

SUBJECT: TxDOT contracts with private correctional facilities for inmate labor

COMMITTEE: Corrections — favorable, with amendment

VOTE: 7 ayes — Haggerty, Staples, Culberson, Ellis, Farrar, Lengefeld, Longoria
1 nay — Gray
1 absent — Allen

SENATE VOTE: On final passage, Local and Uncontested Calendar, April 19 — 30-0

WITNESSES: None

BACKGROUND: Transportation Code, sec. 233.044 authorizes the Texas Transportation Commission and a criminal justice agency to contract for the provision of inmate or probationer labor for a state highway system improvement project. The law defines “criminal justice agency” as the Texas Department of Criminal Justice, a community supervision or corrections department, or a sheriff’s department operating a county farm or workhouse or a county correctional center.

DIGEST: SB 1514, as amended, would allow the Texas Transportation Commission to authorize the Texas Department of Transportation (TxDOT) to contract with a private correctional facility, as well as with a criminal justice agency, for inmate labor or the labor of those on community supervision (probation) for a state highway system improvement project.

Such a contract with a private correctional facility could not provide for the transfer of public funds to the private facility for the use of inmate labor. A contract with a criminal justice agency would have to conform with Government Code, chapter 771, regarding interagency cooperation.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

SUPPORTERS SAY: SB 1514 would allow TxDOT to use inmate labor from a private correctional facility to perform community service. Current law allows TxDOT to contract only with a criminal justice agency for inmate labor.

It is important for inmates to perform community service and to be active, whether they are incarcerated in state or private correctional facilities. Inmates from private facilities could perform community service by picking up trash, for example, alongside Texas highways.

Using inmate labor from private correctional facilities for community service would take no business away from private contractors. The bill would specify that no money could be exchanged for the inmates' services.

Private correctional facilities generally are supervised by counties and contain state prisoners. Counties already contract with private prisons for community service. This bill simply would authorize TxDOT to do the same.

OPPONENTS SAY: Private correctional facilities have an economic incentive to "lease out" the labor of inmates, whereas the state does not. Although SB 1514 would prohibit the transfer of funds, the Legislature should be very careful about opening the door to contracting with private correctional facilities. Also, extra attention should be given to the use of inmates from private facilities to ensure that safety and security lapses do not arise when contracting out these inmates.

NOTES: The committee amendment would add the provision that a contract with a private correctional facility could not provide for the transfer of public funds to the private facility for the use of inmate labor.