

SUBJECT: Probationer labor for state highway improvement projects

COMMITTEE: Corrections — favorable, with amendment

VOTE: 7 ayes — Hightower, Alexander, Edwards, Gray, Hupp, Marchant, Serna
0 nays
2 absent — Allen, Farrar

WITNESSES: For — None
Against — None
On — Bob Templeton, Texas Department of Transportation

BACKGROUND : The Texas Transportation Code allows the Texas Department of Transportation (TxDOT) to contract with the Texas Department of Criminal Justice (TDCJ) to use inmate labor on state highway system improvement projects.

DIGEST: HB 2825 would allow TxDOT to contract with any criminal justice agency to use inmates or probationers for state highway system improvement projects.

Criminal justice agency would be defined to include the Texas Department of Criminal Justice, a community supervision and corrections department (CSCD), and a county farm, workhouse, or county correctional center operated by a sheriff's department.

HB 2825 would take immediate effect if finally approved by a record two-thirds vote of the membership in each house.

SUPPORTERS SAY: HB 2825 would help TxDOT meet highway clean-up and maintenance needs, such as roadside cleaning, graffiti removal, and tree and brush trimming, that cannot be met with current funding and resources. Opportunities to use free inmate labor are limited because of competitive demand for inmate labor from other state agencies, such as the Parks and

Wildlife Department and the Texas Department of Mental Health and Mental Retardation, some higher education facilities, and the Texas Youth Commission.

Probationers would be an appropriate source of additional labor because they can be placed by a district judge on community supervision to pay for their debts through community service. CSCDs and sheriff departments would be permitted, not required, to contract with TxDOT, which could choose to use probationer labor for local concerns only. In the past some CSCDs have requested but were refused participation in Adopt-A-Highway and other highway clean-up programs because of the concern of some highway engineers that the probationers' community service requirements did not conform to the volunteerism requirements of public highway clean-up programs.

HB 2825 would provide clear authority for TxDOT to contract with a local entity that is similar to other entities already authorized. TxDOT currently has authority to contract with cities, counties, private entities and TDCJ, but does not have specific authority to contract with local CSCDs. These probation departments are governed by special purpose districts that might include multiple counties.

Although not specifically defined in statute, the term "state highway system improvement projects" has been used for over 10 years to describe highway maintenance activities, and inmate labor has never been used for any other kind of highway-related work. This bill would simply expand the types of workers that could be used for highway clean-up, not the type of work to be performed.

**OPPONENTS
SAY:**

There is no specific definition of "state highway system improvement projects" in statute. The phrase could be interpreted to refer to highway projects that go beyond simple roadside maintenance and include work currently contracted to private law-abiding businesses or individuals who could possibly be displaced by inmate or probationer labor.

HB 2825
House Research Organization
page 3

NOTES: The committee amendment would correct the reference to the Texas Department of Criminal Justice.