

## Authorizing and requiring certain electronic monitoring technology in TDCJ

HB 2990 by Madden (Seliger)

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**DIGEST:** HB 2990 would have authorized 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 had to be built to use such a system. The bill would not have applied to jails owned or operated by cities.

If a facility had been designed or retrofitted to use the monitoring, TDCJ would have had to require that inmates, employees, contractors, vendors, and certain visitors wear identification transmitters while at the facility to track their location in real time. The tracking system would have had to alert a monitoring center when certain criteria, including unauthorized entrances and exits, were violated.

### GOVERNOR'S REASON FOR VETO:

“House Bill No. 2990 directs the Texas Department of Criminal Justice (TDCJ) to include an electronic monitoring and tracking system to monitor the physical location and safety of inmates, employees, third-party vendors, and visitors in any correctional facility designed and built after September 1, 2007.

“While I believe that an electronic monitoring and tracking system has merit, I do not believe it should be required by law, especially when funds were not specifically appropriated as part of the bond funds that the TDCJ may be able to utilize for prison construction, if approved by the voters.

“A better approach is to have the TDCJ evaluate how an electronic monitoring and tracking system might improve its operations and safety as part of the construction design process. I direct the Texas Board of Criminal Justice to ensure that this evaluation occurs.”

**RESPONSE:** Rep. Jerry Madden, the bill’s author, said: “The purpose of HB 2990 was to move TDCJ forward in the use of technology. It is often the job of the Legislature to mandate certain concepts that will serve to nudge an agency into a new direction. The justification for this legislation was based on the fact that in the past, TDCJ has not shown an inclination to embrace forward thinking cost saving measures. Therefore, I felt this legislation was necessary to encourage a cultural change of thinking that instead emphasizes efficiencies and accountability.

“I appreciate your decision to direct the Texas Board of Criminal Justice to evaluate how an electronic monitoring and tracking system might improve prison operation and safety. I believe that while the study you require TDCJ to do is a step in the right direction, it is not nearly as visionary as other recommendations you have made this session. I know that we share forward thinking visions in other policy areas, and I believe that signing HB 2990 would have demonstrated forward thinking in

the criminal justice arena too. We should use technology to its fullest in all areas of government, and I hope that you will join with me in pursuit of better more cost efficient management techniques in the future.

“I intend to have the House Committee on Corrections look at this as an interim study. I plan to take recommendations from the TDCJ study and recommendations from the Corrections Committee interim study to work with your staff as we implement the good suggestions of these groups next session.”

Sen. Kel Seliger, the Senate sponsor, was unavailable for comment.

NOTES: HB 2990 was analyzed in Part One of the May 8 *Daily Floor Report*.