

BILL ANALYSIS

C.S.H.B. 2839
By: Allen, Ray
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law does not allow the Department of Criminal Justice 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 the department to contract for inmate labor for commercial services.

HB 2839 expands the ability of the Texas Department of Criminal Justice 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.

HB 2839, 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

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 497.022, Government Code to provide that the department may 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 to provide that a contract entered into between a prison industries office and a private business must comply with all requirements of the Private Sector/Prison Industry Enhancement Certification Program with the exception of a requirement relating to the payment of prevailing wages, be certified by the authority as not causing the loss of existing jobs of a specific type provided by the contracting party in this state, be approved by the Texas Board of Criminal Justice, and not involve more than 500 work program participants. Additionally, this section provides that Section 497.058, Government Code, (prison industry enhancement certification program (PIECP) wage) does not apply to the payment of a work program participant participating in a program under such contracts.

SECTION 3. Provides that Section 497.010, Government Code, (relating to the sale or offer of sale of prison-produced article or product as a Class B misdemeanor) does not apply to a service provided under a contract for which the Private Sector/Prison Industry Enhancement Certification Program does not require certification.

SECTION 4. 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 committee substitute removes the provision addressing county inmates providing labor for a nonprofit organization from the original version of the bill.

The committee substitute also adds new language to require that all contracts entered into by the prison industries office with private business for the provision of services: (1) be certified by the Private Sector Prison Industries Oversight Authority as complying with all the requirements of the Private Sector/Prison Industry Enhancement Certification Program, other than a requirement relating to the payment of prevailing wages (2) require that the Private Sector Prison Industries Oversight Authority certify that the contract would not cause the loss of existing jobs of a specific type provided by the contracting party in this state (3) be approved by the Texas Board of Criminal Justice and (4) not involve more than 500 work program participants.

Additionally, the substitute adds language which provides that Section 497.010, Government Code, does not apply to a service provided under a contract for which the Private Sector/Prison Industry Enhancement Certification Program does not require certification.