

TESTIMONY IN SUPPORT OF HB 1366 WITH AMENDMENTS

State Correctional Facilities–Incarcerated Individuals–Costs of Telephone Communications

March 7, 2024

Hearing of the House Judiciary Committee
Maryland General Assembly
Del. Luke Clippinger, Chair

Honorable Members of the House Judiciary Committee:

The United Church of Christ Media Justice Ministry (UCC Media Justice) is pleased to submit testimony in support of HB 1366, prepared by its counsel, student attorneys in the Communications and Technology Law Clinic at Georgetown Law. UCC Media Justice is a national faith-based non-profit devoted to ensuring affordable access to communications services and providing a voice to underrepresented groups in communications policy discussions. UCC Media Justice takes its guidance from the scripture in Matthew 25:35-40 emphasizing the importance of caring for people in prison. Interfaith Action for Human Rights, a faith-based group that advocates for practices in correctional facilities that foster successful rehabilitation and reentry in Maryland, D.C., and Virginia, signs on to this testimony. Maryland should adopt HB 1366 with amendments because it will foster strong familial and community bonds, benefit children, ease financial burdens on incarcerated individuals' families, and support rehabilitation and reintegration efforts.

Federal Efforts to Subsidize Carceral Communications are Important, but Not Enough

Communications services for carceral facilities have historically imposed exorbitant costs on incarcerated individuals' families. These predatory pricing schemes often included commissions to correctional institutions, which disincentivized officials from negotiating for fair, reasonable rates.¹ In some cases, one in three families go into debt attempting to maintain contact with incarcerated loved ones.² UCC Media Justice took a lead role in successfully passing the federal Martha Wright-Reed Just and Reasonable Communications Act. The Federal Communications Commission will adopt new national rate caps this summer, which will likely go into effect in 2025.³

Even with lower rates, families will still face financial burdens to communicate. Phone costs are typically passed on to incarcerated individuals' support networks and impose a huge financial strain on families, especially families who have lost the incomes of their incarcerated family members. HB 1366 would ease this financial burden and allow families to stay connected with their incarcerated loved ones. Federal legislation to lower rates nationwide could make it less expensive for Maryland to take on this cost as the national rules drive down rates, but it only addresses part of the problem: Maryland must act.

Staying Connected Supports Successful Reintegration to Society and Benefits Families

Staying connected is crucial for incarcerated people and their families, both while in custody and post-release. For children of incarcerated parents, phone contact is particularly essential, as it plays a significant role in their emotional and physical growth. In one study, approximately 83% of surveyed children with incarcerated parents emphasized the importance of staying in touch with their parents

¹ Drew Kukorowski, Peter Wagner, and Leah Sakala, *Please Deposit All of Your Money: Kickbacks, Rates, and Hidden Fees in the Jail Phone Industry*, Prison Policy Initiative (2013), <https://www.prisonpolicy.org/phones/pleasedeposit.html>.

² Ella Baker Center, *Who Pays?* At 9 (2015), <https://ellabakercenter.org/who-pays-the-true-cost-of-incarceration-on-families/>.

³ *FCC begins implementing the Martha Wright Act!* (March 16, 2023), <https://uccmediajustice.org/fcc-begins-implementing-the-martha-wright-act/>.



through phone and video communications.⁴ Such connections are critical to foster resilience and success.

Maintaining familial bonds is also a key factor in ensuring incarcerated individuals' successful return to their communities. In a study of 414 men incarcerated in state prison, those who stayed connected with their families were more likely to find stable employment and housing upon release.⁵ Extensive research supports the importance of connection.⁶

Other Jurisdictions Provide Free Calls for Carceral Facilities

As the attached chart shows, other states have implemented statutes providing free calls to incarcerated people, including Connecticut, California, Colorado, Minnesota, and Massachusetts. Major cities—such as New York City, San Francisco, Los Angeles, Miami, and San Diego County—have passed similar legislation to subsidize jail communications. Maryland should follow suit and allow local families to connect with incarcerated loved ones without falling into debt due to phone costs.

Suggested Amendments

UCC Media Justice proposes the following amendments to ensure that incarcerated individuals receive guaranteed access to phone services:

Adequate Telephone Equipment & Minimum Use Time Policy - Facilities must provide a sufficient number of telephone devices and a guaranteed minimum amount of telephone time, ensuring minimal wait times and reasonable access for all individuals and regular contact with their families and loved ones for the incarcerated population.

Other jurisdictions have similar provisions. Massachusetts requires phone services to be “maximized to the extent possible” and not be lower than 2023 levels. California’s free call statute mandates “accessible, functional” communication services.

We also request the General Assembly work to reform pricing in jails. Jails often hold individuals for shorter periods, during which maintaining contact is equally important, as they need to communicate about legal representation, employment, housing, family finances, and other arrangements in light of their potential continued incarceration or reentry. Maryland jails' phone call rates (up to \$3.15 for 15 minutes) significantly exceed state prison rates, and approximately one-third of incarcerated people in Maryland are in jails.⁷

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⁴ Urban Institute, *Low-Cost Phone Calls Benefit Incarcerated People* (Aug. 2023), <https://www.urban.org/urban-wire/low-cost-phone-calls-benefit-incarcerated-people-their-families-and-criminal-legal>.

⁵ National Library of Medicine, *Behind Bars but Connected to Family: Evidence for the Benefits of Family Contact During Incarceration*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6625803/>.

⁶ Prison Policy Initiative, *Research roundup: The positive impacts of family contact for incarcerated people and their families*, https://www.prisonpolicy.org/blog/2021/12/21/family_contact/.

⁷ Prison Policy Initiative, *Maryland Profile*, <https://www.prisonpolicy.org/profiles/MD.html>.



Comparison: Other Jurisdictions with Free Call Statutes for Carceral Facilities

State	Year	Statute	Summary of Statute
CT	2021	Public Act No. 21-54 - An Act Concerning Communication Services In Correctional And Juvenile Detention Facilities.	Mandates free communication services for individuals in Connecticut's correctional and juvenile detention facilities starting October 1, 2022. The Act prohibits using these services to replace in-person visits and ensures that all forms of communication, including voice, video, and email, are provided at no cost to the incarcerated individuals. Additionally, it stipulates that the state will not generate revenue from the provision of these communication services.
CA	2022	CA Pub. Util. Code § 2899 - Keeping Families Connected Act	Mandates free communication services for individuals in custody within the state's prisons and juvenile facilities, prohibiting revenue generation from these services by state and local agencies. This Act emphasizes the importance of family connections to aid in the reintegration of incarcerated persons into society. Additionally, it mandates the Public Utilities Commission to set quality standards for these communication services, ensuring reliable access for incarcerated individuals to maintain contact with their families and support networks.
CO	2023	HB1133 - Cost Of Phone Calls For Persons In Custody	Mandates that the state's Department of Corrections provide free voice communication services, which may include video and email services, without generating revenue from these services. The bill stipulates a phased implementation for covering communication costs, starting with 25% of costs covered from September 2023, increasing to 35% by July 2024, and covering 100% of costs by July 2025. Additionally, it includes provisions for juvenile detention facilities.
MN	2023	SF 2909 - Judiciary and Public Safety Budget Bill, Sec. 11. [241.252]	Mandates state adult or juvenile facilities provide free voice communication services to incarcerated individuals, with the option to add video and electronic messaging services, ensuring no charges for communication. It sets restrictions to uphold protection orders, prohibits state revenue from these services except for pre-2023 commissions, and maintains in-person visits with certain exceptions. Requires annual reporting by the Department of Corrections on renegotiating communication contracts, including rate details, fund usage, and service statistics to boost transparency and accountability in providing communication services to incarcerated people.
MA	2023	H. 4052 - An Act providing for unlimited free phone calls to incarcerated individuals	Mandates the Department of Correction and sheriffs provide unlimited free voice communication services, including phone calls, to individuals in state and county correctional facilities. The Act mandates that the level of access to these services should not be less than what was available on July 1, 2023, ensuring that facilities maintain or enhance current communication standards. It also emphasizes the need for adequate infrastructure to support these services and affirms that the provision of free voice communication does not affect the availability of in-person visits, highlighting a comprehensive approach to maintaining connections between incarcerated individuals and their communities.

