

# HOUSE BILL 952

E4, P2

3lr2682  
CF SB 782

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By: Delegates Carter, Boteler, Braveboy, Cane, Carr, Conaway, Cullison, Fisher, Gutierrez, Haynes, Ivey, Jones, K. Kelly, McComas, McConkey, McDermott, A. Miller, W. Miller, Mitchell, Oaks, Pena-Melnyk, Proctor, B. Robinson, Simmons, Stukes, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, and Waldstreicher

Introduced and read first time: February 7, 2013

Assigned to: Appropriations

Reassigned: Judiciary, February 12, 2013

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Correctional Services – Inmate Telephone Services – ~~Contracts~~ Legal**  
3 **Counsel**

4 FOR the purpose of ~~providing that inmate telephone services contracts are subject to~~  
5 ~~certain procurement laws; requiring the Department of Public Safety and~~  
6 ~~Correctional Services to award inmate telephone services contracts to the bidder~~  
7 ~~who submits the bid with the lowest cost to the telephone user; prohibiting the~~  
8 ~~Department from accepting or receiving telephone commissions in excess of the~~  
9 ~~Department’s reasonable operating cost for establishing and administering~~  
10 ~~telephone system services to inmates; providing for the application of this Act;~~  
11 authorizing a State or local correctional facility to establish a certain system to  
12 enable legal counsel to initiate and conduct telephonic communications with  
13 certain clients; authorizing a State or local correctional facility to use any  
14 available governmental or private funding to finance a certain telephone  
15 communication system; and generally relating to inmate telephone services.

16 BY adding to

17 Article – Correctional Services

18 ~~Section 10-5A-01 to be under the new subtitle “Subtitle 5A. Inmate Telephone~~  
19 ~~Services” Section 9-614~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland  
2 (2008 Replacement Volume and 2012 Supplement)

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

5 Article – Correctional Services

6 ~~SUBTITLE 5A. INMATE TELEPHONE SERVICES.~~

7 ~~10-5A-01.~~

8 ~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, TELEPHONE~~  
9 ~~SERVICES CONTRACTS FOR INMATES IN STATE CORRECTIONAL FACILITIES~~  
10 ~~SHALL BE SUBJECT TO THE PROCUREMENT PROVISIONS AS SET FORTH IN~~  
11 ~~DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

12 ~~(B) THE DEPARTMENT SHALL AWARD INMATE TELEPHONE SERVICES~~  
13 ~~CONTRACTS BASED ON COMPETITIVE SEALED BIDS TO THE RESPONSIBLE~~  
14 ~~BIDDER WHO SUBMITS THE BID WITH THE LOWEST COST TO THE TELEPHONE~~  
15 ~~USER.~~

16 ~~(C) THE DEPARTMENT SHALL NOT ACCEPT OR RECEIVE TELEPHONE~~  
17 ~~COMMISSIONS IN EXCESS OF THE DEPARTMENT'S REASONABLE OPERATING~~  
18 ~~COST FOR ESTABLISHING AND ADMINISTERING TELEPHONE SYSTEM SERVICES~~  
19 ~~PROVIDED TO INMATES IN STATE CORRECTIONAL FACILITIES.~~

20 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only~~  
21 ~~to any new or renewal contract for inmate telephone services entered into on or after~~  
22 ~~October 1, 2013.~~

23 9-614.

24 (A) A STATE OR LOCAL CORRECTIONAL FACILITY MAY ESTABLISH A  
25 SYSTEM TO ENABLE LEGAL COUNSEL TO INITIATE AND CONDUCT TELEPHONIC  
26 COMMUNICATIONS WITH THEIR CLIENTS WHO ARE INCARCERATED IN THE  
27 FACILITY.

28 (B) A STATE OR LOCAL CORRECTIONAL FACILITY MAY USE ANY  
29 AVAILABLE GOVERNMENTAL OR PRIVATE FUNDING TO FINANCE A TELEPHONE  
30 COMMUNICATION SYSTEM ESTABLISHED UNDER THIS SECTION.

31 SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take  
32 effect October 1, 2013.