

## **BILL ANALYSIS**

Senate Research Center  
79R8969 MFC-F

H.B. 129  
By: Berman (Eltife)  
Criminal Justice  
5/7/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

A recent attorney general opinion concluded that the use of county inmate labor at events that are a joint venture between the county and a nonprofit organization is not permitted under current law.

H.B. 129 amends Article 43.10, Code of Criminal Procedure, to permit use of county inmate labor for maintenance and related services for certain nonprofit organizations. H.B. 129 incorporates a definition for a nonprofit organization, requires the commissioners court to make a determination that the nonprofit organization provides a public service to the county or political subdivision, and specifies that the labor is for maintenance and related services.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 43.10, Code of Criminal Procedure, to authorize the prisoners to which this article applies to be put to labor providing maintenance and related services to certain nonprofit tax-exempt organizations provided that, at the sheriff's request, the commissioners court determines that the nonprofit organization provides a public service to the county or to a political subdivision located in whole or in part in the county.

SECTION 2. Provides that the change in law made by this Act applies to a person who is convicted of an offense with respect to which Article 43.10, Code of Criminal Procedure, applies, regardless of whether the conviction occurs before, on, or after the effective date of this Act.

SECTION 3. Effective date: upon passage or September 1, 2005.