

By: Hodge

H.B. No. 1711

A BILL TO BE ENTITLED

AN ACT

relating to the provision of telephone service to inmates and defendants confined in facilities operated by the Texas Department of Criminal Justice.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 495, Government Code, is amended by adding Section 495.026 to read as follows:

Sec. 495.026. TELEPHONE SERVICE. (a) The department shall request proposals from private vendors for contracts to provide telephone service to inmates and defendants confined in facilities operated by the department. The department may not consider a proposal or award a contract to provide the service unless under the contract the vendor:

(1) provides for installation, operation, and maintenance of the service without any cost to the state;

(2) ensures that standard equipment that meets specifications established by the department will be used;

(3) stations at each facility or group of proximately located facilities one or more employees who:

(A) compile inmate or defendant calling lists;

(B) verify numbers to be called by inmates or defendants, if necessary;

(C) enter data for personal identification numbers; and

1 (D) generate reports to department personnel on
2 inmate or defendant calling patterns;

3 (4) provides on-site monitoring of calling patterns
4 and customizes technology to provide adequate system security;

5 (5) provides a fully automated system that does not
6 require a department operator;

7 (6) has the capability to limit the duration and
8 frequency of calls to detect and prevent excessive use of the system
9 by an inmate or defendant and to reduce the likelihood of a
10 significant financial burden on an inmate's or defendant's family;

11 (7) ensures that the local exchange company that
12 provides local exchange service in the area of the facility or group
13 of proximately located facilities has the option to carry all calls
14 from any facility in the applicable area on payment to the
15 department of a reasonable commission based on criteria established
16 by the department;

17 (8) pays the department a reasonable commission based
18 on the total amount billed for inmate or defendant telephone usage;

19 (9) ensures that digital recording systems are used;

20 (10) ensures that a ratio of not greater than 30
21 inmates or defendants per telephone is maintained in each facility;

22 (11) provides for periodic review by the department or
23 an independent entity of documents maintained by the vendor
24 regarding billing procedures and statements, rate structures,
25 computed commissions, and call metering;

26 (12) provides for the use of published tariffs;

27 (13) ensures that no charge will be assessed for an

1 uncompleted call and that no excessive charge will be assessed for a
2 local call; and

3 (14) submits to an annual independent financial audit.

4 (b) The department may award a contract to one or more
5 private vendors to provide the telephone service. The term of the
6 contract may not be more than four years. The contract may contain
7 an option allowing the department to elect to renew the contract for
8 a second term of not more than four years.

9 (c) If the department determines during or at the end of the
10 contract period that the telephone service provided under the
11 contract is of a sufficient quality and is cost-effective, the
12 department shall request additional proposals for contracts and
13 award one or more contracts as provided by this section.

14 (d) The department shall transfer all commissions paid to
15 the department by a vendor under this section to the comptroller for
16 deposit in the state treasury to the credit of the undedicated
17 portion of the general revenue fund.

18 (e) The department may adopt rules, subject to board
19 approval, setting additional requirements for contracts that may be
20 awarded under this section.

21 SECTION 2. This Act takes effect September 1, 2004.