

JAN 20 2023

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# A BILL FOR AN ACT

RELATING TO TELEPHONE SERVICES FOR COMMITTED PERSONS.

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

1           SECTION 1. The legislature finds that the department of  
2 public safety contracts with a private telecommunication service  
3 provider to provide telephone services to committed persons.  
4 The private service provider's arrangement with the department  
5 includes commission payments to the department based on revenues  
6 generated by telephone usage by committed persons. During a  
7 five-year period starting in February 2010, the department  
8 received almost \$500,000 in commission payments.

9           The legislature further finds that communication between  
10 committed persons and their families is an important factor in  
11 reducing recidivism. At present, the cost of a fifteen-minute  
12 call from a committed person can be as much as \$13.30. This  
13 cost is borne by the families of committed persons, who often  
14 live in conditions of financial hardship. Over time, the high  
15 cost of phone calls can make contact between committed persons  
16 and their families unaffordable.



1           The legislature also finds that if the commission payments  
2 were eliminated, the cost of phone calls between committed  
3 persons and their families could be reduced. Recent rulemaking  
4 by the Federal Communications Commission discourages commission  
5 payments from service providers to state agencies that operate  
6 correctional facilities and caps the rate for local and in-state  
7 calls from state and federal prisons to eleven cents per minute.

8           The purpose of this Act is to:

- 9           (1) Restrict the department of public safety from  
10           receiving commission payments from telephone calls  
11           made by committed persons; and
- 12           (2) Prohibit the department of public safety from entering  
13           into or renewing any contract with any privately owned  
14           prison telephone communications provider.

15           SECTION 2. Chapter 353, Hawaii Revised Statutes, is  
16 amended by adding a new section to be appropriately designated  
17 and to read as follows:

18           "§353-    Committed person telephone calls; site  
19 commissions restricted. (a) Notwithstanding any other law to  
20 the contrary, the department shall not receive site commissions.



1        (b) The department shall develop internal policies and  
2 procedures consistent with this section.

3        (c) For the purposes of this section:

4        "Calling services" means a service that allows committed  
5 persons to make calls to individuals outside the correctional  
6 facility where the committed person is being held, regardless of  
7 the technology used to deliver the service.

8        "Site commission" means any form of monetary payment,  
9 in-kind payment, gift, exchange of services or goods, fee,  
10 technology allowance, or product that a provider of calling  
11 services or affiliate of a provider of calling services may pay,  
12 give, donate, or otherwise provide to:

13        (1) An entity that operates a correctional facility;

14        (2) An entity with which the provider of calling services  
15 enters into an agreement to provide calling services;

16        (3) A governmental agency that oversees a correctional  
17 facility;

18        (4) The State or county in which a correctional facility  
19 is located; or

20        (5) An agent of any correctional facility."



1 SECTION 3. The department of public safety shall not enter  
2 into or renew any contract with any privately owned prison  
3 telephone communication provider.

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: 



# S.B. NO. 369

**Report Title:**

Inmate Phone Calls; Department of Public Safety; Correctional Facilities; Privately Owned Telephone Communications Providers; Contract

**Description:**

Prohibits the Department of Public Safety from receiving any commission payment from telephone service providers based on inmate phone calls. Prohibits the Department of Public Safety from entering into or renewing any contract with any privately owned prison telephone communications provider.

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

