
By: **Delegates Benson and Marriott**

Introduced and read first time: February 9, 2004

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Correctional Institutions - Telephone Contracts**

3 FOR the purpose of prohibiting certain contracts that provide telephone service for
4 inmates from providing for the State or a local government to receive a certain
5 commission or revenue under certain circumstances after a certain date;
6 prohibiting the State or a local government from receiving certain commissions
7 or revenue from certain contracts after a certain date; providing that certain
8 contracts shall provide that the State or a local government receives an altered
9 rate of commission or revenue in each fiscal year up to a certain date;
10 authorizing the State or a local government to receive an altered rate of
11 commission or revenue from certain contracts in each fiscal year up to a certain
12 date; requiring a certain reduction in charges for inmate telephone calls under
13 certain circumstances; providing for the application of this Act; and generally
14 relating to contracts for inmate telephone calls.

15 BY adding to

16 Article - Correctional Services

17 Section 8-901 to be under the new subtitle "Subtitle 9. Inmate Telephone
18 Contracts"

19 Annotated Code of Maryland

20 (1999 Volume and 2003 Supplement)

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

23 **Article - Correctional Services**

24 **SUBTITLE 9. INMATE TELEPHONE CONTRACTS.**

25 8-901.

26 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR ANY CONTRACT
27 MADE BY THE STATE OR A LOCAL GOVERNMENT WITH A TELECOMMUNICATION
28 SERVICE PROVIDER TO PROVIDE TELEPHONE SERVICE FOR INMATES THAT IS
29 ENTERED INTO:

1 (1) IN FISCAL YEAR 2005:

2 (I) THE CONTRACT MAY NOT PROVIDE FOR THE STATE OR LOCAL
3 GOVERNMENT TO RECEIVE A COMMISSION OR OTHER FORM OF REVENUE GREATER
4 THAN 80% OF THE COMMISSION OR OTHER FORM OF REVENUE RECEIVED FROM THE
5 CONTRACT THAT WAS IN EFFECT ON JUNE 30, 2004; AND

6 (II) THE STATE OR LOCAL GOVERNMENT MAY NOT RECEIVE A
7 COMMISSION OR OTHER FORM OF REVENUE GREATER THAN 80% OF THE
8 COMMISSION OR OTHER FORM OF REVENUE RECEIVED FROM THE CONTRACT THAT
9 WAS IN EFFECT ON JUNE 30, 2004;

10 (2) IN FISCAL YEAR 2006:

11 (I) THE CONTRACT MAY NOT PROVIDE FOR THE STATE OR LOCAL
12 GOVERNMENT TO RECEIVE A COMMISSION OR OTHER FORM OF REVENUE GREATER
13 THAN 60% OF THE COMMISSION OR OTHER FORM OF REVENUE RECEIVED FROM THE
14 CONTRACT THAT WAS IN EFFECT ON JUNE 30, 2004; AND

15 (II) THE STATE OR LOCAL GOVERNMENT MAY NOT RECEIVE A
16 COMMISSION OR OTHER FORM OF REVENUE GREATER THAN 60% OF THE
17 COMMISSION OR OTHER FORM OF REVENUE RECEIVED FROM THE CONTRACT THAT
18 WAS IN EFFECT ON JUNE 30, 2004;

19 (3) IN FISCAL YEAR 2007:

20 (I) THE CONTRACT MAY NOT PROVIDE FOR THE STATE OR LOCAL
21 GOVERNMENT TO RECEIVE A COMMISSION OR OTHER FORM OF REVENUE GREATER
22 THAN 40% OF THE COMMISSION OR OTHER FORM OF REVENUE RECEIVED FROM THE
23 CONTRACT THAT WAS IN EFFECT ON JUNE 30, 2004; AND

24 (II) THE STATE OR LOCAL GOVERNMENT MAY NOT RECEIVE A
25 COMMISSION OR OTHER FORM OF REVENUE GREATER THAN 40% OF THE
26 COMMISSION OR OTHER FORM OF REVENUE RECEIVED FROM THE CONTRACT THAT
27 WAS IN EFFECT ON JUNE 30, 2004;

28 (4) IN FISCAL YEAR 2008:

29 (I) THE CONTRACT MAY NOT PROVIDE FOR THE STATE OR LOCAL
30 GOVERNMENT TO RECEIVE A COMMISSION OR OTHER FORM OF REVENUE GREATER
31 THAN 20% OF THE COMMISSION OR OTHER FORM OF REVENUE RECEIVED FROM THE
32 CONTRACT THAT WAS IN EFFECT ON JUNE 30, 2004; AND

33 (II) THE STATE OR LOCAL GOVERNMENT MAY NOT RECEIVE A
34 COMMISSION OR OTHER FORM OF REVENUE GREATER THAN 20% OF THE
35 COMMISSION OR OTHER FORM OF REVENUE RECEIVED FROM THE CONTRACT THAT
36 WAS IN EFFECT ON JUNE 30, 2004; AND

37 (5) IN FISCAL YEAR 2009 AND THEREAFTER:

1 (I) THE CONTRACT MAY NOT PROVIDE FOR THE STATE OR LOCAL
2 GOVERNMENT TO RECEIVE ANY COMMISSION OR OTHER FORM OF REVENUE; AND

3 (II) THE STATE OR LOCAL GOVERNMENT MAY NOT RECEIVE ANY
4 COMMISSION OR OTHER FORM OF REVENUE.

5 (B) FOR ANY REDUCTION IN THE COST OF A CONTRACT DESCRIBED UNDER
6 SUBSECTION (A) OF THIS SECTION, THE STATE OR LOCAL GOVERNMENT SHALL
7 ENSURE THAT THE REDUCTION IS REASONABLY REFLECTED IN THE CHARGES FOR
8 INMATE TELEPHONE CALLS.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only
10 to contracts providing telephone service for inmates entered into on or after July 1,
11 2004, and may not be construed to affect a contract entered into before July 1, 2004.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect July 1, 2004.