

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."

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

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 13 **Section 1.** Section 53-30-153, MCA, is amended to read:

14 **"53-30-153. Telephone account requirements for state prisons -- protected accounts --**
 15 **disclosure required -- rulemaking -- definitions.** (1) A state prison, A STATE-OWNED FACILITY, OR ANY STATE-
 16 CONTRACTED FACILITY that contracts with a telecommunications service provider to provide telecommunications
 17 services for inmates shall, ~~to the extent feasible,~~ contract with a telecommunications service provider to provide
 18 communications services for inmates that:

- 19 (a) provides public safety precautions required by the department of corrections;
 20 (b) prohibits expiration of prepaid minutes or charges;
 21 (c) does not charge additional usage or dormancy fees;
 22 (d) does not charge excessive intrastate fees that are greater than ~~40 cents~~ 7 CENTS a minute;
 23 (e) does not require monthly usage fees; and
 24 (f) allows rollover of unused, prepaid minutes into the next month unless the inmate for whom the
 25 account was set up is no longer able to use the telephone account, whether for disciplinary reasons or other
 26 reasons specified by department rule. No refund is required for unexpired minutes subject to this subsection
 27 (1)(f).

28 (2) Every contract entered into by a state prison OR FACILITY REGULATED UNDER TITLE 7, CHAPTER 32,

1 PART 22, for communications services under subsection (1) must require the telecommunications service
2 provider to notify the purchaser of a prepaid telephone account of any fees or refunds that are available for
3 unused minutes on a prepaid telephone card and mail the refund to the purchaser's address of record.

4 (3) The department of corrections has rulemaking authority to implement this section and shall notify
5 the public service commission of the allowable rate that a telecommunications service provider may charge for
6 intrastate calls under contract with the department of corrections.

7 (4) For purposes of this section, the following definitions apply:

8 (a) "Prepaid telephone account" means a system, whether purchased as a calling card or set up as
9 an account with a telecommunications service provider, to provide telephonic connections in which the
10 purchaser pays for minutes prior to use. The term does not include a lifeline account, defined under 47 CFR
11 54.401, for which a telecommunications carrier receives universal service support.

12 (b) "State prison" has the meaning provided in 53-30-101(3)(c)(i) through (3)(c)(iii) and (3)(c)(v).

13 (c) "Telecommunications service provider" has the meaning provided for "operator service provider" in
14 69-3-1102."

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16 NEW SECTION. Section 2. Applicability. [This act] applies to contracts signed or renewed on or
17 after [the effective date of this act].

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