

BILL ANALYSIS

S.B. 1580
By: Van de Putte
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texas is an exception among states, the vast majority of which have implemented a restricted-use pay telephone system for eligible inmates in state correctional facilities. However, deployment of inmate pay telephone service is not without precedent in Texas, given that a number of county jails and privately-run facilities under contract with the Texas Department of Criminal Justice (TDCJ) already have successfully and safely implemented the service.

Allowing restricted-use inmate telephone service to be introduced in the Texas prison system would create a number of benefits to the state. Inmate telephone system technology has been used effectively for investigative purposes, and if implemented through this bill, will create a new source of revenue for the state. These systems also provide correctional personnel with a new tool for managing inmate behavior and complement reintegration and rehabilitation goals for eligible low-risk offenders.

S.B. 1580 requires the Texas Board of Criminal Justice to award a contract to a single private vendor to provide pay telephone services to eligible inmates. TDCJ is required to adopt policies for inmate eligibility and the vendor providing the service will be responsible for installing, operating, and maintaining the service without any cost to the state. The vendor is also required to provide on-site monitoring of calling patterns and customize technology to provide adequate system security. This bill requires an inmate to submit in advance a call list that must be approved by TDCJ. In addition, TDCJ is required to ensure that the confidentiality of communications between attorneys and their clients is not violated. This bill requires each inmate to provide the name and telephone number of each attorney representing the inmate.

TDCJ will earn a commission of 40 percent of the gross revenue received from the use of any service provided by the pay phones. Of the 40 percent retained by TDCJ, 50 percent is required to be credited to the victims of crime fund, and the remaining 50 percent is to be credited to the undedicated portion of the general revenue fund.

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

SECTION 1. Amends Subchapter B, Chapter 495, Government Code, by adding Section 495.025, as follows:

Sec. 495.025. INMATE PAY TELEPHONE SERVICE. (a) Requires the Texas Board of Criminal Justice (board) to request proposals from private vendors for a contract to provide pay telephone service to eligible inmates confined in facilities operated by the Texas Department of Criminal Justice (TDCJ). Prohibits the board from considering a proposal or awarding a contract to provide the service unless, under the contract, the vendor:

- 1) provides for installation, operation, and maintenance of the service without any cost to the state;
- (2) pays the TDCJ a commission of not less than 40 percent of the gross revenue received from the use of any service provided;
- (3) provides a system with the capacity to: compile approved inmate call lists; verify numbers to be called by inmates, if necessary; oversee entry of personal

identification numbers; use a biometric identifier of the inmate making the call; generate reports to TDCJ personnel on inmate calling patterns; and network all individual facility systems together to allow the same investigative monitoring from TDCJ headquarters that is available at each facility;

(4) provides on-site monitoring of calling patterns and customizes technology to provide adequate system security;

(5) provides a fully automated system that does not require a TDCJ operator;

(6) provides for periodic review by the state auditor of documents maintained by the vendor regarding billing procedures and statements, rate structures, computed commissions, and service metering;

(7) ensures that a ratio of not greater than 30 eligible inmates per communication device is maintained at each facility;

(8) ensures that no charge will be assessed for an uncompleted call and that the charge for local calls will not be greater than the highest rate for local calls for inmates in county jails; and

(9) ensures that each eligible inmate or person acting on behalf of an eligible inmate may prepay for the service.

(b) Requires the board to award a contract to a single private vendor to install, operate, and maintain the inmate pay telephone service. Prohibits the initial term of the contract from being less than seven years and requires the contract to provide the board with the option of renewing the contract for additional two-year terms.

(c) Requires TDCJ to transfer 50 percent of all commissions paid to TDCJ by a vendor under this section to the compensation to victims of crime fund established by Subchapter B, Chapter 56, Code of Criminal Procedure, and the other 50 percent to the credit of the undedicated portion of the general revenue fund, except that TDCJ is required to transfer the first \$10 million of the commissions collected in any given year under a contract awarded under this section to the compensation to victims of crime fund established by Subchapter B, Chapter 56. Provides that this section does not reduce any appropriation to TDCJ.

(d) Requires TDCJ, subject to board approval, to adopt policies governing the use of the pay telephone service by an inmate confined in a facility operated by the TDCJ, including a policy governing the eligibility of an inmate to use the service. Prohibits the policies adopted under this subsection from unduly restricting calling patterns or volume and requires the policies to allow for an average monthly call usage rate of eight calls, with each call having an average duration of not less than 10 minutes, per eligible inmate.

(e) Requires TDCJ to ensure that the inmate is allowed to communicate only with persons who are on a call list that is preapproved by TDCJ. Requires TDCJ, except as provided by Subsection (f), to ensure that all communications under this section are recorded and preserved for a reasonable period of time for law enforcement and security purposes. Provides that a recording under this subsection is excepted from disclosure under Chapter 552, Government Code, (Public Information).

(f) Requires TDCJ to ensure that no confidential attorney-client communication is monitored or recorded by TDCJ or any person acting on the TDCJ's behalf and requires TDCJ to provide to the vendor the name and telephone number of each attorney who represents an inmate to ensure that communication between the inmate and the attorney is not monitored or recorded.

SECTION 2. Requires the Texas Board of Criminal Justice to award a contract under Section 495.025, Government Code, as added by this Act, not later than September 1, 2008.

SECTION 3. Effective date: upon passage or September 1, 2007.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

S.B. 1580 80(R)

