

# Implementation of Connecting Families Legislation

In recent years, more and more states and counties are making communication services free for incarcerated people and their families. These policies not only ease the financial burden on impacted people but also usher in a host of well-documented social benefits, including the improved mental health of incarcerated people, increased program participation, lower incidents of violence, higher reentry success, lower recidivism, and increased public safety.<sup>1</sup>

Worth Rises has helped jurisdictions across the country pass and implement these policies, and we are currently supporting similar campaigns in over a dozen states and counties. As part of this work, we have closely monitored, tracked, and analyzed implementation efforts and data. To support other states, we have summarized how each of the five states that have passed free prison communication policies handled implementation.

But first, here are major fiscal drivers that we have seen states get wrong in planning for implementation:

- **Negotiating fair rates:** Most often, agencies are paying roughly \$0.020 to \$0.025 per minute for calls. However, rates could come down if states initiated procurement processes with competitive bidding following the passage of such legislation. Instead, most agencies simply renegotiate existing contracts. In competitive procurements and negotiations, states and counties have been able to get rates around \$0.009 to \$0.0119.
- **Estimating increases in call volume:** The increase in call volume will depend on current rates and devices. The higher the current rates charged the higher the expected increase in call volume. Further, usage over tablets is higher than usage over wall phones. When phone calls are free, people use an average of 44.9 minutes per person per day over tablets and 29.4 minutes per person per day over wall phones.
- **Projecting changes in population:** The number of people incarcerated has increased in many states, but most projections have not made such considerations. Meaningful population increases can unexpectedly drive up costs even if the per person volume increase is properly projected.

## States with Free Prison/Jail Communication Policies

State	Covered Services	Covered Facilities	Payment Model	Effective Date
Connecticut	All communication services	All correctional facilities	Per person per service	July 1, 2022
California	Phone calls	State prisons and youth detention facilities	Per minute with volume discount	January 1, 2023
Colorado	Phone calls	State prisons and youth detention facilities	Per minute + 10% for fees	July 1, 2025
Minnesota	Phone calls	State prisons and youth detention facilities	Per minute	July 1, 2023
Massachusetts	All communication services	State prisons and county jails	Per minute blended service rate	December 1, 2023

<sup>1</sup> Prison Policy Initiative, *Research roundup: The positive impacts of family contact for incarcerated people and their families*, December 21, 2021, available at [https://www.prisonpolicy.org/blog/2021/12/21/family\\_contact/](https://www.prisonpolicy.org/blog/2021/12/21/family_contact/).

## CONNECTICUT (2021)

Connecticut, which had the highest prison phone rates in the country as high as \$0.325 per minute, became the first U.S. state to pass legislation making prison communication free in 2021. SB 972 made all communication — phone calls, video calls, and electronic messaging — free in state prisons<sup>2</sup> and youth detention facilities, saving families over \$14 million annually. Additionally, it prohibits the state from collecting revenue from communication services, which it had previously done to the tune of more than \$7 million a year, and it protects in-person visits from being replaced by communication services.<sup>3</sup> Related language in the state's budget implementer that year created an access minimum of 90 minutes of call time per incarcerated person per day, the agency's existing cap at the time, and set an effective date of July 1, 2022.<sup>4</sup>

While the bill did not require the provision of tablets, Connecticut chose to implement the bill using tablets, which were not previously calling-enabled. It did so by renegotiating and amending its existing contract with Securus, agreeing to pay a fixed monthly rate of \$30.00 per incarcerated person for phone calls and \$15.00 per person for electronic messaging. Connecticut is the only jurisdiction to utilize this payment model, and while it may better reflect how people in the free world pay for telecom services, without having gone through a competitive bidding process, the state is overpaying for these services.

After implementation, average phone usage per person increased by 171%, from 16.1 minutes to 44.0 minutes per day — a surge that underscored how cost-prohibitive communication had been before the bill's passage. The average usage of electronic messages was 6.0 messages (outbound and inbound) per person per day, which did not change much with the policy. Overall, incarcerated people and correctional staff have found the implementation to have gone well and the impacts to be tangible to the lives of all who live and work in the state's prisons. Today, Connecticut is spending roughly \$3.8 million on phone calls and \$1.9 million on electronic messaging annually, about 20% more than the state budgeted. This is partly driven by an increase in the prison population of nearly 10% since the policy has gone into effect, which multiplies the impact of the increase in the average daily per person usage. Further, if the state initiated a competitive procurement process, it could get the cost of these services down.

## CALIFORNIA (2022)

In 2022, California passed SB 1008 to make phone calls free for people incarcerated in state prison and youth detention facilities and their families. At the time, prison calls were charged at \$0.025 per minute. The legislation allows for unlimited calling and requires that the state's public utility commission set and enforce quality standards for calling services. It also prohibits the

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<sup>2</sup> Connecticut is a unified system in which pre-trial people are held in state prisons. There are no county jails.

<sup>3</sup> Connecticut General Assembly (2021), *Public Act No. 21-54: An Act Concerning the Cost of Telecommunications Services in Correctional Facilities*, available at <https://www.cga.ct.gov/2021/act/Pa/pdf/2021PA-00054-R00SB-00972-PA.PDF>.

<sup>4</sup> Connecticut General Assembly, *Public Act No. 21-1202: An Act Concerning Provisions Related to Revenue and Other Items to Implement the State Budget for the Biennium Ending June 30, 2023* (2021), available at [https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which\\_year=2021&bill\\_num=1202](https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2021&bill_num=1202).

state from collecting revenue from calls, though it did not at the time of passage. Implemented on January 1, 2023, SB 1008 saves California families nearly \$35 million annually.<sup>5</sup>

While tablets were not required in the legislation, California implemented the free calls policy by simultaneously rolling out calling-enabled tablets through its existing vendor, ViaPath. It renegotiated and amended its contract, securing a volume discount model in which the state's per minute cost decreases, from \$0.025 to \$0.019, as it hits specified call volume milestones. The state also received 30 minutes of free call time per person per month from ViaPath.

Immediately after implementation, while calls were still primarily made over wall phones, average phone usage per person jumped from 14.3 minutes to 23.8 minutes per person, a 67% increase. Usage gradually increased as tablets were rolled out across the system, which took months,<sup>6</sup> to 42.9 minutes. That year, California spent approximately \$34.9 million on phone calls, or roughly \$30 per person per month. This figure was consistent with the state's expectations: both the Senate and Assembly appropriations committees estimated costs in the "low tens of millions of dollars."<sup>7</sup> Nevertheless, if the state initiated a new procurement process, it could secure better rates and bring these costs down.

## COLORADO

Colorado passed HB 1133 in 2023, making phone calls free in state prisons and all communication services free in youth detention facilities. The legislation allows for unlimited calling and also prohibits the state from collecting revenues on any communication service, which it did only in the form of a few reimbursements at the time of passage. Due to Colorado's Taxpayer's Bill of Rights and the constraints it creates on the legislature's ability to spend state revenue, HB 1133 included a three-year graduated implementation requiring the state to cover 25% of communication costs starting September 1, 2023, 35% of costs beginning July 1, 2024, and 100% by July 1, 2025.<sup>8</sup> When fully implemented, the bill is expected to save families nearly \$9 million annually.

While not required by the new law, Colorado has started to roll out calling-enabling tablets as part of its plan for free calls. It also began assuming the legislatively-designated percentage of the per minute cost of calls based on its existing contract rate with Securus of \$0.019. Colorado also pays 10% on all call costs to cover the Federal Cost Recovery fee and Universal Service

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<sup>5</sup> California State Legislature (2022), *Senate Bill No. 1008: Communications: Free Phone Calls*, available at [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB1008](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB1008).

<sup>6</sup> Notably, in California, due to overcrowding it not uncommon to have a ratio of 50 or 60 incarcerated people per wall phone. As such, the roll out of tablets was critical, and its delay produced significant frustration among the incarcerated population. Moreover, as tablets rolled out, the vendor, ViaPath, ignored the maintenance of wall phones, exacerbating access for people in facilities later in the tablet rollout schedule. The delay was supposedly related to legal challenges to the contract awarded to ViaPath by another vendor, which did eventually force ViaPath's contract to be vacated. Securus is now the state's prison telecom provider. See Olivia Heffernan and Steve Brooks, "Calls are Free, But California Prisoners Still Face Communication Obstacles," *The Appeal*, May 22, 2023, available at <https://theappeal.org/viapath-california-prison-phones-tablets-messaging/>.

<sup>7</sup> California State Legislature (2022), *Bill Analysis of Senate Bill No. 1008*, available at [https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=202120220SB1008#](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220SB1008#).

<sup>8</sup> Colorado General Assembly (2023), *House Bill 23-1133: Cost-free telephone calls for persons in custody*, available at [https://leg.colorado.gov/sites/default/files/2023a\\_1133\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2023a_1133_signed.pdf).

Fund fee, which is uncommon. By December 1, 2024, average phone usage per person increased from roughly 16.0 minutes to 29.9 minutes per day, an 87% increase. Colorado is anticipating a further increase in call volume when it assumes 100% of the cost of calls, as would be expected.

Colorado quite significantly underestimated the cost of providing free prison phone calls because it miscalculated its starting call volume, which was the baseline of projections, and applied a percentage increase drawn from Connecticut rather than projecting specific usage, as is recommended. As a result, and due to continued fiscal constraints in the state, the legislature is considering extending the full implementation of HB 1133 another year to July 1, 2026, however, the state would assume 50% of call costs starting July 1, 2025.

### **MINNESOTA (2023)**

In 2023, Minnesota passed SF 2909, the Judiciary and Public Safety committee's budget bill,<sup>9</sup> to make phone calls free for people incarcerated in state prisons and youth detention facilities and their families. The legislation required the state at least maintain existing communications services and allows for unlimited calling. It also prohibits the state from collecting revenue off any communication service, which it did to the tune of \$1.4 million at the time of passage, and it protects in-person visits from being replaced by communication services. Finally, it requires that the corrections department report to the legislature on efforts to renegotiate its contract and usage. SF 2909 went into effect on July 1, 2023, saving families \$4.5 million annually.

While not required by the legislation, Minnesota sought to implement its free calling policy over calling-enabled tablets. However, the tablet roll out was delayed due to issues related to ADA compliance and thus free calls were first implemented over wall phones. Due to unrelated negotiations with its existing vendor, ViaPath, Minnesota decided not to renegotiate its existing contract and instead simply assumed the costs at the high rate of \$0.075 per minute. For that reason, the state overshot the \$3.1 million allocated for phone service in the first fiscal year, though only by roughly \$500,000. If the state was to renegotiate these rates, it could provide this service for far less.

Notably, not long after implementation in 2023, it was revealed that roughly 700 civilly committed people were not covered by the bill as they were not in correctional facilities. So, in 2024, Minnesota extended the provision of free phone calls to those in civil commitments with the passage of SF 5335, again the Judiciary and Public Safety committee's budget bill.<sup>10</sup>

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<sup>9</sup> Minnesota Legislature (2023), *SF 2909 (228.10)*, available at [https://www.revisor.mn.gov/bills/text.php?number=SF2909&version=latest&session=ls93&session\\_year=2023&session\\_number=0](https://www.revisor.mn.gov/bills/text.php?number=SF2909&version=latest&session=ls93&session_year=2023&session_number=0).

<sup>10</sup> Minnesota Legislature (2024), *SF 5335 (156.8)*, available at [https://www.revisor.mn.gov/bills/text.php?number=SF5335&version=latest&session=ls93&session\\_year=2024&session\\_number=0](https://www.revisor.mn.gov/bills/text.php?number=SF5335&version=latest&session=ls93&session_year=2024&session_number=0).

## MASSACHUSETTS (2023)

In 2023, Massachusetts passed legislation as part of the FY 2024 state budget,<sup>11</sup> making all communication services free — including phone calls, video calls, and electronic messages — for all incarcerated people and their families in state prisons and county jails. Before the legislation, phone calls were priced at \$0.12 per minute. The legislation required agencies at least maintain existing communications services and allows for unlimited calling. It also protects in-person visits from being replaced by any communication service. Finally, it requires all agencies report to the legislature on efforts to renegotiate and consolidate contracts. H 4052 went into effect on December 1, 2023, saving families over \$14 million a year.

While not required by law, Massachusetts prisons and many of the state's county jails chose to roll out the free calling policy over calling-enabled tablets. After implementation, average phone usage per person increased from 21.7 minutes to 47.9 minutes per day, a 120% increase; average video usage per person increased from 15.0 minutes to 39.3 minutes per month, a 162% increase; and average electronic messaging usage per person increased from 11.4 messages to 24.5 messages per month, a 114% increase. Data has not been made available for the county jails.

To fund the policy, Massachusetts uniquely created a Communication Trust Fund and initially funded it with \$20 million that the Executive Office of Administration and Finance used to reimburse state and local agencies for communication service costs.<sup>12</sup> The fund was fully spent down in the first year with \$8 million spent by state prisons and \$12 million by county jails. That funding was cut to \$10 million in the FY 2025 state budget, which has drawn some concerns.

The initial funds were drawn down quickly due to the bizarre and very expensive terms the state prisons and many of the county jails that contract with Securus renegotiated. The rate structure rolls video, and in some cases electronic messaging, into the “phone” rate. In some counties, tablets and digitized mail scanning are also now part of the “phone” rate. For example, the state corrections department agreed to pay \$0.0799 per minute for phone calls, of which \$0.0399 covers phone service, \$0.0100 covers video calls, \$0.0100 covers video equipment, and \$0.0200 covered security features. It is unclear why the agency agreed to include the cost of video calls in its “phone” rates as it makes video calls effectively more than \$0.70 per minute. The state agency also agreed to pay \$0.13 per message for electronic messaging; by comparison, incarcerated people and their familiar pay \$0.05 per message in California. Overall, the rates Massachusetts prisons and jails negotiated for each of its services are the worst of any agencies providing free communication services and, in some cases, even worse than those not doing so.

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<sup>11</sup> *FY2023 Massachusetts Enacted Budget Summary: Outside Sections 50, 85, and 111*, available at <https://budget.digital.mass.gov/summary/fy24/outside-section/>.

<sup>12</sup> *FY2023 Massachusetts Enacted Budget Summary: 1595-6153 No Cost Calls Trust Fund Transfer*, available at <https://budget.digital.mass.gov/summary/fy23/enacted/administration-and-finance/administration-and-finance/15956153>. See also Massachusetts General Court (2023), *General Laws, Part 1, Title III, Chapter 29, Section 2XXXXX: Communications Access Trust Fund*, available at <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter29/Section2xxxxx>.