

## **BILL ANALYSIS**

C.S.H.B. 549  
By: Phillips  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, people are prohibited from providing certain items to inmates in correctional facilities in Texas. These items include alcoholic beverages, controlled substances, dangerous drugs and deadly weapons. Cellular telephones, cigarettes, tobacco products, and money are also prohibited from being provided to inmates in a correctional facility operated or under contract with the Texas Department of Criminal Justice. However, this provision does not currently apply to jails in local jurisdictions.

Many jails have experienced problems with cigarettes and tobacco products being brought into the facilities and used as a form of currency among inmates. C.S.H.B. 549 would extend the prohibition of cellular telephones and money to local jails regulated by the Commission on Jail Standards. The bill also extends the prohibition of cigarettes and tobacco products if the provision of such products violates an order by the county or city that has prohibited or limited the provision or possession of such products by inmates.

### **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**

SECTION 1. Amends Section 38.11(a), Penal Code, to prohibit cellular telephones and money from being provided to inmates in a local jail regulated by the Commission on Jail Standards. The section also prohibits cigarettes and tobacco products from being provided to a person confined in a local jail regulated by the Commission on Jail Standards if the provision of such products violates an order by the county or city that has prohibited or limited the provision to or possession by inmates of such products.

SECTION 2. Effective Date

### **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 original version prohibited the provision of a cellular telephone, cigarette, tobacco product or money to a person confined in a local jail regulated by the Commission on Jail Standards. The substitute allows for the provision of cigarettes and tobacco products as long as the provision does not violate any local order prohibiting or limiting the possession or provision of such products.