

By: Madden

H.B. No. 2198

A BILL TO BE ENTITLED

AN ACT

relating to commissary operation in county jails and privately operated jail facilities.

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

SECTION 1. Section 351.0415, Local Government Code, is amended to read as follows:

Sec. 351.0415. COMMISSARY OPERATION BY SHERIFF OR PRIVATE VENDOR. (a) The sheriff of a county or a private vendor, as appropriate, may operate, or contract with another person to operate, a commissary for the use of the prisoners committed to the county jail or to a jail operated by a private vendor under contract with the county. The commissary must be operated in accordance with rules adopted by the Commission on Jail Standards.

(b) The sheriff or private vendor:

(1) has exclusive control of the commissary funds;

(2) shall maintain commissary accounts showing the amount of proceeds from the commissary operation and the amount and purpose of disbursements made from the proceeds; and

(3) shall accept new bids to renew contracts of commissary suppliers every five years.

(c) The sheriff or private vendor may use commissary proceeds only to:

(1) fund, staff, and equip a program addressing the social needs of the [~~county~~] prisoners, including an educational or

1 recreational program and religious or rehabilitative counseling;

2 (2) supply [~~county~~] prisoners with clothing, writing
3 materials, and hygiene supplies;

4 (3) establish, staff, and equip the commissary
5 operation and fund the salaries of staff responsible for managing
6 the prisoners' commissary accounts; [~~or~~]

7 (4) fund, staff, and equip both an educational and a
8 law library for the educational use of [~~county~~] prisoners;

9 (5) fund physical plant improvements, renovations,
10 and repairs, including installing and replacing air conditioning
11 equipment, laundry equipment, and food service equipment;

12 (6) help defray the costs associated with food
13 services provided to the prisoners;

14 (7) help defray the costs associated with medical care
15 provided to the prisoners; and

16 (8) fund the required annual Commission on Jail
17 Standards inspections.

18 (d) For a jail under the supervision of the sheriff, at [~~At~~]
19 least once each county fiscal year, or more often if the
20 commissioners court desires, the auditor shall, without advance
21 notice, fully examine the jail commissary accounts. The auditor
22 shall verify the correctness of the accounts and report the
23 findings of the examination to the commissioners court of the
24 county at its next term beginning after the date the audit is
25 completed.

26 SECTION 2. This Act takes effect September 1, 2005.