

By: Hodge

H.B. No. 1530

A BILL TO BE ENTITLED

AN ACT

relating to the provision of telephone service to inmates and defendants confined in facilities operated by the Texas Department of Criminal Justice.

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

SECTION 1. Subchapter B, Chapter 495, Government Code, is amended by adding Section 495.026 to read as follows:

Sec. 495.026. TELEPHONE SERVICE. (a) The department shall request proposals from private vendors for contracts to provide telephone service to inmates and defendants confined in facilities operated by the department. The department may not consider a proposal or award a contract to provide the service unless under the contract the vendor:

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

(2) ensures that standard equipment that meets specifications established by the department will be used;

(3) provides a system with the capacity to:

(A) compile inmate or defendant calling lists;

(B) verify numbers to be called by inmates or defendants, if necessary;

(C) oversee entry of personal identification numbers; and

(D) generate reports to department personnel on

1 inmate or defendant calling patterns;

2 (4) provides on-site monitoring of calling patterns
3 and customizes technology to provide adequate system security;

4 (5) provides a fully automated system that does not
5 require a department operator;

6 (6) has the capability to limit the duration and
7 frequency of calls to detect and prevent excessive use of the system
8 by an inmate or defendant and to reduce the likelihood of a
9 significant financial burden on an inmate's or defendant's family;

10 (7) pays the department a reasonable commission based
11 on the total amount billed for inmate or defendant telephone usage;

12 (8) ensures that digital recording systems are used;

13 (9) provides for periodic review by the department or
14 an independent entity of documents maintained by the vendor
15 regarding billing procedures and statements, rate structures,
16 computed commissions, and call metering;

17 (10) provides for the use of published tariffs;

18 (11) ensures that no charge will be assessed for an
19 uncompleted call and that no excessive charge will be assessed for a
20 local call; and

21 (12) submits to an annual independent financial audit.

22 (b) The department may award a contract to one or more
23 private vendors to provide the telephone service. The term of the
24 contract may not be more than four years. The contract may contain
25 an option allowing the department to elect to renew the contract for
26 a second term of not more than four years.

27 (c) If the department determines during or at the end of the

1 contract period that the telephone service provided under the
2 contract is of a sufficient quality and is cost-effective, the
3 department shall request additional proposals for contracts and
4 award one or more contracts as provided by this section.

5 (d) The department shall transfer all commissions paid to
6 the department by a vendor under this section to the comptroller for
7 deposit in the state treasury to the credit of the undedicated
8 portion of the general revenue fund.

9 (e) The board shall adopt rules authorizing the use of the
10 telephone service by an inmate or defendant confined in the
11 institutional division or in a state jail felony facility. The
12 rules shall authorize the use of the service:

13 (1) only by an inmate or defendant who is determined to
14 be entitled to the privilege on the basis of disciplinary and work
15 records; and

16 (2) for periods that add up to a maximum total of
17 between 100 to 300 minutes per 90-day period.

18 SECTION 2. The Texas Department of Criminal Justice shall
19 award one or more initial contracts under Section 495.026,
20 Government Code, as added by this Act, not later than September 1,
21 2006.

22 SECTION 3. This Act takes effect September 1, 2005.