

Representative Cheryl K. Acton proposes the following substitute bill:

INMATE PHONE PROVIDER AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor: Derek L. Kitchen

LONG TITLE

General Description:

This bill creates requirements related to inmate phone services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the civil counsel for a county 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 civil counsel for a county 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:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

17-18a-506, Utah Code Annotated 1953



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

Section 1. Section **17-18a-506** is enacted to read:

17-18a-506. Correctional facility telephone service contracts -- Approval by civil counsel -- Required rates.

(1) As used in this section:

(a) "Civil counsel" means the attorney, as that term is defined in Section [17-18a-102](#), who is exercising the attorney's civil duties for the county.

(b) "Correctional facility" means the same as that term is defined in Section [77-16b-102](#).

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

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

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

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

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

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

(2) (a) A correctional facility shall consider the importance of inmate access to telephones in preserving family connections and reducing recidivism when proposing an inmate telephone rate in a new or renewed contract for correctional facility telephone service.

(b) A correctional facility or other state entity may not enter into or renew a contract for a correctional facility telephone service, unless the contract is approved by the civil counsel.

(c) To obtain approval of a contract described in Subsection (2)(b), a correctional facility or other state entity shall submit to the civil counsel:

(i) the proposed contract;

(ii) documentation that the correctional facility or other state entity has confirmed that:

57 (A) the provisions of the contract, other than the rates described in Subsection (3)(a),
58 are consistent with correctional facility telephone service contracts throughout the state; and

59 (B) the contract provides for adequate services that meet the needs of the correctional
60 facility; and

61 (iii) any additional information the civil counsel requires to analyze the contract.

62 (3) (a) The civil counsel shall review a contract and any additional information
63 described in Subsection (2)(b) to determine whether:

64 (i) each inmate telephone rate for interstate calls provided in the contract exceeds the
65 corresponding inmate telephone service monetary cap per-use rate established and published by
66 the Federal Communications Commission; and

67 (ii) each inmate telephone rate for intrastate calls provided in the contract exceeds the
68 greater of:

69 (A) 25% higher than the corresponding inmate telephone service monetary cap per-use
70 rate established and published by the Federal Communications Commission; or

71 (B) the corresponding inmate telephone system rate established and published by the
72 Utah Department of Corrections.

73 (b) (i) After receiving and reviewing the proposed contract and additional information,
74 the civil counsel shall approve the contract if the proposed contract meets the requirements
75 described in Subsection (3)(a).

76 (ii) The civil counsel shall inform the correctional facility or other state entity of the
77 civil counsel's determination.

78 **Section 2. Effective date.**

79 This bill takes effect on July 1, 2022.