

**INMATE PHONE PROVIDER AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Cheryl K. Acton**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE****General Description:**

This bill creates requirements related to inmate phone services.

**Highlighted Provisions:**

This bill:

- defines terms;
  - requires the Public Service Commission to approve each contract between a telephone service provider and a correctional facility to provide telephone access to inmates;
  - provides guidance to the commission in determining whether to approve a contract;
- and
- sets limits on the rate an inmate may be charged for telephone use.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**54-8b-19**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **54-8b-19** is enacted to read:

**54-8b-19. Correctional facility telephone service contracts -- Approval by commission -- Required rates.**

(1) As used in this section:

(a) "Correctional facility" means the same as that term is defined in Subsection [77-16b-102\(2\)](#).

(b) "Correctional facility telephone service" means a public telecommunications service provided to a correctional facility for inmate use.

(c) "Inmate" means an individual who is committed to the custody of or housed in a correctional facility.

(d) "Inmate telephone rate" means any amount a correctional facility or a service provider charges an inmate for use of a correctional facility telephone service, including each per minute rate or surcharge for:

(i) a collect call, a prepaid phone card, or any other method by which a correctional facility allows an inmate to access a correctional facility telephone service; or

(ii) a local or a long distance phone call.

(e) "Service provider" means a public entity or private entity that provides a correctional facility telephone service.

(2) (a) A correctional facility or other state entity may not enter into a contract for a correctional facility telephone service, unless the contract is approved by the commission.

(b) To obtain approval of a contract described in Subsection (2)(a), the parties shall submit an application to the commission that includes:

(i) the proposed contract; and

(ii) any other information the commission requires.

(3) (a) The commission shall approve a contract described in Subsection (2) if:

(i) each inmate telephone rate provided in the contract does not exceed the lesser of:

(A) the corresponding inmate telephone service monetary cap per use rate established and published by the Federal Communications Commission; or

(B) the corresponding inmate telephone system rate established and published by the Utah Department of Corrections;

(ii) the provisions of the contract are consistent with correctional facility telephone

59 service contracts throughout the state; and  
60 (iii) the contract provides for adequate services that meet the needs of the correctional  
61 facility.  
62 (b) Upon receipt of an application, the commission shall:  
63 (i) review the application for completeness;  
64 (ii) make a determination regarding the application in accordance with this Subsection  
65 (3); and  
66 (iii) inform the parties of the commission's determination.  
67 (4) The commission shall establish by rule made in accordance with Title 63G, Chapter  
68 3, Utah Administrative Rulemaking Act, an application and review process for approving  
69 contracts under this section.