

CHAPTER 421

CORRECTIONS

HOUSE BILL 23-1133

BY REPRESENTATIVE(S) Lindsay and Amabile, Bacon, Boesenecker, Brown, deGruy Kennedy, Dickson, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Joseph, Kipp, Mabrey, Marshall, Martinez, McCormick, Michaelson Jenet, Parenti, Sharbini, Sirota, Story, Titone, Velasco, Vigil, Weissman, Willford, Woodrow, Epps;
also SENATOR(S) Gonzales and Rodriguez, Bridges, Buckner, Coleman, Cutter, Exum, Fields, Hansen, Jaquez Lewis, Marchman, Moreno, Priola, Winter F.

AN ACT

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

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

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

17-42-103. Policies concerning inmates' use of telephones - excessive rates prohibited - transparency of communications services in correctional facilities - report - definitions. (1) ~~In administering the use of telephones by inmates in any state or private prison facility, the department shall not receive any commission from the penal communications service provider except as much as is necessary to pay for calling costs and the direct and indirect costs incurred by the department in managing the calling system. For the purposes of this subsection (1), "direct and indirect costs incurred by the department in managing the calling system" includes costs related to the provision of security and monitoring systems by either the department or the penal communications service provider.~~ THE DEPARTMENT SHALL PROVIDE VOICE PENAL COMMUNICATIONS SERVICES TO PERSONS IN THE DEPARTMENT'S CUSTODY AND WHO ARE CONFINED IN A CORRECTIONAL FACILITY OR PRIVATE CONTRACT PRISON UNDER CONTRACT WITH THE DEPARTMENT. THE DEPARTMENT MAY SUPPLEMENT VOICE PENAL COMMUNICATIONS SERVICES WITH OTHER PENAL COMMUNICATIONS SERVICES, INCLUDING, BUT NOT LIMITED TO, VIDEO COMMUNICATION AND ELECTRONIC MAIL OR MESSAGING SERVICES. IN ADMINISTERING THE USE OF PENAL COMMUNICATIONS SERVICES, THE DEPARTMENT SHALL NOT RECEIVE ANY REVENUE, INCLUDING COMMISSIONS OR FEES.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(1.5) IN ADMINISTERING THE USE OF PENAL COMMUNICATIONS SERVICES PURSUANT TO SUBSECTION (1) OF THIS SECTION, ACCESS TO PENAL COMMUNICATIONS SERVICES MUST NOT BE LIMITED BEYOND WHAT IS NECESSARY FOR ROUTINE FACILITY OPERATIONS. THE DEPARTMENT SHALL PROVIDE PENAL COMMUNICATIONS SERVICES, EXCLUDING VIDEO CALLS OR ELECTRONIC MAIL OR MESSAGING, FREE OF CHARGE TO THE PERSON INITIATING AND THE PERSON RECEIVING THE PENAL COMMUNICATIONS SERVICE, AND IMPLEMENT THE PROVISION OF FREE PENAL COMMUNICATION SERVICES, EXCLUDING VIDEO CALLS OR ELECTRONIC MAIL OR MESSAGING, ACCORDING TO THE FOLLOWING TIMELINE:

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

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

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

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

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

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

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

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

(2) IN ADMINISTERING THE USE OF COMMUNICATIONS SERVICES PURSUANT TO

SUBSECTION (1) OF THIS SECTION, ACCESS TO COMMUNICATIONS SERVICES MUST NOT BE LIMITED BEYOND WHAT IS NECESSARY FOR ROUTINE FACILITY OPERATIONS. ANY COMMUNICATIONS SERVICE PROVIDED MUST BE FREE OF CHARGE TO THE PERSON INITIATING AND THE PERSON RECEIVING THE COMMUNICATIONS SERVICE.

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

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

Approved: June 7, 2023