
By: **Delegates Benson and Vallario**

Introduced and read first time: February 7, 2001

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2001

CHAPTER _____

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 requiring the Office of the~~
16 Legislative Auditor in the Department of Legislative Services, in cooperation
17 with certain entities, to conduct a certain analysis and report certain findings
18 and recommendations to certain committees of the General Assembly on or
19 before a certain date; and generally relating to charges for telephone calls by
20 inmates from correctional facilities.

21 ~~BY adding to~~

22 ~~Article Correctional Services~~

23 ~~Section 8-7A-01 to be under the new subtitle "Subtitle 7A. Fair Telephone~~

24 ~~Charges for Inmates Act"~~

25 ~~Annotated Code of Maryland~~

26 ~~(1999 Volume and 2000 Supplement)~~

1 ~~BY adding to~~
 2 ~~Article—Public Utility Companies~~
 3 ~~Section 8-205~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(1998 Volume and 2000 Supplement)~~

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

8 ~~Article—Correctional Services~~

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

10 ~~8-7A-01.~~

11 ~~(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A TELEPHONE~~
 12 ~~SERVICE PROVIDER MAY NOT CHARGE AN INDIVIDUAL A RATE FOR A TELEPHONE~~
 13 ~~CALL MADE BY AN INMATE FROM A CORRECTIONAL FACILITY IN EXCESS OF A RATE~~
 14 ~~DETERMINED BY THE PUBLIC SERVICE COMMISSION.~~

15 ~~(B) A CORRECTIONAL FACILITY MAY NOT CHARGE AN INMATE OR THE~~
 16 ~~RECIPIENT OF AN INMATE'S TELEPHONE CALL FROM A CORRECTIONAL FACILITY A~~
 17 ~~SURCHARGE, COMMISSION, OR OTHER FEE IN EXCESS OF THE ALLOWABLE CHARGE~~
 18 ~~FOR THE TELEPHONE CALL FOR LOCAL OR LONG-DISTANCE TELEPHONE SERVICE.~~

19 ~~(C) (1) IN ANY CONTRACT FOR PROVIDING TELEPHONE SERVICES TO~~
 20 ~~INMATES TO WHICH THE STATE OR A COUNTY IS A PARTY, THE CONTRACT MAY NOT~~
 21 ~~ALLOW THE CHARGE FOR TELEPHONE CALLS MADE BY INMATES FROM~~
 22 ~~CORRECTIONAL FACILITIES TO EXCEED THE AVERAGE RATE ESTABLISHED BY THE~~
 23 ~~PUBLIC SERVICE COMMISSION CHARGED BY THE STATE'S FIVE LARGEST~~
 24 ~~TELEPHONE SERVICE PROVIDERS FOR OPERATOR-ASSISTED TELEPHONE CALLS IN~~
 25 ~~THE STATE.~~

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

31 ~~(D) THE STATE AND COUNTIES SHALL CONSIDER ALTERNATIVE METHODS OF~~
 32 ~~PROVIDING TELEPHONE SERVICE TO INMATES OF CORRECTIONAL FACILITIES THAT~~
 33 ~~SEEK TO REDUCE COSTS AND PROVIDE QUALITY SERVICE.~~

34 ~~Article—Public Utility Companies~~

35 ~~8-205.~~

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

~~1 (B) (1) THE COMMISSION SHALL ADOPT REGULATIONS ESTABLISHING A
2 MAXIMUM RATE FOR TELEPHONE CALLS MADE BY INMATES FROM A CORRECTIONAL
3 FACILITY NOT TO EXCEED THE AVERAGE RATE CHARGED BY THE STATE'S FIVE
4 LARGEST TELEPHONE SERVICE PROVIDERS FOR OPERATOR-ASSISTED TELEPHONE
5 CALLS IN THE STATE.~~

~~6 (2) IN DETERMINING THE AVERAGE RATE CHARGED BY THE STATE'S
7 FIVE LARGEST TELEPHONE SERVICE PROVIDERS, THE COMMISSION SHALL USE THE
8 RATES PROVIDED TO THE COMMISSION AS OF JANUARY 1 OF THAT YEAR.~~

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

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

16 (b) On or before December 31, 2001, the Department of Public Safety and
17 Correctional Services shall report to the General Assembly in the manner provided in
18 § 2-1246 of the State Government Article and to the Public Service Commission on
19 the results of the survey made under subsection (a) of this section. The report shall
20 include:

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

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

24 (3) the impact of each plan on the availability of telecommunications to
25 the inmates; and

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

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

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

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

36 (a) The Office of the Legislative Auditor in the Department of Legislative
37 Services, in cooperation with the Department of Budget and Management, the
38 Department of Public Safety and Correctional Services, and each county, shall

1 conduct an analysis of each contract for telecommunications services for inmate
2 telephone calls that has been entered into by the State, a county, or Baltimore City;

3 (b) The Department of Budget and Management, the Department of Public
4 Safety and Correctional Services, Baltimore City, and each county shall provide
5 whatever information the Office of the Legislative Auditor in the Department of
6 Legislative Services requests in order for it to complete the analysis required by this
7 Section;

8 (c) On or before December 1, 2001, the Office of the Legislative Auditor in the
9 Department of Legislative Services shall report its findings and recommendations to
10 the House Environmental Matters Committee, the House Judiciary Committee, and
11 the Senate Finance Committee. The report shall include the following information for
12 each contract for telecommunications services for inmate telephone calls currently
13 held by the State, Baltimore City, or a county:

14 (1) the method by which the contract was made by the State, Baltimore
15 City, or county;

16 (2) the type of telephone services provided under the contract;

17 (3) the telephone service provider or providers awarded the contract;

18 (4) the total amount of funds paid to the telephone service provider or
19 providers for the contract;

20 (5) the total amount of commissions that the State, Baltimore City, or
21 county receives from the contract; and

22 (6) the specific uses for which any commissions paid to the State,
23 Baltimore City, or a county are expended.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act ~~is an emergency~~
25 ~~measure, is necessary for the immediate preservation of the public health and safety,~~
26 ~~has been passed by a yea and nay vote supported by three-fifths of all the members~~
27 ~~elected to each of the two Houses of the General Assembly, and shall take effect from~~
28 ~~the date it is enacted. shall take effect July 1, 2001.~~