

BILL ANALYSIS

Senate Research Center

H.B. 1301
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Criminal Justice
5-14-97
Committee Report (Amended)

DIGEST

Since 1993, the Texas Department of Criminal Justice has had a pilot program in Lockhart, Texas that allows inmates to work for private sector corporations within the walls of the prison, earning a prevailing wage. A portion of the inmate's wages is used to help pay for the cost of incarceration, restitution to their victims, the Crime Victims' Compensation Fund and dependant support. Since the program's inception, inmates have paid more than \$3 million toward the state, crime victims, and inmate family members. This bill creates an oversight authority for the private sector prison industries program and sets forth regulations for that authority.

PURPOSE

As proposed, H.B. 1301 creates an oversight authority for the private sector prison industries program and sets forth regulations for that authority.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Private Sector Prison Industries Oversight Authority in SECTION 1 (Sections 497.056(c), 497.057, 497.058(a), 497.0581, and 497.060, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 497C, Government Code, as follows:

SUBCHAPTER C. New heading: PRIVATE SECTOR PRISON INDUSTRIES OVERSIGHT AUTHORITY

Sec. 497.051. New heading: PURPOSE; DEFINITION. Sets forth the purpose of the Private Section Prison Industries Oversight Authority (authority). Defines "authority." Deletes existing text regarding the work program plan.

Sec. 497.052. MEMBERSHIP. Sets forth regulations regarding membership on the authority.

Sec. 497.053. TERMS. Provides that the appointed members of the authority serve staggered six-year terms, with three members' terms expiring on February 1 of each odd-numbered year.

Sec. 497.054. PRESIDING OFFICER. Requires the governor to designate the presiding officer from among the members of the authority, and the presiding officer shall serve in that capacity at the pleasure of the governor.

Sec. 497.055. REIMBURSEMENT. Provides that a member of the authority is not entitled to compensation but is entitled to reimbursement of the travel expenses incurred by the member while conducting the business of the authority as provided in the General Appropriations Act.

Sec. 497.056. PRIVATE SECTOR PRISON INDUSTRIES OVERSIGHT ACCOUNT.

Sets forth regulations regarding the private sector prison industries oversight account (account). Requires the authority, by rule, to adopt a method for determining the amount of the fee owed by an industry under this section and a schedule for the payment of fees under this section.

Sec. 497.057. RULES. Requires the authority to adopt rules as necessary to ensure that the private sector prison industries program authorized by this subchapter is in compliance with the federal prison enhancement certification program established under 18 U.S.C. 1761.

Sec. 497.058. PREVAILING WAGE. Requires the authority, by rule, to require that inmate employees at each private sector prison industries program (program) are paid a certain wage. Sets forth regulations regarding computation of the prevailing wage.

Sec. 497.0581. INMATE CONTRIBUTIONS. Sets forth regulations regarding inmate contributions to the account. Requires the authority, by rule, to require an inmate to contribute a percentage of the wages received by the inmate under this subchapter to be deposited in the account.

Sec. 497.059. LIMITING IMPACT ON NON-PRISON INDUSTRY. Sets forth regulations to limit the impact on non-prison industry.

Sec. 497.060. WORKERS' COMPENSATION. Requires the authority, by rule, to require program employers to meet or exceed all federal requirements for providing compensation to inmates injured while working.

Sec. 497.061. RECIDIVISM STUDIES. Requires the authority, with the cooperation of the Criminal Justice Policy Council, to gather data to determine whether participation in a private sector prison industries program is a factor that reduces recidivism among inmates.

Sec. 497.062. LIMITATION ON NUMBER OF PARTICIPANTS. Sets forth regulations regarding limitations on the number of participants.

SECTION 2. Sets forth regulations regarding appointment to the authority. Requires the authority, by March 1, 1998, to adopt rules that the authority is required to adopt under Chapter 497C, Government Code, as amended by this Act.

SECTION 3. Sets forth regulations regarding the transfer of powers, duties, and obligations of the Texas Department of Criminal Justice to the authority.

SECTION 4. Provides that, notwithstanding Section 497.051(a), Government Code, as amended by this Act, the authority is not authorized to approve, certify, or oversee the operations of a private sector prison industries program operated on the effective date of this Act under a provisional certificate issued to a nongovernmental entity under 18 U.S.C. 1761.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

On page 3, line 21, after "director;" add a new Subsection (4), as follows, and renumber subsequent subsections accordingly:

(4) The executive director of the Texas Youth Commission or the designee of the executive director."

Amendment 2.

On page 6, line 24, delete SECTION 2 of the bill in its entirety. Renumber subsequent SECTIONS.