
Public Safety Committee

SSB 6476

Brief Description: Increasing and expanding access of inmates and immediate family members of inmates to services provided within correctional facilities.

Sponsors: Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators Stanford, Darneille, Wilson, C., Nguyen, Hasegawa and Saldaña).

Brief Summary of Substitute Bill

- Expands the definition of immediate family, used for determining the category of persons with whom an inmate may have an extended family visit, to include aunts, uncles, and immediate family of adopted or adopting inmates.
- Increases the inmate indigency level from \$10 to \$25.
- Establishes requirements related to minimum frequency of access to Department of Corrections (DOC) commissary programs.
- Requires the DOC to post certain information on its website related to telecommunication and electronic media services contracts, and requires vendors to provide specified information to the DOC.

Hearing Date: 2/25/20

Staff: Omeara Harrington (786-7136).

Background:

Extended Family Visits.

Persons confined in Department of Corrections (DOC) facilities may apply for extended family visits if they meet certain qualifying criteria established in DOC policy. Extended family visits are authorized visits between an inmate and a member of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined. Immediate family includes the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person

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legally married to or in a state registered domestic partnership with an inmate. Immediate family does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

Indigency Level for Persons Incarcerated in DOC Facilities.

Inmates are expected to contribute financially toward costs of incarceration and medical copays. Assessments for supplies or services, when an inmate is unable to pay upfront, are recorded as a debt to the DOC, which the DOC may recoup from the inmate's institutional account when the account exceeds the indigency level. Additionally, the Secretary of the DOC is directed to make certain deductions from an inmate's wages, gratuities, and worker's compensation benefits, for taxes, legal financial obligations, and child support obligations. The formula for distribution of offender funds cannot reduce an inmate's account below the indigency level.

An inmate is considered indigent when he or she has less than a \$10 balance of disposable income in his or her institutional account on the day a request is made to utilize funds and during the 30 days prior to the request.

Commissary Program.

The DOC operates a commissary, which is a store system that provides inmates with the opportunity to purchase personal items that are not furnished by the facility. Inmates with money in their institutional account may purchase comfort items such as personal care items and food and beverages, while those without funds are limited to basic hygiene and correspondence items sold to them by creating a debt on their institutional account. Purchases may be made from the commissary on specifically assigned days by submitting an order via telephone, or order form.

Contracts for Telecommunication Services and Electronic Media Services.

The DOC maintains rules and policies for telephone use, email, and video visitation by inmates in state correctional facilities. Currently, the DOC has a contract with ConnectNetwork by Global Tel Link for telephone services. Inmates are provided access to public telephones, subject to limitations and restrictions. Under DOC policy, rates and surcharges for telephone services must be comparable to those charged to the general public, and any deviation from ordinary consumer rates reflect actual costs associated with providing services in a correctional setting. The DOC also currently contracts with JPay to provide certain communication and electronic media services to inmates, including email, video visitation, videogram, and media players. Rates vary by the type of service.

Summary of Bill:

Extended Family Visits.

The definition of immediate family, used for determining the category of persons with whom an inmate may have an extended family visit, is expanded. Aunts, uncles, and the immediate family of an inmate who was adopted as a child or adult qualify as immediate family. The exclusion of the immediate family of an adopted or adopting inmate, when the adoption was between two inmates, is removed.

Indigency Level for Persons Incarcerated in DOC Facilities.

The inmate indigency level is increased. An inmate is considered indigent when he or she has less than a \$25 balance (rather than a \$10 balance) of disposable income in his or her

institutional account on the day a request is made to utilize funds and during the 30 days prior to the request.

Commissary Program.

In providing access to a facility commissary program, the DOC is strongly encouraged to provide, at a minimum, weekly access to the program across all total confinement institutions. The DOC may not reduce frequency of commissary access at institutions that already have weekly access to the commissary program.

By December 1, 2020, the DOC facilities must provide access to the commissary program at least 26 times per year or once every two weeks at all total confinement institutions.

Contracts for Telecommunication Services and Electronic Media Services.

Any contract to provide inmates with access to telecommunication services and electronic media services in state correctional facilities must be made publicly available and posted on the DOC's website. Certain contract information must be prominently displayed, including:

- rates for facilitating telecommunication services including, but not limited to, phone calls, video visitation, videograms and video clips, emails, and accessing music and entertainment;
- fees charged for money transfers and transactions, maintenance of financial accounts, and any other fee charged to the user to facilitate the money transfer or online deposit account; and
- all fees or costs charged to the inmate or customer in exchange for use of telecommunication or electronic media services through the contract.

By July 1 of each year, the contractor that provides inmates with access to telecommunication services and electronic media services must report certain information to the DOC, including:

- a summary of services offered at each correctional facility;
- rates charged for, or associated with, providing each type of service including, but not limited to, monthly financial account maintenance fees, transaction fees associated with money transfers, per call and connection surcharges, bill statement fees, and refund fees;
- a total accounting of commissions provided to the DOC or to correctional facilities;
- a summary and accounting of services used by inmates categorized as indigent;
- one-time and ongoing costs incurred for installing and maintaining hardware;
- average customer service response time rates per facility and the average time taken to resolve an issue or provide a refund for defective services; and
- an accounting of all revenues or losses incurred by the contractor by quarter.

By November 1 of each year the DOC must report to the Governor and Legislature on contracts for telecommunication services and electronic media services and the contractor's annual compliance with its reporting requirements.

These requirements apply to any contract currently in effect, and to any contract renegotiation, renewal, or extension.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.