HOUSE BILL 20-1267

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 requires telecommunication service providers (providers) who provide telecommunication services (services) to jails and other correctional facilities (jails) to maintain data and records (data) related to the services provided to jails. The bill requires providers to submit the data and a report on the services provided to the public utilities commission (commission) on a quarterly basis. The commission is
required to publish the data and report on its website in a format accessible by the public.

Current law exempts providers and the services provided from oversight by the commission. The bill grants the commission authority over providers and the services provided.

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

SECTION 1. In Colorado Revised Statutes, amend 17-42-103 as follows:

17-42-103. Policies concerning inmates' use of telephones - excessive rates prohibited - transparency of telecommunications services in correctional facilities - 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 phone 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 provision, "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 phone provider.

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

(a) "Commission" means any form of monetary payment, in-kind payment requirement, gift, exchange of services or goods, fee, or technology allowance paid to a jail from a telecommunications service provider.

(b) "Fee" means any amount of money charged to a person for the use of telecommunications services in addition to rates. A fee includes extra charges for initiating a call, opening an
ACCOUNT, HAVING AN ACCOUNT, FUNDING AN ACCOUNT, INACTIVITY, CLOSING AN ACCOUNT, GETTING A REFUND, OR RECEIVING A PAPER BILL.

(c) "Jail" means any building, structure, enclosure, institution, or place, whether permanent or temporary, fixed or mobile, where persons are or may be lawfully held in custody or confined and that is operated by a city, county, or city and county.

(d) "Quarter" means the period of time between the reporting dates of January 1, April 1, July 1, and October 1 of each year.

(e) "Rate" means any predetermined per minute cost set by the telecommunications service provider for the use of telecommunications services.

(f) "Revenue" means the money collected from users of telecommunications services.

(g) "Telecommunications services" means telephone services, electronic mailing and messaging services, video visitation services, and any other technology that is made available to incarcerated persons to facilitate communication with persons outside the jail.

(3) (a) Each telecommunications service provider shall maintain the records and data specified in this subsection (3)(a) for each jail to which it provides telecommunications services. On or before January 1, 2021, each telecommunications 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:
   (I) A COPY OF THE EXISTING CONTRACT BETWEEN THE
   TELECOMMUNICATIONS SERVICE PROVIDER AND THE JAIL;
   (II) THE TOTAL NUMBER OF CALLS MADE FROM THE JAIL;
   (III) THE TOTAL MINUTES FOR CALLS MADE FROM THE JAIL;
   (IV) THE REVENUE COLLECTED BY THE TELECOMMUNICATIONS
   SERVICE PROVIDER FOR THE PROVISION OF TELECOMMUNICATIONS
   SERVICES;
   (V) A SUMMARY OF ALL COMMISSIONS PAID TO THE JAIL OR ANY
   OTHER GOVERNMENT ENTITY BY THE TELECOMMUNICATIONS SERVICE
   PROVIDER;
   (VI) A COPY OF THE TELECOMMUNICATIONS SERVICE PROVIDER’S
   UNCLAIMED FUNDS POLICY;
   (VII) THE RATES CHARGED BY THE TELECOMMUNICATIONS
   SERVICE PROVIDER TO PERSONS IN CUSTODY MAKING TELEPHONE CALLS
   TO PERSONS OUT OF CUSTODY, INCLUDING ANY RATES CHARGED FOR:
   (A) THE FIRST MINUTE OF AN IN-STATE CALL;
   (B) MINUTES SUBSEQUENT TO THE FIRST MINUTE OF AN IN-STATE
   CALL;
   (C) THE FIRST MINUTE OF AN OUT-OF-STATE CALL; AND
   (D) MINUTES SUBSEQUENT TO THE FIRST MINUTE OF AN
   OUT-OF-STATE CALL; AND
   (VIII) ALL FEES CHARGED TO PERSONS IN CUSTODY MAKING
   TELEPHONE CALLS TO PERSONS OUT OF CUSTODY, INCLUDING FEES
   CHARGED TO:
   (A) INITIATE A CALL;
(B) Deposit money into the incarcerated person's account for telecommunications services;
(C) Open, maintain, fund, or close an account with a telecommunications service provider;
(D) Receive a refund from a telecommunications service provider;
(E) Receive a paper bill from a telecommunications service provider; and
(F) Make payments to the telecommunications service provider through a third-party company.

(b) A telecommunications service provider is not obligated to provide the Public Utilities Commission with the records and data required by subsection (3)(a) of this section if such records and data have not changed since the report submitted in the previous quarter.

(4) No later than thirty days after receipt of the information required by subsection (3) of this section, the Public Utilities Commission shall publish such information on its website in a format that is accessible by the public.

SECTION 2. In Colorado Revised Statutes, 40-1-103, amend (1)(b) introductory portion; and repeal (1)(b)(VI) as follows:

40-1-103. Public utility defined. (1) (b) Nothing in articles 1 to 7 of this title shall be construed to apply to:

(VI) Providers of telephone or telecommunications service from inmates at penal institutions;

SECTION 3. In Colorado Revised Statutes, 40-15-102, amend (19.5) and (20.6) as follows:
40-15-102. Definitions. As used in this article 15, unless the context otherwise requires:

(19.5) "Nonoptional operator services" means operator services requiring an operator for individualized call processing or specialized or alternative billing, including, without limitation, credit card calls, calls billed to a third number, collect calls, and person-to-person calls, OR
OPERATOR SERVICES TO PROVIDE TELEPHONE SERVICES TO INMATES AT PENAL INSTITUTIONS AND JAILS, AS DEFINED IN 17-42-103 (2)(c).

(20.6) "Optional operator services" means operator services not defined in subsection (19.5) or (20.3) of this section, including, without limitation, operator services provided in connection with conference calling, foreign language translation, operator services to provide telephone service to inmates at penal institutions, and voice messaging.

SECTION 4. In Colorado Revised Statutes, 40-15-107, repeal (3) as follows:


(3) The commission shall have no authority to regulate telephone or telecommunications service from inmates at penal institutions.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.