

By: Haggerty, Madden, Hodge

H.B. No. 1888

Substitute the following for H.B. No. 1888:

By: Hochberg

C.S.H.B. No. 1888

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the provision of pay telephone service to inmates  
3 confined in facilities operated by the Texas Department of Criminal  
4 Justice.

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

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

8 Sec. 495.025. INMATE PAY TELEPHONE SERVICE. (a) The board  
9 shall request proposals from private vendors for a contract to  
10 provide pay telephone service to eligible inmates confined in  
11 facilities operated by the department. The board may not consider a  
12 proposal or award a contract to provide the service unless under the  
13 contract the vendor:

14 (1) provides for installation, operation, and  
15 maintenance of the service without any cost to the state;

16 (2) pays the department a commission of not less than  
17 40 percent of the gross revenue received from the use of any service  
18 provided;

19 (3) provides a system with the capacity to:

20 (A) compile approved inmate call lists;

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

23 (C) oversee entry of personal identification  
24 numbers;

1                   (D) use a biometric identifier of the inmate  
2 making the call;

3                   (E) generate reports to department personnel on  
4 inmate calling patterns;

5                   (F) network all individual facility systems  
6 together to allow the same investigative monitoring from department  
7 headquarters that is available at each facility; and

8                   (G) use cellular telephone detection technology  
9 that is integrated with the inmate pay telephone service;

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

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

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

18                  (7) ensures that a ratio of not greater than 30  
19 eligible inmates per communication device is maintained at each  
20 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 eligible 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 initial term of the contract may not be less than  
3 seven years. The contract must provide the board with the option of  
4 renewing the contract for additional two-year terms.

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

15 (d) Subject to board approval, the department shall adopt  
16 policies governing the use of the pay telephone service by an inmate  
17 confined in a facility operated by the department, including a  
18 policy governing the eligibility of an inmate to use the service.  
19 The policies adopted under this subsection may not unduly restrict  
20 calling patterns or volume and must allow for an average monthly  
21 call usage rate of eight calls, with each call having an average  
22 duration of not less than 10 minutes, per eligible inmate.

23 (e) 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 (f), 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. A recording under this  
2 subsection is excepted from disclosure under Chapter 552.

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

9 SECTION 2. The Texas Board of Criminal Justice shall award a  
10 contract under Section 495.025, Government Code, as added by this  
11 Act, not later than September 1, 2008.

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