

JAN 25 2023

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# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the State should  
2 protect incarcerated persons and their loved ones from predatory  
3 commercial practices. Private corporations providing goods and  
4 services to state correctional facilities should not be allowed  
5 to charge exorbitant rates. Currently, the provision of jail  
6 and prison communication services is a lucrative industry  
7 dominated by a few corporations. The industry is constantly  
8 diversifying the array of communication services it provides, at  
9 great cost, to jails and prisons, including phone calls, video  
10 conferencing, electronic messages, and other communication  
11 services. Correctional facilities may also benefit financially  
12 from communication services contracts by receiving commissions,  
13 bonuses, and other financial incentives.

14           The legislature further finds that the high cost of jail  
15 and prison communication services is a significant economic  
16 drain for incarcerated persons and their families. The Ella  
17 Baker Center for Human Rights found that one in three families



1 with an incarcerated loved one goes into debt to pay for  
2 communication services and visits. In Hawaii, these costs  
3 disproportionately impact Native Hawaiians, Pacific Islanders,  
4 and other people of color. According to the Ella Baker Center's  
5 research, eighty-seven per cent of those who go into debt for  
6 jail and prison communication services are women of color.

7 The legislature recognizes the importance of communication  
8 services for persons who are incarcerated. Maintaining family  
9 and community connections is key to successful reentry. Many  
10 incarcerated persons will reside with their families after  
11 release, and research has shown that incarcerated individuals  
12 who maintain ties with their support networks have higher  
13 success rates and lower recidivism rates. Regular communication  
14 between incarcerated persons and their families therefore  
15 benefits public safety.

16 The legislature also recognizes that many states support  
17 the provision of free communication services to jails and  
18 prisons. In 2018, New York City began offering these services  
19 at no charge in its city jails. In 2021, Connecticut became the  
20 first state to offer free communication services in its state  
21 prison system. There are now active campaigns to implement



1 these policies statewide in Massachusetts, Michigan, New York,  
2 Virginia, and eight other states.

3 Accordingly, the purpose of this Act is to require and  
4 appropriate moneys for the provision of free voice communication  
5 services in the State's youth and adult correctional facilities.

6 SECTION 2. Chapter 352, Hawaii Revised Statutes, is  
7 amended by adding a new section to be appropriately designated  
8 and to read as follows:

9 "§352- Free voice communication services. (a) Each  
10 Hawaii youth correctional facility shall provide persons in its  
11 custody with accessible and functional voice communication  
12 services that are free of charge to the person initiating and  
13 person receiving the communication. The department of public  
14 safety, or its successor agency, shall have operational  
15 discretion so that the use of voice communication services does  
16 not interfere with the facility's necessary operations.

17 (b) No state agency shall derive any form of revenue or  
18 financial benefit from the provision of voice communication  
19 services or any other communication services to a person  
20 confined in a Hawaii youth correctional facility."



1 SECTION 3. Chapter 353, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4 "§353- Free voice communication services. (a) Each  
5 correctional facility operated by the department of public  
6 safety, or its successor agency, shall provide persons in its  
7 custody with accessible and functional voice communication  
8 services that are free of charge to the person initiating and  
9 person receiving the communication. The department of public  
10 safety, or its successor agency, shall have operational  
11 discretion so that the use of voice communication services does  
12 not interfere with the facility's necessary operations.

13 (b) No state agency shall derive any form of revenue or  
14 financial benefit from the provision of voice communication  
15 services or any other communication services to a person  
16 confined in a state correctional or detention facility."

17 SECTION 4. (a) The public utilities commission shall  
18 establish service quality standards and rules, pursuant to  
19 Chapter 91, Hawaii Revised Statutes, for free voice  
20 communication services provided to youth and adult correctional



1 facilities pursuant to sections 352- and 353- , Hawaii  
2 Revised Statutes.

3 (b) The commission shall submit a report of its findings  
4 and recommendations, including any proposed legislation, to the  
5 legislature no later than twenty days prior to the convening of  
6 the regular session of 2024.

7 SECTION 5. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$ or so  
9 much thereof as may be necessary for fiscal year 2023-2024 and  
10 the same sum or so much thereof as may be necessary for fiscal  
11 year 2024-2025 for providing free voice communication services  
12 to incarcerated persons in the State.

13 The sums appropriated shall be expended by the department  
14 of public safety, or its successor agency, for the purposes of  
15 this Act.

16 SECTION 6. New statutory material is underscored.

17 SECTION 7. This Act shall take effect on July 1, 2023.

18 INTRODUCED BY: Karl Albro



# S.B. NO. 1219

**Report Title:**

PUC; Communication Services; Correctional Facilities; Hawaii  
Youth Correctional Facilities

**Description:**

Requires and appropriates moneys for the provision of free voice communication services in the State's youth and adult correctional facilities. Prohibits state agencies from deriving revenue or financial benefits from the provision of communication services to persons confined in state correctional facilities. Requires the Public Utilities Commission to establish service quality standards and rules for the free voice communication services and to report to the Legislature prior to the regular session of 2024.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

