

CHAPTER 86

H.B. No. 864

AN ACT

relating to work programs for inmates confined in county jail awaiting transfer to the institutional division of the Texas Department of Criminal Justice.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 43.101, Code of Criminal Procedure, is amended to read as follows:

Art. 43.101. VOLUNTARY WORK BY PRETRIAL DETAINEES AND DEFENDANTS AWAITING TRANSFER. (a) A defendant confined in county jail awaiting trial or awaiting transfer to the institutional division of the Texas Department of Criminal Justice following conviction or revocation of probation, parole, or mandatory supervision may volunteer to participate in any work program operated by the sheriff that uses the labor of convicted misdemeanants [defendants].

(b) The sheriff may accept a defendant as a volunteer under Subsection (a) of this article [section] if the defendant is not awaiting trial for or convicted of an offense involving violence, and if the sheriff determines that the inmate has not engaged previously in violent conduct and does not pose a security risk to the general public if allowed to participate in the work program.

(c) A sheriff, employee of a sheriff's department, county commissioner, county employee, or county judge is not liable for damages arising from an act or failure to act in connection with manual labor performed by an inmate under this article if the act or failure to act was not intentional, wilfully or wantonly negligent, or performed with conscious indifference or reckless disregard for the safety of others [~~The limitations on liability of a county for damages suffered by an inmate participating in a work program operated by the sheriff apply to a defendant who volunteers under Subsection (a) of this article in the same manner as if the inmate were participating in the program after conviction of an offense~~].

SECTION 2. Section 498.003(e), Government Code, is amended to read as follows:

(e) If a person confined in a county jail is transferred to the institutional division, the director of the institutional division shall award good conduct time to the person up to an amount equal to that which the person could have accrued during the period of imprisonment in the county jail if instead the person had been incarcerated in the division during that period. *The director of the institutional division shall award good conduct time to a defendant for diligent participation in a voluntary work program operated by a sheriff under Article 43.101, Code of Criminal Procedure, in the same manner as if the inmate had diligently participated in an industrial program or other work program provided to inmates by the institutional division. The sheriff of each county shall have attached a certification of the number of days each inmate diligently participated in the volunteer work program operated by the sheriff under Article 43.101, Code of Criminal Procedure.*

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on March 16, 1993, by a non-record vote; passed by the Senate on April 21, 1993: Yeas 30, Nays 0.

Approved May 4, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.