

SENATE BILL NO. 7

INTRODUCED BY T. MCGILLVRAY

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO STATE PRISONS AND COUNTY DETENTION CENTER TELECOMMUNICATIONS CONTRACTS; PROVIDING A DEFINITION FOR "TELECOMMUNICATIONS SERVICE PROVIDER"; SUPERSEDING THE UNFUNDED MANDATE LAWS; AMENDING SECTION 53-30-153, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Detention center telecommunications contracts – definition. (1) A

county detention center that contracts with a telecommunications service provider to provide telecommunications services for inmates may join any telecommunications contract with the same per-minute fee as the department of corrections. A county detention center may not enter into a separate telecommunications contract unless the per-minute fee does not exceed the current rate allowed by the federal communications commission but not more than 21 cents a minute.

(2) Each week, an inmate is entitled to receive one free phone call, not to exceed 10 minutes, and one free video call, not to exceed 25 minutes, to the extent that video calling is offered at the detention center.

(3) An inmate telecommunications contract may not include ancillary service fees, including prepaid phone cards, collect calls, and single pay calls that total more than 3% of the base charge.

(4) "Telecommunications service provider" has the meaning provided for "operator service provider" in 69-3-1102.

Section 2. Section 53-30-153, MCA, is amended to read:

"53-30-153. Telephone account requirements for state prisons – protected accounts – disclosure required – rulemaking – definitions. (1) A state prison that contracts with a telecommunications service provider to provide telecommunications services for inmates shall ~~to the extent feasible,~~ contract with a

1 telecommunications service provider to provide communications services for inmates that:

2 (a) provides public safety precautions required by the department of corrections;

3 (b) prohibits expiration of prepaid minutes or charges;

4 (c) does not charge additional usage or dormancy fees;

5 (d) does not charge excessive intrastate fees that are greater than 10 cents a minute;

6 ~~(e) does not require monthly usage fees; and~~

7 (e) does not include ancillary service fees, including prepaid phones cards, collect calls, and single
8 pay calls that total more than 3% of the base charge; and

9 (f) allows rollover of unused, prepaid minutes into the next month unless the inmate for whom the
10 account was set up is no longer able to use the telephone account, whether for disciplinary reasons or other
11 reasons specified by department rule. No refund is required for unexpired minutes subject to this subsection
12 (1)(f).

13 (2) Every contract entered into by a state prison for communications services under subsection (1)
14 must require the telecommunications service provider to notify the purchaser of a prepaid telephone account of
15 any fees or refunds that are available for unused minutes on a prepaid telephone card and mail the refund to
16 the purchaser's address of record.

17 (3) The department of corrections has rulemaking authority to implement this section and shall
18 notify the public service commission of the allowable rate that a telecommunications service provider may
19 charge for intrastate calls under contract with the department of corrections.

20 (4) For purposes of this section, the following definitions apply:

21 (a) "Prepaid telephone account" means a system, whether purchased as a calling card or set up
22 as an account with a telecommunications service provider, to provide telephonic connections in which the
23 purchaser pays for minutes prior to use. The term does not include a lifeline account, defined under 47 CFR
24 54.401, for which a telecommunications carrier receives universal service support.

25 (b) "State prison" has the meaning provided in 53-30-101(3)(c)(i) through (3)(c)(iii) and (3)(c)(v).

26 (c) "Telecommunications service provider" has the meaning provided for "operator service
27 provider" in 69-3-1102."

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