

By: Van de Putte

S.B. No. 1580

A BILL TO BE ENTITLED

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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 eligible 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 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:

(A) compile approved inmate call lists;

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

(C) oversee entry of personal identification 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; and

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;

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

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

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

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

1 seven years. The contract must provide the board with the option of
2 renewing the contract for additional two-year terms.

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

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

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

1 subsection is excepted from disclosure under Chapter 552.

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

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