

BILL ANALYSIS

Senate Research Center
76R2992 PEP-F

H.B. 1318
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Criminal Justice
5/3/1999
Engrossed

DIGEST

Currently, under Texas law, any money held by an inmate when the inmate enters an institutional division is placed in a trust fund, the funds of which are authorized to be disbursed with a claim for funds without going through probate if the amount is not in excess of \$100. This bill would increase the amount for which a person can submit a claim for funds without going through probate, authorize the Texas Department of Criminal Justice to manage money held by inmates, and establish procedures for managing the money.

PURPOSE

As proposed, H.B. 1318 authorizes the Texas Department of Criminal Justice to manage money held by inmates and establishes procedures for managing the money.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 501.014(a), (b), (c), (d), (f), and (g), Government Code, to require the Texas Department of Criminal Justice (TDCJ) to take possession of all money that is received with the inmate when the inmate arrives at a facility to be admitted to the custody of TDCJ, rather than operated by the institutional division, and all money the inmate receives during confinement, rather than after arriving at a facility operated by the division, and requires TDCJ to credit the money to an account, rather than a trust fund, created for the inmate. Authorizes TDCJ to spend money from an inmate account as required by law or policy subject to restrictions on the expenditure established by law or policy. Requires TDCJ to give notice of an account established under Subsection (a) to a beneficiary or known relative of an inmate who has died while confined in a facility under contract with TDCJ, rather than requiring an institutional division to give such notice to the nearest known relative of an escaped or discharged inmate. Sets forth procedures for the payment of a deceased inmate's money held by TDCJ. Provides that an inmate who escapes or attempts to escape from custody forfeits to TDCJ all of the money held in the inmate's account. Authorizes TDCJ to place a hold on money, rather than funds, in an inmate's account to recover money the inmate owes TDCJ for indigent supplies, medical copayments, destruction of state property, or other indebtedness. Makes conforming changes.

SECTION 2. Amends Section 501.014(e), Government Code, as amended by Chapters 807 and 1409, Acts of the 75th Legislature, Regular Session, 1997, to make conforming changes.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.