



Policies and Benefits

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Texas Department of Criminal Justice

ACE opinion: can TDCJ employees sell offender crafts for personal gain?

In April, the Advisory Council on Ethics (ACE) issued the following opinion regarding the sale of offender-made craft items by Texas Department of Criminal Justice (TDCJ) employees.

Texas Government Code Section 497.10, Offense: Sale or Offer of Sale of Prison-Produced Articles or Products, states it is a Class B misdemeanor if a person “intentionally sells or offers to sell on the open market in this state an article or product the person knows was manufactured in whole or in part by an inmate of the department or an inmate in any correctional facility or reformatory institution in the state.”

This law does not apply to items made by offenders on community supervision, parole or

mandatory supervision, or items made by an enterprise which has employed an inmate to take advantage of the franchise tax credit or



which is participating in a federally certified prison industry enhancement program. Other exceptions include sales of state flags and services provided under contract for which

the Private Sector/Prison Industry Enhancement Certification Program does not require certification.

Therefore, unless one of the exceptions applies, it is not legal for a TDCJ employee to offer an offender-made item for sale in a businesslike setting or retail store. If you suspect this activity is occurring, report it to TDCJ’s Office of the Inspector General.

If you need help with a work-related ethics issue, TDCJ’s ACE can help guide you to the proper resolution. Agency employees can learn more about ACE by calling 936-437-6232 or visiting TDCJ’s ACE Web page. ●