

1-1 By: Van de Putte S.B. No. 1580
1-2 (In the Senate - Filed March 8, 2007; March 21, 2007, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 16, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 16, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1580 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the provision of pay telephone service to inmates
1-11 confined in facilities operated by the Texas Department of Criminal
1-12 Justice.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter B, Chapter 495, Government Code, is
1-15 amended by adding Section 495.025 to read as follows:

1-16 Sec. 495.025. INMATE PAY TELEPHONE SERVICE. (a) The board
1-17 shall request proposals from private vendors for a contract to
1-18 provide pay telephone service to eligible inmates confined in
1-19 facilities operated by the department. The board may not consider a
1-20 proposal or award a contract to provide the service unless under the
1-21 contract the vendor:

1-22 (1) provides for installation, operation, and
1-23 maintenance of the service without any cost to the state;

1-24 (2) pays the department a commission of not less than
1-25 40 percent of the gross revenue received from the use of any service
1-26 provided;

1-27 (3) provides a system with the capacity to:

1-28 (A) compile approved inmate call lists;

1-29 (B) verify numbers to be called by inmates, if
1-30 necessary;

1-31 (C) oversee entry of personal identification
1-32 numbers;

1-33 (D) use a biometric identifier of the inmate
1-34 making the call;

1-35 (E) generate reports to department personnel on
1-36 inmate calling patterns; and

1-37 (F) network all individual facility systems
1-38 together to allow the same investigative monitoring from department
1-39 headquarters that is available at each facility;

1-40 (4) provides on-site monitoring of calling patterns
1-41 and customizes technology to provide adequate system security;

1-42 (5) provides a fully automated system that does not
1-43 require a department operator;

1-44 (6) provides for periodic review by the state auditor
1-45 of documents maintained by the vendor regarding billing procedures
1-46 and statements, rate structures, computed commissions, and service
1-47 metering;

1-48 (7) ensures that a ratio of not greater than 30
1-49 eligible inmates per communication device is maintained at each
1-50 facility;

1-51 (8) ensures that no charge will be assessed for an
1-52 uncompleted call and that the charge for local calls will not be
1-53 greater than the highest rate for local calls for inmates in county
1-54 jails; and

1-55 (9) ensures that each eligible inmate or person acting
1-56 on behalf of an eligible inmate may prepay for the service.

1-57 (b) The board shall award a contract to a single private
1-58 vendor to install, operate, and maintain the inmate pay telephone
1-59 service. The initial term of the contract may not be less than
1-60 seven years. The contract must provide the board with the option of
1-61 renewing the contract for additional two-year terms.

1-62 (c) The department shall transfer 50 percent of all
1-63 commissions paid to the department by a vendor under this section to

2-1 the compensation to victims of crime fund established by Subchapter
2-2 B, Chapter 56, Code of Criminal Procedure, and the other 50 percent
2-3 to the credit of the undedicated portion of the general revenue
2-4 fund, except that the department shall transfer the first \$10
2-5 million of the commissions collected in any given year under a
2-6 contract awarded under this section to the compensation to victims
2-7 of crime fund established by Subchapter B, Chapter 56, Code of
2-8 Criminal Procedure. This section does not reduce any appropriation
2-9 to the department.

2-10 (d) Subject to board approval, the department shall adopt
2-11 policies governing the use of the pay telephone service by an inmate
2-12 confined in a facility operated by the department, including a
2-13 policy governing the eligibility of an inmate to use the service.
2-14 The policies adopted under this subsection may not unduly restrict
2-15 calling patterns or volume and must allow for an average monthly
2-16 call usage rate of eight calls, with each call having an average
2-17 duration of not less than 10 minutes, per eligible inmate.

2-18 (e) The department shall ensure that the inmate is allowed
2-19 to communicate only with persons who are on a call list that is
2-20 preapproved by the department. Except as provided by Subsection
2-21 (f), the department shall ensure that all communications under this
2-22 section are recorded and preserved for a reasonable period of time
2-23 for law enforcement and security purposes. A recording under this
2-24 subsection is excepted from disclosure under Chapter 552.

2-25 (f) The department shall ensure that no confidential
2-26 attorney-client communication is monitored or recorded by the
2-27 department or any person acting on the department's behalf and
2-28 shall provide to the vendor the name and telephone number of each
2-29 attorney who represents an inmate to ensure that communication
2-30 between the inmate and the attorney is not monitored or recorded.

2-31 SECTION 2. The Texas Board of Criminal Justice shall award a
2-32 contract under Section 495.025, Government Code, as added by this
2-33 Act, not later than September 1, 2008.

2-34 SECTION 3. This Act takes effect immediately if it receives
2-35 a vote of two-thirds of all the members elected to each house, as
2-36 provided by Section 39, Article III, Texas Constitution. If this
2-37 Act does not receive the vote necessary for immediate effect, this
2-38 Act takes effect September 1, 2007.

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