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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~~ allowed 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

1 service provider to provide telecommunications services for inmates shall ~~to the extent feasible,~~ contract with a
2 telecommunications service provider to provide communications services for inmates that:

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

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

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

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

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

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

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

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

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

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

22 (a) "Prepaid telephone account" means a system, whether purchased as a calling card or set up
23 as an account with a telecommunications service provider, to provide telephonic connections in which the
24 purchaser pays for minutes prior to use. The term does not include a lifeline account, defined under 47 CFR
25 54.401, for which a telecommunications carrier receives universal service support.

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

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

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NEW SECTION. **Section 3. Unfunded mandate laws superseded.** The provisions of [this act] expressly supersede and modify the requirements of 1-2-112 through 1-2-116.

NEW SECTION. **Section 4. Transition.** The department of corrections shall include an option for a county detention center to opt-in to a telecommunications contract at the same per-minute rate offered to the department of corrections.

NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 7, chapter 32, part 22, and the provisions of Title 7, chapter 32, part 22, apply to [section 1].

NEW SECTION. **Section 6. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 7. Effective date.** [This act] is effective April 30, 2024.

- END -