

SENATE BILL REPORT

SB 5231

As of February 21, 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. [**Revised for 1st Substitute:** Concerning reducing fees and expenses for services for people confined in state correctional facilities.]

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

Brief History:

Committee Activity: Human Services: 1/27/25, 2/05/25 [DPS-WM, w/oRec].
Ways & Means: 2/24/25.

Brief Summary of First Substitute Bill

- Requires the Department of Corrections (DOC) to provide free voice communication services in its facilities.
- Prohibits DOC from receiving any revenue from providing voice communication services, using voice communication services to replace in-person visitation; or reducing current access to voice communication services.
- Makes changes to data that must be shared publicly related to contracts for telecommunication services and electronic media services.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: That Substitute Senate Bill No. 5231 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wilson, C., Chair; Frame, Vice Chair; Orwall.

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.

Minority Report: That it be referred without recommendation.

Signed by Senators Christian, Ranking Member; Warnick.

Staff: Kelsey-anne Fung (786-7479)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Sarian Scott (786-7729)

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 voice or video 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.

Summary of Bill (First Substitute): Voice Communication Services. DOC must provide persons in its custody and confined in a state correctional facility with voice communication services. Voice communication services 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 must at least maintain the same access to voice communication services in each correctional facility as it offered as of January 1, 2025.

Commissions. DOC is prohibited from receiving revenue, including any commission or fee,

from the provision of voice communication services to any person confined in a state correctional facility.

In-Person Visitation. DOC is prohibited from using the provision of voice communication services to persons in its custody and confined in a state correctional 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. DOC must provide free tablets to all persons in its custody. DOC must maintain the same number of wall phones in each housing unit as it had on January 1, 2025.

DOC may not limit or interrupt the duration of voice communication services provided through tablets or other individualized devices issued to persons in its custody. DOC may limit the duration of voice communication services provided through wall phones. DOC may not replace a tablet that is broken due to malicious or intentional damage by a person in its custody until after 90 days, unless the person pays DOC to replace the tablet. If the tablet is used by a confined person in the furtherance of a crime, the individual must lose access to the tablet pursuant to policies established by DOC.

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.

EFFECT OF CHANGES MADE BY HUMAN SERVICES COMMITTEE (First Substitute):

- Removes the Department of Children, Youth, and Families from the bill.
- Removes other communication services such as video and electronic mail or messaging from the bill.

- Removes the requirement to provide free accessory devices such as chargers, headphones, and microphones, and removes the requirement to replace tablets and accessory devices if they become inoperative.
- Prohibits DOC from limiting or interrupting the duration of voice communication services on tablets, but allows DOC to limit duration of voice communication services on wall phones.
- Alters data reporting by requiring the telecommunication contract to be posted in housing units with paper copies available and to be on law library computers.
- Prohibits DOC from replacing a tablet that is broken due to malicious or intentional damage by a person in its custody until after 90 days, unless the person pays DOC to replace the tablet.
- Requires a person to lose access to the tablet pursuant to policies established by DOC if the tablet is used by the confined person in the furtherance of a crime.

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.

Staff Summary of Public Testimony on Proposed Substitute (Human Services): *The committee recommended a different version of the bill than what was heard.* PRO: This bill makes it free for people to stay in touch with their families. Every time a legislator emails with an incarcerated person, it costs \$0.25 for each reply. This takes a toll on incarcerated individuals and it is not good public policy to impose costs to communicate with their elected representatives. The FCC order prohibits commissions so some of the cost would happen anyway regardless if the bill passes or not. As reflected in the legislative report about costs for other states that passed similar legislation, incarcerated individuals are able to stay in contact with their families and kids, read bedtime stories, check in on grandparents, and help with homework. 93 percent of incarcerated individuals will come back into society and strong family ties will make sure they reenter successfully.

Keeping in touch with loved ones depends on a family's ability to pay for communication costs, who are not incarcerated people themselves. They have had to make financial sacrifices to stay in contact with their incarcerated family members. The ability to be active and involved parents should not depend upon their financial status. It is unfair and unacceptable that monthly communication costs should cost five times more than what someone on the outside pays. This bill will alleviate financial burden on families and incarcerated individuals and allow them to focus on reentry.

Family members often have to drive long distances to visit with their incarcerated family member, while managing full time jobs. Many formerly incarcerated are deeply grateful for

their family's support when they were incarcerated and it strengthened their family connections and relationships, making their transition smooth. Many others are not as fortunate with family support. Even one paid phone call can be out of reach leaving individuals feeling isolated and making it hard to maintain or repair relationships. Keeping connections is vital as a positive family support network can significantly impact reentry and is the key to recovery.

Without the ability to communicate regularly, loved ones who are incarcerated and not incarcerated can feel isolated. Many have to sacrifice money from essentials like medical bills and gas to afford paying for communication services. This can be a huge financial hardship. This bill recognizes human dignity and that communication is basic human need. This bill will help families that do not live in Washington to keep alive communication with incarcerated loved ones in Washington.

Communication fees are like a poor tax. Individuals inside state institutions are often from marginalized communities and impoverished communities. There is a concern that the phone companies collect and sell data on incarcerated individuals and their family members, and free phone calls will eliminate predatory and coercive practices.

Commissions from phone calls go into the incarcerated individual betterment fund. Money for family visit days, recreation equipment, and law libraries is supposed to be coming from DOC, but is being shifted to loved ones through the cost of phone calls. Taxation on incarcerated families must end.

Persons Testifying (Human Services): PRO: Senator Drew Hansen, Prime Sponsor; Tamara Light, Information For Change Washington; Jerry Thomas; Jacob Schmitt, Just Us Solutions, LLC; Candice Baughman, Underground Ministries; Catherine Antee, LFC Stafford Creek; Kelly Olson, Civil Survival; Raymond Williams, Just Us Solutions.

Persons Signed In To Testify But Not Testifying (Human Services): No one.