

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 952
Judiciary

(Delegate Carter, *et al.*)

Judicial Proceedings

Correctional Services - Inmate Telephone Services - Legal Counsel

This bill authorizes a State or local correctional facility to establish a system to enable legal counsel to initiate and conduct telephonic communications with their clients who are incarcerated in the facility. A State or local correctional facility may use any available governmental or private funding to finance a telephone communication system established under the bill.

Fiscal Summary

State Effect: There is no direct or immediate State fiscal impact from the bill's new authority. The potential future impacts, should such a system be installed and maintained, are discussed below.

Local Effect: There is no direct or immediate local fiscal impact from the bill's new authority. The potential future impacts, should such a system be installed and maintained, are likely to be similar to the State impacts discussed below, but on a smaller scale.

Small Business Effect: Potential meaningful. While there is no immediate effect on small business opportunities, a future telephone system contract awarded to a small business by the State or a local government would likely be meaningful.

Analysis

Current Law/Background: Contracts for telephone systems that allow incoming and outgoing calls by and for inmates are considered Information Technology procurements. As such, the procurement is handled by DPSCS via a competitive sealed proposal process, which takes into consideration both technical and financial aspects of each

proposal. The selected proposal must be reviewed and approved by the Department of Information Technology and the Board of Public Works (BPW). DPSCS facilities are allowed to retain commissions to support inmate services.

The current contract is with Securus, which expires on March 31, 2013. GTL was awarded DPSCS's new contract, which was approved by BPW on December 19, 2012. DPSCS conducted a competitive sealed proposals procurement. The term of the GTL contract expires on December 31, 2015, though there are two one-year renewal options at the discretion of the State. Under the GTL contract, there is an overall inmate call rate reduction of 69.2%.

The contract governing inmate calls from DPSCS facilities is structured to be a revenue producing instrument for the agency. The funds are deposited into the inmate welfare funds and used by DPSCS for items benefiting the inmate population, including education and vocational training, hygienic supplies for indigent inmates, salaries relating to clergy and medical staff, special recreational equipment and supplies, support of the inmate grievance process, and inmate legal support. Inmate telephone commissions deposited into the funds totaled nearly \$5.0 million in fiscal 2012. The funds also receive about \$2.0 million annually from commissary activities, vending machines, and other sources.

State Fiscal Effect: DPSCS advises that State correctional facilities already have a process for connecting inmates with legal counsel by telephone. Calls from counsel to inmates are considered regular occurrences in State facilities. When counsel calls, an inmate is contacted by a case manager on staff and taken to speak with counsel. No inmates are allowed to have direct access to a telephone without supervision by a correctional officer.

Because the bill authorizes, rather than requires, DPSCS to establish a new telephone communication system and, because DPSCS already has a process by which legal counsel and an inmate may communicate by telephone, it is unlikely that DPSCS will establish a new system immediately. However, DPSCS reports that, should such a need arise in the future, costs for the system would likely involve:

- \$10,000 in one-time costs to set new telephone lines system-wide in at least 10 correctional facilities;
- approximately \$67,000 annually to cover the salary, fringe benefits, and operating expenses for one new correctional officer at each facility (totaling approximately \$670,000 for all 10 facilities); and
- \$15,000 annually to maintain and service the new system.

DPSCS also notes that a more precise estimate cannot be readily provided without knowing the potential volume of calls that may occur using the new system rather than the existing inmate call system. The extent to which any or all of these potential future costs for DPSCS may be borne by other public or private sources cannot be readily predicted.

Additional Information

Prior Introductions: None.

Cross File: SB 782 (Senator Pugh) - Judicial Proceedings.

Information Source(s): Department of Public Safety and Correctional Services,
Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2013
mlm/lgc Revised - House Third Reader - March 29, 2013

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