

HOUSE No. 5112

Sections 26, 71, 72, 177, 188 and 191 contained in the engrossed Bill making appropriations for the fiscal year 2023 (see House, No. 5050), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment G of House, No. 5132). July 28, 2022.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to provide voice communication services at no cost to inmates.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide voice communication services at no cost to inmates, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Sections 2XXXXX and 2ZZZZZ of said chapter 29 are hereby repealed.

2 SECTION 2. Said chapter 127 is hereby further amended by inserting after section 87
3 the following section:-

4 Section 87A. (a) For the purposes of this section, the terms “state correctional facilities”,
5 “state prison” and “county correctional facility” shall have the same meanings as in section 1 of
6 chapter 125.

7 (b) The department of correction and sheriffs shall provide persons committed to state
8 correctional facilities, state prisons and county correctional facilities, including jails and houses
9 of correction, with voice communication services, including phone calls, free of charge to the

10 person initiating and the person receiving the communication; provided, however, that voice
11 communication services shall be maximized to the extent possible and nothing in this section
12 shall further limit or restrict access to voice communication services as the services were offered
13 and available at such facilities on July 1, 2022; and provided further, that nothing in this section
14 shall prohibit in-person contact visits.

15 (c) The department of correction and sheriffs may supplement voice communication
16 services with other communication services, including, but not limited to, video and electronic
17 communication services; provided, however, that other communication services shall not replace
18 voice communication services; and provided further, that other communication services shall be
19 provided free of charge to the person initiating and the person receiving the communication.

20 SECTION 3. Said chapter 127 is hereby further amended by adding the following
21 section:-

22 Section 170. (a) For the purposes of this section, the terms “county correctional facility”,
23 “state correctional facility” and “state prison” shall have the same meanings as in section 1 of
24 chapter 125.

25 (b) State correctional facilities, state prisons, county correctional facilities and entities
26 contracting with such facilities shall not charge more than 3 per cent over the purchase cost for
27 commissary items. The department of correction and county sheriffs shall maximize discounts
28 procured from bulk purchasing of commissary items or other contracting opportunities that
29 reduce the cost of such items and shall not receive commissions, revenue or other financial
30 incentives in any contract with a seller, supplier or vendor of commissary items. Commissary

31 items offered shall include gender affirming items, consistent with section 32A, and culturally
32 appropriate items for all communities in custody

33 SECTION 4. (a) Notwithstanding any general or special law to the contrary, no voice
34 communication services contract in force on the effective date of this act shall be affected by
35 section 71; provided, that voice communication services shall be free of charge to the person
36 initiating and the person receiving the communication on January 1, 2023; provided further, that
37 other communication services offered pursuant to said section 71, including, but not limited to,
38 video and electronic communication services shall be offered free of charge to the person
39 initiating and the person receiving the communication on January 1, 2023.

40 (b) Notwithstanding any general or special law to the contrary, upon the expiration of
41 any contract for voice communication services the department of corrections and the sheriffs
42 shall seek to maximize purchasing power and consolidate contracts to the extent feasible;
43 provided, that not later than July 1, 2023, the department of correction and the sheriffs shall
44 report to the house and senate committees on ways and means and the joint committee on the
45 judiciary on the status of any communication services contracts and plans to consolidate
46 contracts to maximize purchasing power for voice communication services.

47 (c) Notwithstanding any general or special law to the contrary any financial incentive
48 received in connection with a voice communication services or other communication services
49 contract, including, but not limited to a commission, shall revert to the General Fund.

50 (d) Any service, benefit or program for incarcerated people to which commissary
51 commissions were specifically designated in fiscal year 2022 including, but not limited to, the
52 Inmate Benefit Fund, The Law Library and the Central Program Account in the state prison

53 system, shall be funded by the department of correction and the sheriffs at not less than the level
54 of funding in fiscal year 2022.

55 SECTION 5. Section 1 shall take effect on July 1, 2024.

56 SECTION 6. Sections 3 shall take effect on July 1, 2023.

57 SECTION 7. This act shall take effect on July 1, 2022.