

BILL ANALYSIS

Senate Research Center
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S.B. 1580
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 1580 authorizes the Texas Department of Criminal Justice (TDCJ) to enter into a contract with a vendor to provide coin-less pay telephone services to eligible inmates. TDCJ is required to adopt rules for inmate eligibility. 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 to customize technology to provide adequate security to prevent transfers to unauthorized phone numbers. 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

Rulemaking authority is expressly granted to the Texas Department of Criminal Justice, with the approval of the Texas Board of Criminal Justice, in SECTION 1 (Section 495.025, Government Code) of this bill.

SECTION BY SECTION 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 award a contract to provide the service unless, under the contract, the vendor takes certain actions.

(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 five years and requires the contract to provide for automatic renewal of the contract annually until the vendor's capital expenditures are recouped. Requires the board to conduct an annual review to determine the vendor's capital payback for that year.

(c) Requires TDCJ, subject to board approval, to adopt rules setting additional requirements for a contract awarded under this section.

(d) Requires TDCJ to transfer 50 percent of all commissions paid to the department 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.

(e) Requires TDCJ, subject to board approval, to adopt rules governing the use of the pay telephone service by an inmate confined in a facility operated by the department, including a rule governing the eligibility of an inmate to use the service. Prohibits the rules adopted under this subsection from unduly restricting calling patterns or volume and requires the rules to allow for calling patterns to be not less than the national average call usage rate.

(f) 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 (g), to ensure that all communications under this section are recorded and preserved for a reasonable period of time for law enforcement and security purposes.

(g) 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. (a) Requires TDCJ, except as provided by Subsection (b), to award a contract under Section 495.025, Government Code, as added by this Act, not later than January 1, 2008.

(b) Requires TDCJ to award a contract under Section 495.025, Government Code, as added by this Act, not later than March 1, 2008, if this Act does not take effect immediately.

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