

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0697.01 Jane Ritter x4342

HOUSE BILL 23-1133

HOUSE SPONSORSHIP

Lindsay and Amabile,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE COST OF COMMUNICATIONS SERVICES FOR PERSONS**
102 **IN CUSTODY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill clarifies that the department of corrections (DOC) shall provide communications services of all types, including voice, video, and electronic messaging, to persons in DOC custody in a correctional facility or private prison in the state. In administering the communications services, the DOC is prohibited from receiving any revenue, including commissions or fees, and the communications services must be free of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

charge to the person initiating and the person receiving the call.

The department of human services, in its role overseeing juvenile detention facilities, shall provide communications services of all types in those facilities and is prohibited from receiving any revenue from the communications services, and the communications services must be free of charge to the person initiating and the person receiving the call.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 17-42-103, **amend**
3 (1), (2)(e), and (3)(a) introductory portion; and **add** (1.5) as follows:

4 **17-42-103. Policies concerning inmates' use of telephones -**
5 **excessive rates prohibited - transparency of communications services**

6 **in correctional facilities - report - definitions.** (1) ~~In administering the~~

7 ~~use of telephones by inmates in any state or private prison facility, the~~

8 ~~department shall not receive any commission from the penal~~

9 ~~communications service provider except as much as is necessary to pay~~

10 ~~for calling costs and the direct and indirect costs incurred by the~~

11 ~~department in managing the calling system. For the purposes of this~~

12 ~~subsection (1), "direct and indirect costs incurred by the department in~~

13 ~~managing the calling system" includes costs related to the provision of~~

14 ~~security and monitoring systems by either the department or the penal~~

15 ~~communications service provider~~ THE DEPARTMENT SHALL PROVIDE

16 VOICE PENAL COMMUNICATIONS SERVICES TO PERSONS IN THE

17 DEPARTMENT'S CUSTODY AND WHO ARE CONFINED IN A CORRECTIONAL

18 FACILITY OR PRIVATE CONTRACT PRISON UNDER CONTRACT WITH THE

19 DEPARTMENT. THE DEPARTMENT MAY SUPPLEMENT VOICE PENAL

20 COMMUNICATIONS SERVICES WITH OTHER PENAL COMMUNICATIONS

21 SERVICES, INCLUDING, BUT NOT LIMITED TO, VIDEO COMMUNICATION AND

22 ELECTRONIC MAIL OR MESSAGING SERVICES. IN ADMINISTERING THE USE

1 OF PENAL COMMUNICATIONS SERVICES, THE DEPARTMENT SHALL NOT
2 RECEIVE ANY REVENUE, INCLUDING COMMISSIONS OR FEES.

3 (1.5) IN ADMINISTERING THE USE OF PENAL COMMUNICATIONS
4 SERVICES PURSUANT TO SUBSECTION (1) OF THIS SECTION, ACCESS TO
5 PENAL COMMUNICATIONS SERVICES MUST NOT BE LIMITED BEYOND WHAT
6 IS NECESSARY FOR ROUTINE FACILITY OPERATIONS. ANY PENAL
7 COMMUNICATIONS SERVICE PROVIDED MUST BE FREE OF CHARGE TO THE
8 PERSON INITIATING AND THE PERSON RECEIVING THE PENAL
9 COMMUNICATIONS SERVICE.

10 (2) As used in this section, unless the context otherwise requires:

11 (e) "Penal communications services" means communications
12 services, including BUT NOT LIMITED TO telephone, VIDEO, OR ELECTRONIC
13 MAIL OR MESSAGING services provided to a correctional facility for use by
14 end users.

15 (3) (a) Each penal ~~telecommunications~~ COMMUNICATIONS service
16 provider shall maintain the records and data specified in this subsection
17 (3)(a) for each correctional facility to which it provides penal
18 communications services. A communications service provider that serves
19 as an underlying carrier is not required to maintain or produce the records
20 and data specified in this subsection (3)(a). On or before January 1, 2022,
21 each penal communications service provider shall submit such records
22 and data in a report to the public utilities commission within fourteen
23 days after the end of each quarter. Except as provided in subsection (3)(b)
24 of this section, the quarterly reports submitted pursuant to this subsection
25 (3)(a) must include:

26 **SECTION 2.** In Colorado Revised Statutes, **add** 19-2.5-1511.5
27 as follows:

1 **19-2.5-1511.5. Policies concerning use of telephones and other**
2 **communications services by juvenile detention facilities.** (1) THE
3 DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE VOICE
4 COMMUNICATIONS SERVICES TO JUVENILES IN THE DEPARTMENT'S
5 CUSTODY AND WHO ARE CONFINED IN A JUVENILE DETENTION FACILITY.
6 THE DEPARTMENT OF HUMAN SERVICES MAY SUPPLEMENT VOICE
7 COMMUNICATIONS SERVICES WITH OTHER COMMUNICATIONS SERVICES,
8 INCLUDING, BUT NOT LIMITED TO, VIDEO COMMUNICATION AND
9 ELECTRONIC MAIL OR MESSAGING SERVICES. IN ADMINISTERING THE USE
10 OF COMMUNICATIONS SERVICES, THE DEPARTMENT OF HUMAN SERVICES
11 SHALL NOT RECEIVE ANY REVENUE, INCLUDING COMMISSIONS OR FEES.

12 (2) IN ADMINISTERING THE USE OF COMMUNICATIONS SERVICES
13 PURSUANT TO SUBSECTION (1) OF THIS SECTION, ACCESS TO
14 COMMUNICATIONS SERVICES MUST NOT BE LIMITED BEYOND WHAT IS
15 NECESSARY FOR ROUTINE FACILITY OPERATIONS. ANY COMMUNICATIONS
16 SERVICE PROVIDED MUST BE FREE OF CHARGE TO THE PERSON INITIATING
17 AND THE PERSON RECEIVING THE COMMUNICATIONS SERVICE.

18 **SECTION 3. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly; except
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V
22 of the state constitution against this act or an item, section, or part of this
23 act within such period, then the act, item, section, or part will not take
24 effect unless approved by the people at the general election to be held in
25 November 2024 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.