

By: Haggerty

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 40 percent of  
17 the gross revenue received from the use of any service provided;

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

19 (A) compile approved inmate call lists;

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

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

24 (D) use a biometric identifier of the inmate

1 making the call;

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

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

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

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

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

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

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

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

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

25 (b) The board shall award a contract to a single private  
26 vendor to install, operate, and maintain the inmate pay telephone  
27 service. The initial term of the contract may not be less than five

1 years. The contract must provide for automatic renewal of the  
2 contract annually until the vendor's capital expenditures are  
3 recouped. The board shall conduct an annual review to determine the  
4 vendor's capital payback for that year.

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 of the commissions collected in any given year under a  
15 contract awarded under this section to the compensation to victims  
16 of crime fund established by Subchapter B, Chapter 56. This section  
17 does not reduce any appropriation to the department.

18 (e) Subject to board approval, the department shall adopt  
19 rules governing the use of the pay telephone service by an inmate  
20 confined in a facility operated by the department, including a rule  
21 governing the eligibility of an inmate to use the service. The  
22 rules adopted under this subsection may not unduly restrict calling  
23 patterns or volume and must allow for calling patterns to be not  
24 less than the national average call usage rate.

25 (f) The department shall ensure that the inmate is allowed  
26 to communicate only with persons who are on a call list that is  
27 preapproved by the department. Except as provided by Subsection

1 (g), the department shall ensure that all communications under this  
2 section are recorded and preserved for a reasonable period of time  
3 for law enforcement and security purposes.

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

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

14 (b) If this Act does not take effect immediately, the Texas  
15 Board of Criminal Justice shall award a contract under Section  
16 495.025, Government Code, as added by this Act, not later than March  
17 1, 2008.

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