

JAN 17 2025

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# A BILL FOR AN ACT

RELATING TO YOUTH AND ADULT CORRECTIONAL FACILITIES.

**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. Correctional facilities also  
8 benefit financially from communication services contracts by  
9 receiving commissions, bonuses, and other financial incentives.

10           The legislature further finds that the high cost of jail  
11 and prison communication services is a significant economic  
12 drain for incarcerated persons and their families. The Ella  
13 Baker Center for Human Rights found that one in three families  
14 with an incarcerated loved one goes into debt to pay for  
15 communication services and visits. In Hawai'i, these costs  
16 disproportionately impact Native Hawaiians, Pacific Islanders,  
17 and other people of color. According to the Ella Baker Center's



1 research, eighty-seven per cent of those who go into debt for  
2 jail and prison communication services are women of color.

3       The legislature recognizes the importance of communication  
4 services for persons who are incarcerated. Maintaining family  
5 and community connections is key for successful reentry into  
6 society. Many incarcerated persons will reside with their  
7 families after release, and research has shown that incarcerated  
8 individuals who maintain ties with their support networks have  
9 higher success rates and lower recidivism rates. Therefore,  
10 regular communication between incarcerated persons and their  
11 families benefits public safety.

12       The legislature also recognizes that many states support  
13 the provision of free communication services to jails and  
14 prisons. In 2018, New York City began offering these services  
15 at no charge in its city jails. In 2021, Connecticut became the  
16 first state to offer free communication services in its state  
17 prison system. In 2022, California passed a law that makes  
18 phone calls free of charge for the ninety-three thousand people  
19 incarcerated in the state's prison system. In addition,  
20 Colorado, Massachusetts, and Minnesota have since also passed



1 laws to eliminate communication service fees in their prisons  
2 and, in some cases, jails.

3 Finally, the legislature acknowledges the recent work of  
4 the Federal Communications Commission (FCC) in passing new  
5 regulations that substantially reduce the rates for phone and  
6 video calls from prisons and jails and ban ancillary fees,  
7 including deposit fees. Importantly, the new regulations also  
8 prohibit state and local agencies from collecting commissions on  
9 prison and jail phone and video calls and from passing through  
10 the cost of a majority of surveillance features on such  
11 communication services. As such, the legislature recognizes  
12 that alternative funding for the Statewide Automated Victim  
13 Information and Notification system will be needed, which is  
14 currently funded through such commissions. Hawai'i will need to  
15 follow the FCC's compliance schedule for the new regulations and  
16 be in full compliance by January 1, 2026.

17 The legislature notes that the office of youth services  
18 currently does not charge or impose any costs or fees related to  
19 voice communication services for youth committed to its  
20 facilities. This Act will codify the office of youth services'  
21 practices.



1           Accordingly, the purpose of this Act is to require the  
2 State's youth and adult correctional facilities to provide free  
3 and accessible voice communication services for persons  
4 committed to or incarcerated in those facilities.

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

8           "§352-    Free voice communication services. (a) Each  
9 Hawaii youth correctional facility operated or contracted by the  
10 office of youth services shall provide any person under the  
11 guardianship or custody of the director with accessible and  
12 functional voice communication services that are free of charge  
13 to the person initiating and the person receiving the  
14 communication. Each facility may supplement voice communication  
15 services with other communication services, including but not  
16 limited to video communication and electronic mail or messaging  
17 services. Any communication provided shall not be limited to  
18 program participation and routine facility procedures. Each  
19 facility shall maintain the same or greater access to voice and  
20 other communication services as it allowed on January 15, 2025.



1        (b) No state agency shall derive any form of revenue or  
2 financial benefit from the provision of voice communication  
3 services or any other communication services to a person  
4 committed to a Hawaii youth correctional facility.

5        (c) Each Hawaii youth correctional facility operated or  
6 contracted by the office of youth services shall maintain in-  
7 person visits for persons under the guardianship or custody of  
8 the director. Communications services shall not be used to  
9 replace any in-person visit program."

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

13        "§353-    **Free voice communication services.** (a) Each  
14 correctional facility operated or contracted by the department  
15 shall provide any person in its custody, including those held  
16 under an intergovernmental contract and confined in the  
17 facilities, including privately contracted facilities, with  
18 accessible and functional voice communication services that are  
19 free of charge to the person initiating and the person receiving  
20 the communication. Each facility may supplement voice  
21 communication services with other communication services,



1 including but not limited to video communication and electronic  
2 mail or messaging services. Any communication provided shall  
3 not be limited to program participation and routine facility  
4 procedures. Each facility shall maintain the same or greater  
5 access to voice and other communication services as it allowed  
6 on January 15, 2025.

7 (b) No state agency shall derive any form of revenue or  
8 financial benefit from the provision of voice communication  
9 services or any other communication services to a person under  
10 the custody of the department.

11 (c) Each correctional facility operated or contracted by  
12 the department shall maintain in-person visits for persons in  
13 the department's custody, including those held under an  
14 intergovernmental contract, and confined in the facility,  
15 including any privately contracted facilities. Communications  
16 services shall not be used to replace any in-person visit  
17 program."

18 SECTION 4. (a) The public utilities commission shall  
19 establish service quality standards and rules, pursuant to  
20 Chapter 91, Hawaii Revised Statutes, for free voice  
21 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 forty days prior to the convening of  
6 the regular session of 2026.

7 SECTION 5. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$1,000,000 or so much  
9 thereof as may be necessary for fiscal year 2025-2026 and the  
10 same sum or so much thereof as may be necessary for fiscal year  
11 2026-2027 for providing free voice communication services to  
12 incarcerated persons in the State.

13 The sums appropriated shall be expended by the department  
14 of corrections and rehabilitation for the purposes of this Act.

15 SECTION 6. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$ or so  
17 much thereof as may be necessary for fiscal year 2025-2026 and  
18 the same sum or so much thereof as may be necessary for fiscal  
19 year 2026-2027 for the Hawaii statewide automated victim  
20 information and notification system.



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1           The sums appropriated shall be expended by the department  
2 of corrections and rehabilitation for the purposes of this Act.

3           SECTION 7. New statutory material is underscored.

4           SECTION 8. This Act shall take effect on July 1, 2025.

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INTRODUCED BY:

*Karl Rhoad*



# S.B. NO. 782

**Report Title:**

PUC; Department of Corrections and Rehabilitation; Communication Services; Correctional Facilities; Hawaii Youth Correctional Facilities; Report; Appropriations

**Description:**

Requires the State's youth and adult correctional facilities to provide free and accessible voice communication services for incarcerated persons in state correctional facilities.

Prohibits any state agency from deriving revenue or financial benefit 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. Requires a report to the Legislature. Appropriates funds.

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

