

BILL ANALYSIS

C.S.H.B. 2198
By: Madden
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current Texas statute allows inmates to purchase a limited number of items like food, hygiene, clothes and miscellaneous items at certain commissaries in county jails or in privately operated correction facilities. Many of these commissaries throughout the State generate excess money from these accounts. That excess money is currently used to benefit the “quality of life” of the inmate and is used to fund the staff of the commissaries. Currently some existing accounts throughout the state have funds that cannot be used due to statutory restrictions.

C.S.H.B. 2198 expands the list of allowable items that can be purchased through commissary accounts. C.S.H.B. 2198 also requires a Sheriff to take into consideration the use of a fixed-rate of return combined with a sales growth incentive, menu items, pricing, technology, best value and benefits for the inmate and the commissary, safety and security procedures, and the performance record of the provider, including service availability, reliability, and efficiency when entering into a commissary contract. C.S.H.B. 2198 also provides that a purchase made by the sheriff in a county that has a population of one million or more, has two municipalities with a population of 200,000 or more and is adjacent to a county with a population of one million or more when using commissary proceeds is subject to the competitive purchasing procedures contained in Subchapter C, Chapter 262 of the Local Government Code.

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

C.S.H.B. 2198 amends section 351.0415 of the Local Government Code to include that a sheriff of a county or a sheriff's designee, including a private vendor operating a detention facility under contract with a county is authorized to use excess commissary proceeds to fund the salaries of staff responsible for managing the inmates' commissary accounts; fund physical plant improvements, technology, equipment, programs, services, activities and that they take in the account of the well-being, health, safety, and security of the inmates and the facility. This bill also requires the private vendor that operates a detention facility commissary be audited annually. Further, C.S.H.B. 2198 requires a Sheriff or his designee, to take into consideration the use of a fixed-rate of return combined with a sales growth incentive, menu items, best value and benefits for the inmate and the commissary, safety and security procedures, and the performance record of the provider, including service availability, reliability, and efficiency when entering into a commissary contract. Finally, C.S.H.B. 2198 provides that a purchase made by the sheriff in a county that has a population of one million or more, has two municipalities with a population of 200,000 or more and is adjacent to a county with a population of one million or more when using commissary proceeds is subject to the competitive purchasing procedures contained in Subchapter C, Chapter 262 of the Local Government Code and this language ensures that County Commissioners Courts do not supplant the funds from the Sheriff's operating budget.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2198 79(R)

C.S.H.B. 2198 in Section 1 adds a sheriff's designee, including a private vendor operating a detention facility under contract with the county may operate, or contract a commissary.

The original bill allowed commissary proceeds to be used for renovations and repairs, including installing and replacing air conditioning equipment, laundry equipment and food service equipment. It could be used to help defray the cost associated with food services and medical care to the prisoners. H.B. 2198 also allowed for the fund to be used for the Commission on Jail Standards. C.S.H.B. 2198 removes this language and changes the language to include technology, equipment, programs, services, activities and that they take in to account the well-being, health, safety, and security of the inmates and the facility when considering how he funds were to be used.

C.S.H.B. 2198 adds language that requires a Sheriff to take into consideration the use of a fixed-rate of return combined with a sales growth incentive, menu items, best value and benefits for the inmate and the commissary, safety and security procedures, and the performance record of the provider, including service availability, reliability, and efficiency when entering into a commissary contract, and it provides that a purchase made by the sheriff in a county that has a population of one million or more, has two municipalities with a population of 200,000 or more and is adjacent to a county with a population of one million or more when using commissary proceeds is subject to the competitive purchasing procedures contained in Subchapter C, Chapter 262 of the Local Government Code. C.S.H.B. 2198 adds language to ensure that County Commissioners Courts do not supplant the funds from the Sheriff's operating budget.