

## **BILL ANALYSIS**

Senate Research Center  
80R2748 HLT-D

H.B. 432  
By: Madden (Seliger)  
Criminal Justice  
5/13/2007  
Engrossed

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

The legislature has previously made the sale of products produced in whole or in part with offender labor on the open market illegal, unless produced specifically under the Prison Industry Enhancement Certification Program. Under a different statute, offenders are permitted to produce arts and crafts items and to sell those items to the general public. However, this section, Section 501.013 (Materials Used for Arts and Crafts), Government Code, is in conflict with Section 497.010 (Offense: Sale or Offer of Sale of Prison-Produced Articles or Products), Government Code. Offenders have been permitted to sell these arts and crafts items and should not be prohibited from continuing to do so.

H.B. 432 amends Section 497.010, Government Code, to create an exception allowing the sale of inmate-produced arts and crafts, as authorized under Section 501.013, Government Code.

### **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 Section 497.010, Government Code, by adding Subsection (d), as follows:

(d) Provides that it is an exception to the application of this section (Offense: Sale or Offer of Sale of Prison-Produced Articles or Products) that the actor was an inmate or state jail defendant confined in a facility operated by or under contract with the Texas Department of Criminal Justice who sold or offered to sell an art or craft in the manner authorized under Section 501.013(b) (authorizes an inmate housed in a facility operated by an institutional division to sell arts and crafts produced in the division to the general public).

SECTION 2. Provides that the change in law made by this Act applies to an offense committed before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2007.