas Commission on Alcohol and Drug Abuse shall coordinate the memorandum of understanding.

(e) The institutional division shall fund and operate a full service alcoholism and drug counseling program for chemically dependent inmates. The institutional division shall provide a sufficient number of alcoholism and drug counselors to provide counseling services for not less than 80 percent of those inmates in need of alcohol or drug counseling. The institutional division also shall provide a sufficient administrative and supervisory staff to organize, operate, and evaluate a program that motivates those inmates with a history of alcohol or drug-related problems to pursue a socially acceptable and chemically free lifestyle. The institutional division shall use funds received for these purposes and shall actively pursue federal grants for helping fund the program.

(f) The institutional division may require that inmates selected by the division attend a substance abuse treatment program that includes recognition and awareness of the disease concept of addiction. The institutional division may use suitable inmates as tutors in the program but must ensure that the inmate tutors do not exercise any authority over other inmates. The institutional division shall provide educational materials designed to assist an inmate in understanding the inmate's alcohol or drug dependency problem.

§ 501.0931. In-Prison Therapeutic Communities

(a) The institutional division shall establish a program to confine and treat in in-prison therapeutic communities inmates determined by the division to have a history of drug or alcohol abuse and to need drug or alcohol abuse treatment. The program is in addition to existing educational and substance abuse treatment services

provided to inmates.

(b) The institutional division and the Texas Commission on Alcohol and Drug Abuse shall jointly develop methods of screening and assessing inmates to determine their need for treatment for alcohol or drug abuse problems. The institutional division shall screen for alcohol and drug abuse each inmate who is transferred to the custody of the institutional division. The institutional division shall assess the inmates who are identified as having a substance abuse problem and shall determine the severity of the problem and the need for treatment.

(c) The program must consist of a treatment program of indeterminate length, not to exceed 12 months. The institutional division shall make a referral of an inmate to a program based on the severity of the substance abuse problem, eligibility of the inmate, and the availability of treatment space. An inmate who has not more than 12 months remaining in the inmate's sentence before the earliest date the inmate is eligible for parole is eligible for the program.

(d) The institutional division shall separate inmates participating in the program from the general population of the division and house the inmates in discrete units or areas within units, except during the diagnostic process or at other times determined to be necessary by the division for medical or security purposes. The institutional division shall separate an inmate who successfully completes the program from the general population of the division during any period after completion and before the inmate is discharged or released on parole or mandatory supervision from the department.

(e) The program provided under this section must contain highly structured work, education, and treatment schedules, a clearly delineated authority structure, and well-defined goals and guidelines. The institutional division shall establish a graded system of rewards and sanctions for inmates who participate in the program.

(f) The institutional division shall employ or contract with qualified professionals to implement the program. For purposes of this subsection, a "qualified professional" is a person who:

(1) is a licensed chemical dependency counselor;

(2) is a licensed social worker who has at least two years of experience in chemical dependency counseling; or

(3) is a licensed professional counselor, physician, or psychologist and who has at least two years of experience in chemical dependency counseling.

(g) The institutional division shall adopt:

(1) a procedure for determining which inmates are the best candidates for participation in the program, with priority for those inmates who volunteer;

(2) a procedure for determining which inmates may be required to participate in the program; and

(3) rules of conduct for inmates participating in the program.

(h) If the qualified professional implementing the program determines that an inmate is not complying with the rules of the program, the qualified professional shall notify the institutional division of that fact and the institutional division shall end the inmate's participation in the program and transfer the inmate out of the program.

(i) The institutional division shall provide at least 800 beds for housing participants in the program.

The institutional division not less often than every two years shall determine whether the division should increase the number of beds provided by the division for the program.

(j) Neither the institutional division nor a qualified professional implementing the program may operate the program in a manner that automatically excludes inmates who do not volunteer to participate, and the division and the treatment provider shall attempt to encourage nonvolunteer inmates to participate.

(k) If funding is available, the Criminal Justice Policy Council, with the assistance of the institutional division, shall develop methods to evaluate the processes used by the division in providing the program and the level of success achieved by the program.

§ 501.094. Repealed by Acts 1993, 73rd Leg., ch. 488, § 3, eff. Sept. 1, 1993

§ 501.095. Inmates With History of Chronic Unemployment

(a) The department and the Texas Employment Commission shall by rule adopt a memorandum of understanding that establishes their respective responsibilities to establish a continuity of care program for inmates with a history of chronic unemployment.

(b) An agency of the state not listed in this section that determines that it may provide services to inmates with a history of chronic unemployment may participate in the development of the memorandum, if the parties listed in this section approve the agency's participation.

(c) The memorandum of understanding must establish methods for:

(1) identifying inmates with a history of chronic unemployment;

(2) notifying the pardons and paroles division and the commission as to when an inmate with a history of chronic unemployment is to be released and as to the inmate's release destination;

(3) identifying the services needed by inmates with a history of chronic unemployment to reenter the community successfully; and

(4) determining the manner in which each agency that participates in the establishment of the memorandum can share information about inmates and use that information to provide continuity of care.

(d) The Texas Workforce Commission shall coordinate the development of the memorandum of understanding.

§ 501.096. Reentry Program for Long-Term Inmates

(a) The institutional division shall establish a program to assist inmates that have served long terms in preparing for their release from the division.

(b) In order to participate in the program established under this section, an inmate must:

(1) be serving a sentence of 30 years or longer;

(2) be within one year of the date projected for release;

(3) volunteer for participation in the program; and

(4) be approved for participation in the program by the institutional division.

(c) The institutional division shall provide to participating inmates academic and vocational education, employment counseling, and individual therapy. Services provided under this subsection must be designed to address the special needs of inmates who have served long terms of confinement in the institutional division.

(d) The department shall determine the special needs of inmates who have served long terms of confinement in the institutional division and shall identify and develop community resources to meet those needs.

§ 501.097. Reintegration Services

(a) The department and the Texas Workforce Commission shall by rule adopt a memorandum of understanding that establishes their respective responsibilities for providing inmates who are released into the community

on parole or other conditional release with a network of centers designed to provide education, employment, and other support services based on a “one stop for service” approach.

(b) An agency of the state not listed in this section that determines that it may provide reintegration services to inmates similar to those described by Subsection (a) may participate in the development of the memorandum, if the department and the Texas Workforce Commission approve the agency's participation.

§ 501.098. Reentry Task Force

< Text of section effective upon specific appropriation by the 81st Legislature >

(a) The department shall coordinate the work of the task force with the Office of Court Administration, and by rule shall enter into a memorandum of understanding with the following entities to establish a reentry task force:

(1) the Texas Youth Commission;

(2) the Texas Workforce Commission;

(3) the Department of Public Safety;

(4) the Texas Department of Housing and Community Affairs;

(5) the Texas Correctional Office on Offenders with Medical or Mental Impairments;

(6) the Health and Human Services Commission;

(7) the Texas Judicial Council; and

(8) an organization selected by the department that advocates for or provides reentry or reintegration services to offenders following their release or discharge from a correctional facility.

(b) The reentry task force established under Subsection (a) may:

(1) identify gaps in services for offenders following their release or discharge to rural or urban communities in the areas of employment, housing, substance abuse treatment, medical care, and any other areas in which the offenders need special services; and

(2) coordinate with providers of existing local reentry and reintegration programs, including programs operated by a municipality or county, to make recommendations regarding the provision of comprehensive services to offenders following their release or discharge to rural or urban communities.

§ 501.099. Family Unity and Participation

< Text of section effective upon specific appropriation of the 81st Legislature >

(a) The department shall adopt and implement policies that encourage family unity while an offender is confined and family participation in an offender's post-release or post-discharge transition to the community. In adopting the policies, the department shall consider the impact of department telephone, mail, and visitation policies on the ability of an offender's child to maintain ongoing contact with the offender.

(b) The department, when determining in which correctional facility to house an offender, shall consider the best interest of the offender's family and, if possible, house the offender in, or in proximity to, the county in which the offender's family resides.

(c) The department shall conduct and coordinate research that examines the impact of an offender's confinement on the well-being of the offender's child.

§ 501.100. Recidivism Study; Report

< Text of section effective upon specific appropriation of the 81st Legislature >

(a) The department shall conduct and coordinate research to determine whether the comprehensive reentry and reintegration plan developed under [Section 501.092](#) and the policies adopted under [Section 501.099](#) to encourage family unity and participation reduce recidivism rates.

(b) Not later than September 1 of each even-numbered year, the department shall deliver a report of the results of research conducted or coordinated under Subsection (a) to the lieutenant governor, the speaker of the house of representatives, and the standing committees of each house of the legislature with primary jurisdiction over criminal justice and corrections.

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