

SUBJECT: Employment standards for private prison and jail guards

COMMITTEE: Corrections — committee substitute recommended

VOTE: 5 ayes — Allen, Farrar, Hupp, Marchant, Serna

0 nays

4 absent — Hightower, Alexander, Edwards, Gray

WITNESSES: For — None

Against — None

On — Carl Reynolds, Texas Board of Criminal Justice; Wayne Scott, Texas Department of Criminal Justice

DIGEST: CSHB 507 would require the Commission on Jail Standards to require private vendors housing criminals convicted in states other than Texas to employ guards with educational backgrounds and previous employment experiences that meet or exceed those required of guards hired by the Texas Department of Criminal Justice (TDCJ). This requirement would apply to private vendors operating correctional facilities under a contract with another state or under a contract with a Texas county or city. Violations of this requirement by the entity employing the guards would be a Class B misdemeanor (maximum penalty of 180 days in jail and a \$2,000 fine).

CSHB 507 would also require private vendors and commissioners courts operating correctional facilities that house state prison inmates to hire guards with educational backgrounds and employment experiences that meet or exceed those required of guards hired by TDCJ.

The bill would apply only to employees operating under contracts entered into on or after the bill's effective date, September 1, 1997.

SUPPORTERS
SAY:

CSHB 507 would ensure that guards working in private prisons and jails housing out-of-state inmates and those working in private prisons housing Texas prisoners have the same educational and employment backgrounds as guards working in the state prison system. TDCJ requires potential guards to be at least 18 years old, have a high school diploma or a General Equivalency Degree and have no felony convictions in the previous 15 years. In addition, before guards begin working at a prison unit, they must complete a 240-hour training course. These standards are minimal, and private vendors would have no problem finding employees who meet these qualifications.

Currently, there is no uniform, statutory educational or employment background requirements for guards working in private prisons. The patchwork of requirements that exists does not ensure all guards at private facilities meet the same minimum requirements as TDCJ guards. Because public safety is at stake, a statewide law is necessary to ensure all of these guards have the minimum background requirements to be capable of doing their jobs, no matter what state the inmates are from or who is paying for their incarceration in Texas. Out-of-state inmates are convicted felons similar to inmates in Texas prisons and should be guarded by persons with the same backgrounds as TDCJ guards.

The need for CSHB 507 was illustrated in the summer of 1996 when two inmates from Oregon escaped from a private facility in Houston. The facility's guards were licensed through the Board of Private Investigators and did not have to have the same background as state prison guards.

CSHB 507 would apply to three types of private facilities: those contracting with TDCJ to house state prisoners; those contracting with a county or city to hold out-of-state inmates; and those contracting with another state to house out-of-state inmates. The bill would not affect facilities housing solely local or federal prisoners.

For private prisons or commissioners courts contracting with TDCJ to hold state inmates, CSHB 507 would simply codify current practice. TDCJ currently requires guards in prisons run by private vendors to meet the agency's requirements for education and employment backgrounds, so

CSHB 507 would place no additional requirements on these private vendors or TDCJ.

For private facilities contracting with another state, a county or a city to house out-of-state inmates, there are now no uniform background requirements for guards. In general, contracts between private vendors and counties or cities are overseen by the state Commission on Jail Standards, and guards must meet background requirements set by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). These standards are similar to TDCJ's requirements, so CSHB 507 would place no hardship on these vendors. However, for facilities contracting with other states and not under any Texas authority, no state regulatory authority imposes background requirements on guards. CSHB 507 would ensure that this piece-meal approach is standardized so all guards have the same basic backgrounds as state prison guards.

CSHB 507 would carry no cost to the state. Facilities housing state inmates are already complying with the bill. Any costs to private vendors contracting with other states or through cities or counties would be borne by the private vendor or the out-of-state entity paying for the prisoners' incarceration.

**OPPONENTS
SAY:**

Guards at private correctional facilities should not be required by statute to meet TDCJ's background standards. These issues are best handled in the contracts negotiated by the the entity sending the inmates to Texas, the private vendor and, if applicable, the city or county with which the private vendor is contracting.

**OTHER
OPPONENTS
SAY:**

It is unclear whether this bill would apply to the training course required of TDCJ guards before they go to work at a prison unit or just to their educational backgrounds and previous employment experiences.

NOTES:

The committee substitute added requirements for guards employed by for private vendors contracting with other states, counties or cities and added the provision making offenses a Class B misdemeanor.