
Public Safety Committee

HB 1751

Brief Description: Concerning communication services and electronic media services in prisons and jails.

Sponsors: Representatives Peterson, Caldier, Macri and Davis.

Brief Summary of Bill

- Establishes maximum rates for telephone calls, video visitation, emails, and other communication and electronic media services charged to inmates in state correctional facilities and jails.
- Requires state correctional facilities and local jails to allow for inmates to make at least four telephone calls weekly, and establishes additional terms on the duration of and charges for telephone calls.
- Establishes restrictions on commissions collected by state correctional facilities and jails from private vendors providing communication and electronic media services.

Hearing Date: 2/12/19

Staff: Kelly Leonard (786-7147).

Background:

Telephones Rates Charged to Inmates.

Beginning in 2013, the Federal Communications Commission (FCC) adopted regulations pertaining to rates for telephone calls charged to inmates in prisons and jails. From 2013 to 2016, the FCC established rate caps for in-state and interstate calls, including for collect, debit, and prepaid call services. As a result of a legal challenge, the in-state rate caps were stayed by a court order, pending judicial review. In the meantime, the rate caps for interstate long-distance calls remain in effect. The FCC rate caps for interstate calls are 21 cents per minute for debit and prepaid calls, and 25 cents per minute for collect calls. In addition, the FCC established caps and restrictions on specified ancillary service charges.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

There are no current state laws governing in-state rates charged to inmates in state correctional facilities and local jails. However, the Department of Corrections (DOC) maintains rules and policies for telephone use by inmates in state correctional facilities. Inmates are provided access to public telephones subject to limitations and restrictions. Under DOC policy, rates and surcharges for telephone services must be comparable to those charged to the general public. A deviation from ordinary consumer rates will reflect actual costs associated with providing services in a correctional setting. Currently, the DOC has a contract with ConnectNetwork by Global Tel Link for telephone services. The current in-state and interstate rate for collect, debit, and prepaid calls is 11 cents per minute. Additional fees apply for debit and credit card processing, live operator services, paper statements, and deposits. Policies restrict telephone calls to 20 minutes, with some exceptions.

Local jails generally incarcerate two types of inmates: persons detained pending the outcome of criminal proceedings (pretrial); and persons convicted of offenses with sentences of less than one year. State law requires local governments that own or operate jails to adopt local standards for the operation of those facilities. As a result, policies and practices pertaining to use of and charges for telephone calls vary from facility to facility.

Other Communication and Electronic Media Services Provided to Inmates.

The DOC currently contracts with JPay to provide certain communication and electronic media services to inmates, including email, video visitation, videogram, and media players. Rates vary by the type of service. Services offered and rates charged in local jails vary from facility to facility.

Summary of Bill:

Rate Caps for Communication and Electronic Media Services.

Contracts for communication and electronic media services for inmates in state correctional facilities and local jails must require the vendor to charge reasonable rates, which may not exceed:

- 5 cents per minute for domestic debit, prepaid, and collect telephone calls;
- \$5 per 30 minutes for remote video visitation;
- \$1 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
- a reasonable rate established by the Department of Corrections (DOC) or the applicable jail for sending videograms or video clips, and use of a media player for accessing music, radio, and other entertainment.

The total amount charged, including any other fees, may not exceed the rate caps. However, a vendor may charge fees for opening an account or adding funds to an existing account, so long as the amount charged does not exceed the lesser of: 1 percent of the funds added to the account; or \$5.

Contracts must include provisions for quality insurance as well as a reliable and fair process for obtaining refunds for defective services and services not rendered.

Telephone Usage.

State correctional facilities and local jails must provide each inmate with the opportunity to make at least four telephone calls weekly, which may not be limited to fewer than 30 minutes in duration per call. Reasonable rates may be charged for the telephone calls, subject to the rate caps provided in the bill, except inmates incarcerated pretrial and not convicted may not be charged for telephone calls.

Commissions.

"Commission" means a percentage of revenues or fees paid by a vendor to the DOC or jail. "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.

Commissions for state correctional facilities and local jails are restricted to no more than 5 percent of the total revenue generated under the contract. Revenues from commissions may be used for only:

- extended family visit expenditures, if offered by the facility;
- supplies, subscriptions, and operational costs associated with law libraries;
- visiting area furniture and supplies; and
- programming and activities designed for the primary purpose of strengthening relations between inmates and their families.

Reports.

The DOC must annually report to the Governor and Legislature on rates, commissions, and other specified issues relating to communications and electronic media services. The Washington Association of Sheriffs and Police Chiefs must annually report on similar information collected from local jails.

Appropriation: None.

Fiscal Note: Requested on January 29, 2019.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.