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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4438

02/29/2024 Authored by Agbaje The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; providing for human services; modifying the duties of
1.3 certain facilities that confine people relating to phone calls and other communication
1.4 services; specifying duties of certain direct care and treatment programs relating
1.5 to phone calls and other communications; amending Minnesota Statutes 2023
1.6 Supplement, section 241.252; proposing coding for new law in Minnesota Statutes,
1.7 chapter 246.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2023 Supplement, section 241.252, is amended to read:

1.10 241.252 FREE COMMUNICATION SERVICES FOR INCARCERATED
1.11 CONFINED PERSONS.

1.12 Subdivision 1. Free communication services. (a) A state adult or juvenile facility under
1.13 the control of the commissioner of corrections must provide incarcerated confined persons
1.14 with voice communication services. A facility may supplement voice communication services
1.15 with other communication services, including but not limited to video communication and
1.16 email or electronic messaging services. A facility must at least continue to offer the services
1.17 the facility offered as of January 1, 2023.

1.18 (b) To the extent that voice or other communication services are provided, which must
1.19 not be limited beyond program participation and routine facility policies and procedures,
1.20 neither the individual initiating the communication nor the individual receiving the
1.21 communication must be charged for the service.

1.22 Subd. 2. Voice Communication services restrictions. Nothing in this section allows
1.23 an incarcerated a confined person to violate an active protection order, harassment restraining
1.24 order, or other no-contact order or directive.

2.1 Subd. 3. **State Revenue prohibited.** ~~A state~~ An agency operating a facility must not
 2.2 receive revenue from the provision of voice communication services or any other
 2.3 communication services under this section, ~~but an agency may collect commissions on~~
 2.4 ~~communication services provided under any contract entered into before January 1, 2023.~~

2.5 Subd. 4. **Visitation programs.** (a) Facilities shall maintain in-person visits for
 2.6 ~~incarcerated~~ confined persons, ~~and~~ Communication services, including video calls, must
 2.7 not be used to replace a facility's in-person visitation program or be counted toward a
 2.8 confined person's in-person visitation limit.

2.9 (b) Notwithstanding paragraph (a), the ~~commissioner~~ agency operating the facility may
 2.10 waive the in-person visitation program requirement under this subdivision if there is:

2.11 (1) a declared emergency under section 12.31; or

2.12 (2) a local-, state-, or federal-declared natural disaster.

2.13 Subd. 4a. **Contract consolidation.** An agency operating a facility shall maximize
 2.14 purchasing power by consolidating contracts through a cooperative purchasing venture
 2.15 established by the Office of State Procurement.

2.16 Subd. 5. **Reporting.** (a) The Department of Corrections must include the following
 2.17 information covering the previous calendar year in its annual performance report required
 2.18 under section 241.016:

2.19 (1) ~~its~~ the status of all the agency's communication contracts; efforts to renegotiate the
 2.20 agency's communication contracts, including the rates the agency is paying or charging
 2.21 ~~incarcerated~~ confined people or community members for any and all services in the contracts;
 2.22 and plans to consolidate the agency's communication contracts to maximize purchasing
 2.23 power;

2.24 (2) a complete and detailed accounting of how ~~legislatively~~ appropriated funds for
 2.25 communication services are spent, including spending on expenses previously covered by
 2.26 commissions; and

2.27 (3) data on usage of all communication services, including monthly call and message
 2.28 volume.

2.29 (b) By January 15 of each year, an agency other than the Department of Corrections that
 2.30 operates a facility must report the information described in paragraph (a) to the commissioner
 2.31 of corrections. By March 15 of each year, the commissioner shall submit a summary of the
 2.32 information submitted under this paragraph to the chairs and ranking minority members of

3.1 the legislative committees having jurisdiction over corrections and human services policy
3.2 and finance.

3.3 Subd. 6. **Definitions.** For the purposes of this section, the following terms have the
3.4 meanings given:

3.5 (1) "voice communications" means real-time, audio-only communication services,
3.6 namely phone calls made over wireline telephony, voice over Internet protocol, or any other
3.7 technology infrastructure; ~~and~~

3.8 (2) "other communication services" means communication services other than voice
3.9 communications, including but not limited to video calls and electronic messages; and

3.10 (3) "facility" means a state adult or juvenile correctional facility under the control of the
3.11 commissioner of corrections, or any facility, setting, or program owned, operated, or under
3.12 the programmatic or fiscal control of the commissioner of human services.

3.13 Sec. 2. **[246.0142] FREE COMMUNICATION SERVICES FOR PATIENTS AND**
3.14 **CLIENTS.**

3.15 Subdivision 1. Free communication services. The commissioner of human services
3.16 and all facilities, settings, and programs owned, operated, or under the programmatic or
3.17 fiscal control of the commissioner of human services are subject to section 241.252. The
3.18 commissioner must not include the cost of voice or other communication services in the
3.19 cost of care as defined under section 246.50 or 246B.01.

3.20 Subd. 2. Communication service restrictions. Notwithstanding section 241.252,
3.21 subdivision 2, nothing in this section entitles a civilly committed person to communication
3.22 services restricted under section 253B.03, subdivision 3, or 253D.19.