

# [2021 Session] Address the Needs of Women Impacted by the Justice System

## Policy Background

Texas made significant progress during the state's 2019 legislative session, passing 8 bills that positively impact incarcerated women or those at risk of system involvement.<sup>1</sup> However, thousands of women still remain behind bars in Texas, the vast majority of whom are mothers – which implicates parental rights and family reunification, as well as the treatment of incarcerated women while pregnant. Furthermore, we have learned through correspondence with confined women that, despite the legislative successes in 2019, access to trauma-informed programming and other rehabilitative programs remains limited, and hygiene products are still not fully available in prisons.

## Proposed Solutions

(1) Address the needs of incarcerated mothers or those at risk of system involvement by creating clear pathways to family reunification, and by considering a woman's "primary caretaker" status when determining her punishment at the sentencing phase. (2) Develop an Office of Independent Oversight in the state prison system to address inadequate or dangerous conditions of confinement, as well as provide transparency about prison conditions to incarcerated individuals' loved ones and to the Legislature to inform their decision-making around sentencing and correctional policies. (3) Lower penalties for minor drug offenses so more women can take drug-related education courses or engage in community service rather than be incarcerated. (4) Continue to shift state spending towards community-based supports to address the root causes of women's incarceration – including drug, mental health, and trauma needs – and reduce the flow of women into confinement.

## Relevant Bills

- **Bill Number:** [HB 2926](#) [Parker, Krause, Minjarez]  
**Bill Caption:** Relating to the reinstatement of the parent-child relationship with respect to a person whose parental rights have been involuntarily terminated.  
**TCJE Materials:** [Fact Sheet](#) | [Infographic](#) | [Webpage](#)  
*Signed by the Governor; effective on 9/1/2021*
- **Bill Number:** [HB 3647](#) [White]  
**Bill Caption:** Relating to placing a child in the possessory conservatorship of the

child's parents in certain situations.

- **Bill Number:** [SB 1349](#) [Eckhardt]  
**Bill Caption:** Relating to placing a child in the possessory conservatorship of the child's parents in certain situations.  
**TCJE Materials:** [Fact Sheet for Committee Substitute](#)
- **Bill Number:** [HB 1187](#) [Dutton]  
**Bill Caption:** Relating to the eligibility of a person to serve as a relative or other designated caregiver for a child.
- **Bill Number:** [HB 232](#) [Senfronia Thompson]  
**Bill Caption:** Relating to the placement on community supervision, including deferred adjudication community supervision, of a defendant who is the primary caretaker of a child.
- **Bill Number:** [HB 1598](#) [Jarvis Johnson, Rodriguez]  
**Bill Caption:** Relating to the creation of the office of independent oversight ombudsman for the Texas Department of Criminal Justice.
- **Bill Number:** [HB 4189](#) [Allen]  
**Bill Caption:** Relating to program accessibility for female inmates of the Texas Department of Criminal Justice.  
**TCJE Materials:** [Fact Sheet](#)
- **Bill Number:** [HB 1307](#) [Mary González, Allen]  
**Bill Caption:** Relating to the care of pregnant women in county jail or in the custody of the Texas Department of Criminal Justice.  
***Signed by the Governor; effective on 9/1/2021***
- **Bill Number:** [SB 806](#) [Menéndez]  
**Bill Caption:** Relating to the care of pregnant women in county jail or in the custody of the Texas Department of Criminal Justice.
- **Bill Number:** [HB 1308](#) [Mary González]  
**Bill Caption:** Relating to certain inspections of county jails by the Commission on Jail Standards.

- **Bill Number:** [SB 807](#) [Menéndez]  
**Bill Caption:** Relating to certain inspections of county jails by the Commission on Jail Standards.

## Other Materials

- Texas Women's Justice Coalition [Interim Testimony](#) on the implementation of HB 650 and HB 3227 (passed in 2019), submitted to the House Corrections Committee [December 2020]
- TCJE Report: [The Future of Dignity: Insights from the Texas Women's Dignity Retreat](#) [March 2020]
- TCJE [Quick Guide](#) for Two-part Women's Report Series [April 2018]
- TCJE Report, Part 2: [An Unsupported Population: The Treatment of Women in Texas' Criminal Justice System](#) [April 2018]
- TCJE Report, Part 1: [A Growing Population: The Surge of Women Into Texas' Criminal Justice System](#) [March 2018]