

SENATE BILL REPORT

SB 5231

As of January 27, 2025

Title: An act relating to reducing fees and expenses for services for people confined in state facilities.

Brief Description: Concerning reducing fees and expenses for services for people confined in state facilities.

Sponsors: Senators Hansen, Frame, Hasegawa, Nobles, Pedersen, Valdez and Wilson, C..

Brief History:

Committee Activity: Human Services: 1/27/25.

Brief Summary of Bill

- Requires the Department of Corrections (DOC) and Department of Children, Youth, and Families (DCYF) to provide free voice communication services in its facilities.
- Allows DOC and DCYF to supplement voice communication services with other communication services, which must also be provided free of charge.
- Prohibits DOC and DCYF from receiving any revenue from providing communication services, using communication services to replace in-person visitation; or reducing current access to communication services and devices.
- Makes changes to data that must be shared publicly related to contracts for telecommunication services and electronic media services.

SENATE COMMITTEE ON HUMAN SERVICES

Staff: Kelsey-anne Fung (786-7479)

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

Background: Securus Technologies. In May 2022, the Department of Corrections (DOC) awarded a contract to Securus Technologies to provide Individual Technology Services (ITS) for incarcerated individuals in its 11 state correctional facilities and 11 reentry centers. ITS includes phone, email, video visitation, media, and other services. The contract expires on January 30, 2028.

Under the contract, all eligible incarcerated individuals receive a tablet to enable them to make phone calls, exchange email messages, receive VideoGrams, and purchase media and entertainment services from the tablet. Each incarcerated individual receives two free 20-minute calls per week, four free 30-minute video visits per month, and 55 free stamps for emails per month.

Federal Communications Commission. In July 2024, the Federal Communications Commission (FCC) issued new regulations affecting phone and video calling services for incarcerated individuals, implementing the requirements of the Martha Wright-Reed Just and Reasonable Communications Act of 2022. Along other things, the FCC order:

- eliminates transaction fees to fund accounts for phone and video services;
- caps the price per minute for phone calls to \$0.06, effective January 1, 2026;
- caps the price per minute for video calls to \$0.16, effective January 1, 2026; and
- eliminates commissions from telecommunication services, effective January 1, 2026.

Phone Services. DOC currently charges \$0.05 per minute plus taxes for domestic and international phone calls. Phone calls are limited to 20 minutes. Prepaid Securus accounts must be created and funded prior to using services. There were transaction fees associated with depositing money into an incarcerated individual's Securus account before the FCC order was issued.

Video Visits. Video visits cost \$4.95 per 30-minute visit. Video visits are scheduled by the approved visitor through Securus at least 24 hours in advance. Video visit hours are determined by facility, and incarcerated individuals are responsible for requesting visit times that will not conflict with their work or programming schedule.

Effective January 1, 2026, the FCC order caps the price per minute for video calls to \$0.16. DOC's current per minute rate would be \$0.165, but Securus currently does not have the functionality of charging on a per minute basis and is working on implementing this feature. In the meantime, DOC announced that they will continue to offer four free 30-minute video visits per month.

Emails and VideoGrams. Incarcerated individuals receive emails according to a schedule set by their facility, and emails are subject to screening and delivery rules that apply to traditional mail. Emails cost one stamp per message, and stamps can be purchased in packages of \$2 for 6 stamps, \$5 for 20 stamps, \$7.50 for 35 stamps, or \$10 for 60 stamps. VideoGrams are 30-second video clip recordings that can be sent to incarcerated individuals as an email attachment, and cost 4 stamps per 30-second video clip.

Incarcerated Individual Betterment Fund. State law requires all incarcerated individuals to contribute to the cost of privileges, including the capital costs of providing privileges such as television cable access, weight lifting, and other recreational sports equipment and supplies. Commissions from the sale of telecommunication and electronic media services to incarcerated individuals are the primary source of revenue for the Incarcerated Individual Betterment Fund (IIBF).

According to DOC policy, authorized expenditures from the IIBF include: extended family visit program expenses; visiting room supplies for children; non-cultural, family-centered activities, events, or programs that encourage stronger family relations; law library books, subscriptions, and salaries for employees working in the law library; recreation and hobby expenses; and television system expenses. Per state law, 25 percent of all revenue received in the IIBF must be transferred to the Crime Victims' Compensation Fund.

Starting January 1, 2026, payment of any site commissions associated with providing communication services to incarcerated individuals are prohibited pursuant to the FCC order.

Contracts for Telecommunication and Electronic Media Services. Contracts to provide individuals with access to telecommunication and electronic media services in state correctional facilities must be made publicly available and posted on DOC's website, and service rates and fees must be prominently displayed on DOC's website. The contractor is required to provide specified data and information annually to DOC, and DOC is required to submit an annual report to the Governor and Legislature on the contractor's compliance.

Department of Children, Youth, and Families. The Juvenile Rehabilitation (JR) division of the Department of Children, Youth, and Families (DCYF) operates two secure residential facilities for juveniles who are convicted of crimes and sentenced to more than 30 days of confinement. The Echo Glen Children's Center in Snoqualmie serves younger males as well as female juveniles. The Green Hill School in Chehalis serves older male juveniles. In addition, JR operates eight community residential facilities, which allow youth to begin transitioning back to the community.

Per JR policy, youth may have a minimum of two regular telephone call attempts per week with an approved family member or contact. The phone call may be at least ten minutes unless programming or safety and security concerns prohibit otherwise. Telephone calls beyond the minimum are a privilege which may be allotted according to the facility's behavior management system. For mail, there is no limit on the number of letters mailed per week, and JR provides each youth with a minimum of two stamps per week to facilitate access to mail.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): Voice and Other Communication Services. DOC and DCYF are required to provide individuals in its custody and confined in a state facility with voice communication services. Voice communication services may be supplemented with other communication services including, but not limited to, video communication and electronic mail or messaging services. To the extent voice communication services or any other communication services are provided, they must not be limited beyond program participation and routine facility procedures and must be provided free of charge to the person initiating and the person receiving the communication. DOC and DCYF must at least maintain the same access to communication services in each facility as offered as of January 1, 2025.

Commissions. DOC and DCYF are prohibited from receiving revenue, including any commission or fee, from the provision of voice communication services or any other communication services to any person confined in a state facility.

In-Person Visitation. DOC and DCYF are prohibited from using the provision of voice communication services or any other communication services to persons in its custody and confined in a state facility to supplant in-person contact visits that any such person may be eligible to receive. Communication services shall not be used to replace the in-person visitation program.

Tablets and Wall Phones. If DCYF provides tablets to persons in its custody, the tablets must be free. DOC must provide free tablets and all necessary accessory devices such as chargers, headphones, and microphones to all persons in its custody. DOC must replace any tablet or necessary accessory device within seven days of the tablet or device becoming inoperative or otherwise failing to provide meaningful or quality audiovisual services. DOC must maintain the same number of wall phones in each housing unit as it had on January 1, 2025.

DOC and DCYF may not limit or interrupt the duration of voice communication services provided through tablets or other individualized devices. DOC may limit the duration of services provided through wall phones.

Contracts for Telecommunication and Electronic Media Services. In addition to DOC's public website, information from the telecommunication and electronic media services contract must be posted prominently in housing units with printed copies available in each housing unit, and made available on law library computers. Instead of rates for facilitating each type of service, rates for all products and services covered by the contract with a detailed breakdown that includes taxes, surcharges, fees, and any other fees must be prominently displayed in such areas.

Requirements related to data and information the contractor must annually report to DOC are altered. The requirement to provide a total accounting of commissions provided to DOC and per call and connection surcharges are removed. In addition to other data and

information, the contractor must report to DOC data on usage of all telecommunication and electronic media services under the contract, including monthly call and message volume. This information must be posted prominently on DOC's public website.

General. References to inmate are replaced with incarcerated individual. This act may be known as the Connecting Families Act.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on December 1, 2025.