

BILL ANALYSIS

Senate Research Center

H.B. 279
By: West (Duncan)
Criminal Justice
4-29-97
Engrossed

DIGEST

Current state law requires the Texas Department of Criminal Justice to require each inmate to work, to the extent that the inmate is physically capable of working. Some inmates work full-time, some work part-time and attend school part-time, while others attend school full-time. At any given time, 75-85 percent of all inmates have a work assignment, and the absence of the remaining inmates is due to sickness, administrative segregation, or recent transfer to a unit. H.B. 279 would require all physically and mentally capable inmates to participate in an agricultural, industrial, or other work program, except in the case of security constraints. In addition, this legislation would require any inmate who does not have a high school diploma or general equivalency diploma (GED) to participate in available educational programming designed to help the inmate earn a GED, with the exception of inmates confined in administrative segregation or close custody, and inmates who lack the learning ability to earn a diploma.

PURPOSE

As proposed, H.B. 279 provides for a requirement that inmates of the Texas Department of Criminal Justice participate in work and educational programs.

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 Section 497.090, Government Code, as follows:

Sec. 497.090. New heading: **WORK AND EDUCATION REQUIRED.** Requires the Texas Department of Criminal Justice (TDCJ) to require each inmate to work in an agricultural, industrial, or other work program, to the extent that the inmate is physically and mentally capable of working. Authorizes TDCJ to waive the requirement to work, if necessary to maintain security. Requires TDCJ to require an inmate who does not have a high school diploma or general equivalency diploma to participate in available educational programming designed to help the inmate earn a general equivalency diploma. Provides that this requirement does not apply to an inmate confined in administrative segregation or close custody. Authorizes TDCJ to waive the requirement upon a determination that the inmate lacks the learning ability to earn a diploma. Authorizes TDCJ to limit participation in an educational program based on the capacity of the program and to assign inmates to participate based on the proximity of release dates.

SECTION 2. Emergency clause.

Effective date: upon passage.