

By: Hodge

H.B. No. 43

A BILL TO BE ENTITLED

AN ACT

relating to the provision of pay telephone service to inmates confined in facilities operated by the Texas Department of Criminal Justice.

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

SECTION 1. Subchapter B, Chapter 495, Government Code, is amended by adding Section 495.025 to read as follows:

Sec. 495.025. INMATE PAY TELEPHONE SERVICE. (a) The board shall request proposals from private vendors for a contract to provide pay telephone service to inmates confined in facilities operated by the department. The board may not consider a proposal or award 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 department a commission of 40 percent of the gross revenue received from the use of any service provided;

(3) provides a system with the capacity to:

(A) compile approved inmate calling lists;

(B) verify numbers to be called by inmates, if necessary;

(C) oversee entry of personal identification numbers;

(D) use a biometric identifier of the inmate

1 making the call;

2 (E) limit the duration and frequency of calls to
3 detect and prevent an inmate's excessive use of the system and to
4 reduce the likelihood of a significant financial burden on an
5 inmate's family as a result of the service;

6 (F) generate reports to department personnel on
7 inmate calling patterns; and

8 (G) network all individual facility systems
9 together to allow the same investigative monitoring from department
10 headquarters that is available at each facility;

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

13 (5) provides a fully automated system that does not
14 require a department operator;

15 (6) provides for periodic review by the department or
16 an independent entity of documents maintained by the vendor
17 regarding billing procedures and statements, rate structures,
18 computed commissions, and service metering;

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

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

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

27 (b) The board shall award a contract to a single private

1 vendor to install, operate, and maintain the inmate pay telephone
2 service. The term of the contract may not be less than five years.
3 The contract may contain an option allowing the board to elect to
4 renew the contract for a second term of not more than two years.

5 (c) Subject to board approval, the department may adopt
6 rules setting additional requirements for a contract awarded under
7 this section.

8 (d) The department shall transfer 50 percent of all
9 commissions paid to the department by a vendor under this section to
10 the compensation to victims of crime fund established by Subchapter
11 B, Chapter 56, Code of Criminal Procedure, and the other 50 percent
12 to the credit of the undedicated portion of the general revenue
13 fund, except that the department shall transfer the first \$10
14 million collected in any given year under a contract awarded under
15 this section to the compensation to victims of crime fund
16 established by Subchapter B, Chapter 56. This section does not
17 reduce any appropriation to the department.

18 (e) Subject to board approval, the department shall adopt
19 rules governing the use of the telephone service by an inmate
20 confined in a facility operated by the department. The rules
21 adopted under this subsection may not unduly restrict calling
22 patterns or volume.

23 (f) The department shall ensure that the inmate is allowed
24 to communicate only with persons who are on a call list that is
25 preapproved by the department. Except as provided by Subsection
26 (g), the department shall ensure that all communications under this
27 section are recorded and preserved for a reasonable period of time

1 for law enforcement and security purposes.

2 (g) The department shall ensure that no confidential
3 attorney-client communication is monitored or recorded by the
4 department or any person acting on the department's behalf and
5 shall provide to the vendor the name and telephone number of each
6 attorney who represents an inmate to ensure that communication
7 between the inmate and the attorney is not monitored or recorded.

8 SECTION 2. (a) Except as provided by Subsection (b) of this
9 section, the Texas Board of Criminal Justice shall award a contract
10 under Section 495.025, Government Code, as added by this Act, not
11 later than January 1, 2008.

12 (b) If this Act does not take effect immediately, the Texas
13 Board of Criminal Justice shall award a contract under Section
14 495.025, Government Code, as added by this Act, not later than March
15 1, 2008.

16 SECTION 3. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2007.