

SENATE BILL 56

E5

(PRE-FILED)

5lr1679
CF 5lr1681

By: **Senator Waldstreicher**

Requested: November 1, 2024

Introduced and read first time: January 8, 2025

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 establishing certain requirements relating to the use of telephone
5 equipment and telephone services by incarcerated individuals in State correctional
6 facilities; establishing the Costs of Telephone Communications Advisory Committee;
7 and generally relating to the payment of costs for telephone equipment and
8 telephone services used by incarcerated individuals in State correctional facilities.

9 BY repealing and reenacting, with amendments,
10 Article – Correctional Services
11 Section 10–503(a)(2)
12 Annotated Code of Maryland
13 (2017 Replacement Volume and 2024 Supplement)

14 BY adding to
15 Article – Correctional Services
16 Section 10–1001 through 10–1003 to be under the new subtitle “Subtitle 10.
17 No-Charge Telephone Communications for Incarcerated Individuals”
18 Annotated Code of Maryland
19 (2017 Replacement Volume and 2024 Supplement)

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

22 **Article – Correctional Services**

23 10–503.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **THIS SUBTITLE APPLIES ONLY TO TELEPHONE EQUIPMENT OR A TELEPHONE**
2 **SERVICE THAT A STATE CORRECTIONAL FACILITY HAS AUTHORIZED AN**
3 **INCARCERATED INDIVIDUAL TO USE IN THE FACILITY.**

4 **10-1003.**

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

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

13 **(B) A STATE CORRECTIONAL FACILITY AND A TELEPHONE SERVICE**
14 **PROVIDER MAY NOT CHARGE AN INCARCERATED INDIVIDUAL OR A THIRD PARTY,**
15 **INCLUDING THE RECIPIENT OF A TELEPHONE CALL, FOR AN INCARCERATED**
16 **INDIVIDUAL'S USE OF TELEPHONE EQUIPMENT OR TELEPHONE SERVICES IN A**
17 **STATE CORRECTIONAL FACILITY.**

18 **(C) A STATE CORRECTIONAL FACILITY SHALL ESTABLISH A RATIO OF TEN**
19 **INDIVIDUALS TO ONE TELEPHONE.**

20 **(D) AN INCARCERATED INDIVIDUAL'S ACCESS TO OR USE OF TELEPHONE**
21 **EQUIPMENT AND TELEPHONE SERVICES MAY NOT SUPPLANT TIME THAT THE**
22 **INCARCERATED INDIVIDUAL IS ENTITLED TO IN-PERSON VISITATION.**

23 **(E) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A**
24 **STATE CORRECTIONAL FACILITY FROM DISABLING TELEPHONE SERVICES FOR**
25 **DISCIPLINARY MATTERS.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That:

27 (a) There is a Costs of Telephone Communications Advisory Committee.

28 (b) The Advisory Committee consists of the following members:

29 (1) two members of the Senate, appointed by the President of the Senate;

30 (2) two members of the House of Delegates, appointed by the Speaker of
31 the House;

1 (3) the Secretary of Public Safety and Correctional Services, or the
2 Secretary's designee;

3 (4) the Public Defender, or the Public Defender's designee;

4 (5) the President of the Maryland State's Attorneys' Association, or the
5 President's designee;

6 (6) the following members designated by the Secretary of Public Safety and
7 Correctional Services:

8 (i) one member who is employed by the Department of Public Safety
9 and Correctional Services and whose primary responsibility is to implement and maintain
10 communication services for incarcerated individuals; and

11 (ii) one member who is employed as a correctional officer in a State
12 correctional facility; and

13 (7) the following members appointed by the Governor:

14 (i) one member who represents a nonprofit organization that
15 primarily advocates for no-charge prison phone call programs;

16 (ii) two members who were formally incarcerated in a State
17 correctional facility;

18 (iii) two members who are currently incarcerated in a State
19 correctional facility;

20 (iv) one member who represents a nonprofit organization that
21 primarily advocates for job opportunities and low-wage workers;

22 (v) one member who represents a nonprofit organization that
23 primarily advocates for criminal justice reform to improve reentry of incarcerated
24 individuals; and

25 (vi) one member who represents a correctional officers' union.

26 (c) The Governor shall designate the chair of the Advisory Committee.

27 (d) The Department of Legislative Services shall provide staff for the Advisory
28 Committee.

29 (e) A member of the Advisory Committee:

30 (1) may not receive compensation as a member of the Advisory Committee;
31 but

1 (2) is entitled to reimbursement for expenses under the Standard State
2 Travel Regulations, as provided in the State budget.

3 (f) The Advisory Committee shall:

4 (1) review and analyze data related to no-charge prison and jail phone call
5 programs in other states;

6 (2) review and analyze data from the Department of Public Safety and
7 Correctional Services related to the use of telephone equipment and telephone services,
8 including monthly volume;

9 (3) review and analyze contracts for telephone equipment and telephone
10 service in State correctional facilities, including the rates and fees paid by the Department
11 of Public Safety and Correctional Services and fees charged to users for the services
12 provided;

13 (4) make recommendations to lower the projected cost of providing
14 no-charge prison phone calls in the State; and

15 (5) make recommendations to efficiently implement a no-charge prison
16 phone call program under Title 10, Subtitle 10 of the Correctional Services Article.

17 (g) On or before December 31, 2025, the Advisory Committee shall report its
18 findings and recommendations to the Governor and, in accordance with § 2-1257 of the
19 State Government Article, the General Assembly.

20 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
21 effect July 1, 2026.

22 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
23 3 of this Act, this Act shall take effect July 1, 2025. Section 2 of this Act shall remain
24 effective for a period of 1 year and, at the end of June 30, 2026, Section 2 of this Act, with
25 no further action required by the General Assembly, shall be abrogated and of no further
26 force and effect.