

INMATE PHONE PROVIDER AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates requirements related to inmate phone services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
 - ▶ requires the Public Service Commission to review for approval each contract between a telephone service provider and a correctional facility that seeks to provide telephone access to inmates;
 - ▶ provides guidance to the commission in determining whether to approve a contract;
- and
- ▶ sets limits on the rate an inmate may be charged for telephone use.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

54-8b-19, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section **54-8b-19** is enacted to read:

29 **54-8b-19. Correctional facility telephone service contracts -- Approval by**
30 **commission -- Required rates.**

31 (1) As used in this section:

32 (a) "Correctional facility" means the same as that term is defined in Section
33 77-16b-102.

34 (b) "Correctional facility telephone service" means a public telecommunications
35 service provided to a correctional facility for inmate use.

36 (c) "Inmate" means an individual who is committed to the custody of or housed in a
37 correctional facility.

38 (d) "Inmate telephone rate" means any amount a correctional facility or a service
39 provider charges an inmate for use of a correctional facility telephone service, including each
40 per-minute rate or surcharge for:

41 (i) a collect call, a prepaid phone card, or any other method by which a correctional
42 facility allows an inmate to access a correctional facility telephone service; or

43 (ii) a local or a long-distance phone call.

44 (e) "Service provider" means a public entity or a private entity that provides a
45 correctional facility telephone service.

46 (2) (a) A correctional facility or other state entity may not enter into or renew a contract
47 for a correctional facility telephone service, unless the contract is approved by the commission.

48 (b) To obtain approval of a contract described in Subsection (2)(a), a party shall submit
49 an application to the commission that includes:

50 (i) the proposed contract; and

51 (ii) any additional information the commission requires to analyze the contract.

52 (3) (a) The commission shall approve a contract described in Subsection (2)(a) if:

53 (i) each inmate telephone rate provided in the contract does not exceed the lesser of:

54 (A) the corresponding inmate telephone service monetary cap per-use rate established
55 and published by the Federal Communications Commission; or

56 (B) the corresponding inmate telephone system rate established and published by the
57 Utah Department of Corrections;

58 (ii) the provisions of the contract, other than rates which are governed by Subsection

59 (3)(a)(i), are consistent with correctional facility telephone service contracts throughout the
60 state; and

61 (iii) the contract provides for adequate services that meet the needs of the correctional
62 facility.

63 (b) Upon receipt of an application, the commission shall:

64 (i) review the application for completeness;

65 (ii) make a determination regarding the application in accordance with Subsection

66 (3)(a); and

67 (iii) inform the party of the commission's determination.

68 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
69 commission shall make rules establishing procedures for the submission and the review of a
70 contract under this section.