

BILL ANALYSIS

C.S.H.B. 129
By: Berman
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently Texas law does not permit counties to use inmate labor for fund raisers that are a joint effort between a county and a nonprofit organization. The existing law would be changed to allow inmate labor to be used on fund raisers that are a joint effort between a county and nonprofit organization. The purpose of CSHB 129 is to allow counties and nonprofit organizations to use inmate labor for joint ventures.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

In Section one, Article 43.10 Code of Criminal procedure will be amended by adding that inmate labor can be used for a nonprofit organization that qualifies for a tax exemption under Section 501(a) of the Internal Revenue Code of 1986, and is a nonprofit organization as described by the Section 501 (c) (3) of that same code, and is qualified as a nonprofit organization under the Texas Non-Profit Corporation Act. Section one also adds that inmates can be used for nonprofit labor only if the Commissioner's Court of the county has determined that the nonprofit organization provides public service to the county or to a political subdivision located in whole or in part in the county. The Commissioner's Court will determine that the nonprofit organization provides a public service to the county or to the political subdivision located in whole or in part of the county, upon request from the county sheriff.

Section two establishes that this bill applies to anyone convicted of an offense regardless of when the conviction occurred.

Section three establishes effective date. Effective immediately, or if the Act does not receive the necessary vote the Act takes effect September 1, 2005.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The differences between CSHB 129 and HB 129 are found in Section One of the bill. In HB 129 the added language does not define a nonprofit organization and does not identify the determiner of whether an organization is providing a public service to the county or to a political subdivision located in whole or in part in the county. CSHB 129 establishes that a definition of a nonprofit organization is under Section 501 (a) and (c) (3) of the Internal Revenue Code of 1986 and under the Texas Non-Profit Corporation Act. CSHB 129 also identifies the Commissioner's Court of the counties as the body to establish whether a nonprofit organization provides a public service to the county or to a political subdivision located in whole or in part in the county, but only upon the request of the county sheriff.