

BILL ANALYSIS

Senate Research Center
79R13373 GWK-D

H.B. 2839
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Criminal Justice
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law does not allow the Texas Department of Criminal Justice (TDCJ) to contract for the manufacturing for or sale of prison-made articles or products to a private or independent institution of higher education and the law does not allow TDCJ to contract for inmate labor for commercial services.

H.B. 2389 expands the ability of the TDCJ to manufacture for or sell their products to a private or independent institution of higher learning. This provision has the potential to increase profits for the Texas correctional industry program and gives private and independent institutions of higher learning the ability to purchase products at a very competitive cost.

H.B. 2389 also gives the Board of Criminal Justice the ability to enter into a contract to provide services to the private sector. This allows Texas correctional industries to bid competitively on projects that provide additional inmate work programs.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 497.022, Government Code, to authorize the Texas Department of Criminal Justice (TDCJ) to contract with a private or independent institution of higher education to manufacture for or sell to that school or institution prison-made articles or products.

SECTION 2. Amends Section 497.006, Government Code, as follows:

Sec. 497.006. CONTRACTS WITH PRIVATE BUSINESS. (a) Creates this subsection from existing text.

(b) Creates this subsection from existing text. Provides an exception to this subsection as created by Subsection (c). Makes a conforming and nonsubstantive change.

(c) Requires a contract for the provision of services under this section to have certain certifications and approval.

(d) Prohibits more than 500 work program participants from participating in programs under contracts entered into under Subsection (c).

(e) Provides that Section 497.058 (PEICP Wage) does not apply to the payment of a work program participant participating in a program under a contract described by Subsection (c).

SECTION 3. Amends Section 497.010(c), Government Code, to provide that it is an exception to the application of this section that the article or product sold is a service provided under a contract for which the Private Sector/Prison Industry Enhancement Certification Program operated by the Bureau of Justice Assistance and authorized by 18 U.S.C. Section 1761 does not require certification.

SECTION 4. Effective date: upon passage or September 1, 2005.