| 1 | SENATE BILL NO. 303 |
| 2 | INTRODUCED BY T. MCGILLVRAY |

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4   A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO

5   TELECOMMUNICATIONS CONTRACTS THAT PROVIDE SERVICES FOR STATE INMATES; ~~REMOVING~~

6   ~~AN EXCEPTION FOR WHEN TELECOMMUNICATIONS CONTRACTS DO NOT HAVE TO MEET CERTAIN~~

7   ~~STANDARDS; LOWERING THE INTRASTATE FEE THAT A TELECOMMUNICATIONS SERVICE MAY~~

8   ~~CHARGE FOR EACH MINUTE; AMENDING SECTION 53-30-153, MCA; AND PROVIDING AN~~

9   ~~APPLICABILITY DATE~~ REQUIRING AN INTERIM STUDY OF TELECOMMUNICATIONS CONTRACTS,

10   FEES, AND COMMISSARY COSTS; REQUIRING A PERFORMANCE AUDIT OF THE INMATE WELFARE

11   FUND; PROVIDING AN APPROPRIATION; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING

12   AN EFFECTIVE DATE AND A TERMINATION DATE."

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14   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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16   (Refer to Blue Bill -- SB303.2)

17   Strike everything after the enacting clause and insert:

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19   NEW SECTION. **Section 1.   Interim study of inmate telecommunications services --**

20   **performance audit -- reports.** (1) The law and justice interim committee established in 5-5-226 shall study

21   inmate telecommunications contracts and costs during the 2021-2022 interim. The study must include contracts

22   and costs in state prisons, other state-owned or operated facilities, and county detention centers.

23   (2)   The study must:

24   (a)   examine the current phone call rates and any ancillary fees charged by state prisons and facilities

25   and county detention centers;

26   (b)   review cooperative purchasing agreement laws to determine how the state and counties could

27   partner to provide for telecommunications services, including the possibility of partnering with another state to

28   provide services;

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1   (c)   review methods used in other states to provide telecommunications services to state and local

2   inmates, including whether states use general fund appropriations to subsidize phone rates for inmates;

3   (d)   review studies to determine if inmate recidivism is lowered by continued contact with families and

4   friends while incarcerated;

5   (e)   examine the statutory basis for the inmate welfare fund, including funding sources for the fund and

6   expenditures from it;

7   (f)   review federal rate caps for interstate calls from state prisons and detention centers and any

8   effects federal law might have on state and local telecommunications contracts; and

9   (g)   determine, if possible, the lowest cost that could be assessed to inmates in state and county

10   facilities for phone calls.

11   (3)   The law and justice interim committee shall consult with the department of corrections, county

12   sheriffs and detention center administrators, families of incarcerated or detained individuals and organizations

13   advocating on their behalf, telecommunications services providers, and other stakeholders the committee

14   considers necessary.

15   (4)   All aspects of the study must be concluded prior to September 15, 2022. Final results of the study

16   must be reported to the 68th legislature.

17   (5)   The legislative audit division shall conduct a performance audit of the inmate welfare fund and

18   report results of the audit to the legislative audit committee, the law and justice interim committee, and the 68th

19   legislature.

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21   NEW SECTION. **Section 2.   Appropriation**. There is appropriated $500 from the general fund to the

22   legislative services division for the biennium beginning July 1, 2021. The appropriation must be used for the

23   purposes of conducting the study required by [section 1]. Unused funds must revert to the general fund.

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25   NEW SECTION. **Section 3.   Contingent voidness**. (1) Pursuant to Joint Rule 40-65, if [this act] does

26   not include an appropriation prior to being transmitted to the governor, then [this act] is void.

27   (2)   If the appropriation in [section 2] is vetoed, then [this act] is void.

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1   NEW SECTION. **Section 4.   Effective date**. [This act] is effective July 1, 2021.

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3   NEW SECTION. **Section 5.   Termination**. [This act] terminates December 31, 2022.

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