



HB 1446: ‘Emergency Planning’ by Rep. Philip Cortez Frequently Asked Question

1. What is the overall intention of HB 1446?

People incarcerated in and working at Texas prison facilities should have the support and supplies needed to make it through declared disasters without experiencing inadequate or dangerous conditions. Yet the Texas Department of Criminal Justice (TDCJ) does not have a proper plan in place to address people’s safety and well-being when an emergency disaster strikes. HB 1446 would begin to address this serious issue by creating an advisory board that would help inform the creation of an emergency response plan to be used by TDCJ.

2. What particular emergency situation does HB 1446 address related to disasters in TDCJ?

HB 1446 applies only to emergency situations that are declared a disaster by the Governor under Chapter 418, or by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, if any part of the state is named in the federally declared disaster area.

3. What are the duties and powers of the advisory board established under HB 1446?

HB 1446 establishes an advisory board to provide recommendations for the emergency response plan required under this bill. The advisory board will consider all strategies to plan for emergency situations, including plans to prevent the interruption of educational and rehabilitative programming. The advisory board can also access any facility operated by or under contract with TDCJ and will have access to all relevant information necessary to make its recommendations.

4. Who would make up the advisory board?

The advisory board is composed of TDCJ’s Executive Director or a designee, the Commissioner of Public Health of the Department of State Health Services or a designee, and the following Governor appointees:

- At least two correctional officers employed by TDCJ;
- At least two people who have been previously incarcerated;
- Two people who have a family member that is currently incarcerated;
- One person who has a background in emergency planning; and
- One person with a background in public health.

5. When must the advisory board develop its initial recommendations for the emergency response plan for TDCJ?

No later than March 1, 2024, the advisory board must develop its initial recommendations and submit those recommendations to TDCJ.

6. Is the advisory board required to update those recommendations?

Yes. By March 1st of each year, the advisory board must update its recommendations and submit any updated recommendations to TDCJ.

7. What happens if TDCJ's response is inconsistent with the advisory board's recommendations?

If it is found that TDCJ did not follow the advisory board's recommendations during a declared disaster, the advisory board can obtain any relevant data and reports and may conduct interviews with incarcerated individuals and other relevant people to identify any consequences of TDCJ's failure to respond pursuant to the board's recommendations.

8. What must the emergency response plan specify?

The emergency plan must specify the operating procedures that TDCJ must follow during a declared disaster, including evacuation procedures for incarcerated people and employees, guidelines for employees to ensure their safety and well-being, and provisions to: prevent or minimize extended lockdowns or periods of segregation; ensure that an incarcerated person can continue to participate in any Parole Board-required classes or programs during any extended period of a declared disaster; ensure that incarcerated people are still able to access the commissary at regular intervals during extended disaster periods; ensure that TDCJ has sufficient quantities of protective equipment for incarcerated people and employees; ensure that incarcerated people are not denied access to medical care, medication, or personal hygiene items; and prohibit the suspension of in-person visitation during any extended period of a declared disaster (though TDCJ can temporarily institute video visitation).

9. Does HB 1446 require TDCJ to develop an emergency response plan?

Yes.

10. When does TDCJ have to develop the emergency response plan required under HB 1446?

TDCJ must develop the emergency response plan no later than the 180th day after the date the advisory board submits its recommendations to TDCJ.