

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0172.01 Jane Ritter x4342

HOUSE BILL 20-1267

HOUSE SPONSORSHIP

Tipper,

SENATE SPONSORSHIP

Gonzales,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING TRANSPARENCY OF TELECOMMUNICATIONS SERVICE
102 PROVIDERS IN CORRECTIONAL FACILITIES.

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

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.

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 REQUIREMENT, GIFT, EXCHANGE OF SERVICES OR
19 GOODS, FEE, OR TECHNOLOGY ALLOWANCE PAID TO A JAIL FROM A
20 TELECOMMUNICATIONS SERVICE PROVIDER.

21 (b) "FEE" MEANS ANY AMOUNT OF MONEY CHARGED TO A PERSON
22 FOR THE USE OF TELECOMMUNICATIONS SERVICES IN ADDITION TO RATES.
23 A FEE INCLUDES EXTRA CHARGES FOR INITIATING A CALL, OPENING AN

1 ACCOUNT, HAVING AN ACCOUNT, FUNDING AN ACCOUNT, INACTIVITY,
2 CLOSING AN ACCOUNT, GETTING A REFUND, OR RECEIVING A PAPER BILL.

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

8 (d) "QUARTER" MEANS THE PERIOD OF TIME BETWEEN THE
9 REPORTING DATES OF JANUARY 1, APRIL 1, JULY 1, AND OCTOBER 1 OF
10 EACH YEAR.

11 (e) "RATE" MEANS ANY PREDETERMINED PER MINUTE COST SET BY
12 THE TELECOMMUNICATIONS SERVICE PROVIDER FOR THE USE OF
13 TELECOMMUNICATIONS SERVICES.

14 (f) "REVENUE" MEANS THE MONEY COLLECTED FROM USERS OF
15 TELECOMMUNICATIONS SERVICES.

16 (g) "TELECOMMUNICATIONS SERVICES" MEANS TELEPHONE
17 SERVICES, ELECTRONIC MAILING AND MESSAGING SERVICES, VIDEO
18 VISITATION SERVICES, AND ANY OTHER TECHNOLOGY THAT IS MADE
19 AVAILABLE TO INCARCERATED PERSONS TO FACILITATE COMMUNICATION
20 WITH PERSONS OUTSIDE THE JAIL.

21 (3) (a) EACH TELECOMMUNICATIONS SERVICE PROVIDER SHALL
22 MAINTAIN THE RECORDS AND DATA SPECIFIED IN THIS SUBSECTION (3)(a)
23 FOR EACH JAIL TO WHICH IT PROVIDES TELECOMMUNICATION SERVICES. ON
24 OR BEFORE JANUARY 1, 2021, EACH TELECOMMUNICATIONS SERVICE
25 PROVIDER SHALL SUBMIT SUCH RECORDS AND DATA IN A REPORT TO THE
26 PUBLIC UTILITIES COMMISSION WITHIN FOURTEEN DAYS AFTER THE END OF
27 EACH QUARTER. EXCEPT AS PROVIDED IN SUBSECTION (3)(b) OF THIS

1 SECTION, THE QUARTERLY REPORTS SUBMITTED PURSUANT TO THIS
2 SUBSECTION (3)(a) MUST INCLUDE:

3 (I) A COPY OF THE EXISTING CONTRACT BETWEEN THE
4 TELECOMMUNICATIONS SERVICE PROVIDER AND THE JAIL;

5 (II) THE TOTAL NUMBER OF CALLS MADE FROM THE JAIL;

6 (III) THE TOTAL MINUTES FOR CALLS MADE FROM THE JAIL;

7 (IV) THE REVENUE COLLECTED BY THE TELECOMMUNICATIONS
8 SERVICE PROVIDER FOR THE PROVISION OF TELECOMMUNICATIONS
9 SERVICES;

10 (V) A SUMMARY OF ALL COMMISSIONS PAID TO THE JAIL OR ANY
11 OTHER GOVERNMENT ENTITY BY THE TELECOMMUNICATIONS SERVICE
12 PROVIDER;

13 (VI) A COPY OF THE TELECOMMUNICATIONS SERVICE PROVIDER'S
14 UNCLAIMED FUNDS POLICY;

15 (VII) THE RATES CHARGED BY THE TELECOMMUNICATIONS
16 SERVICE PROVIDER TO PERSONS IN CUSTODY MAKING TELEPHONE CALLS
17 TO PERSONS OUT OF CUSTODY, INCLUDING ANY RATES CHARGED FOR:

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

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

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

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

24 (VIII) ALL FEES CHARGED TO PERSONS IN CUSTODY MAKING
25 TELEPHONE CALLS TO PERSONS OUT OF CUSTODY, INCLUDING FEES
26 CHARGED TO:

27 (A) INITIATE A CALL;

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

3 (C) OPEN, MAINTAIN, FUND, OR CLOSE AN ACCOUNT WITH A
4 TELECOMMUNICATIONS SERVICE PROVIDER;

5 (D) RECEIVE A REFUND FROM A TELECOMMUNICATIONS SERVICE
6 PROVIDER;

7 (E) RECEIVE A PAPER BILL FROM A TELECOMMUNICATIONS SERVICE
8 PROVIDER; AND

9 (F) MAKE PAYMENTS TO THE TELECOMMUNICATIONS SERVICE
10 PROVIDER THROUGH A THIRD-PARTY COMPANY.

11 (b) A TELECOMMUNICATIONS SERVICE PROVIDER IS NOT
12 OBLIGATED TO PROVIDE THE PUBLIC UTILITIES COMMISSION WITH THE
13 RECORDS AND DATA REQUIRED BY SUBSECTION (3)(a) OF THIS SECTION IF
14 SUCH RECORDS AND DATA HAVE NOT CHANGED SINCE THE REPORT
15 SUBMITTED IN THE PREVIOUS QUARTER.

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

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

22 **40-1-103. Public utility defined.** (1) (b) Nothing in articles 1 to
23 7 of this ~~title shall be construed to~~ TITLE 40 apply to:

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

26 **SECTION 3.** In Colorado Revised Statutes, 40-15-102, **amend**
27 (19.5) and (20.6) as follows:

1 **40-15-102. Definitions.** As used in this article 15, unless the
2 context otherwise requires:

3 (19.5) "Nonoptional operator services" means operator services
4 requiring an operator for individualized call processing or specialized or
5 alternative billing, including, without limitation, credit card calls, calls
6 billed to a third number, collect calls, and person-to-person calls, OR
7 OPERATOR SERVICES TO PROVIDE TELEPHONE SERVICES TO INMATES AT
8 PENAL INSTITUTIONS AND JAILS, AS DEFINED IN 17-42-103 (2)(c).

9 (20.6) "Optional operator services" means operator services not
10 defined in subsection (19.5) or (20.3) of this section, including, without
11 limitation, operator services provided in connection with conference
12 calling, foreign language translation, ~~operator services to provide~~
13 ~~telephone service to inmates at penal institutions~~, and voice messaging.

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

16 **40-15-107. Powers of commission - inspection of books and**
17 **documents - confidentiality of information obtained through audit.**

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

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