

Judge rules excess heat in Texas prisons unconstitutional

March 28, 2025

Texas Baptists' Christian Life Commission has made [combatting inhumane temperatures](#) in Texas prisons a priority. Those efforts received a positive tailwind this week, with a judge's [91-page ruling](#) declaring the lack of temperature regulation in some state prisons unconstitutional.

U.S. District Judge Robert Pitman stopped short of mandating air conditioning be installed in the ruling, signed on March 26, but he classified incarceration in un-air-conditioned state facilities as cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution.

The ruling notes: "At the outset, the Court notes that the parties are in agreement that air conditioning all TDCJ facilities is necessary as a matter of inmate health and safety."

It also acknowledges the defendant, Brian Collier, executive director of Texas Department of Criminal Justice has not already installed air conditioning in all housing areas throughout TDCJ units only because "the Texas Legislature has not appropriated the funds to do so."

The ruling explains about 95,000 inmates currently are housed in un-air-conditioned facilities. The state's 46,000 "cool beds"—beds in proximity to partial or full air conditioning—are prioritized to inmates based on an individual's susceptibility to heat illness.

Inmate risk is measured with a "heat score metric," which Judge Pitman described in the ruling as, "in practice, arbitrary, inadequate, and ineffective."

About 12,000 TDCJ inmates have health risk factors that meet requirements for placement in a “cool bed.”

The additional cool beds “are available to inmates without heat scores.” Some cool beds have been assigned to inmates who have suffered heat-related illness but do not have a heat score, the ruling explains.

Of TDCJ’s 101 units, 32 are considered fully air conditioned in the housing areas, and 55 units are classified as partially air conditioned, “though a number of these units have fewer than ten cool beds,” the ruling states.

The ruling also says respite areas and other forms of temporary heat relief currently offered in un-air-conditioned facilities are “inadequate and ineffective,” concluding “air conditioning is the only effective protection from extreme heat” so often experienced in Texas.

The ruling includes testimony of harms caused by the present environment from plaintiffs—Bernhardt Tiede II, who suffered heat stroke, incarcerated without air conditioning at 65 years old with several serious existing health conditions; Prisons Community Advocates; Justice Impacted Women’s Alliance; Texas Citizens United for Rehabilitation of Errants; and Coalition for Texans with Disabilities.

Testimony cited in the ruling included reports of a temperature of 136 degrees observed on a thermometer in a women’s unit in Gainesville, where one plaintiff said she and fellow inmates “were able to cook a raw egg on the concrete floor.”

Extensive injuries related to the heat were noted, including 23 admitted deaths between 1998 and 2012, though the ruling states credible evidence indicates deaths from heat in Texas prisons likely are significantly undercounted, with Collier having admitted in a prior court testimony five years ago to knowing of ten deaths from heat stroke in summer of 2011 alone.

The ruling recounts the story of several inmate deaths, listing those who died by name and describing the conditions that led to their deaths while incarcerated.

In 2022 and 2023, “TDCJ staff filed nearly 80 workers’ compensation claims related to the heat.”

TDCJ wants A/C but lacks funding

Additionally, the ruling explains, “Collier knows that TDCJ’s heat mitigation policies are inadequate,” and that air conditioning is the only real solution to the unsafe conditions caused by Texas’ summer heat.

TDCJ’s facilities director, Ron Hudson, testified air conditioning currently is the division’s “number one priority.” Both Hudson and Collier acknowledged installing temporary or permanent air conditioning was feasible, and TDCJ would do so if the court ordered it.

However, the retrofitting required to install temperature control units and the purchase of the estimated 65,000 tons of A/C equipment needed to heat and cool the entire system might take up to two years or longer, the ruling says.

An article in the [Texas Tribune](#) notes some funding allocated to TDCJ last year has been used to install air conditioning.

While the Texas Commission on Jail Standards has required all Texas jails to maintain indoor temperatures between 65 degrees and 85 degrees since 1994, consistent with many other states’ standards, the ruling notes. “TDCJ has nevertheless refused to implement the same (or similar) standards.”

Judge Pitman concluded though the plaintiffs’ arguments likely merited a preliminary injunction requiring temporary air conditioning, granting the injunction would work against the goal of all parties—permanent air

conditioning in all TDCJ units—significantly delaying its installation by devoting considerable resources to a temporary solution.

Pitman emphasized to Collier his belief the plaintiffs will prevail in court and advised him to begin preparing for that outcome. For the plaintiffs and the public's good, the judge denied the injunction and ordered both parties to "file a joint proposed scheduling order on or before April 10, 2025."

How Texas Baptists can help

CLC Public Policy Director John Litzler said: "While Judge Pitman's ruling stopped short of granting the temporary injunction that plaintiffs requested, the judge was clear in his opinion that the plaintiffs are likely to succeed in their lawsuit against TDCJ.

"If they succeed, TDCJ will likely be ordered to install all heat and air in the 2/3 of Texas prisons that don't currently have it in the living quarters. The Christian Life Commission calls on the Texas lawmakers to fully fund this project now, during the budget passed in the 89th legislative session, before TDCJ is ordered to install heat and air by courts."

This legislative session the CLC is tracking five House bills and one Senate bill related to air conditioning in Texas prisons.

The House bills are HB 489 by Rep. Jon Rosenthal, HB 1315 by Rep. Trey Martinez Fischer, HB 2997 by Rep. John Bryant, HB 3006 by Rep. Terry Canales, and HB 3443 by Rep. Ron Reynolds. Each of the bills has been referred to the House Corrections Committee, but none has been scheduled for a hearing yet.

Rep. Sam Harless of Spring chairs the House Corrections Committee. His office number is (512) 463-0496, and his email is sam.harless@house.texas.gov. Litzler noted it "could help the bills gain momentum if Baptists contacted Rep. Harless' office and requested a

hearing on these five bills which would require air conditioning and heat in Texas prisons.”

Additionally, Texas Baptists may reach out on the Senate bill (SB 169) the CLC is tracking. Sen. Jose Menendez is the primary author on the bill, joined by co-authors Sen. César Blanco, Sen. Molly Cook, Sen. Sarah Eckhardt, Sen. Roland Gutierrez and Sen. Nathan Johnson.

SB 169 has been referred to the Senate Committee on Finance, chaired by Sen. Joan Huffman of Houston. Her office number is (512)-463-0117, and her email is joan.huffman@senate.texas.gov.

“It could help SB 169 gain momentum if Baptists contacted Sen. Huffman’s office and requested a hearing on the bill which would require air conditioning and heat in Texas prisons,” Litzler suggested.

If a bill mandating temperature regulation in TDCJ units passes without a line item in the budget designated toward air conditioning in TDCJ units, or the plaintiffs prevail, as expected, in court, the legislation becomes an “unfunded mandate.”

But while the surplus in the Texas budget is less this year than last, there is still plenty to fund this basic human right for inmates and prison workers, without jeopardizing funding for other important initiatives, Litzler said.