

SENATE BILL 948

E5
SB 257/23 – JPR

4r0635
CF 4r2202

By: **Senators Waldstreicher and Carter**
Introduced and read first time: February 2, 2024
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State Correctional Facilities – Incarcerated Individuals – Costs of Telephone**
3 **Communications**

4 FOR the purpose of providing that a State correctional facility is responsible for the
5 payment of costs charged by a telephone service provider under certain
6 circumstances; providing that a State correctional facility and a telephone service
7 provider may not charge an incarcerated individual or a third party under certain
8 circumstances; providing that an incarcerated individual's access to or use of
9 telephone equipment and telephone services may not supplant time that the
10 incarcerated individual is entitled to in-person visitation; and generally relating to
11 the payment of costs for telephone equipment and telephone services used by
12 incarcerated individuals in State correctional facilities.

13 BY repealing and reenacting, with amendments,
14 Article – Correctional Services
15 Section 10–503(a)(2)
16 Annotated Code of Maryland
17 (2017 Replacement Volume and 2023 Supplement)

18 BY adding to
19 Article – Correctional Services
20 Section 10–802
21 Annotated Code of Maryland
22 (2017 Replacement Volume and 2023 Supplement)

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

25 **Article – Correctional Services**

26 10–503.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (a) (2) (i) Each fund consists of:

2 1. profits derived from the sale of goods through the
3 commissary operation [and telephone] and vending machine commissions; and

4 2. subject to subparagraph (ii) of this paragraph, money
5 received from other sources.

6 (ii) Money from the General Fund of the State may not be
7 transferred by budget amendment or otherwise to a fund.

8 **10-802.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (2) (I) "TELEPHONE EQUIPMENT" MEANS A TELEPHONE OR
12 OTHER DEVICE OR SYSTEM THAT ENABLES A USER TO MAKE VOICE COMMUNICATION
13 USING A TELEPHONE SERVICE.

14 (II) "TELEPHONE EQUIPMENT" DOES NOT INCLUDE
15 EQUIPMENT FOR VIDEO COMMUNICATION.

16 (3) "TELEPHONE SERVICE" MEANS:

17 (I) LANDLINE TELEPHONE SERVICE;

18 (II) WIRELESS OR CELLULAR TELEPHONE SERVICE;

19 (III) VOICE OVER INTERNET PROTOCOL (VOIP) SERVICE, AS
20 DEFINED IN § 8-601 OF THE PUBLIC UTILITIES ARTICLE; OR

21 (IV) ANY OTHER SIMILAR SERVICE CAPABLE OF BEING USED FOR
22 VOICE COMMUNICATION, REGARDLESS OF THE TECHNOLOGY.

23 (4) "TELEPHONE SERVICE PROVIDER" MEANS A PERSON ENGAGED IN
24 THE BUSINESS OF PROVIDING TELEPHONE EQUIPMENT OR A TELEPHONE SERVICE
25 FOR A FEE.

26 (B) THIS SECTION APPLIES ONLY TO TELEPHONE EQUIPMENT OR A
27 TELEPHONE SERVICE THAT A STATE CORRECTIONAL FACILITY HAS AUTHORIZED AN
28 INCARCERATED INDIVIDUAL TO USE IN THE FACILITY.

1 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A STATE**
2 **CORRECTIONAL FACILITY IS RESPONSIBLE FOR THE PAYMENT OF ANY COST**
3 **CHARGED BY A TELEPHONE SERVICE PROVIDER FOR THE USE OF TELEPHONE**
4 **EQUIPMENT AND A TELEPHONE SERVICE BY AN INCARCERATED INDIVIDUAL WHO IS**
5 **CONFINED IN THE FACILITY.**

6 **(2) THIS SUBSECTION MAY NOT BE INTERPRETED TO REQUIRE A**
7 **STATE CORRECTIONAL FACILITY TO PAY A COST THAT THE FACILITY DISPUTES IS**
8 **OWED TO A TELEPHONE SERVICE PROVIDER.**

9 **(D) A STATE CORRECTIONAL FACILITY AND A TELEPHONE SERVICE**
10 **PROVIDER MAY NOT CHARGE AN INCARCERATED INDIVIDUAL OR A THIRD PARTY,**
11 **INCLUDING THE RECIPIENT OF A TELEPHONE CALL, FOR AN INCARCERATED**
12 **INDIVIDUAL'S USE OF TELEPHONE EQUIPMENT OR TELEPHONE SERVICES IN A**
13 **STATE CORRECTIONAL FACILITY.**

14 **(E) AN INCARCERATED INDIVIDUAL'S ACCESS TO OR USE OF TELEPHONE**
15 **EQUIPMENT AND TELEPHONE SERVICES MAY NOT SUPPLANT TIME THAT THE**
16 **INCARCERATED INDIVIDUAL IS ENTITLED TO IN-PERSON VISITATION.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
18 1, 2025.