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**HOUSE BILL 1751**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Peterson, Caldier, Macri, and Davis

AN ACT Relating to communication services and electronic media services in prisons and jails; adding new sections to chapter 72.09 RCW; and adding new sections to chapter 70.48 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 72.09 RCW to read as follows:

(1) Any contract for communication services and electronic media services for inmates in state correctional facilities must require the vendor to charge reasonable rates for those services, which may not exceed:

(a) Five cents per minute for domestic debit, prepaid, and collect telephone calls;

(b) Five dollars per thirty minutes for remote video visitation;

(c) One dollar per email, which must allow for at least five standard pages of text and include access to the device necessary to type and transmit the email; and

(d) A reasonable rate established by the department for sending videograms and video clips, and use of a media player for accessing music, radio, and other entertainment.

(2) The maximum rates established in subsection (1) of this section include any and all charges associated with the relevant service including, but not limited to, any per call and connection surcharge, bill statement fee, monthly account maintenance charge, refund fee, and any other service charges and additional fees; however, a contract may authorize fees for opening an account or adding funds to an existing account, so long as the amount charged does not exceed the lesser of: One percent of the funds added to the account; or five dollars. The total amount charged for services may not exceed the rates established under this section.

(3) Any contract for communication services and electronic media services for inmates in state correctional facilities must include provisions for quality assurance for services, and a reliable and fair process for obtaining refunds for defective services and services not rendered.

(4) Any contract for communication services and electronic media services for inmates in state correctional facilities may not include commission for the department or facilities in excess of five percent of the revenue generated pursuant to the contract. Funds from commissions may be used only for: (a) Extended family visit expenditures; (b) supplies, subscriptions, and operational costs associated with law libraries; (c) visiting area furniture and supplies; and (d) programming and activities designed for the primary purpose of strengthening relations between inmates and their families.

(5) The department shall annually report to the governor and legislature on contracts for communication services and electronic media services under this section, which must include, but is not limited to, a summary of the services offered, rates charged for services, commissions, usage, revenue, and compliance with this section and section 2 of this act. The department shall annually report to the governor and legislature by November 1st of each year.

(6) For the purposes of this section, "commission" means a percentage of revenues or fees paid to the department or facility by the vendor. "Commission" does not include funds, services, or equipment used for the operations of the contracted communication services and electronic media services, the analysis of telephone records and related financial data for investigative or other purposes, and security enhancements.

NEW SECTION. **Sec.**  A new section is added to chapter 72.09 RCW to read as follows:

The department shall provide each inmate in state correctional facilities the opportunity to make at least four telephone calls weekly, which may not be limited to fewer than thirty minutes in duration per call. An inmate may be charged a reasonable rate for telephone calls not to exceed the amount established under section 1 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 70.48 RCW to read as follows:

(1) Any contract for communication services and electronic media services for inmates in jails must require the vendor to charge reasonable rates for those services, which may not exceed:

(a) Five cents per minute for domestic debit, prepaid, and collect telephone calls;

(b) Five dollars per thirty minutes for remote video visitation;

(c) One dollar per email, which must allow for at least five standard pages of text and include access to the device necessary to type and transmit the email; and

(d) A reasonable rate established by the jail for sending videograms and video clips, and use of a media player for accessing music, radio, and other entertainment.

(2) The maximum rates established in subsection (1) of this section include any and all charges associated with the relevant service including, but not limited to, any per call and connection surcharge, bill statement fee, monthly account maintenance charge, refund fee, and any other service charges and additional fees; however, a contract may authorize fees for opening an account or adding funds to an existing account, so long as the amount charged does not exceed the lesser of: One percent of the funds added to the account; or five dollars. The total amount charged for services may not exceed the rates established under this section.

(3) Any contract for communication services and electronic media services for inmates in jails must include provisions for quality assurance for services, and a reliable and fair process for obtaining refunds for defective services and services not rendered.

(4) Any contract for communication services and electronic media services for inmates in jails may not include commission for the jails in excess of five percent of the revenue generated pursuant to the contract. Funds from commissions may be used only for: (a) Extended family visit expenditures, if offered by the jail; (b) supplies, subscriptions, and operational costs associated with law libraries; (c) visiting area furniture and supplies; and (d) programming and activities designed for the primary purpose of strengthening relations between inmates and their families.

(5) For the purposes of this section, "commission" means a percentage of revenues or fees paid to a jail by a vendor. "Commission" does not include funds, services, or equipment used for the operations of the contracted communication services and electronic media services, the analysis of telephone records and related financial data for investigative or other purposes, and security enhancements.

NEW SECTION. **Sec.**  A new section is added to chapter 70.48 RCW to read as follows:

A jail shall provide each inmate with the opportunity to make at least four telephone calls weekly, which may not be limited to fewer than thirty minutes in duration per call. An inmate serving a sentence for a criminal offense may be charged a reasonable rate for telephone calls not to exceed the amount established under section 3 of this act. However, a jail or contracted vendor may not charge an inmate for telephone calls if he or she is awaiting trial for a criminal offense for which he or she has not been convicted, and he or she is not currently serving a sentence for a criminal conviction.

NEW SECTION. **Sec.**  A new section is added to chapter 70.48 RCW to read as follows:

(1) Every jail shall annually report to the Washington association of sheriffs and police chiefs with information regarding the communication services and electronic media services offered to inmates, including a summary of the services offered, rates charged for services, commissions, usage, revenue, and compliance with sections 3 and 4 of this act.

(2) The Washington association of sheriffs and police chiefs shall submit a summary of the information collected under subsection (1) of this section to the governor and the legislature by November 1st of each year.

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