

Appendix 1

SB 498-2
(LC 2914)
3/21/19 (JLM/ps)

Requested by SENATE COMMITTEE ON JUDICIARY

PROPOSED AMENDMENTS TO SENATE BILL 498

1 In line 2 of the printed bill, after "inmates" insert "; and declaring an
2 emergency".

3 Delete lines 4 through 18 and insert:

4 **"SECTION 1. Section 2 of this 2019 Act is added to and made a part
5 of ORS chapter 421.**

* 6 **"SECTION 2. (1) The Department of Corrections may enter into a
7 contract with an inmate telephone services provider in which the
8 provider provides inmate telephone services or other inmate commu-
+ 9 nications systems at the provider's cost and reimburses the depart-
x 10 ment: CKickbacks still in place for DOJ + jails**

11 **"(a) For the department's internal and external costs to oversee and
12 manage the inmate telephone services or communications system; and**

x 13 **"(b) To pay third party providers. - DOJ + jails must report these + make contact
available**

14 **"(2) The department may not enter into a contract with a inmate
15 telephone services provider that authorizes the department to receive
16 a fee or commission for telephone services provided to inmates other
17 than the reimbursement described in subsection (1) of this section. ← Kickback
intact**

18 **"SECTION 3. Sections 4, 5 and 6 of this 2019 Act are added to and
19 made a part of ORS 169.005 to 169.677.**

20 **"SECTION 4. (1) An inmate telephone service provider may not
21 provide a fee or commission to a local or regional correctional facility,**

Kickback

1 city or county for the provision of inmate telephone services other
2 than a fee of five cents per minute or less, or other amount authorized
3 by the Public Utility Commission by rule, for completed interstate,
4 intrastate or international calls.

loophole

5 “(2) The per-minute rate limits described in section 5 of this 2019
6 Act apply to the fee described in subsection (1) of this section.

7 “(3) Any fee or commission received by a local or regional
8 correctional facility, city or county under subsection (1) of this section
9 must be deposited in the Inmate Welfare Fund Account, established
10 under section 6 of this 2019 Act, of the city or county receiving the fee
11 or commission, or of the city or county in which the correctional fa-
12 cility receiving the fee or commission is located.

must be
searchable
online

13 “(4)(a) A local or regional correctional facility, city or county that
14 receives a fee or commission described in subsection (1) of this section
15 shall prepare a quarterly report with the following information:

history of bad
data. 3rd party
audits
must be
done

16 “(A) A monthly accounting of the total revenue received from the
17 inmate telephone service provider;

18 “(B) The total per-minute fees received;

19 “(C) The share of revenue received by the correctional facility, city
20 or county; and

21 “(D) A detailed list of expenditures during the previous quarter
22 from the Inmate Welfare Fund Account established under section 6
23 of this 2019 Act.

24 “(b) The correctional facility, city or county shall make the report
25 described in paragraph (a) of this subsection available to the public
26 and shall place a link to the report on the website of the correctional
27 facility, city or county.

don't buy
it, have
professional
formats

28 “(5) The Public Utility Commission may adopt rules to carry out the
29 provisions of this section, including rules that authorize fees in an
30 amount other than that described in subsection (1) of this section.

Loophole

1 “(6) As used in this section, ‘regional correctional facility’ has the
2 meaning given that term in ORS 169.620.

3 “SECTION 5. (1) A local or regional correctional facility, city or
4 county that issues a request for proposals to procure inmate telephone
5 services shall:

6 “(a) Consider call quality as a primary consideration when evalu-
7 ating proposals; and

8 “(b) Weight call quality at not less than 35 percent of the total
9 weight that the correctional facility, city or county gives to all factors
10 in the final evaluation of a proposal.

11 “(2) A contract between a local or regional correctional facility, city
12 or county and an inmate telephone service provider must include a
13 requirement that the provider submit a monthly report to the
14 correctional facility, city or county containing the following informa-
15 tion for the previous month:

16 “(a) All revenue earned;

17 “(b) Any fees charged;

18 “(c) Any moneys paid to the correctional facility, city or county;

19 “(d) The number of completed calls; → current standard denies

20 “(e) The number of dropped calls; and → families the right to report.

21 “(f) The number of complaints concerning call quality. → This is undue burden on prisoner

22 “(3) A contract between a local or regional correctional facility, city
23 or county and an inmate telephone service provider must comply with
24 the following per-minute rate limits except as otherwise authorized by
25 the Public Utility Commission by rule:

26 “(a) For local or regional correctional facilities with less than 350
27 beds:

28 “(A) \$0.21 per minute for prepaid intrastate and interstate calls.

29 “(B) \$0.25 per minute for collect intrastate and interstate calls.

30 “(C) \$0.50 per minute for international calls to Mexico or Canada.

3rd party audit
is required

QA/reports

Serious
issues w/
current
industry
standard
of who "sets
to report

represents undue burden on newly incarcerated/jailed

1 “(D) \$0.67 per minute for all other international calls.

2 “(b) For facilities with at least 350 beds but less than 1,000 beds:

X 3 “(A) \$0.19 per minute for prepaid intrastate and interstate calls.

X 4 “(B) \$0.23 per minute for collect intrastate and interstate calls.

undue profit

5 “(C) \$0.50 per minute for international calls to Mexico or Canada.

6 “(D) \$0.67 per minute for all other international calls.

7 “(c) For facilities with at least 1,000 beds:

8 “(A) \$0.17 per minute for prepaid intrastate and interstate calls.

9 “(B) \$0.21 per minute for collect intrastate and interstate calls.

10 “(C) \$0.50 per minute for international calls to Mexico or Canada.

11 “(D) \$0.67 per minute for all other international calls.

12 “(4) A contract between a local or regional correctional facility, city
13 or county and an inmate telephone service provider may not authorize
14 the collection of any fee other than the following:

15 “(a) The fees described in section 4 (1) of this 2019 Act.

X 16 “(b) For a paper copy of a billing statement requested by a cus-
17 tomer, a \$2.00 fee per statement or other fee authorized by the com-
18 mission by rule.

*loop hole
They refuse to be helpful, forcing these orders for docs*

19 “(c) For electronic deposits of less than \$25.00, a deposit fee of \$1.50
20 or other fee authorized by the commission by rule.

21 “(d) For electronic deposits of \$25.00 or more, a deposit fee of \$3.00
22 or other fee authorized by the commission by rule.

23 “(e) For deposits facilitated by a live operator, a deposit fee of \$5.95
24 or other fee authorized by the commission by rule.

over the top

25 “(5) Nothing in this section prohibits a contract from authorizing
26 or collecting taxes or other fees required by law.

X 27 “(6) The Public Utility Commission may adopt rules to carry out the
28 provisions of this section, including rules that authorize per-minute
29 rates and fees other than the rates and fees described in this section.

*provide a guarantee of comm-
in its action
+ process*

30 “(7) As used in this section, ‘regional correctional facility’ has the

1 meaning given that term in ORS 169.620.

2 **"SECTION 6.** (1) A city or county that maintains a local or regional
3 correctional facility shall establish an Inmate Welfare Fund Account,
4 separate and distinct from the general fund of the city or county. All
5 moneys in the account may be expended only for inmate welfare and
6 may not be used for regular inmate meals, inmate clothing, inmate
7 medical care, facility maintenance or staff salaries, staff clothing or
8 staff equipment.

9 "(2) As used in this section:

10 "(a) 'Inmate welfare' means items or programs that enhance the
11 lives of inmates, including but not limited to education programs, job
12 training programs, drug and alcohol treatment programs, exercise
13 equipment, televisions, cable subscriptions, electronic law library ac-
14 cess, magazine subscriptions, books, board games, microwaves avail-
15 able for inmate use and meals or other foods provided for special
16 events.

17 "(b) 'Regional correctional facility' has the meaning given that
18 term in ORS 169.620.

19 **"SECTION 7.** Sections 2, 4, 5 and 6 of this 2019 Act apply to con-
20 tracts for inmate telephone services entered into, extended or renego-
21 tiated on or after the effective date of this 2019 Act.

22 **"SECTION 8.** This 2019 Act being necessary for the immediate
23 preservation of the public peace, health and safety, an emergency is
24 declared to exist, and this 2019 Act takes effect July 1, 2019."
25

allow access this

why are we charged

of funded, only 2
prisons offer
access

→ double
taxation
for prison
such
that are
to be
funded
by the
state