

HOUSE BILL NO. 426

INTRODUCED BY J. PRICE

A BILL FOR AN ACT ENTITLED: "AN ACT PROTECTING PREPAID TELEPHONE ACCOUNTS USED BY INMATES IN STATE PRISONS FROM EXPIRATION; REQUIRING CONDITIONS OF USE AND DISCLOSURE; PROVIDING RULEMAKING; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. Telephone account requirements for state prisons -- protected accounts -- disclosure required -- rulemaking -- definitions. (1) A state prison THAT CONTRACTS WITH A TELECOMMUNICATIONS SERVICE PROVIDER TO PROVIDE TELECOMMUNICATIONS SERVICES FOR INMATES shall, to the extent feasible, contract with a telecommunications service provider to provide communications services for inmates that:

- (a) provides public safety precautions required by the department of corrections;
- (b) prohibits expiration of prepaid minutes or charges;
- (c) does not charge additional usage or dormancy fees;
- (d) does not charge excessive intrastate fees that are greater than 10 cents a minute;
- (e) does not require monthly usage fees; and
- (f) allows rollover of unused, prepaid minutes into the next month unless the inmate for whom the account was set up is no longer able to use the telephone account, whether for disciplinary reasons or other reasons specified by department rule. No refund is required for unexpired minutes subject to this subsection (1)(f).

(2) Every contract entered into by a state prison for communications services under subsection (1) must require the telecommunications service provider to notify the purchaser of a prepaid telephone account of any fees or refunds that are available for unused minutes on a prepaid telephone card and ~~that requested refunds may be mailed~~ MAIL THE REFUND to the purchaser's address of record.

(3) The department of corrections has rulemaking authority to implement this section and shall notify the public service commission of the allowable rate that a telecommunications service provider may charge for

1 intrastate calls under contract with the department of corrections.

2 (4) For purposes of this section, the following definitions apply:

3 (a) "Prepaid telephone account" means a system, whether purchased as a calling card or set up as an
4 account with a telecommunications service provider to provide telephonic connections in which the purchaser
5 pays for minutes prior to use. The term does not include a lifeline account, defined under 47 CFR 54.401, for
6 which a telecommunications carrier receives universal service support.

7 (b) "State prison" has the meaning provided in 53-30-101(3)(c)(i) through (3)(c)(iii) and (3)(c)(v).

8 (c) "Telecommunications service provider" has the meaning provided for "operator service provider" in
9 69-3-1102.

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11 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
12 integral part of Title 53, chapter 30, part 1, and the provisions of Title 53, chapter 30, part 1, apply to [section 1].

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14 **NEW SECTION. Section 3. Severability.** If a part of [this act] is invalid, all valid parts that are severable
15 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
16 remains in effect in all valid applications that are severable from the invalid applications.

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18 **NEW SECTION. Section 4. Effective date.** [This act] is effective July 1, 2017.

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