

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0172.01 Jane Ritter x4342

**HOUSE BILL 20-1267**

---

**HOUSE SPONSORSHIP**

**Tipper,**

**SENATE SPONSORSHIP**

**Gonzales,**

---

**House Committees**

Judiciary  
Appropriations

**Senate Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING TRANSPARENCY OF PENAL TELECOMMUNICATIONS**  
102                    **SERVICE PROVIDERS IN JAILS, AND, IN CONNECTION THEREWITH,**  
103                    **MAKING AN 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 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

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

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.

---

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

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

4 **17-42-103. Policies concerning inmates' use of telephones -**  
5 **excessive rates prohibited - transparency of telecommunications**  
6 **services in correctional facilities - 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 phone provider  
9 except as much as is necessary to pay for calling costs and the direct and  
10 indirect costs incurred by the department in managing the calling system.  
11 For the purposes of this ~~provision~~ SUBSECTION (1), "direct and indirect  
12 costs incurred by the department in managing the calling system" includes  
13 costs related to the provision of security and monitoring systems by either  
14 the department or the phone provider.

15 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
16 REQUIRES:

17 (a) "COMMISSION" MEANS ANY FORM OF MONETARY PAYMENT,  
18 IN-KIND ~~PAYMENT~~, GIFT, EXCHANGE OF SERVICES OR GOODS, FEE, OR  
19 TECHNOLOGY ALLOWANCE PAID TO A JAIL OR OTHER GOVERNMENT ENTITY  
20 BY A PENAL TELECOMMUNICATIONS SERVICE PROVIDER.

21 (b) "FEE" MEANS ANY AMOUNT OF MONEY CHARGED TO A PERSON  
22 FOR THE USE OF ~~PENAL TELECOMMUNICATIONS~~ SERVICES IN ADDITION TO

1 RATES. A FEE INCLUDES EXTRA CHARGES FOR INITIATING A CALL, OPENING  
2 AN ACCOUNT, HAVING AN ACCOUNT, FUNDING AN ACCOUNT, INACTIVITY,  
3 CLOSING AN ACCOUNT, GETTING A REFUND, OR RECEIVING A PAPER BILL.

4 (c) "JAIL" MEANS ANY BUILDING, STRUCTURE, ENCLOSURE,  
5 INSTITUTION, OR PLACE, WHETHER PERMANENT OR TEMPORARY, FIXED OR  
6 MOBILE, WHERE PERSONS ARE OR MAY BE LAWFULLY HELD IN CUSTODY OR  
7 CONFINED AND THAT IS OPERATED BY A CITY, COUNTY, OR CITY AND  
8 COUNTY.

9 (d) "PENAL TELECOMMUNICATIONS SERVICE PROVIDER" MEANS A  
10 TELECOMMUNICATIONS SERVICE PROVIDER THAT CONTRACTS WITH A  
11 GOVERNMENT ENTITY TO PROVIDE TELECOMMUNICATIONS SERVICES TO A  
12 JAIL, INCLUDING TELEPHONE SERVICES, ELECTRONIC MAILING AND  
13 MESSAGING SERVICES, VIDEO VISITATION SERVICES, AND ANY OTHER  
14 TECHNOLOGY THAT IS MADE AVAILABLE TO PERSONS IN CUSTODY TO  
15 FACILITATE COMMUNICATION WITH PERSONS OUTSIDE OF CUSTODY.

16 (e) "QUARTER" MEANS THE PERIOD OF TIME BETWEEN THE  
17 REPORTING DATES OF JANUARY 1, APRIL 1, JULY 1, AND OCTOBER 1 OF  
18 EACH YEAR.

19 (f) "RATE" MEANS ANY PREDETERMINED PER MINUTE COST SET BY  
20 THE PENAL TELECOMMUNICATIONS SERVICE PROVIDER FOR THE USE OF  
21 PENAL TELECOMMUNICATIONS SERVICES.

22 (g) "REVENUE" MEANS THE MONEY COLLECTED FROM USERS OF  
23 TELECOMMUNICATIONS SERVICES.

24 (h) "UNDERLYING CARRIER" MEANS A TELECOMMUNICATIONS  
25 SERVICE PROVIDER THAT CONTRACTS WITH A PENAL  
26 TELECOMMUNICATIONS SERVICE PROVIDER THAT HAS ENTERED INTO A  
27 CONTRACT TO PROVIDE TELECOMMUNICATIONS SERVICES TO A JAIL.

1           (3) (a) EACH PENAL TELECOMMUNICATIONS SERVICE PROVIDER  
2 SHALL MAINTAIN THE RECORDS AND DATA SPECIFIED IN THIS SUBSECTION  
3 (3)(a) FOR EACH JAIL TO WHICH IT PROVIDES PENAL TELECOMMUNICATION  
4 SERVICES. A TELECOMMUNICATIONS SERVICE PROVIDER THAT SERVES AS  
5 AN UNDERLYING CARRIER IS NOT REQUIRED TO MAINTAIN OR PRODUCE THE  
6 RECORDS AND DATA SPECIFIED IN THIS SUBSECTION (3)(a). ON OR BEFORE  
7 JANUARY 1, 2021, EACH PENAL TELECOMMUNICATIONS SERVICE PROVIDER  
8 SHALL SUBMIT SUCH RECORDS AND DATA IN A REPORT TO THE PUBLIC  
9 UTILITIES COMMISSION WITHIN FOURTEEN DAYS AFTER THE END OF EACH  
10 QUARTER. EXCEPT AS PROVIDED IN SUBSECTION (3)(b) OF THIS SECTION,  
11 THE QUARTERLY REPORTS SUBMITTED PURSUANT TO THIS SUBSECTION  
12 (3)(a) MUST INCLUDE:

13           (I) A COPY OF THE EXISTING CONTRACT BETWEEN THE PENAL  
14 TELECOMMUNICATIONS SERVICE PROVIDER AND THE GOVERNMENT ENTITY  
15 TO PROVIDE PENAL TELECOMMUNICATIONS SERVICES TO PERSONS IN  
16 CUSTODY IN A JAIL;

17           (II) THE TOTAL NUMBER OF CALLS MADE FROM THE JAIL USING THE  
18 SERVICE;

19           (III) THE TOTAL MINUTES FOR CALLS MADE FROM THE JAIL USING  
20 THE SERVICE;

21           (IV) THE REVENUE COLLECTED BY THE PENAL  
22 TELECOMMUNICATIONS SERVICE PROVIDER FOR THE PROVISION OF THE  
23 SERVICES;

24           (V) A SUMMARY OF ALL COMMISSIONS PAID TO THE JAIL OR ANY  
25 OTHER GOVERNMENT ENTITY BY THE PENAL TELECOMMUNICATIONS  
26 SERVICE PROVIDER;

27           (VI) A COPY OF THE PENAL TELECOMMUNICATIONS SERVICE

1 PROVIDER'S UNCLAIMED FUNDS POLICY;

2 (VII) THE RATES CHARGED BY THE PENAL TELECOMMUNICATIONS  
3 SERVICE PROVIDER TO PERSONS IN CUSTODY MAKING TELEPHONE CALLS  
4 TO PERSONS OUT OF CUSTODY, INCLUDING ANY RATES CHARGED FOR:

5 (A) THE FIRST MINUTE OF AN IN-STATE CALL;

6 (B) MINUTES SUBSEQUENT TO THE FIRST MINUTE OF AN IN-STATE  
7 CALL;

8 (C) THE FIRST MINUTE OF AN OUT-OF-STATE CALL; AND

9 (D) MINUTES SUBSEQUENT TO THE FIRST MINUTE OF AN  
10 OUT-OF-STATE CALL; AND

11 (VIII) ALL FEES CHARGED TO PERSONS IN CUSTODY MAKING  
12 TELEPHONE CALLS TO PERSONS OUT OF CUSTODY, INCLUDING FEES  
13 CHARGED TO:

14 (A) INITIATE A CALL;

15 (B) DEPOSIT MONEY INTO THE INCARCERATED PERSON'S ACCOUNT  
16 FOR TELECOMMUNICATION SERVICES;

17 (C) OPEN, MAINTAIN, FUND, OR CLOSE AN ACCOUNT WITH A PENAL  
18 TELECOMMUNICATIONS SERVICE PROVIDER;

19 (D) RECEIVE A REFUND FROM A PENAL TELECOMMUNICATIONS  
20 SERVICE PROVIDER;

21 (E) RECEIVE A PAPER BILL FROM A PENAL TELECOMMUNICATIONS  
22 SERVICE PROVIDER; AND

23 (F) MAKE PAYMENTS TO THE PENAL TELECOMMUNICATIONS  
24 SERVICE PROVIDER THROUGH A THIRD-PARTY COMPANY.

25 (b) A PENAL TELECOMMUNICATIONS SERVICE PROVIDER IS NOT  
26 OBLIGATED TO PROVIDE THE PUBLIC UTILITIES COMMISSION WITH THE  
27 RECORDS AND DATA REQUIRED BY SUBSECTION (3)(a) OF THIS SECTION IF

1 SUCH RECORDS AND DATA HAVE NOT CHANGED SINCE THE REPORT  
2 SUBMITTED IN THE PREVIOUS QUARTER.

3 (4) NO LATER THAN THIRTY DAYS AFTER RECEIPT OF THE  
4 INFORMATION REQUIRED BY SUBSECTION (3) OF THIS SECTION, THE PUBLIC  
5 UTILITIES COMMISSION SHALL PUBLISH SUCH INFORMATION ON ITS WEBSITE  
6 IN A FORMAT THAT IS ACCESSIBLE BY THE PUBLIC.

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

9 **40-1-103. Public utility defined.** (1) (b) Nothing in articles 1 to  
10 7 of this ~~title shall be construed to~~ TITLE 40 apply to:

11 (VI) ~~Providers of telephone or telecommunications service from~~  
12 ~~inmates at penal institutions.~~

13 **SECTION 3.** In Colorado Revised Statutes, 40-15-102, **amend**  
14 (19.5) and (20.6) as follows:

15 **40-15-102. Definitions.** As used in this article 15, unless the  
16 context otherwise requires:

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

23 (20.6) "Optional operator services" means operator services not  
24 defined in subsection (19.5) or (20.3) of this section, including, without  
25 limitation, operator services provided in connection with conference  
26 calling, foreign language translation, ~~operator services to provide~~  
27 ~~telephone service to inmates at penal institutions,~~ and voice messaging.

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

3           **40-15-107. Powers of commission - inspection of books and**  
4 **documents - confidentiality of information obtained through audit.**

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

7           **SECTION 5. Appropriation.** For the 2020-21 state fiscal year,  
8 \$13,347 is appropriated to the department of regulatory agencies for use  
9 by the public utilities commission. This appropriation is from the  
10 telecommunications utility fund created in section 40-2-114 (1)(b)(I),  
11 C.R.S., and is based on an assumption that the commission will require  
12 an additional 0.2 FTE. To implement this act, the commission may use  
13 this appropriation for personal services.

14           **SECTION 6. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, or safety.