

# Inmate Calling Legislation 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 F.C.C. order on January 1, 2021.

- For inmates making intrastate telephone call, the cost per min shall not be more than the maximum cost per min of an interstate inmate telephone call as determined by the F.C.C. 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 F.C.C. for 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 DC 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 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-min rate set by the F.C.C.

- 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 in-state 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 F.C.C. apply to all in-state debit, prepaid, and collect calls to or from a facility.
- 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 set up 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 specifies requirements for approving prisons phone contracts, including requirements around rates.

- 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 Council 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 telecommunicators services must make publicly available on the department's website; a) rates; b) fees charged for money transfers; 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) summary of services offered; b) rates charged for each type of service, including maintenance fees, transaction fees, connection surcharges, and refund fees; c) total accounting of commissions provided to Washington Department of Corrections; d) an accounting of services used by inmates; e) one-time and ongoing costs incurred for installing and maintain hardware; f) average customer response time; 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.