

SENATE AMENDMENTS TO SENATE BILL 498

By COMMITTEE ON JUDICIARY

April 19

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

2 Delete lines 4 through 18 and insert:

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

4 **“SECTION 2. (1) The Department of Corrections may enter into a contract with an in-**
5 **mate telephone services provider in which the provider provides inmate telephone services**
6 **or other inmate communications systems at the provider’s cost and reimburses the depart-**
7 **ment:**

8 **“(a) For the department’s internal and external costs to oversee and manage the inmate**
9 **telephone services or communications system; and**

10 **“(b) To pay third party providers.**

11 **“(2) The department may not enter into a contract with a inmate telephone services**
12 **provider that authorizes the department to receive a fee or commission for telephone ser-**
13 **vices provided to inmates other than the reimbursement described in subsection (1) of this**
14 **section.**

15 **“SECTION 3. Sections 4, 5 and 6 of this 2019 Act are added to and made a part of ORS**
16 **169.005 to 169.677.**

17 **“SECTION 4. (1) An inmate telephone service provider may not provide a fee or com-**
18 **mission to a local or regional correctional facility, city or county for the provision of inmate**
19 **telephone services other than a fee of five cents per minute or less, or other amount au-**
20 **thorized by the Public Utility Commission by rule, for completed interstate, intrastate or**
21 **international calls.**

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

24 **“(3) Any fee or commission received by a local or regional correctional facility, city or**
25 **county under subsection (1) of this section must be deposited in the Inmate Welfare Fund**
26 **Account, established under section 6 of this 2019 Act, of the city or county receiving the fee**
27 **or commission, or of the city or county in which the correctional facility receiving the fee**
28 **or commission is located.**

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

32 **“(A) A monthly accounting of the total revenue received from the inmate telephone ser-**
33 **vice provider;**

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

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

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

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

6 “(5) The Public Utility Commission may adopt rules to carry out the provisions of this
7 section, including rules that authorize fees in an amount other than that described in sub-
8 section (1) of this section.

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

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

13 “(a) Consider call quality as a primary consideration when evaluating proposals; and

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

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

20 “(a) All revenue earned;

21 “(b) Any fees charged;

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

23 “(d) The number of completed calls;

24 “(e) The number of dropped calls; and

25 “(f) The number of complaints concerning call quality.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 following:

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

3 “(b) For a paper copy of a billing statement requested by a customer, a \$2.00 fee per
4 statement or other fee authorized by the commission by rule.

5 “(c) For electronic deposits of less than \$25.00, a deposit fee of \$1.50 or other fee au-
6 thorized by the commission by rule.

7 “(d) For electronic deposits of \$25.00 or more, a deposit fee of \$3.00 or other fee author-
8 ized by the commission by rule.

9 “(e) For deposits facilitated by a live operator, a deposit fee of \$5.95 or other fee au-
10 thorized by the commission by rule.

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

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

16 “(7) As used in this section, ‘regional correctional facility’ has the meaning given that
17 term in ORS 169.620.

18 “SECTION 6. (1) A city or county that maintains a local or regional correctional facility
19 shall establish an Inmate Welfare Fund Account, separate and distinct from the general fund
20 of the city or county. All moneys in the account may be expended only for inmate welfare
21 and may not be used for regular inmate meals, inmate clothing, inmate medical care, facility
22 maintenance or staff salaries, staff clothing or staff equipment.

23 “(2) As used in this section:

24 “(a) ‘Inmate welfare’ means items or programs that enhance the lives of inmates, in-
25 cluding but not limited to education programs, job training programs, drug and alcohol
26 treatment programs, exercise equipment, televisions, cable subscriptions, electronic law li-
27 brary access, magazine subscriptions, books, board games, microwaves available for inmate
28 use and meals or other foods provided for special events.

29 “(b) ‘Regional correctional facility’ has the meaning given that term in ORS 169.620.

30 “SECTION 7. Sections 2, 4, 5 and 6 of this 2019 Act apply to contracts for inmate tele-
31 phone services entered into, extended or renegotiated on or after the effective date of this
32 2019 Act.

33 “SECTION 8. This 2019 Act being necessary for the immediate preservation of the public
34 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
35 July 1, 2019.”
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