

## **BILL ANALYSIS**

C.S.H.B. 2990  
By: Madden  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, those who are incarcerated in, work in or visit Texas prisons have very little protection for their safety. Cameras are the only monitoring devices to protect inmates, correctional officers, third-party vendors and visitors at a Texas Department of Criminal Justice facility, and those devices have limited coverage and capability. Lockdowns are common when an incident occurs or when a headcount, which is done manually, deviates from the expected outcome, preventing inmates from attending valuable rehabilitation or work programs. Staff time is devoted to attempting to verify accusations without a databank of evidence for confirmation. Real time tracking systems within correctional facilities in the state of Texas could automate these functions, creating efficiencies with existing staff and providing a safer prison environment.

Other states have remedied these inefficiencies while reducing assaults within prison facilities by installing radio frequency identification electronic monitoring systems as a deterrent to inmate/inmate, and inmate/guard incidents. Behavior modification takes place once persons within the prison know they are being monitored, creating a safer environment for all. Lockdowns can be minimized or shortened in length. Correctional officers and visitors wearing transmitters can summon assistance or report emergencies immediately. Post-incident investigative and litigation time and cost are dramatically reduced with the use of a system that stores historical data. Allegations as minor as an inmate not receiving medication or attending class can quickly be verified. More serious accusations such as sexual assault are easier to prove or negate because conclusive evidence of participants and bystanders is readily established with such systems.

CSHB 2990 requires certain correctional facilities to be equipped with electronic monitoring and tracking systems to ensure the safety of inmates, staff, and visitors.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

CSHB 2990 requires the Texas Department of Criminal Justice (department), in any correctional facility the construction of which begins on or after September 1, 2007, to ensure that the facility is designed and built to use an electronic monitoring and tracking system to monitor effectively and efficiently the physical location and safety of: all inmates housed by the department in the facility; all employees of the department working in the facility; all third-party vendors or other contractors who work in the facility; and all visitors to the facility who are granted access to areas of the facility to which only employees are normally admitted. The department may retrofit any correctional facility the construction of which began before September 1, 2007 with such a system.

CSHB 2990 defines the required capabilities of an electronic monitoring and tracking system for these purposes. Required system capabilities include: real time tracking of the location of a person wearing a remote transmitter through the constant sending and receiving of signals between a centralized monitoring center and the remote transmitter and alerts to a centralized monitoring center when preestablished criteria, including unauthorized entrances and exits from a correctional facility, are violated; compatibility with wireless transmission of information with

sufficient bandwidth to support additional networking devices; program or class attendance tracking; and the ability to store information for six months.

CSHB 2990 provides that the department shall require all individuals described by Subsections (b) and (c), Section 494.0111, Government Code, to wear radio frequency identification transmitters while they are housed, working in, or visiting a facility that is designed and built or retrofitted to use an electronic monitoring and tracking system.

#### **EFFECTIVE DATE**

September 1, 2007.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute replaces radio frequency identification electronic monitoring systems in the bill with electronic monitoring and tracking systems.

HB 2990 requires the electronic monitoring and tracking systems to provide real time tracking of the location of a person wearing a remote transmitter through the constant sending and receiving of signals between a centralized monitoring center and the remote transmitter. CSHB 2990 requires the system to provide real time tracking of the location of a person wearing a remote transmitter through the constant sending and receiving of signals between a centralized monitoring center and the remote transmitter *and* alerts to a centralized monitoring center when preestablished criteria, including unauthorized entrances and exits from a correctional facility, are violated.

HB 2990 requires that the system be capable of using an encrypted bar code or similar unique identification label to track pharmaceuticals, meals, and other goods provided to inmates by the Texas Department of Criminal Justice and be capable of serving as a time-keeping system for individuals who wear a transmitter. The original bill also provides that a radio frequency identification transmitter provided to an individual other than an inmate must enable the individual to summon assistance or report an emergency by pushing a button on the transmitter. The committee substitute does not contain these provisions.