

AN ACT

relating to the participation of state inmates in the production of certain goods and the provision of certain services.

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

SECTION 1. Section 497.022, Government Code, is amended to read as follows:

Sec. 497.022. CONTRACTS. The department may contract with:

(1) another state, the federal government, a foreign government, or an agency of any of those governments to manufacture for or sell to those governments prison-made articles or products; ~~or~~

(2) a private or independent institution of higher education to manufacture for or sell to that school or institution prison-made articles or products; or

(3) a private school or a visually handicapped person in this state to manufacture Braille textbooks or other instructional aids for the education of visually handicapped persons.

SECTION 2. Section 497.006, Government Code, is amended to read as follows:

Sec. 497.006. CONTRACTS WITH PRIVATE BUSINESS. (a) To encourage the development and expansion of prison industries, the prison industries office may enter into necessary contracts related to the prison industries program.

1 (b) With the approval of the board, the office may enter
2 into a contract with a private business to conduct a program on or
3 off property operated by the department. Except as provided by
4 Subsection (c), a [A] contract entered into under this section must
5 comply with all requirements of the Private Sector/Prison Industry
6 Enhancement Certification Program operated by the Bureau of Justice
7 Assistance and authorized by 18 U.S.C. Section 1761. In
8 determining under Section 497.062 the number of participants
9 participating in private sector prison industries programs, the
10 department shall count the number of work program participants
11 participating in a program under a contract entered into under this
12 section. Not more than 500 work program participants may
13 participate in programs under contracts entered into under this
14 subsection [section].

15 (c) A contract for the provision of services under this
16 section must:

17 (1) be certified by the Private Sector Prison
18 Industries Oversight Authority as complying with all requirements
19 of the Private Sector/Prison Industry Enhancement Certification
20 Program operated by the Bureau of Justice Assistance and authorized
21 by 18 U.S.C. Section 1761, other than a requirement relating to the
22 payment of prevailing wages;

23 (2) be certified by the authority, under rules adopted
24 under Section 497.059, that the contract would not cause the loss of
25 existing jobs of a specific type provided by the contracting party
26 in this state; and

27 (3) be approved by the board.

1 (d) Not more than 500 work program participants may
2 participate in programs under contracts entered into under
3 Subsection (c).

4 (e) Section 497.058 does not apply to the payment of a work
5 program participant participating in a program under a contract
6 described by Subsection (c).

7 SECTION 3. Section 497.010(c), Government Code, is amended
8 to read as follows:

9 (c) It is an exception to the application of this section
10 that the article or product sold is:

11 (1) a state flag or similar item produced for sale or
12 distribution by the legislature under Section 301.034; or

13 (2) a service provided under a contract for which the
14 Private Sector/Prison Industry Enhancement Certification Program
15 operated by the Bureau of Justice Assistance and authorized by 18
16 U.S.C. Section 1761 does not require certification.

17 SECTION 4. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 2839 was passed by the House on May 10, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2839 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor