

SUBJECT: Work and school requirements for inmates

COMMITTEE: Corrections — committee substitute recommended

VOTE: 7 ayes — Hightower, Allen, Edwards, Farrar, Gray, Hupp, Marchant
0 nays
2 absent — Alexander, Serna

WITNESSES: None

BACKGROUND : Under the Government Code, the Texas Department of Criminal Justice (TDCJ) must require all inmates to work, to the extent that they are physically capable of working.

DIGEST: CSHB 279 would require inmates to work in an agricultural, industrial, or other work program to the extent that they are physically and *mentally* capable of working. TDCJ could waive the work requirement, if necessary to maintain security.

The bill also would require inmates who lacked high school or general equivalency diplomas (GED) to participate in available education programs for obtaining a GED. This requirement would not apply to inmates segregated because of behavioral problems. TDCJ also could waive the requirement upon determination that an inmate lacked the learning ability to earn a diploma.

TDCJ could limit participation in educational programs based on the program's capacity and assign inmates to participate according to when they were scheduled to be released.

CSHB 279 would take immediate effect if finally approved by a two-thirds record vote of the membership of each house.

SUPPORTERS
SAY:

CSHB 279 would clarify current statutory requirements about work and educational programs for inmates. Current law requires that inmates work if *physically* capable; CSHB 279 would include mental capability in the law to ensure that offenders with mental impairments were treated fairly.

TDCJ policy requires every inmate to work unless segregated for behavioral problems or medically incapable of working. Similarly, agency policy stipulates that inmates with a less than sixth grade education attend GED classes, and gives illiterate inmates and those closest to being released priority for class spaces as they become available.

CSHB 279 would codify TDCJ policies concerning educational programs in order to prevent them from being changed in the future. The policies in effect now make sense and should be adopted as the state's official position rather than being subject to change by TDCJ. Current guidelines would continue to apply and prevent any abuse of the work and educational programs.

Inmates should work while in prison not only to occupy their time but more importantly because through work they learn important skills and even a trade that will help them find stable employment when they released. Taxpayers should not have to pay even a nominal amount for inmate labor since the state clothes, feeds, and attends to medical needs of inmates while they are in prison. Prison labor is used only to manufacture goods for other state agencies; the state does not make money off prison labor.

OPPONENTS
SAY:

CSHB 279 should require that TDCJ establish clear criteria for participating in GED programs. The bill would allow the department to deprive certain inmates of this opportunity “upon determination that the inmate lacks the learning ability to earn a diploma.” Absent rules on how such a determination would be made, this provision could easily be used inconsistently among the many TDCJ facilities or even unfairly applied to cut off opportunities for inmates who happened to get on the wrong side of prison officials.

OTHER
OPPONENTS
SAY:

Although it is a good idea to require inmates to work and learn a trade, inmates should also be paid at least a nominal amount to help pay for some items and medical care.

NOTES:

The committee substitute deleted requirements in the original version of the bill that inmates spend at least 60 hours of week in a work program and inmates in GED programs participate in those programs at least 10 hours of week, eliminating the \$146 million fiscal note.

A related bill, HB 2324 by Allen, which would restructure the work program within TDCJ and allow incentive pay for participating inmates, is scheduled for public hearing by the Corrections Committee tomorrow.