

SUBJECT: Work and school requirements for inmates

COMMITTEE: Corrections — favorable, without amendment

VOTE: 5 ayes — Haggerty, Allen, Culberson, Ellis, Lengefeld
0 nays
4 absent — Staples, Farrar, Gray, Longoria

WITNESSES: For — None
Against — None
On — Wayne Scott, Texas Department of Criminal Justice

BACKGROUND: Government Code, sec. 497.090 requires the Texas Department of Criminal Justice (TDCJ) to require prison inmates to work to the extent that they are physically capable.

DIGEST: HB 244 would require TDCJ to require prison inmates to work in an agricultural, industrial, or other work program to the extent that they are physically and mentally capable. TDCJ could waive the work requirement if necessary to maintain security.

The bill also would require inmates who lack high school diplomas or general equivalency certificates to participate in education programs designed to help them obtain a certificate. This requirement would not apply to inmates on death row nor to those segregated because of behavioral problems or for security reasons. TDCJ could waive the requirement upon determining that an inmate lacked the learning ability to earn a certificate.

TDCJ could limit participation in educational programs on the basis of program capacity and could assign inmates to participate according to when they were scheduled to be released.

HB 244 would take immediate effect if finally approved by a two-thirds record vote of the membership of each house.

SUPPORTERS
SAY:

HB 244 would clarify current statutory requirements about work and educational programs for inmates and would codify TDCJ policies concerning educational programs to prevent these policies from being changed in the future. The policies now in effect make sense and should be adopted as the state's official position rather than being subject to change by TDCJ. Making these policies law could clear up a misconception that inmates are not required to work or get an education. More than 80 percent of TDCJ's approximately 130,000 inmates in state prisons work or are enrolled in educational programs.

Current law requires inmates to work if they are physically capable. HB 244 would include mental capability in the law to ensure that offenders with mental impairments were treated fairly.

TDCJ policy requires every inmate to work or attend educational programs unless segregated for behavioral, security, or medical reasons. Similarly, agency policy stipulates that inmates with less than a sixth-grade education attend educational classes. Inmates with higher levels of education who do not have a high school diploma also are enrolled in the classes as space permits. Illiterate inmates and those closest to being released are given priority for class spaces.

HB 244 would give TDCJ the flexibility it needs concerning work and education programs. The agency would be able to waive work and educational requirements when necessary. In addition, TDCJ could limit participation in education programs on the basis of capacity and could prioritize assignments to the program. Current participation guidelines would continue to apply and would prevent any abuse of the work and educational programs.

Inmates and their families support these programs because through work and education, inmates can learn important skills and even a trade that could help them find stable employment when released.

OPPONENTS
SAY:

HB 244 could reduce the flexibility of TDCJ to manage its education and work programs in the future. As a large agency with diverse needs, TDCJ should be given broad guidelines and then allowed to develop specific policies. If HB 244 were enacted and TDCJ later needed to change these policies, the Legislature would have to change the law, which could be more

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cumbersome and time-consuming than having the TDCJ board change agency policies.

OTHER
OPPONENTS
SAY:

HB 244 could give TDCJ too much leeway to deprive certain inmates of educational opportunities if it decided the inmate “lacks the learning ability to earn a certificate.” Absent clear guidelines about this provision, it could be used inconsistently or unfairly.

NOTES:

The House passed a similar bill, HB 279 by West et al., during the 1997 legislative session, but the bill died in the Senate Criminal Justice Committee.