HOUSE
RESEARCH
ORGANIZATION bill analysis   5/8/2007

HB 2990
Madden
(CSHB 2990 by Madden)

SUBJECT: Authorizing, requiring certain electronic monitoring technology in TDCJ

COMMITTEE: Corrections — committee substitute recommended

VOTE: 4 ayes — Madden, Hochberg, McReynolds, Jones

             1 nay — Haggerty

             2 absent — Dunnam, Oliveira

WITNESSES: For — Peter Scharf, Texas State University - Center for Society, Law and
             Justice Dept of Criminal Justice - CSLJ

             Against — None

             On — Christopher Keimling

DIGEST: CSHB 2990 would authorize the Texas Department of Criminal Justice
             (TDCJ) to retrofit current correctional facilities to use electronic
             monitoring and tracking systems for all inmates, employees, contractors,
             vendors, and visitors granted access to areas in which only employees
             normally go. Correctional facilities constructed on or after September 1,
             2007, would have to be built to use such a system.

             If a facility had been designed or retrofitted to use the monitoring, TDCJ
             would have to require that inmates, employees, contractors, vendors, and
             certain visitors wear them.

             These systems would have to:

             • track in real time the location of a person wearing a transmitter;
             • be compatible with the wireless transmission of information and
               have sufficient bandwidth to support additional wireless networking
               devices; and
             • be capable of recording inmates' attendance at required programs
               and classes and storing information for at least six months.

             The tracking system would have to alert a monitoring center when certain
             criteria, including unauthorized entrances and exits, were violated.

The bill would take effect September 1, 2007.

SUPPORTERS
SAY:

CSHB 2990 would help modernize TDCJ's system for tracking inmates and staff, which would translate into a more efficient, safer system for both. Several other states are successfully using this technology.

Tracking movements within a prison through electronic monitoring would allow staff to conduct head counts electronically, which currently is done by visually counting inmates. This would result in more accurate counts in which discrepancies could more be easily reconciled and would free staff to concentrate on other duties.

The system also would aid in investigations into assaults and other incidents because TDCJ would know where everyone was when an incident occurred. This could have a deterrent effect on undesirable behavior by inmates and staff. Inmates congregating or not attending work or therapy sessions could be tracked. Unauthorized entrances and exits from areas and facilities could be identified.

Persons confined in TDCJ already have given up some of their privacy rights and already are monitored and observed with cameras and staff. The state has made the decision to use electronic monitoring to track parolees, and some local probation departments use it to track probationers. CSHB 2990 would authorize an updated form of tracking for those in prisons.

Visitors to TDCJ units with electronic monitoring would be tracked only when they entered areas normally restricted to employees. The electronic monitoring authorized by the bill would be locational, not visual, and only within TDCJ units.

The bill would not require current facilities to use the technology, but TDCJ could install it if funds become available. It only makes sense to require new facilities to be capable of supporting the latest technology, which is being expanded into more applications all the time. The bill would be written broadly enough to allow any vendor with the appropriately technology to bid on a system.

OPPONENTS
SAY:

The state should be cautious about expanding the use of technology that can be subject to abuse. CSHB 2990 should require some type of outcome or performance measures for the tracking so that it can be evaluated to see

if it warrants expansion. Also, CSHB 2990 is so narrowly written that it could apply only to one or a small number of vendors.

NOTES:

According to the fiscal note, CSHB 2990 would cost $3.0 million to equip each new prison built with an electronic monitoring system and would have an annual maintenance cost of $200,000