

HB 3118 A STAFF MEASURE SUMMARY

House Committee On Judiciary

Action Date: 04/02/25

Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

Vote: 8-0-0-0

Yeas: 8 - Andersen, Chaichi, Chotzen, Kropf, Lewis, Mannix, Tran, Wallan

Fiscal: Fiscal impact issued

Revenue: Has minimal revenue impact

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Meeting Dates: 2/19, 4/2

WHAT THE MEASURE DOES:

The measure requires the Department of Corrections to enter into a contract with a third party to provide voice communications services to people confined in corrections institutions and to provide those services at no cost to those confined persons. The measure prohibits the Department of Corrections from receiving compensation from third party providers for providing the services, limiting access to other services to offset the cost or time of administering the measure, or limiting access to the communication services except as provided by department rules.

Detailed Summary

Requires the Department of Corrections to

- enter into a third-party contract to provide voice communications services to people confined in Department of Corrections institutions.
- provide those services at no cost to the persons confined or the person being communicated with for the first 60 minutes of services accessed per day.
- submit a biennial report to the House and Senate judiciary committees that includes copies of any contract for communication services, a report of expenditures, and data on usage of the services.

Prohibits the Department of Corrections from

- receiving compensation from any third-party provider in relation to the provision of the services.
- limiting access to the services except as provided by department rules.
- limiting access to in-person visitations or communications to offset the cost or time of administering the measure.

Defines "voice communication services" as "voice communication by telephone, cellular telephone, Voice over Internet Protocol or other technology that allows for real-time audio communication between people in different locations."

Requires the department to submit a progress report on the implementation of the measure to the House and Senate judiciary committees by February 1, 2026.

ISSUES DISCUSSED:

- Limitations on who a person in custody may call for free
- How amendment affects the duration of communication services required to be provided
- Authority of Department of Corrections to regulate communication services
- Cost of providing services

EFFECT OF AMENDMENT:

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The amendment requires the department to provide up to 60 minutes of voice communications at no cost to a person confined in a corrections institution. The amendment changes the requirement from providing access to "communication services" to providing access to "voice communication services," deletes the definition of "communication services" in the measure and instead defines "voice communication services" as "voice communication by telephone, cellular telephone, Voice over Internet Protocol or other technology that allows for real-time audio communication between people in different locations."

BACKGROUND:

Currently, ORS 421.076 permits the Department of Corrections to enter into a contract with a telephone services provider to provide inmates with access to telephone services. The department isn't allowed to enter into a contract that authorizes them to receive a fee or commission for telephone services provided other than for reimbursement for internal and external costs to oversee and manage the system and to pay third party providers. Adult in custody phone calls at Oregon Department of Corrections facilities are currently provided by ICS Corrections, Inc., at a rate of \$0.09 per minute for domestic calls, which can be paid either by the person in custody or by the person being communicated with. On July 18, 2024, the Federal Communications Commission issued new rules that cap the rates for audio communications services for incarcerated persons between \$0.06-\$0.12 per minute depending on the size of the facility. 47 CFR § 64.6010.

House Bill 3118 would require the department to enter into a third-party contract to provide voice communication services to inmates and to provide up to 60 minutes per day of those services to inmates at no direct or indirect cost to the inmate or the person the inmate is communicating with and permits the department to provide more than 60 minutes at no cost if it chooses to do so.