

By: Allen of Dallas

H.B. No. 1365

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the provision of security and communication technology  
3 service to inmates and defendants confined in facilities operated  
4 by or under contract with the Texas Department of Criminal Justice.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 495, Government Code, is  
7 amended by adding Section 495.025 to read as follows:

8 Sec. 495.025. SECURITY AND COMMUNICATION TECHNOLOGY  
9 SERVICE. (a) The board shall request proposals from private  
10 vendors for contracts to provide security and communication  
11 technology service to personnel of the department and to inmates  
12 and defendants confined in facilities operated by or under contract  
13 with the department. The board may not consider a proposal or award  
14 a contract to provide the service unless under the contract the  
15 vendor:

16 (1) provides for installation, operation, and  
17 maintenance of the service without any cost to the state;

18 (2) pays the department a commission of 40 percent of  
19 the gross revenue received from the use of any service provided;

20 (3) provides for periodic review by the department or  
21 an independent entity of documents maintained by the vendor  
22 regarding billing procedures and statements, rate structures,  
23 computed commissions, and service metering;

24 (4) reduces the likelihood of a significant financial

1 burden on an inmate's or defendant's family for charges related to  
2 any service;

3 (5) ensures that a ratio of not greater than 30 inmates  
4 or defendants per communication device is maintained in each  
5 facility; and

6 (6) ensures that no excessive charge will be assessed  
7 for any service and that every eligible inmate or defendant or a  
8 person acting on the inmate's or defendant's behalf may prepay for  
9 the service.

10 (b) The board shall award a contract to one or more private  
11 vendors to install, operate, and maintain security and  
12 communication technology service. The term of the contract may not  
13 be less than three years.

14 (c) Security and communication technology services  
15 permitted under this section include electronic text  
16 communication, network-based communication, voice communication,  
17 and videoconferencing communication. Inmate or defendant access to  
18 any wireless voice or text communication device, including a mobile  
19 telephone or digital pager, is not permitted under this section.

20 (d) All money received by the department under this section  
21 may be appropriated to the department only for use for the operation  
22 of treatment alternative to incarceration programs.

23 (e) The department shall adopt rules, subject to board  
24 approval, providing increased access to security and communication  
25 technology service to every eligible inmate and defendant.

26 (f) The department may adopt rules, subject to board  
27 approval, setting additional requirements for contracts that may be

1 awarded under this section.

2 (g) The department shall ensure that no confidential  
3 attorney-client communication is ever monitored or recorded by the  
4 department or any person acting on the department's behalf.

5 (h) If the security and communication technology includes  
6 voice communication service between an inmate or defendant and a  
7 person other than the inmate's or defendant's attorney outside a  
8 facility operated by or under contract with the department, the  
9 department shall ensure that the inmate or defendant is allowed to  
10 communicate only with persons who are on a call list that is  
11 preapproved by the department. The department shall ensure that  
12 all communications under this section are recorded and preserved  
13 for law enforcement and security purposes.

14 SECTION 2. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2005.