

By: Allen of Dallas

H.B. No. 2839

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the participation of state and county inmates in the
3 production of certain goods and the provision of certain services.

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

5 SECTION 1. Article 43.10, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 43.10. MANUAL LABOR. Where the punishment assessed in
8 a conviction for misdemeanor is confinement in jail for more than
9 one day, or where in such conviction the punishment is assessed only
10 at a pecuniary fine and the party so convicted is unable to pay the
11 fine and costs adjudged against him, or where the party is sentenced
12 to jail for a felony or is confined in jail after conviction of a
13 felony, the party convicted shall be required to work in the county
14 jail industries program or shall be required to do manual labor in
15 accordance with the provisions of this article under the following
16 rules and regulations:

17 1. Each commissioners court may provide for the erection of
18 a workhouse and the establishment of a county farm in connection
19 therewith for the purpose of utilizing the labor of said parties so
20 convicted;

21 2. Such farms and workhouses shall be under the control and
22 management of the sheriff, and the sheriff may adopt such rules and
23 regulations not inconsistent with the rules and regulations of the
24 Commission on Jail Standards and with the laws as the sheriff deems

1 necessary;

2 3. Such overseers and guards may be employed by the sheriff
3 under the authority of the commissioners court as may be necessary
4 to prevent escapes and to enforce such labor, and they shall be paid
5 out of the county treasury such compensation as the commissioners
6 court may prescribe;

7 4. They shall be put to labor upon public works and
8 maintenance projects, including public works and maintenance
9 projects for a political subdivision located in whole or in part in
10 the county, or for a nonprofit organization in accordance with
11 rules adopted by the commissioners court designating which
12 convicted parties and which nonprofit organizations may
13 participate in the projects;

14 5. One who from age, disease, or other physical or mental
15 disability is unable to do manual labor shall not be required to
16 work. His inability to do manual labor may be determined by a
17 physician appointed for that purpose by the county judge or the
18 commissioners court, who shall be paid for such service such
19 compensation as said court may allow; and

20 6. For each day of manual labor, in addition to any other
21 credits allowed by law, a defendant is entitled to have one day
22 deducted from each sentence he is serving. The deduction
23 authorized by this article, when combined with the deduction
24 required by Article 42.10 of this code, may not exceed two-thirds
25 (2/3) of the sentence.

26 SECTION 2. Section 497.022, Government Code, is amended to
27 read as follows:

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

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

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

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

13 SECTION 3. Section 497.006, Government Code, is amended to
14 read as follows:

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

19 (b) With the approval of the board, the office may enter
20 into a contract with a private business to conduct a program on or
21 off property operated by the department. A contract entered into
22 under this section must comply with the Private Sector/Prison
23 Industry Enhancement Certification Program operated by the Bureau
24 of Justice Assistance and authorized by 18 U.S.C. Section 1761. In
25 determining under Section 497.062 the number of participants
26 participating in private sector prison industries programs, the
27 department shall count the number of work program participants

1 participating in a program under a contract entered into under this
2 section. Not more than 500 work program participants may
3 participate in programs under contracts entered into under this
4 subsection [~~section~~].

5 (c) Subsection (b) does not apply to the provision of
6 services under a contract for which the Private Sector/Prison
7 Industry Enhancement Certification Program operated by the Bureau
8 of Justice Assistance and authorized by 18 U.S.C. Section 1761 does
9 not require certification.

10 SECTION 4. Section 497.010(c), Government Code, is amended
11 to read as follows:

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

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

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

20 SECTION 5. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2005.