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Law and Justice Interim Committee

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FINAL REPORT TO THE 68<sup>TH</sup> MONTANA LEGISLATURE

# **SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS**



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This report is a summary of the work of the Law and Justice Interim Committee, specific to the Law and Justice Interim Committee’s 2021-2022 Senate Bill 303 study of inmate telecommunication contracts and costs as outlined in the Law and Justice Interim Committee’s 2021-2022 work plan and SB 303 (2021). Members received additional information and public testimony on the subject, and this report is an effort to highlight key information and the processes followed by the Law and Justice Interim Committee in reaching its conclusions. To review additional information,

including audio minutes and exhibits, visit the Law and Justice Interim Committee website:  
[www.leg.mt.gov](http://www.leg.mt.gov)

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# SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

## INTRODUCTION

As the Federal Communications Commission is enacting regulation to regulate interstate inmate calling rates, state lawmakers across the nation are enacting legislation to regulate intrastate inmate calling rates. Montana lawmakers examined inmate calling rates and looked at texting, e-mailing, and video rates. The 2021-2022 Law and Justice Interim Committee members requested additional information regarding federal regulation, other state legislation, and current practices in county detention centers. During the 2021 legislative session, the Legislature enacted SB 303, which requested an interim study to assess contracts and costs in state prisons and county detention centers. SB 303 resolved to:

1. examine the current phone call rates and any ancillary fees charged by state prisons and county detention centers;
2. review cooperative purchasing agreements to determine if counties can partner to provide telecommunications services;
3. review methods in other states to provide telecommunications services at state and local levels;
4. review studies to determine if inmate recidivism is lowered by continued contact with family and friends while incarcerated;
5. examine the statutory basis for the inmate welfare fund, including funding and expenditures of the fund;
6. review federal rate caps for interstate calls from state prisons and county detention centers and the effect federal law might have on telecommunication contracts;
7. determine, if possible, the lowest cost that could be assessed to inmates in state and county facilities for phone calls; and
8. consult with the Department of Corrections, county sheriffs and detention center administrators, families of incarcerated individuals and organizations advocating on their behalf, telecommunication service providers, and other stakeholders.

### Federal Communications Commission

These days, many people may not give a second thought to how much a phone call costs. However, for roughly two million men and women incarcerated across the country and for anyone whom they talk to, a phone call likely costs many times more because of how the calls are regulated.

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The issue was raised nationally in 2003 when Martha Wright filed a petition with the Federal Communications Commission (FCC) seeking lower calling rates for calling her incarcerated grandson. The FCC is an independent U.S. government agency that oversees all interstate and international communications.

The FCC has set caps on inmate calling rates twice. A federal court struck down the first attempt in 2015. In 2021, the FCC set new inmate interstate calling rates, and the Montana State Prison is the only facility the new rates apply because the number of incarcerated inmates is more than 1,000 on a daily average.

## FCC Inmate Calling Orders – 2007-2020

Ms. Wright sought to end exclusive inmate calling services and collect-call-only restrictions in correctional facilities. In 2007, Ms. Wright and fellow petitioners filed another petition emphasizing the urgency for the committee to act.

In 2015, the FCC issued its first permanent inmate calling order. The order limited ancillary service charges and set permanent rate caps for interstate and intrastate inmate calling services. In addition, the FCC set tiered rates caps of \$.11 per minute for prisons, \$.14 per minute for jails with average populations over 1,000, \$.16 per minute for jails with an average population of 350 to 999, and \$.22 per minute for jails having an average population of 350. In 2016, the FCC adjusted the rate caps and allowed site commission payments. Additionally, the FCC revised its tiered rates caps to \$.13 per minute for prisons, \$.19 per minute for jails with average populations over 1,000, \$.21 per minute for jails with an average population of 350 to 999, and \$.31 per minute for jails having an average population of 350.

The D.C. Circuit Court held the FCC lacked the statutory authority to cap intrastate calling service rates.

In 2017, inmate call service provider GTL sued the FCC, and the D.C. Circuit Court struck down the permanent rate caps. The court held that the FCC lacked the statutory authority to cap intrastate calling service rates.

The Communications Act of 1934, specifically section 276 of the act, limits the FCC's jurisdiction.

## Federal Communications Commission May 2021 Inmate Calling Order

On May 20, 2021, the FCC set rate caps again for interstate inmate calling services. The order established rates at \$.12 per minute for prisons and \$.14 per minute for jails with an average population of 1,000 or more. The FCC also: 1) set a cap for site commission fees at \$.02 per

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minute; 2) established caps for international calling services rates at prisons and jails for the first time; 3) eliminated a higher rate cap for interstate collect calls, and capped ancillary charges at \$6.95 for third-party financial transaction fees; and 4) adopted a new mandatory data collection to gather data to set future rates. The formula uses one standard deviation to the industry-wide mean to establish both a high and a low boundary of "fairly compensated." The commission also established a waiver system allowing providers to seek exemptions from the caps for any site where actual costs do not allow the company to offer services profitably.

The chart below illustrates the most populated correctional and detention facilities in Montana. Montana State Prison is the only facility subject to FCC rate caps because it exceeds 1,000 inmates. Montana State Prison amended its contract with ICS Corrections in 2021 that reduced call rates, including intrastate and interstate, in state facilities from \$.143 to \$.10, or \$.02 less than required by the 2021 FCC order.

**FACILITIES WITH THE TOP INMATE POPULATIONS IN MONTANA**

Facility Name	Prisoners	Type
<b>Montana State Prison</b>	<b>1,456</b>	<b>State Correctional Facility</b>
Crossroads Correctional Center	759	Contract Correctional Facility
Cascade County Regional Jail	362	Local Detention Center
Montana Women’s Prison	233	State Correctional Facility
Gallatin County Detention Center	143	Local Detention Center
Dawson County Correctional Facility	143	State Correctional Facility
Pine Hills Correctional Facility	30	State Correctional Facility
Riverside Correctional Facility	25	State Correctional Facility

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## INMATE CALLING RATES IN MONTANA

The Law and Justice Interim Committee examined the inmate calling rates for the state prisons and some of the county detention centers. The examination included looking at the detention center's calling contract, talking with the detention center commanders, and visiting some detention centers. Counties that did not provide any information are not included in the rate survey.

### Montana Detention Facility Population/Capacity

Detention Facility	Average Daily Population	Bed Capacity	Facility Type
Anaconda - Deer Lodge County Law Enforcement	<32	32	
Beaverhead County Sheriff's Office	<16	16	
Big Horn County Sheriff's Office	<34	34	
Blaine County Sheriff's Office	0	0	72-Hour Holding Facility
Broadwater County Sheriff's Office	30-35	46	
Butte - Silver Bow County Law Enforcement	<72	72	
Carbon County Sheriff's Office	0	0	
Carter County Sheriff's Office	0	0	
Cascade County Sheriff's Office	413	376	
Chouteau County Sheriff's Office	<28	28	
Custer County Sheriff's Office	24	32	
Daniels County Sheriff's Office	0	0	
Dawson County Sheriff's Office	<28	28	
Fallon County Sheriff's Office	15	14	
Fergus County Sheriff's Office	<37	37	
Flathead County Sheriff's Office	100	137	
Gallatin County Sheriff's Office	125	201	
Garfield County Sheriff's Office	0	0	
Glacier County Sheriff's Office	17	24	
Golden Valley County Sheriff's Office	0	0	72-Hour Holding Facility

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Granite County Sheriff's Office	<12	12	
Hill County Sheriff's Office	<79	79	
Jefferson County Sheriff's Office	18	24	
Judith Basin County Sheriff's Office	0	0	
Lake County Sheriff's Office	46	46	
Lewis and Clark County Sheriff's Office	115	126	
Liberty County Sheriff's Office	0	3	
Lincoln County Sheriff's Office	<25	25	
Madison County Sheriff's Office	0	0	72-Hour Holding Facility
McCone County Sheriff's Office	0	0	
Meagher County Sheriff's Office	<5	5	
Mineral County Sheriff's Office	28	28	
Missoula County Sheriff's Office	365	392	
Musselshell County Sheriff's Office	<14	14	
Park County Sheriff's Office	15-17	21	
Petroleum County Sheriff's Office	0	0	
Phillips County Sheriff's Office	0	0	72-Hour Holding Facility
Pondera County Sheriff's Office	<13	13	
Powder River County Sheriff's Office	<16	16	
Powell County Sheriff's Office	28	28	
Prairie County Sheriff's Office	0	0	
Ravalli County Sheriff's Office	47	88	
Richland County Sheriff's Office	<40	40	
Roosevelt County Sheriff's Office	<58	58	
Rosebud County Sheriff's Office	<25	25	
Sanders County Sheriff's Office	25	30	
Sheridan County Sheriff's Office	<1	10	72-Hour Holding Facility
Stillwater County Sheriff's Office	0	0	
Sweetgrass County Sheriff's Office	0	4	72-Hour Holding Facility
Teton County Sheriff's Office	0	4	72-Hour Holding Facility
Toole County Sheriff's Office	<9	9	
Treasure County Sheriff's Office	0	0	
Valley County Sheriff's Office	<32	32	



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Wheatland County Sheriff's Office	0	6	72-Hour Holding Facility
Wibaux County Sheriff's Office	0	0	
Yellowstone County Sheriff's Office	510	434	

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SB 303 Study of Inmate Telecommunications Contracts and Costs - Call and Video Rates Per Minute - Updated 1/10/22							
Jail/Prison	Facility Type	Provider	Call Rates	Video Rates	Ancillary Fees	Commissions	Tablet
Broadwater	Detention Center	T.W. Vending Inc. d/b/a Turnkey Corrections	\$0.20 per min; Facility pays \$0.12/minute to provider and keeps \$0.08 per min	Lobby visitation: no charge; \$0.39 off-site video visitation	Credit card deposits: \$8.95 through website; Detention Center charges no fees	Facility earns 25% of gross commissary sales; 20% of gross e-mail/SMS/picture mail sales	Y
Cascade	Detention Center	Securus Technologies LLC.	\$0.21 per min instate; \$0.21 per min interstate; \$0.25 Interstate Direct Bill	\$12.99 for 20 minutes or up to \$25.98 for 40 minutes	Outbound voicemail: \$3 transaction fee charged to the recipient; Fees for certain deposits based on amount; Stamp Book fee: \$3/transaction	23% commission on instate phone calls (estimated revenue: \$48,240/year); 10% tablet premium content commission (estimated revenue \$12,345/year); No commissions on video	Y

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Custer	Detention Center	Securus Technologies LLC.	\$0.61 per min; Detention Center has regular phone for attorney phone calls	\$12.99 for 20 minutes or up to \$25.98 for 40 minutes	As of 2017, all fees of all types have been eliminated in return for upgraded equipment from Securus.	As of 2017, commissions on all phone calls of all types have been eliminated in return for upgraded equipment from Securus.	N
Dawson	Detention Center	CenturyLink Communications	\$0.143 per min	\$4 per 25 minutes	Mirror current fees at MDOC detention centers	20% of gross revenue earned on all inmate communications	Y
Fallon	Detention Center	Securus Technologies LLC.	\$0.21 per min	Video not Available	Detention Center charges no fees	\$1.60 for every accepted call paid for using the Pay Now payment program; \$0.30 for each transaction fee billed and collected using Text2connect	N
Flathead	Detention Center	Securus Technologies LLC.	\$0.21 per min	Video: \$12.99 for 20 minutes; Onsite visits are free; \$12.99 for 20 min attorney video and	\$1.99 usage fee for each voicemail left for the inmate; \$3/transaction stamp book fee; \$5/month, tablet rental, if inmates personalize tablet (free basic community tablets are available)	10% of instate phone calls; 20% voicemail usage fee; 15% of remote video visitation; 20% of personal	Y

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				\$25.98 for 40 minutes		tablet rental; 20% of each stamp when used	
Gallatin	Detention Center	Global Tel*Link (GTL)	\$0.21 per min	Video: \$0.25 per min	<p>\$3 fee for automated payments for credit card deposits (kiosk, web, or automated voice);</p> <p>\$5.95 fee for deposits using live operator;</p> <p>\$2 fee for paper bill/statement;</p> <p>\$6.95 fee for third party transmitter;</p> <p>\$6.95 fee per call using credit/debit card;</p> <p>Lobby kiosk deposits are free</p>	<p>88% of gross revenue of intrastate calls;</p> <p>10% of gross revenue of tablet access;</p> <p>10% of gross revenue of video visitation</p>	Y
Hill	Detention Center	Securus Technologies LLC.	<p>Local - \$3.48 first min - \$0.64 per min for additional minutes;</p> <p>Long distance - \$2.64 first min - \$0.50 per min for additional minutes;</p>	Video not Available	Detention Center charges no fees	<p>50% of gross revenue;</p> <p>\$5,000 signing bonus</p>	N

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			Securus proposed going to \$0.48 flat fee on May 17, 2021; \$10 - 15 minute phone card				
Jefferson	Detention Center	T.W. Vending Inc. d/b/a Turnkey Corrections	\$0.25 per min	Lobby visitation: no charge; \$0.39 per min for off-site video visitation	Credit card deposits: \$8.95; Deposits at lobby kiosk: \$2; Both fees retained by the provider	Jefferson keeps the difference between the \$0.12/min charged by provider and the \$0.25/min charged at the detention center or \$0.13 per min; 20% of gross commissary sales; 20% of gross revenue e-mail/SMS/picture mail sales	Y
Lewis and Clark	Detention Center	T.W. Vending Inc. d/b/a Turnkey Corrections	\$0.25 per min	Lobby visitation: no charge; \$0.39 per min for	\$8.95 convenience fee for online deposits; \$2 fee for lobby and booking deposits	L&C keeps the difference between the \$0.12/min	Y - not in use yet

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				off-site video visitation		charged by the provider and the \$0.25/min charged at the detention center or \$0.13 per min; 10% of gross sales from call pins if installed; 28% of gross commissary sales; 20% of gross e-mail/SMS/picture mail	
Lincoln	Detention Center	Securus Technologies LLC.	From Securus website - Intrastate and interstate calls \$0.210	Video not Available	Detention Center charges no fees	30% commission on intrastate phone calls	Y - not in use yet
Missoula	Detention Center	Legacy Inmate Communication d/b/ Edovo	\$0.18 Local interstate per min; \$0.50 International per min; \$0.15 per voicemail	\$0.20 per min remote video visit; No onsite visitation charge	\$3 account funding fee for live and online deposits; \$2 bill statement fee	70% commissions on: 1) local and interstate calls; 2) international calls; 3) voicemail;	Y

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						4) remote video visitation	
Musselshell	Detention Center	Encartele Inc.	\$0.30 mb - CIDNET Voice *Musselshell does not charge by the min, inmates are charged based on the amount of data used	\$0.30 mb - CIDNET Video *Musselshell does not charge by the min, inmates are charged based on the amount of data used	Detention Center charges no fees	0%	N
Park	County Correctional Facility	TKC TeleCom LLC.	\$0.25 per min	\$0.39 per min	\$8.95 convenience fee for online deposits and booking station deposits; \$2 fee for lobby deposits	Park County keeps the difference between the \$0.12/min charged by the provider and the \$0.25/min charged at the detention center or \$0.13/min; 20% of gross	N

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						sales of e-mail/SMS/picture mail	
Powder River	Detention Center	Encartele Inc.	\$0.30 mb CIDNET Voice *Powder River does not charge by the min, inmates are charged based on the amount of data used	\$0.30 mb CIDNET Video *Powder River does not charge by the min, inmates are charged based on the amount of data used	Detention Center charges no fees	0%	N
Powell	Detention Center	Securus Technologies LLC.	\$0.45, flat fee	Video not Available	\$0.75 technology fee per call; \$3 transaction fee per deposit; \$1.60 pay now fee	40%, no commission on interstate calls	N
Ravalli	Detention Center	Securus Technologies LLC. (phone) Turnkey Corrections (video)	\$0.85 for first min, \$0.21 per min for additional min, \$0.21 interstate calls	\$0.39 per min; Lobby visitation is free	\$3 transaction fee (Securus); \$8.95 convenience fee for online deposits (TKC)	45% (Securus); 15% (TKC)	Y



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Richland	Detention Center	Evercon, a subsidiary of Securus Technologies LLC.	\$0.036 per min	Video not Available	Detention Center charges no fees	35% commission on collect calls; 30% commission on prepaid calling cards	Y
Sanders	Detention Center	Securus Technologies LLC.	\$3 first min - \$0.50 per min for additional minutes - transitioning to \$0.21 per min	Information not available	\$1.60 per call using the Pay Now system; \$0.30 per text using Text2Connect; Licensing fee of \$0.10 per call	32% commission of gross revenue; 35% commission of sold calling cards	N/A
Teton	Detention Center	N/A	72 Hour Holding Facility - No Phone Contract \$0.21 per min, price is from Securus website - intrastate and interstate calls \$0.210	Video not Available	Detention Center charges no fees	0%	N
Toole	Detention Center	Securus Technologies LLC.	\$0.21 per min, price is from Securus website - intrastate and interstate calls \$0.210	Video not Available	Detention Center charges no fees	0%	N
Valley	Detention Center	Encartele Inc.	\$0.31 per min	\$0.30 megabyte	Detention Center charges no fees	52% of intrastate and	N

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			Intrastate Call; \$0.21 per min Interstate Call; \$0.18 per min Intrastate Prepaid; \$0.43 per min Intrastate Collect; \$0.21 per min Interstate Prepaid; \$0.25 per min Interstate Collect; \$1.27 per min Internationa l			interstate calls; 25% of video visitation	
Yellowstone	Detention Facility	Telmate LLC.		\$0.25 per min	\$0.07 per min support fee (eff 6/20/16); \$0.03 per min support fee (eff 8/9/16); \$3 per transaction, cash prepaid deposits; \$3 per transaction, credit prepaid deposit; \$5.95 per transaction for prepaid deposits using a live operator; \$3 per automated toll-free deposits; \$2 paper billing fee; Money orders sent to jail deposited free of charge	45% commission of prepaid and collect calls; 25% commission of profits derived from nonvideo visitation tablet (if at least 80% of inmates have access to tablet); 25% of voice communication using tablets	Y

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Montana DOC, MSP, WSP, Pine Hills, Riverside, & Lewistown Infirmary	Prison	ICS Corrections	\$0.10 per min	\$4 per 25 minutes	Keefe tablets - 8GB \$109.99 and 40GB \$129.95, \$2 per downloaded song; Money is uploaded to inmate trust accounts using Department of Administration application	Commission of \$23,000 per month	Y
Crossroads	Private Prison	CenturyLink Communications	\$0.10 Local; \$0.25, Interstate or \$0.21 Interstate if call is prepaid or debit/credit card; \$0.50 Domestic International; \$0.40 International Canada; \$0.50 International Mexico; \$0.50 International	\$4 per 25 minutes	\$5.95 per deposit, prepaid collection fee (live agent); \$3 per deposit, prepaid collection fee (automated); \$2 per month, collect billing fee	Commission Based on Monthly Revenue: \$0-\$31,999 - 73.80%; \$32,000-\$35,999 - 75%; \$36,000-39,999 - 78.50%; \$40,000-\$43,999 - 81%; \$44,000 and up - 83.50%; Voicemail Messaging \$1	Y

# SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

SB 303 Study of Inmate Telecommunications Contracts and Costs - Text and E-mail Rates Per Minute - Updated 1/10/22							
Jail/Prison	Facility Type	Provider	Text Messaging	E-mail Rates	Ancillary Fees	Commissions	Tablets
Broadwater	Detention Center	T.W. Vending Inc. d/b/a Turnkey Corrections	\$0.13 SMS; \$0.25 Picture	\$0.25 per message	Credit card deposits: \$8.95 through website; Detention Center charges no fees	Facility earns 25% of gross commissary sales; 20% of gross e-mail/SMS/picture Mail sales	Y

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Cascade	Detention Center	Securus Technologies LLC.	Text: 1 stamp per text message; Photo: 1 stamp per photo; 5 Stamp Book cost \$2.50; 10 Stamp Book cost \$5; 20 Stamp Book cost \$10; 50 Stamp Book cost \$25	eCard: 1 stamp per eCard; 5 Stamp Book cost \$2.50; 10 Stamp Book cost \$5; 20 Stamp Book cost \$10; 50 Stamp Book cost \$25	Fees for certain deposits based on amount; Stamp Book fee: \$3/transaction	10% tablet premium content commission (estimated revenue \$12,345/year)	Y
Custer	Detention Center	Securus Technologies LLC.	Not Available	Not Available	As of 2017, all fees of all types have been eliminated in return for upgraded equipment from Securus.	As of 2017, all commissions have been eliminated in return for upgraded equipment from Securus.	N
Dawson	Detention Center	CenturyLink Communications	Not Available	Edovo Mail 30 Credits \$10; 80 Credits \$25;	Mirror current fees at MDOC detention centers	20% of gross revenue earned on all inmate communications	Y

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Fallon	Detention Center	Securus Technologies LLC.	Not Available	Not Available	Detention Center charges no fees	\$1.60 for every accepted call paid for using the Pay Now payment program	N
Flathead	Detention Center	Securus Technologies LLC.	Text: 1 stamp per message; Photo: 1 stamp per photo; 5 Stamp Book cost \$2.50; 10 Stamp Book cost \$5; 20 Stamp Book cost \$10; 50 Stamp Book cost \$25	eCard: 1 stamp per eCard	\$3/transaction stamp book fee; \$5/month, tablet rental, if inmates personalize tablet (free basic community tablets are available)	15% of remote video visitation; 20% of personal tablet rental; 20% of each stamp when used	Y

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Gallatin	Detention Center	Global Tel*Link (GTL)	\$0.25/written message or photo attachment or video	\$0.25 per written message	\$3 fee for automated payments for credit card deposits (kiosk, web, or automated voice); \$5.95 fee for deposits using live operator; \$2 fee for paper bill/statement; \$6.95 fee for third party transmitter; \$6.95 fee per call using credit/debit card; Lobby kiosk deposits are free	10% of gross revenue of tablets access; 10% of gross revenue of video visitation.	Y
Hill	Detention Center	Securus Technologies LLC.	Not Available	Not Available	Detention Center charges no fees	50% of gross revenue; \$5,000 signing bonus	N
Jefferson	Detention Center	T.W. Vending Inc. d/b/a Turnkey Corrections	\$0.13 SMS; \$0.25 per Picture Mail	\$0.25 per e-mail	Credit card deposits: \$8.95; Cash deposits at lobby kiosk: \$2; Both fees retained by the provider	20% of gross commissary sales; 20% of gross revenue e-mail/SMS/picture mail sales	Y

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Lewis and Clark	Detention Center	T.W. Vending Inc. d/b/a Turnkey Corrections	\$0.13 per SMS message sent; \$0.25 per picture sent	\$0.25 per e-mail message	\$8.95 convenience fee for online deposits; \$2 fee for lobby and booking deposits	20% of gross e-mail/SMS/picture mail	Y - not in use yet
Lincoln	Detention Center	Securus Technologies LLC.	Not Available	Not Available	Detention Center charges no fees	N/A	Y - not in use yet
Missoula	Detention Center	Legacy Inmate Communication d/b/ Edovo	Edovo Messenger: 10 messages free per month; 250 messages per month \$10; 600 messages per month \$20; 2,000 messages per month \$50; 25 booster pack \$5	Edovo Mail: 25 Credits \$5; 60 Credits \$10; 120 Credits \$15	\$3 account funding fee for live and online deposits; \$2 bill statement fee	No commission for Edovo messenger or mail	Y



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Musselshell	Detention Center	Encartele Inc.	Not Available	\$0.30 mb - CIDNET mail *Musselshell does not charge by the min, inmates are charged based on the amount of data used	Detention Center charges no fees	0%	N
Park	County Correctional Facility	TKC TeleCom LLC.	\$0.13 per SMS message sent; \$0.25 per picture mail sent	E-mail - \$0.25 per e-mail message sent	\$8.95 convenience fee for online deposits and booking station deposits; \$2 fee for lobby deposits	20% of gross e-mail/SMS/picture mail	N
Powder River	Detention Center	Encartele Inc.	Not Available	\$0.30 mb CIDNET mail *Powder River does not charge by the message, inmates are charged based on the amount of data used	Detention Center charges no fees	0%	N

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Powell	Detention Center	Securus Technologies LLC.	Not Available	Not Available	\$0.75 technology fee per call; \$3 transaction fee per deposit; \$1.60 pay now fee	40%, no commission on interstate calls	N
Ravalli	Detention center	Securus Technologies(phone)  Turnkey Corrections (video)	\$0.14 per SMS message	\$0.25 per e-mail message	\$3 transaction fee (Securus); \$8.95 convenience fee for online deposits (TKC)	45% (Securus); 15% (TKC)	Y
Richland	Detention Center	Evercon, a subsidiary of Securus Technologies LLC.	Not Available	Not Available	N/A	N/A	Y
Sanders	Detention Center	Securus Technologies LLC.	Not Available	Not Available	\$1.60 per call using the Pay Now system; \$0.30 for texts using Text2Connect; Licensing fee of \$0.10 per call	32% of gross revenue; 35% of sold calling cards	N/A
Teton	Detention Center	N/A	Not Available	Not Available	N/A	N/A	N
Toole	Detention Center	Securus Technologies LLC.	Not Available	Not Available	N/A	N/A	N

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Valley	Detention Center	Encartele Inc.	Not Available	\$0.30 per megabyte	N/A	25% of mail messaging	N
Yellowstone	Detention Facility	Telmate LLC.	\$0.25 per message	\$0.25 per message	\$0.07 support fee (eff 6/20/16); \$0.03 support fee (eff 8/9/16); \$3 per transaction, cash prepaid deposits; \$3 per transaction, credit prepaid deposit; \$5.95 per transaction for prepaid deposits using a live operator; \$3 per automated toll-free deposits; \$2 paper billing fee; Money orders sent to jail deposited free of charge	25% of commission profits derived from nonvideo visitation tablet (if at least 80% of inmates have access to tablet)	Y

## SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

Montana DOC, MSP, WSP, Pine Hills Correctional Facility, Riverside Correctional Facility, & Lewistown Infirmary	Prison	ICS Corrections	Not Available	Edovo Mail: 30 Credits \$10; 80 Credits \$25	Money is uploaded to inmate trust accounts using Department of Administration application	Commission of \$23,000 per month	Y
Crossroads	Private Prison	CenturyLink Communications	Not Available	Not Available	\$5.95 per deposit, prepaid collection fee (live agent); \$3 per deposit, prepaid collection fee (automated); \$2 per month, collect billing fee	Commission Based on Monthly Revenue: \$0-\$31,999 - 73.80%; \$32,000-\$35,999 - 75%; \$36,000-39,999 - 78.50%; \$40,000-\$43,999 - 81%; \$44,000 and up - 83.50%; Voicemail Messaging \$1	Y

Larger versions of tables are available on the Law and Justice [Website](#) or [Phone rates](#) and [E-mail/SMS rates](#).

## SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

<b>Montana Detention Center Contract Expiration Date – March 2022</b>			
<b>County</b>	<b>Facility Type</b>	<b>Length of Contract</b>	<b>Contract End Date</b>
Broadwater	Detention Center	4 years; automatic 1-year renewal	With 60-days' notice prior to end of 1-year term (initial term ends 2023)
Cascade	Detention Center	6 years; automatic 1-year renewal	With 90-days' notice prior to end of contract term (initial term ends 2025)
Custer	Detention Center	6 years; automatic 5-year renewal	With 90-days' notice prior to end of contract term (initial term ends 2023)
Dawson	Detention Center	3 years; automatic 1-year renewal	With 30-days' notice prior to end of contract term (initial term ended 2021)
Fallon	Detention Center	5 years; three automatic 1-year renewals	With 90-days' notice prior to end of contract term (initial term ended 2021)

## SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

Flathead	Detention Center	5 years; automatic 3-year renewal	April 2024 unless renewed for an additional 3 years months
Gallatin	Detention Center	5 years	6/1/2026
Hill	Detention Center	5 years; automatic 1-year renewal	With 90-days' notice prior to end of contract term (initial term ends 2015)
Jefferson	Detention Center	4 years; automatic 1-year renewal	With 60-days' notice prior to end of contract term (initial ends 2023)
Lewis and Clark	Detention Center	4 years, automatic 1-year renewal	Initial term ends June 19, 2023
Lincoln	Detention Center	7 years; automatic 1-year renewal	Initial term ends 2027
Missoula	Detention Center	3 years; two additional 1-year renewals	2022 or 2024 with renewals
Musselshell	Detention Center	2 years; three additional 1-year renewals	2023 or 2026 with renewals
Park	Detention Center	4 years; 1-year renewals indefinitely	With 60-days' notice prior to end of contract term (initial term ends 2023)
Powder River	Detention Center	5 years; three additional 1-year renewals	2026 or 2029 with renewals
Powell	Detention Center	4 years initial term. Applicable as long as Securus is still providing services.	February 2023 or when Securus stops providing service
Ravalli	Detention Center	5 years, but applicable as long as Securus is still providing services.	April 2025 or when Securus stops providing service

## SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

Richland	Detention Center	5 years, but applicable as long as Securus is still providing services.	Initial term ended January 2015
Sanders	Detention Center	3 years; five successive renewals of 3 years. Agreement is applicable as long as Securus is still providing services.	Initial term ended November 7, 2018. Renewed two times until 2024
Teton	Detention Center	N/A	N/A
Toole	Detention Center	3 years; five successive renewals of 2 years. Agreement is applicable as long as Securus is still providing services.	Initial term expired January 2017
Valley	Detention Center	6 years; one additional 5-year renewal	Initial term expires April 2025
Yellowstone	Detention Facility	Extended contract in 2016, 2018, and 2020	Extension term ends September 2022

## SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

<p>Montana DOC, MSP, WSP, Pine Hills Correctional Facility, Riverside Correctional Facility, &amp; Lewistown Infirmary</p>	<p style="text-align: center;">Prison</p>	<p style="text-align: center;">May 1, 2021 - April 30, 2024</p>	<p style="text-align: center;">The contract, including renewals, may not exceed a total of 10 years. The original contract was signed June 2017 and has been renewed two times</p>
<p style="text-align: center;">Crossroads</p>	<p style="text-align: center;">Private Prison</p>	<p style="text-align: center;">3 years; right to renew for two additional 1-year terms</p>	<p style="text-align: center;">Initial term expires June 2023</p>



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# SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

## INMATE TELECOMMUNICATION LEGISLATION AND PHONE RATES IN OTHER STATES

**Arkansas** – SB 550 – A.C.A § 12-29-119 – Effective April 4, 2021 – Capped intrastate calls at the same rate as the FCC order on January 1, 2021.

- For inmates making intrastate telephone calls, the cost per minute shall not be more than the maximum cost per minute of an interstate inmate telephone call as determined by the FCC as of January 1, 2021.
- Ancillary service charges shall not be permitted except an ancillary service charge of a type up to an amount authorized by the FCC for an interstate inmate telephone call as of January 1, 2021.

**District of Columbia** – D.C. Code § 24-263.01 – Effective April 27, 2001 – Forbids higher call rates, surcharges, and commissions as set by the D.C. Public Service Commission.

- No telephone service provider shall charge a customer a rate for operator-assisted calls made from a penal or corrections institution in the District of Columbia over the maximum rate determined by the Public Service Commission. The D.C. Public Service Commission set the maximum call rate at \$1.75 per call. 2009 D.C. PUC Lexis 95.
- No penal or correctional institution in the District of Columbia shall charge a surcharge, commission, or other financial imposition that is in addition to legally established rates for local or long-distance telephone service.

**Colorado** – HB 21-1201 & Colo. Rev. Stat. § 17-42-103 – Effective June 30, 2021 – Establishes a reporting requirement and a maximum per-minute rate set by the FCC.

- The act requires penal communications service providers who provide telecommunication services to correctional facilities to maintain data and records related to the services provided to those facilities. In addition, the act requires providers to submit data and a report on the services provided to the public utility commission every quarter. The commission must publish the data and report on its website in a format accessible by the public.
- The commission shall establish a maximum per-minute rate for instate debit, prepaid, and collect calls to or from facilities and shall conduct trial tests to ensure accountability and transparency. Starting on January 1, 2022, rate caps established by the FCC apply to all instate debit, prepaid, and collect calls to or from a facility.

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## SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

- The act requires the commission to conduct trial tests on a statistically valid sample of penal communications services and document the test results to ensure the quality of the calls and the accountability of the service.

**Connecticut** SB 972, Conn. Gen. Stat. § 18-8100 – Effective June 16, 2021 – Provides free telephone calls from state facilities.

- Any such communication service shall be provided free of charge to such persons, and any communication, whether initiated or received through any such service, shall be free of charge to the person initiating or receiving the communication.
- After October 1, 2022, the state shall not receive revenue for the provisions of any communication services to any person in the custody of the commissioner and confined in a correctional facility.

**Oregon** – SB 498, O.R.S. § 169.683 – Effective July 1, 2019 – Prohibits Oregon Department of Corrections from receiving a fee or commission for telephone services beyond the reimbursement for associated costs. Limits call fees for local correctional facilities to 5 cents per minute and set fees for correctional facilities based on the size.

- Sets local or regional correctional facility fees or commission at 5 cents per minute.
- All calling contracts must include a stipulation that a provider submits monthly reports detailing revenue, calls made, and call quality.
- Sets fee limits for local and regional correctional facilities depending on the size and bed count of the facility.

**New Jersey** – N.J.S.A § 30:4-8.12 – Effective August 31, 2016 – Set a rate cap at 11 cents per minute and cannot bill for call surcharges, account setup fees, bill statement fees, maintenance charges, or refund fees.

- The State Treasurer or appropriate person on behalf of the county or private correctional facility shall contract with the qualified vendor whose rate shall not exceed 11 cents per minute for domestic debit, prepaid, and collect calls and who does not bill to any party any service charges or additional fee exceeding the per minute rate, including, but not limited to, any per-call surcharge, account set up fee, bill statement fee, monthly account maintenance charge, or refund fee.
- A State, county, or private correctional facility shall not accept or receive a commission or impose a surcharge for telephone usage by inmates in addition to the charges imposed by the telephone service provider.

**Utah** – H.B. 219, Utah Code Ann. § 17-18a-506 – Effective July 1, 2022 – Sets specific requirements for approving prison phone contracts, including requirements around rates.

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## SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

- Correctional facilities must consider the recidivism of inmates when proposing an inmate telephone rate in a new or renewed contract.
- A correctional facility may not enter into a new or renewed telephone contract unless the Civil Counsel approves the contract.

**Washington State** – S.B. 6476 – RCW 72.09.765 – Effective date June 11, 2020 – Establishes reporting requirement for telecommunication providers and to the governor.

- Any contract to provide inmates with access to telecommunication services must make publicly available on the department's website: a) rates; b) fees charged for money transfers; and c) all fees or costs charged to inmates or customers in exchange for telecommunication services.
- By July 21 of each year, the provider shall report to the department: a) a summary of services offered; b) rates charged for each type of service, including maintenance fees, transaction fees, connection surcharges, and refund fees; c) a total accounting of commissions provided to the Washington Department of Corrections; d) an accounting of services used by inmates; e) one-time and ongoing costs incurred for installing and maintaining hardware; f) average customer response time; and g) an accounting of all revenues or loss incurred by the contractor by quarter.
- By November 1 of each year, the Washington Department of Corrections shall report to the governor and legislature on contracts for telecommunications.

\*\*This list does not include pending legislation.

# SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

## Prison Policy Initiative Historical State Prison Phone Rates – March of 2022

State	2008 INSTA Rates	2008 INSTA Rates	2013 INSTA Rates	2013 INSTA Rates	2014 INSTA Rates	2014 INSTA Rates	2017 INSTA Rates	2017 INSTA Rates	2018 INSTA Rates	2018 INSTA Rates	June 2021 INSTA Rates	June 2021 INSTA Rates
Alaska	\$16.41	\$5.19	\$17.30	\$5.12	\$3.15	\$5.12	n/a	\$3.15	\$3.15	\$3.15	\$3.15	\$3.15
Alabama	\$16.41	\$6.45	\$17.30	\$6.75	\$3.15	\$6.75	\$3.15	\$3.15	\$3.92	\$3.34	\$0.75	\$0.75
Arkansas	\$10.25	\$4.68	n/a	n/a	\$3.15	\$4.80	n/a	\$4.80	\$3.15	\$4.80	\$3.15	\$3.75
Arizona	\$7.80	\$5.40	\$8.00	\$4.60	\$3.15	\$5.00	n/a	\$3.00	\$3.92	\$3.34	\$1.48	\$1.48
California	\$13.75	\$4.23	\$6.60	\$2.03	\$3.15	\$2.03	\$3.15	\$2.03	\$3.15	\$2.03	\$0.38	\$0.38
Colorado	\$16.41	\$5.97	\$3.45	\$3.20	\$3.15	\$5.00	\$1.80	\$1.80	\$1.80	\$1.80	\$1.20	\$1.20
Connecticut	\$16.41	\$4.97	\$3.65	\$3.65	\$3.15	\$4.87	n/a	\$3.65	\$3.15	\$3.65	\$3.15	\$3.65
Delaware	\$14.96	\$5.30	\$10.70	\$10.70	\$3.15	\$10.70	\$0.60	\$0.60	\$0.60	\$0.60	\$0.60	\$0.60
Florida	\$1.76	\$1.76	\$1.92	\$1.92	\$2.10	\$2.10	\$2.10	\$2.10	\$2.10	\$2.10	\$2.03	\$2.03
Georgia	\$16.41	\$4.66	n/a	n/a	\$3.15	\$4.85	\$3.15	\$2.40	\$3.15	\$2.40	\$3.15	\$2.40
Hawaii	n/a	\$3.41	n/a	n/a	\$3.15	\$3.18	\$3.15	\$1.95	\$3.00	\$1.95	\$3.00	\$1.95
Iowa	\$7.20	\$5.36	n/a	n/a	\$3.15	\$5.45	\$1.65	\$1.65	\$1.65	\$1.65	\$1.65	\$1.65
Idaho	\$15.00	\$3.80	\$15.60	\$3.60	\$3.15	\$3.80	\$1.65	n/a	\$1.65	\$1.65	\$1.20	\$1.20
Illinois	\$16.41	\$6.14	\$3.55	\$3.55	\$3.15	\$3.55	\$3.55	\$1.05	\$0.14	\$0.14	\$0.14	\$0.14
Indiana	\$5.00	\$6.45	\$3.60	\$3.60	\$3.15	\$3.60	\$3.60	\$3.15	\$3.15	\$3.60	\$3.15	\$3.60
Kansas	\$7.30	\$7.70	\$2.70	\$2.70	\$2.70	\$2.70	\$2.70	\$2.70	\$2.70	\$2.70	\$2.70	\$2.70
Kentucky	\$6.20	\$4.30	\$6.50	\$4.50	\$3.15	\$4.50	\$3.75	\$3.15	\$3.15	\$3.15	\$3.15	\$3.15
Louisiana	\$5.09	\$4.81	\$4.86	\$4.41	\$3.15	\$4.85	\$3.15	\$3.15	\$3.15	\$3.15	\$3.15	\$3.15
Massachusetts	\$2.26	\$2.26	\$2.36	\$2.36	\$2.36	\$2.36	\$1.65	\$1.50	\$1.62	\$1.50	\$1.95	\$1.80
Maryland	\$7.20	\$7.05	\$4.50	\$4.50	\$3.15	\$5.45	\$0.52	\$0.52	\$0.52	\$0.52	\$0.48	\$0.48
Maine	\$12.66	\$5.05	\$13.35	\$5.30	\$3.15	\$5.30	\$4.50	n/a	\$1.35	\$1.35	\$1.35	\$1.35
Michigan	\$2.25	\$1.80	\$3.45	\$3.00	\$3.15	\$3.00	\$3.45	\$2.40	\$3.15	\$2.40	\$2.40	\$2.40

## SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

<b>Minnesota</b>	\$16.41	\$6.22	n/a	n/a	\$3.15	\$6.45	\$0.75	\$0.75	\$0.75	\$0.75	\$0.75	\$0.75
<b>Missouri</b>	\$2.40	\$2.40	\$0.75	\$0.75	\$1.75	\$1.75	\$0.75	\$0.75	\$0.75	\$0.75	\$0.75	\$0.75
<b>Mississippi</b>	\$12.66	\$4.70	\$5.70	\$5.70	\$3.15	\$5.70	\$0.58	\$1.65	\$0.59	\$0.59	\$0.59	\$0.59
<b>Montana</b>	\$5.55	\$5.55	\$2.04	\$2.04	\$2.04	\$2.04	\$2.14	\$2.14	\$2.15	\$2.15	\$1.50	\$1.50
<b>North Carolina</b>	\$16.41	\$4.91	\$3.40	\$3.40	\$3.15	\$3.40	\$1.50	n/a	\$1.50	\$1.50	\$1.50	\$1.50
<b>North Dakota</b>	\$5.82	\$5.82	\$6.06	\$6.06	\$3.15	\$6.06	\$1.20	n/a	\$1.19	\$1.19	\$1.19	\$1.19
<b>Nebraska</b>	\$1.40	\$1.40	\$1.25	\$1.25	\$1.45	\$1.45	\$0.19	\$0.94	\$0.94	\$0.94	\$0.94	\$0.94
<b>New Hampshire</b>	\$2.60	\$2.60	\$2.25	\$2.25	\$3.15	\$2.70	\$0.20	\$0.20	\$0.20	\$0.20	\$0.20	\$0.20
<b>New Jersey</b>	\$14.21	\$7.35	\$4.95	\$4.95	\$3.15	\$4.95	\$0.66	\$0.66	\$0.66	\$0.66	\$0.66	\$0.66
<b>New Mexico</b>	\$10.00	\$3.85	\$0.59	\$0.59	\$0.65	\$0.66	\$1.20	\$1.20	\$1.20	\$1.20	\$1.20	\$1.20
<b>Nevada</b>	\$14.56	\$2.50	\$9.85	\$2.95	\$3.15	\$2.95	\$1.65	n/a	\$1.65	\$1.65	\$1.65	\$1.65
<b>New York</b>	\$0.72	\$0.72	\$0.72	\$0.72	\$0.72	\$0.72	\$0.72	\$0.72	\$0.65	\$0.65	\$0.65	\$0.65
<b>Ohio</b>	\$15.98	\$5.55	\$13.58	\$4.69	\$0.75	\$5.87	n/a	\$0.75	\$0.75	\$0.75	\$0.75	\$0.75
<b>Oklahoma</b>	\$3.60	\$3.60	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	n/a	\$3.00	\$3.00	\$2.97	\$2.97
<b>Oregon</b>	\$16.41	\$13.61	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	n/a	\$2.10	\$2.40	\$1.35	\$1.35
<b>Pennsylvania</b>	\$10.50	\$5.99	\$9.35	\$5.15	\$3.15	\$6.25	\$0.90	n/a	\$0.89	\$0.89	\$0.89	\$0.89
<b>Rhode Island</b>	\$5.50	\$0.70	\$5.80	\$0.70	\$3.15	\$0.70	\$0.70	\$0.70	\$0.71	\$0.71	\$0.89	\$0.89
<b>South Carolina</b>	\$3.35	\$3.10	\$0.75	\$0.75	\$0.99	\$0.99	\$1.20	\$1.20	\$1.35	\$1.20	\$0.83	\$0.83
<b>South Dakota</b>	\$10.50	\$9.16	\$2.70	\$2.70	\$3.15	\$8.40	\$1.20	n/a	\$1.20	\$1.20	\$0.90	\$0.90
<b>Tennessee</b>	\$12.17	\$3.22	\$11.52	\$3.24	\$3.15	\$3.60	\$3.15	n/a	\$3.15	\$2.40	\$3.15	\$2.40
<b>Texas</b>	\$6.45	\$3.90	\$6.45	\$3.90	\$3.15	\$3.90	\$0.90	n/a	\$0.90	\$0.90	\$0.90	\$0.90
<b>Utah</b>	\$9.30	\$4.48	\$9.75	\$4.60	\$3.15	\$4.60	\$2.85	n/a	\$2.85	\$2.85	\$2.85	\$1.50
<b>Virginia</b>	\$8.42	\$5.75	\$8.40	\$5.20	\$3.15	\$6.00	\$0.62	n/a	\$0.61	\$0.61	\$0.61	\$0.61
<b>Vermont</b>	\$10.25	\$4.62	\$2.50	\$2.50	\$3.15	\$3.23	\$1.76	\$1.04	\$1.04	\$0.59	\$1.04	\$0.59
<b>Washington</b>	\$17.41	\$2.50	\$11.00	\$3.15	\$3.15	\$3.50	\$1.65	\$1.65	\$1.65	\$1.65	\$1.65	\$1.65
<b>Wisconsin</b>	\$6.90	\$5.17	\$2.70	\$1.80	\$2.70	\$1.80	\$2.70	\$1.80	\$2.70	\$1.80	\$0.90	\$0.90
<b>West Virginia</b>	\$7.85	\$3.65	\$7.35	\$3.45	\$3.15	\$3.85	\$0.48	n/a	\$0.48	\$0.48	\$0.48	\$0.48
<b>Wyoming</b>	\$12.23	\$3.55	\$9.90	\$3.08	\$3.15	\$3.72	\$1.65	\$1.65	\$1.65	\$1.65	\$1.65	\$1.65

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# SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

## FEDERAL AND STATE STATUTORY FRAMEWORK FOR INMATE CALLING

### Federal Law

**47 CFR 64.6030 9 Effective October 23, 2020 – July 28, 2021**

#### **Inmate Calling Services interim rate cap.**

Link to an amendment published at [86 FR 40731](#), July 28, 2021.

No provider shall charge a rate for interstate Collect Calling in excess of \$0.25 per minute, or a rate for interstate Debit Calling, Prepaid Calling, or Prepaid Collect Calling in excess of \$0.21 per minute. These interim rate caps shall remain in effect until permanent rate caps are adopted and take effect.

[[85 FR 67462](#), Oct. 23, 2020]

**47 CFR 64.6030 Effective – July 28, 2021**

#### **Inmate Calling Services Interim Rate Caps**

For all Jails with Average Daily Populations of less than 1,000 Inmates, no Provider shall charge a rate for interstate Collect Calling, Debit Calling, Prepaid Calling, or Prepaid Collect Calling in excess of \$0.21 per minute.

(b) For all Jails with Average Daily Populations of Inmates of 1,000 or greater, no Provider shall charge a Provider-Related Rate Component for interstate Collect Calling, Debit Calling, Prepaid Calling, or Prepaid Collect Calling in excess of \$0.14 per minute.

(c) For all Prisons, no Provider shall charge a Provider-Related Rate Component for interstate Collect Calling, Debit Calling, Prepaid Calling, or Prepaid Collect Calling in excess of \$0.12 per minute.

(d) For all Jails with Average Daily Populations of Inmates of 1,000 or greater, and for all Prisons, Providers may recover the applicable Facility-Related Rate Component as follows:

(1) Providers subject to an obligation to pay Site Commissions by state statutes or laws and regulations that are adopted pursuant to state administrative procedure statutes where there is notice and an opportunity for public comment such as by a state public utility commission or similar regulatory body with jurisdiction to establish inmate calling services rates, terms, and conditions and that operate independently of the contracting process between Correctional Institutions and Providers, may recover the full amount of such payments through the Legally Mandated Facility Rate Component subject to the limitation that the total rate (Provider-

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## SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

Related Rate Component plus Facility-Related Rate Component) does not exceed \$0.21 per minute.

(2) Providers that pay Site Commissions pursuant to a contract with the Jail or Prison may recover up to \$0.02 per minute through the Contractually Prescribed Facility Rate Component except where the Provider's total Contractually Prescribed Facility Rate Component results in a lower per-minute rate than \$0.02 per minute of use. In that case, the Provider's Contractually Prescribed Facility Rate Component is limited to the actual amount of its per-minute Site Commission payment up to a maximum of \$0.02 per minute. Providers shall calculate their Contractually Prescribed Facility Rate Component to three decimal places.

(e) No Provider shall charge, in any Prison or Jail it serves, a per-minute rate for an International Call in excess of the applicable interstate rate cap set forth in [paragraphs \(a\), \(b\), \(c\), and \(d\)](#) of this section plus the average amount that the provider paid its underlying international service providers for calls to the International Destination of that call, on a per-minute basis. A Provider shall determine the average amount paid for calls to each International Destination for each calendar quarter and shall adjust its maximum rates based on such determination within one month of the end of each calendar quarter.

[\[86 FR 40731\]](#), July 28, 2021]

### Montana State Law

**53-30-153. Telephone account requirements for state prisons -- protected accounts -- disclosure required -- rulemaking -- definitions.** (1) A state prison that contracts with a telecommunications service provider to provide telecommunications services for inmates shall, to the extent feasible, contract with a telecommunications service provider to provide communications services for inmates that:

- (a) provides public safety precautions required by the department of corrections;
- (b) prohibits expiration of prepaid minutes or charges;
- (c) does not charge additional usage or dormancy fees;
- (d) does not charge excessive intrastate fees that are greater than 10 cents a minute;
- (e) does not require monthly usage fees; and
- (f) allows rollover of unused, prepaid minutes into the next month unless the inmate for whom the account was set up is no longer able to use the telephone account, whether for disciplinary reasons or other reasons specified by department rule. No refund is required for unexpired minutes subject to this subsection (1)(f).

(2) Every contract entered into by a state prison for communications services under subsection (1) must require the telecommunications service provider to notify the purchaser of a prepaid telephone account of any fees or refunds that are available for unused minutes on a prepaid telephone card and mail the refund to the purchaser's address of record.

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## SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

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

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

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

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

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

History: En. Sec. 1, Ch. 262, L. 2017.

**7-32-2255. Inmate phone calls to attorney.** As needed and subject to policies adopted by the local government that operates or contracts for the lease or operation of a detention center, the detention center administrator shall allow an inmate to speak on the telephone with the inmate's attorney without charge.

History: En. Sec. 1, Ch. 60, L. 2017.

## INMATE WELFARE FUND

The Inmate Welfare Fund (IWF) is an account in the state's special revenue fund used to hold money collected from phone calls and canteen purchases. At no time are the IWF funds intermingled with the Department of Corrections' (DOC) general budget. Funds from the IWF are distributed among the Montana State Prison, Montana Women's Prison, and Pine Hills Correctional Facility based on phone and canteen usage at each facility. Crossroads Correctional Facility, and Dawson County Correctional Facility, as well as many other county detention centers, also have IWF accounts, but do not receive funds from the DOC's telecommunication contract because each of those facilities has its own communication provider.

The IWF funds are used for the benefit of inmates and their families. Items and services purchased with IWF money are not allocated through the detention facility's operating budget. Examples of purchases include recreational equipment, hobby supplies, kits for indigent inmates, release assistance, burial cost for inmates, and educational materials. The DOC IWF is provided for under 53-1-109, MCA.



## SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

### Montana Department of Corrections IWF Detailed Report – August- January 2021

#### IWF Montana State Prison

	August	September	October	November	December	January
Revenue	18,523.00	22,572.00	18,169.00	18,291.00	21,840.90	18,726.10
Misc. Transfer				29,269.55		
<b>Total</b>	<b>18,523.00</b>	<b>22,572.00</b>	<b>18,169.00</b>	<b>47,560.55</b>	<b>21,840.90</b>	<b>18,726.10</b>
<b>Expenses</b>						
Inmate Pay	913.85	446.70	1,548.70	1,097.00	1,089.95	1,057.05
Consult & Prof Services	-	-	536.00			676.50
Athletic and Recreational	2,954.95	2,661.43	1,356.65	790.96	5,658.93	2,075.82
Clothing & Personal	-	5,088.00	-	-	-	-
Educational	40.00	-	-	-	-	(25.94)
Food	-	3,185.00	-	-	-	-
Medical & Hospital Supplies	-	585.07	439.37	-	-	488.49
Books & Reference Materials	27.12	25.46	32.64	386.98	220.00	1,131.95
Shop Supplies/Tools/Mine Equipment	1,242.00	1,072.07	359.25	5,940.19	184.22	2,388.86
Grocery	-	-	-	2,168.40	1,375.00	228.28
U.S. Postage Service Charge	-	-	-	-	-	182.45
Dues	525.25	-	-	-	-	-
Subscriptions	4,589.98	8,140.98	4,570.97	4,121.94	4,493.07	4,319.01

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Licenses & Permits	-	-	-	140.00		-
Total Expense	10,293.15	21,204.71	8,843.58	14,645.47	13,021.17	12,522.47

### IWF Montana Women's Prison

	August	September	October	November	December	January
Revenue	4,043.00	3,687.00	5,905.50	14,918.75	3,685.00	6,623.50
Misc. Transfer				4,355.94		
Total	4,043.00	3,687.00	5,905.50	19,274.69	3,685.00	6,623.50
Expenses						
Inmate Pay	647.90	693.27	723.04	488.57	615.92	661.89
Athletic and Recreational	134.43	301.20	365.65	1,218.32	-	-
Clothing & Personal	-	74.26	63.98	801.78	5,063.13	35.15
Educational	-	-	-	-	-	(1,131.95)
Food	2,058.90	-	-	1,226.00	-	-
Shop Supplies/Tools		-	320.58	-	71.94	-
Office Equipment	-	-	-	7,814.40	6,446.88	-
Office Supply	1,179.31	26.99	270.17	1,108.74	143.65	-
Kitchen Supplies	-	21.69	-	-	-	-
Grocery	1,124.70	210.40	128.12	1,516.53	1,122.96	480.36
Janitorial	-	-	-	321.45	-	-
Dues	2,217.00	-	4,434.00	-	217.00	2,217.00
Subscriptions	11.99	11.99	11.99	11.99	11.99	-
Total Expense	7,374.23	1,339.80	6,317.53	14,507.78	13,693.47	2,262.45

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### IWF Pine Hills State Prison

	August	September	October	November	December	January
Revenue	1,073.00	953.00	868.00	646.00	670.00	520.00
Misc. Transfer				470.44		
<b>Total</b>	<b>1,073.00</b>	<b>953.00</b>	<b>868.00</b>	<b>1,116.44</b>	<b>670.00</b>	<b>520.00</b>
Expenses						
Athletic and Recreational	-	83.70	15.32	910.26	1,025.93	-
Food	-	-	47.90	10.00	208.44	-
Radio supplies	-	-	-	-	156.40	93.84
Shop Supplies/Tools	987.75	-	-	449.00	-	-
Office Supply	-	-	-	433.18	-	43.28
Grocery					71.00	-
<b>Total Expense</b>	<b>987.75</b>	<b>83.70</b>	<b>63.22</b>	<b>1,802.44</b>	<b>1,461.77</b>	<b>137.12</b>

### IWF Dawson County State Prison

	August	September	October	November	December	January
Revenue	2,199.84	2,819.61	2,160.85	2,432.48	3,685.00	4.00
Misc. Transfer	-	-	-	2,439.24	-	-
<b>Total</b>	<b>2,199.84</b>	<b>2,819.61</b>	<b>2,160.85</b>	<b>4,871.72</b>	<b>3,685.00</b>	<b>4.00</b>
Expenses						
Inmate Pay	653.66	544.64	508.98	587.16	615.92	611.59
Athletic and Recreational	45.43	207.79	-	191.98	-	1,728.00
Clothing & Personal	390.00	7.38	-	-	5,063.13	-
Food	315.36	-	-	-	-	-

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Shop Supplies/Tools	-	-	-	-	71.94	-
Office Equipment	-	-	-	-	6,446.88	-
Office Supply	113.48	-	59.96	-	143.65	-
Grocery	-	12.96	-	-	1,122.96	-
Dues	-	-	-	-	2,217.00	-
Subscriptions	1,963.92	1,963.92	1,963.92	1,963.92	11.99	2,105.04
<b>Total Expense</b>	<b>3,481.85</b>	<b>2,736.69</b>	<b>2,532.86</b>	<b>2,743.06</b>	<b>15,693.47</b>	<b>4,444.63</b>

### IWF Crossroads

	August	September	October	November	December	January
Revenue	6,563.95	7,691.05	8,523.84	9,130.91	9,421.72	-
Misc. Transfer	-	-	-	15,036.19	-	-
<b>Total</b>	<b>6,563.95</b>	<b>7,691.05</b>	<b>8,523.84</b>	<b>24,167.10</b>	<b>9,421.72</b>	<b>0</b>
Expenses						
Inmate Pay	1,019.25	960.25	978.38	941.51	928.51	835.75
Athletic and Recreational	2,524.97	5,532.75	(199.42)	16.49	249.99	534.40
Clothing & Personal	-	-	791.26	756.00	-	1,688.94
Educational	5,329.73	(855.22)	600.00	-	711.86	-
Medical & Hospital Supplies	-	-	669.02	-	-	-
Books & Reference Materials	-	559.00	151.52	-	-	1,813.65
Shop Supplies/Tools/Mine Equipment	2,494.00	310.98	2,520.23	(124.00)	1,899.80	2,606.68
Minor Office Equipment	3,955.90	-	-	-	-	-

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Office Supplies	2,376.03	348.01		(164.12)	1,413.59	
Veterinary Supplies	1,545.47	-	883.18	-	-	755.38
Grocery	-	187.53	269.61	2,387.27		521.61
Subscriptions	2,771.51	3,165.96	2,771.51	2,771.51	2,771.51	2,771.51
Total Expense	22,016.86	10,209.26	9,435.29	6,584.66	7,975.26	11,527.92

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# SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

## APPENDIX A: LAW AND JUSTICE INTERIM COMMITTEE MEMBERS

Before the close of each legislative session, the House and Senate leadership appoint lawmakers to interim committees. The members of the Law and Justice Interim Committee, like most other interim committees, serve one 20-month term. Members who are reelected to the Legislature, subject to overall term limits and if appointed, may serve again on an interim committee. This information is included in order to comply with 2-15-155, MCA.

### Senate Members

**Senator John Esp**  
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**Senator Jen Gross**  
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**Senator Ryan Lynch**  
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**Senator Tom McGillvray**  
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**Senator Keith Regier**  
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E-mail: Keith.Regier@mtleg.gov

**Senator Susan Webber\***  
PO Box 1011  
Browning, MT 59417-1011  
Ph: 406-450-1894  
E-mail: nitzitapii@gmail.com  
\*Appointed in August 2021 to replace Sen. Bryce Bennett

### House Members

**Representative Laurie Bishop**  
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**Representative Sherry Essmann\*\***  
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\*\*Appointed in March 2022 to replace Rep. Frank Fleming

**Representative Donavon Hawk**  
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**Representative Emma Kerr-Carpenter**  
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**Representative Amy Regier**  
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### Committee Staff

Julianne Burkhardt, Attorney | Rachel Weiss & Travis Brown, Legislative Research Analysts | Bethany McDowell James, Secretary

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# SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

## APPENDIX B: DRAFT LEGISLATION – 8/29/22

### SB 303-1

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO STATE PRISONS AND COUNTY DETENTION CENTER TELECOMMUNICATIONS CONTRACTS; SUPERSEDING THE UNFUNDED MANDATE LAWS; DEFINING "TELECOMMUNICATIONS SERVICE PROVIDER"; AMENDING SECTION 53-30-153, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Detention center telecommunications contracts -- definition.** (1) County detention centers that contract with a telecommunications service provider for inmates' telecommunications may join any telecommunications contract with the same per-minute fee as the department of corrections. A detention center may not enter into a separate telecommunications contract unless the per-minute fee does not exceed the current rate allowed by the Federal Communications Commission but not more than 21 cents per minute.

(2) Each week an inmate is entitled to receive one free phone call, not to exceed 10 minutes, and one free video call, not to exceed 25 minutes, to the extent video calling is offered at the detention center.

(3) An inmate telecommunications contract may not include ancillary service fees, including prepaid phone cards, collect calls, and single pay calls that total more than 3% of the base charge.

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

**Section 2.** Section 53-30-153, MCA, is amended to read:

**"53-30-153. Telephone account requirements for state prisons -- protected accounts -- disclosure required -- rulemaking -- definitions.** (1) A state prison that contracts with a telecommunications service provider to provide telecommunications services for inmates shall, ~~to the extent feasible~~ contract with a telecommunications service

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# SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

provider to provide communications services for inmates that:

- (a) provides public safety precautions required by the department of corrections;
- (b) prohibits expiration of prepaid minutes or charges;
- (c) does not charge additional usage or dormancy fees;
- (d) does not charge excessive intrastate fees that are greater than 10 cents a minute;

~~(e) does not require monthly usage fees; and~~

~~(e) does not include ancillary service fees, including prepaid phone cards, collect calls, and single pay calls that total more than 3% of the base charge; and~~

(f) allows rollover of unused, prepaid minutes into the next month unless the inmate for whom the account was set up is no longer able to use the telephone account, whether for disciplinary reasons or other reasons specified by department rule. No refund is required for unexpired minutes subject to this subsection (1)(f).

(2) Every contract entered into by a state prison for communications services under subsection (1) must require the telecommunications service provider to notify the purchaser of a prepaid telephone account of any fees or refunds that are available for unused minutes on a prepaid telephone card and mail the refund to the purchaser's address of record.

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

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

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

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

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

NEW SECTION. Section 3. {standard} **Unfunded mandate laws superseded.** The provisions of [this act]



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# SB 303: STUDY OF INMATE TELECOMMUNICATIONS CONTRACTS AND COSTS

expressly supersede and modify the requirements of 1-2-112 through 1-2-116.

NEW SECTION. **Section 4. Transition.** The department of corrections shall include an option for a county detention center to opt-in to a telecommunications contract at the same per-minute rate offered to the department of corrections.

NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 7, chapter 32, part 22, and the provisions of Title 7, chapter 32, part 22, apply to [section 1].

NEW SECTION. **Section 6. {standard} Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 7. Effective date.** [This act] is effective April 30, 2024.

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