§3015. Telephone services in Department of Corrections facilities

Beginning October 1, 2022, the department and a service provider that contracts with the department to provide telephone services for residents of a department facility shall provide telephone services in accordance with this section. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Department facility" means a detention facility or correctional facility. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

B. "Resident" means a person who resides in a department facility. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

C. "Service provider" means an entity that provides telephone services by contract with the department through which a resident initiates outgoing telephone calls from a department facility. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

[PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

2. Resident right to make telephone calls. The department shall provide a resident with a reasonable opportunity to make interstate and intrastate telephone calls in accordance with departmental policies and institutional procedures and in accordance with the following.

A. The department shall provide a resident with a reasonable opportunity to make telephone calls to relatives and friends, except that the department may restrict or prohibit telephone calls when the restriction or prohibition is necessary for the security of the department facility. The department shall provide to a resident who has less than $10 in the resident's facility account a free telephone call allowance for 30 minutes of telephone calls per week under this paragraph. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

B. The department shall provide a resident with a reasonable opportunity to make telephone calls protected by the attorney-client privilege. The department shall provide to a resident who has less than $10 in the resident's facility account a free telephone call allowance for 30 minutes of telephone calls per week under this paragraph. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

The chief administrative officer of each department facility shall draft, publish and implement guidelines governing resident access to free telephone calls as required by paragraphs A and B in that facility.

[PL 2023, c. 217, §1 (AMD).]

3. Requirements for service providers. A service provider that enters into or renews a contract on or after October 1, 2022 with the department to provide outgoing interstate and intrastate telephone services is subject to the following requirements.

A. The rates and charges that the service provider may charge for interstate and intrastate telephone calls made by residents may not exceed the rates for interstate telephone calls adopted by the Federal Communications Commission in effect on the date of the contract. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

B. A service provider may not charge a fee to a resident, the department facility or the department for providing the free outgoing telephone calls required pursuant to subsection 2, paragraphs A and B. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

C. A service provider may not charge a connection fee to a resident to initiate an outgoing telephone call. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

D. A service provider shall permit the receiving party of a telephone call to terminate the telephone call prior to connection without the resident or receiving party incurring a charge. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

E. A service provider may not block a collect telephone call to a receiving party because the service provider lacks a prior billing relationship with the receiving party's telephone service provider unless the service provider offers debit, prepaid or prepaid collect calling options. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

F. A service provider, prior to connecting a telephone call, shall identify itself to the receiving party and disclose to the receiving party how to obtain rate quotations. [PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

[PL 2021, c. 615, Pt. A, §1 (NEW); PL 2021, c. 615, Pt. A, §2 (AFF).]

SECTION HISTORY

PL 2021, c. 615, Pt. A, §1 (NEW). PL 2021, c. 615, Pt. A, §2 (AFF). PL 2023, c. 217, §1 (AMD).

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