

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0697.01 Jane Ritter x4342

HOUSE BILL 23-1133

HOUSE SPONSORSHIP

Lindsay and Amabile, Bacon, Boesenecker, Brown, deGruy Kennedy, Dickson, Epps, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Joseph, Kipp, Mabrey, Marshall, Martinez, McCormick, Michaelson Jenet, Parenti, Sharbini, Sirota, Story, Titone, Velasco, Vigil, Weissman, Willford, Woodrow

SENATE SPONSORSHIP

Gonzales and Rodriguez,

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE COST OF COMMUNICATIONS SERVICES FOR PERSONS**
102 **IN CUSTODY, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

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

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.*

SENATE
2nd Reading Unamended
May 2, 2023

HOUSE
3rd Reading Unamended
April 21, 2023

HOUSE
Amended 2nd Reading
April 20, 2023

commissions or fees, and the communications services must be free of 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. THE DEPARTMENT
7 SHALL PROVIDE PENAL COMMUNICATIONS SERVICES, EXCLUDING VIDEO
8 CALLS OR ELECTRONIC MAIL OR MESSAGING, FREE OF CHARGE TO THE
9 PERSON INITIATING AND THE PERSON RECEIVING THE PENAL
10 COMMUNICATIONS SERVICE, AND IMPLEMENT THE PROVISION OF FREE
11 PENAL COMMUNICATION SERVICES, EXCLUDING VIDEO CALLS OR
12 ELECTRONIC MAIL OR MESSAGING, ACCORDING TO THE FOLLOWING
13 TIMELINE:

14 (a) BEGINNING SEPTEMBER 1, 2023, THROUGH JUNE 30, 2024, THE
15 DEPARTMENT SHALL COVER TWENTY-FIVE PERCENT OF THE TOTAL PENAL
16 COMMUNICATIONS COSTS;

17 (b) BEGINNING JULY 1, 2024, THROUGH JUNE 30, 2025, THE
18 DEPARTMENT SHALL COVER THIRTY-FIVE PERCENT OF THE TOTAL PENAL
19 COMMUNICATIONS COSTS; AND

20 (c) BEGINNING JULY 1, 2025, AND THEREAFTER, THE DEPARTMENT
21 SHALL COVER ONE HUNDRED PERCENT OF ALL PENAL COMMUNICATION
22 COSTS.

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

24 (e) "Penal communications services" means communications
25 services, including BUT NOT LIMITED TO telephone, VIDEO, OR ELECTRONIC
26 MAIL OR MESSAGING services provided to a correctional facility for use by
27 end users.

1 (3) (a) Each penal ~~telecommunications~~ COMMUNICATIONS service
2 provider shall maintain the records and data specified in this subsection
3 (3)(a) for each correctional facility to which it provides penal
4 communications services. A communications service provider that serves
5 as an underlying carrier is not required to maintain or produce the records
6 and data specified in this subsection (3)(a). On or before January 1, 2022,
7 each penal communications service provider shall submit such records
8 and data in a report to the public utilities commission within fourteen
9 days after the end of each quarter. Except as provided in subsection (3)(b)
10 of this section, the quarterly reports submitted pursuant to this subsection
11 (3)(a) must include:

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

14 **19-2.5-1511.5. Policies concerning use of telephones and other**
15 **communications services by juvenile detention facilities.** (1) THE
16 DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE VOICE
17 COMMUNICATIONS SERVICES TO JUVENILES IN THE DEPARTMENT'S
18 CUSTODY AND WHO ARE CONFINED IN A JUVENILE DETENTION FACILITY.
19 THE DEPARTMENT OF HUMAN SERVICES MAY SUPPLEMENT VOICE
20 COMMUNICATIONS SERVICES WITH OTHER COMMUNICATIONS SERVICES,
21 INCLUDING, BUT NOT LIMITED TO, VIDEO COMMUNICATION AND
22 ELECTRONIC MAIL OR MESSAGING SERVICES. IN ADMINISTERING THE USE
23 OF COMMUNICATIONS SERVICES, THE DEPARTMENT OF HUMAN SERVICES
24 SHALL NOT RECEIVE ANY REVENUE, INCLUDING COMMISSIONS OR FEES.

25 (2) IN ADMINISTERING THE USE OF COMMUNICATIONS SERVICES
26 PURSUANT TO SUBSECTION (1) OF THIS SECTION, ACCESS TO
27 COMMUNICATIONS SERVICES MUST NOT BE LIMITED BEYOND WHAT IS

1 NECESSARY FOR ROUTINE FACILITY OPERATIONS. ANY COMMUNICATIONS
2 SERVICE PROVIDED MUST BE FREE OF CHARGE TO THE PERSON INITIATING
3 AND THE PERSON RECEIVING THE COMMUNICATIONS SERVICE.

4 **SECTION 3. Appropriation.** For the 2023-24 state fiscal year,
5 \$229,783 is appropriated to the department of corrections for use by
6 institutions. This appropriation is from the general fund. To implement
7 this act, the department may use this appropriation for inmate telephone
8 calls related to the superintendents subprogram.

9 **SECTION 4. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2024 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.