

HB0219S01 compared with HB0219

~~deleted text~~ shows text that was in HB0219 but was deleted in HB0219S01.

inserted text shows text that was not in HB0219 but was inserted into HB0219S01.

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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: _____

LONG TITLE

General Description:

This bill creates requirements related to inmate phone services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the ~~Public Service Commission~~ 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 ~~commission~~ 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:

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None

Other Special Clauses:

~~{None}~~ This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

~~{54-8b-19}~~ 17-18a-506, Utah Code Annotated 1953

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

Section 1. Section ~~{54-8b-19}~~ 17-18a-506 is enacted to read:

~~{54-8b-19}~~ 17-18a-506. **Correctional facility telephone service contracts --**

Approval by ~~{commission}~~ 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.

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

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

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

(~~f~~d)~~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~~e)~~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.

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(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 ~~commission~~ civil counsel.

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

(i) the proposed contract; ~~and~~

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

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

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

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

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

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

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

~~(~~iii~~B) the contract provides for adequate services that meet the needs of the correctional facility;~~

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

~~(i) review the application for completeness;~~

~~(ii) make a determination regarding the application in accordance with; and~~

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

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

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

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

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

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

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

~~— (iii) inform the party of the commission's;~~

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

~~{(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules establishing procedures for the submission and the review of a contract under this section}~~Section 2. Effective date.

This bill takes effect on July 1, 2022.