

1-1 By: Allen of Dallas (Senate Sponsor - Harris) H.B. No. 2839
1-2 (In the Senate - Received from the House May 11, 2005;
1-3 May 13, 2005, read first time and referred to Committee on Criminal
1-4 Justice; May 20, 2005, reported favorably by the following vote:
1-5 Yeas 4, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the participation of state inmates in the production of
1-9 certain goods and the provision of certain services.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 497.022, Government Code, is amended to
1-12 read as follows:

1-13 Sec. 497.022. CONTRACTS. The department may contract with:

1-14 (1) another state, the federal government, a foreign
1-15 government, or an agency of any of those governments to manufacture
1-16 for or sell to those governments prison-made articles or products;
1-17 [~~or~~]

1-18 (2) a private or independent institution of higher
1-19 education to manufacture for or sell to that school or institution
1-20 prison-made articles or products; or

1-21 (3) a private school or a visually handicapped person
1-22 in this state to manufacture Braille textbooks or other
1-23 instructional aids for the education of visually handicapped
1-24 persons.

1-25 SECTION 2. Section 497.006, Government Code, is amended to
1-26 read as follows:

1-27 Sec. 497.006. CONTRACTS WITH PRIVATE BUSINESS. (a) To
1-28 encourage the development and expansion of prison industries, the
1-29 prison industries office may enter into necessary contracts related
1-30 to the prison industries program.

1-31 (b) With the approval of the board, the office may enter
1-32 into a contract with a private business to conduct a program on or
1-33 off property operated by the department. Except as provided by
1-34 Subsection (c), a [A] contract entered into under this section must
1-35 comply with all requirements of the Private Sector/Prison Industry
1-36 Enhancement Certification Program operated by the Bureau of Justice
1-37 Assistance and authorized by 18 U.S.C. Section 1761. In
1-38 determining under Section 497.062 the number of participants
1-39 participating in private sector prison industries programs, the
1-40 department shall count the number of work program participants
1-41 participating in a program under a contract entered into under this
1-42 section. Not more than 500 work program participants may
1-43 participate in programs under contracts entered into under this
1-44 subsection [section].

1-45 (c) A contract for the provision of services under this
1-46 section must:

1-47 (1) be certified by the Private Sector Prison
1-48 Industries Oversight Authority as complying with all requirements
1-49 of the Private Sector/Prison Industry Enhancement Certification
1-50 Program operated by the Bureau of Justice Assistance and authorized
1-51 by 18 U.S.C. Section 1761, other than a requirement relating to the
1-52 payment of prevailing wages;

1-53 (2) be certified by the authority, under rules adopted
1-54 under Section 497.059, that the contract would not cause the loss of
1-55 existing jobs of a specific type provided by the contracting party
1-56 in this state; and

1-57 (3) be approved by the board.

1-58 (d) Not more than 500 work program participants may
1-59 participate in programs under contracts entered into under
1-60 Subsection (c).

1-61 (e) Section 497.058 does not apply to the payment of a work
1-62 program participant participating in a program under a contract
1-63 described by Subsection (c).

1-64 SECTION 3. Section 497.010(c), Government Code, is amended

2-1 to read as follows:

2-2 (c) It is an exception to the application of this section
2-3 that the article or product sold is:

2-4 (1) a state flag or similar item produced for sale or
2-5 distribution by the legislature under Section 301.034; or

2-6 (2) a service provided under a contract for which the
2-7 Private Sector/Prison Industry Enhancement Certification Program
2-8 operated by the Bureau of Justice Assistance and authorized by 18
2-9 U.S.C. Section 1761 does not require certification.

2-10 SECTION 4. This Act takes effect immediately if it receives
2-11 a vote of two-thirds of all the members elected to each house, as
2-12 provided by Section 39, Article III, Texas Constitution. If this
2-13 Act does not receive the vote necessary for immediate effect, this
2-14 Act takes effect September 1, 2005.

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