
By: **Delegates Benson and Vallario**

Introduced and read first time: February 7, 2001

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Inmates - Telephone Charges - Maximum Rates**

3 FOR the purpose of prohibiting a telephone service provider from charging
4 individuals more than a certain rate for certain telephone calls made from
5 correctional facilities; prohibiting charging an inmate certain costs for certain
6 telephone calls; prohibiting certain contracts for telephone service for inmates
7 from establishing charges over a certain amount; requiring the State and the
8 counties to consider methods of reducing the costs of inmate telephone calls;
9 requiring the Public Service Commission to adopt certain regulations regarding
10 inmate telephone calls from correctional facilities; requiring the Department of
11 Public Safety and Correctional Services to conduct a certain survey and report
12 certain information and recommendations to the General Assembly and the
13 Public Service Commission on or before a certain date; requiring certain
14 contracts for inmate telephone calls under certain circumstances; defining a
15 certain term; making this Act an emergency measure; and generally relating to
16 charges for telephone calls by inmates from correctional facilities.

17 BY adding to
18 Article - Correctional Services
19 Section 8-7A-01 to be under the new subtitle "Subtitle 7A. Fair Telephone
20 Charges for Inmates Act"
21 Annotated Code of Maryland
22 (1999 Volume and 2000 Supplement)

23 BY adding to
24 Article - Public Utility Companies
25 Section 8-205
26 Annotated Code of Maryland
27 (1998 Volume and 2000 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
29 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Correctional Services**

2 SUBTITLE 7A. FAIR TELEPHONE CHARGES FOR INMATES ACT.

3 8-7A-01.

4 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A TELEPHONE
5 SERVICE PROVIDER MAY NOT CHARGE AN INDIVIDUAL A RATE FOR A TELEPHONE
6 CALL MADE BY AN INMATE FROM A CORRECTIONAL FACILITY IN EXCESS OF A RATE
7 DETERMINED BY THE PUBLIC SERVICE COMMISSION.

8 (B) A CORRECTIONAL FACILITY MAY NOT CHARGE AN INMATE OR THE
9 RECIPIENT OF AN INMATE'S TELEPHONE CALL FROM A CORRECTIONAL FACILITY A
10 SURCHARGE, COMMISSION, OR OTHER FEE IN EXCESS OF THE ALLOWABLE CHARGE
11 FOR THE TELEPHONE CALL FOR LOCAL OR LONG-DISTANCE TELEPHONE SERVICE.

12 (C) (1) IN ANY CONTRACT FOR PROVIDING TELEPHONE SERVICES TO
13 INMATES TO WHICH THE STATE OR A COUNTY IS A PARTY, THE CONTRACT MAY NOT
14 ALLOW THE CHARGE FOR TELEPHONE CALLS MADE BY INMATES FROM
15 CORRECTIONAL FACILITIES TO EXCEED THE AVERAGE RATE ESTABLISHED BY THE
16 PUBLIC SERVICE COMMISSION CHARGED BY THE STATE'S FIVE LARGEST
17 TELEPHONE SERVICE PROVIDERS FOR OPERATOR-ASSISTED TELEPHONE CALLS IN
18 THE STATE.

19 (2) IF A CONTRACT IS FOR A TERM OF MORE THAN 1 YEAR, THE
20 CONTRACT MAY PROVIDE FOR AN ANNUAL ADJUSTMENT OF THE RATES NOT TO
21 EXCEED THE AVERAGE RATE ESTABLISHED BY THE PUBLIC SERVICE COMMISSION
22 CHARGED BY THE STATE'S FIVE LARGEST TELEPHONE SERVICE PROVIDERS FOR
23 OPERATOR-ASSISTED TELEPHONE CALLS IN THE STATE.

24 (D) THE STATE AND COUNTIES SHALL CONSIDER ALTERNATIVE METHODS OF
25 PROVIDING TELEPHONE SERVICE TO INMATES OF CORRECTIONAL FACILITIES THAT
26 SEEK TO REDUCE COSTS AND PROVIDE QUALITY SERVICE.

27 **Article - Public Utility Companies**

28 8-205.

29 (A) IN THIS SECTION, "CORRECTIONAL FACILITY" HAS THE MEANING STATED
30 IN § 1-101 OF THE CORRECTIONAL SERVICES ARTICLE.

31 (B) (1) THE COMMISSION SHALL ADOPT REGULATIONS ESTABLISHING A
32 MAXIMUM RATE FOR TELEPHONE CALLS MADE BY INMATES FROM A CORRECTIONAL
33 FACILITY NOT TO EXCEED THE AVERAGE RATE CHARGED BY THE STATE'S FIVE
34 LARGEST TELEPHONE SERVICE PROVIDERS FOR OPERATOR-ASSISTED TELEPHONE
35 CALLS IN THE STATE.

36 (2) IN DETERMINING THE AVERAGE RATE CHARGED BY THE STATE'S
37 FIVE LARGEST TELEPHONE SERVICE PROVIDERS, THE COMMISSION SHALL USE THE
38 RATES PROVIDED TO THE COMMISSION AS OF JANUARY 1 OF THAT YEAR.

1 SECTION 2. AND BE IT FURTHER ENACTED, That:

2 (a) The Department of Public Safety and Correctional Services shall survey
3 the telephone services plans and contracts used by the Federal Bureau of Prisons and
4 all states for inmates in correctional facilities. The Department shall explore
5 additional alternative communications plans with telephone service providers. These
6 alternatives shall include prison commissary phone accounts, restricted calling cards,
7 presenting calling cards, and debit calling cards;

8 (b) On or before December 31, 2001, the Department of Public Safety and
9 Correctional Services shall report to the General Assembly in the manner provided in
10 § 2-1246 of the State Government Article and to the Public Service Commission on
11 the results of the survey made under subsection (a) of this section. The report shall
12 include:

13 (1) the advantages and disadvantages of each plan examined, including
14 consideration of the security needs of the Department;

15 (2) the financial burden of each plan on the inmates and their families;

16 (3) the impact of each plan on the availability of telecommunications to
17 the inmates; and

18 (4) the Department's recommendation as to the best plan;

19 (c) If the State or a county has a contract for telecommunications services for
20 inmate telephone calls that expires before December 31, 2001, the State or a county
21 may enter into a contract for telecommunications services for inmate telephone calls
22 for a period not to exceed one year; and

23 (d) Except as provided in subsection (c) of this section, the State or a county
24 shall consider the report issued under subsection (b) of this section before entering
25 into a contract for telecommunications services for inmate telephone calls and, unless
26 there is good cause shown, enter into the type of contract recommended by the report.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
28 measure, is necessary for the immediate preservation of the public health and safety,
29 has been passed by a ye and nay vote supported by three-fifths of all the members
30 elected to each of the two Houses of the General Assembly, and shall take effect from
31 the date it is enacted.