

SENATE BILL REPORT

SB 6021

As of February 1, 2024

Title: An act relating to reducing fees and expenses for services for people confined to correctional facilities.

Brief Description: Reducing fees and expenses for services for people confined to correctional facilities.

Sponsors: Senators Hansen, Hasegawa, Nguyen, Nobles, Valdez and Wilson, C..

Brief History:

Committee Activity: Human Services: 1/16/24, 1/18/24 [DPS-WM, DNP, w/oRec].
Ways & Means: 2/01/24.

Brief Summary of First Substitute Bill

- Requires the Department of Corrections (DOC) to provide free voice communication services in its correctional facilities.
- Allows DOC to supplement voice communication services with other communication services, which must also be provided free of charge.
- Prohibits DOC from receiving any revenue from providing communication services, using communication services to replace in-person visitation; and reducing current access to communication services and devices.
- Makes changes to data that must be shared publicly related to contracts for telecommunication services and electronic media services.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: That Substitute Senate Bill No. 6021 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators Wilson, C., Chair; Kauffman, Vice Chair; Frame and Nguyen.

Minority Report: Do not pass.

Signed by Senator Boehnke, Ranking Member.

Minority Report: That it be referred without recommendation.

Signed by Senators Warnick and Wilson, J..

Staff: Kelsey-anne Fung (786-7479)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Sarian Scott (786-7729)

Background: Securus Technologies. In May 2022, the Department of Corrections (DOC) awarded a contract to Securus Technologies to provide Individual Technology Services (ITS) for incarcerated individuals in prisons and reentry centers. ITS includes phone, email, video visitation, media, and other services. The contract expires on January 30, 2028. Under the contract, all eligible incarcerated individuals receive a tablet to enable them to make phone calls, exchange e-messages, receive VideoGrams, and purchase media and entertainment services from the tablet. Each incarcerated individual receives two free 20-minute calls per week; four free 30-minute video visits per month, and 55 free stamps for e-messaging per month.

Phone Services. Securus Technologies provides telephone services within state correctional facilities. DOC currently charges \$0.05 per minute plus taxes for domestic and international phone calls. Phone calls are limited to 20 minutes. Prepaid Securus accounts must be created and funded prior to using services. There are transaction fees associated with depositing money into an incarcerated individual's Securus account.

Video Visits. Video visitation is a virtual way to talk face-to-face with an incarcerated individual and is available at all prison facilities. DOC policies pertaining to prison visits also apply to video visits. Video visits are scheduled by the approved visitor through Securus at least 24 hours in advance. Video visits cost \$4.95 per 30-minute visit. Video visit hours are determined by facility, and incarcerated individuals are responsible for requesting visit times that will not conflict with their work or programming schedule.

Email and VideoGrams. Securus' email service provides a way for people to write electronic letters to incarcerated individuals. Incarcerated individuals receive email according to a schedule set by their facility, and emails are subject to screening and delivery rules that apply to traditional mail. Emails cost one stamp per email, and stamps can be purchased in packages of \$2 for 6 stamps, \$5 for 20 stamps, \$7.50 for 35 stamps, or \$10 for 60 stamps.

VideoGrams are 30-second video clip recordings that can be sent to incarcerated individuals as an email attachment. VideoGrams cost 4 stamps per 30-second video clip.

Incarcerated Individual Betterment Fund. State law requires all incarcerated individuals to contribute to the cost of privileges, including the capital costs of providing privileges such as television cable access, weight lifting, and other recreational sports equipment and supplies.

Commissions from the sale of telecommunication and electronic media services to incarcerated individuals are the primary source of revenue for the Incarcerated Individual Betterment Fund (IIBF). Assets of the IIBF are used solely for incarcerated individual betterment activities that enhance the security and orderly operation of a facility by reducing idleness and encouraging positive development of family and community ties. Per state law, 25 percent of all revenue received must be transferred to the Crime Victims' Compensation Fund.

According to DOC policy, authorized expenditures from the IIBF include: extended family visit program expenses; visiting room supplies for children; non-cultural, family-centered activities, events, or programs that encourage stronger family relations; law library books, subscriptions, and salaries for employees working in the law library; recreation and hobby expenses; and television system expenses.

Contracts for Telecommunication and Electronic Media Services. Contracts to provide individuals with access to telecommunication and electronic media services in state correctional facilities must be made publicly available and posted on DOC's website, and service rates and fees must be prominently displayed on DOC's website. The contractor is required to provide specified data and information annually to DOC, and DOC is required to submit an annual report to the Governor and Legislature on the contractor's compliance.

Summary of Bill (First Substitute): DOC is required to provide individuals in its custody and confined in a correctional facility with voice communication services. Voice communication services may be supplemented with other communication services including, but not limited to, video communication and electronic mail or messaging services. To the extent voice communication services or any other communication services are provided, they must not be limited beyond program participation and routine facility procedures and must be provided free of charge to the person initiating and the person receiving the communication. DOC must at least maintain the same access to communication services in each correctional facility as DOC offered as of January 1, 2024.

DOC must provide free tablets to all individuals in its custody and maintain the same number of voice communication devices, specifically wall phones, in each housing unit as it had on January 1, 2024.

DOC is prohibited from receiving revenue, including any commission or fee, from the

provision of voice communication services or any other communication services to any person confined in a correctional facility.

DOC is prohibited from using the provision of voice communication services or any other communication services to persons in its custody and confined in a correctional facility to supplant in-person contact visits that any such person may be eligible to receive. Communication services shall not be used to replace the in-person visitation program.

In addition to DOC's public website, information from the telecommunication and electronic media services contract must be posted prominently in housing units and made available on tablets. Instead of rates for facilitating each type of service, rates for all products and services covered by the contract with a detailed breakdown that includes taxes, surcharges, fees, and any other fees must be prominently displayed in such areas.

Requirements related to data and information the contractor must annually report to DOC are altered. The requirement to provide a total accounting of commissions provided to DOC is removed as well as per call and connection surcharges. In addition to other data and information, the contractor must report to DOC data on usage of all telecommunication and electronic media services under the contract, including monthly call and message volume.

Voice communication services mean real-time, audio-only communication services, namely phone calls. Other communication services means communication services other than voice communications including, but not limited to, video communication and electronic mail or messaging services.

Telecommunication services include, but are not limited to, voice communication services, video communication services, VideoGrams, and electronic mail or messaging services. Electronic media services include, but are not limited to, video clips, music, and entertainment.

References to inmate are replaced with incarcerated individual.

This act may be known as the Connecting Families Act.

EFFECT OF CHANGES MADE BY HUMAN SERVICES COMMITTEE (First Substitute):

- Specifies a December 1, 2024, effective date.

Appropriation: None.

Fiscal Note: Requested on January 5, 2024.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on December 1, 2024.

Staff Summary of Public Testimony on Original Bill (Human Services): *The committee recommended a different version of the bill than what was heard.* PRO: It should be as easy as possible for families to stay in contact with incarcerated loved ones because some day they will be released, and strong ties with family and friends matter for reentry. Families are forced to choose between basic necessities and communicating with loved ones who are incarcerated. Many family members go into debt to stay in contact with those incarcerated, and the financial burden and strain wears on parents and children.

Free communications increase hope, reduce violence, and create a better environment for correctional staff and incarcerated individuals alike. Studies show that maintaining family contacts increases the chances of a person successfully reentering and securing housing, employment, and transition support. Traveling long-distances for visits can be challenging. Communication and the human voice sustain and empower relationships and bring hope to families. It also increases public safety and decreases recidivism.

Incarcerated individuals have no choice but to use the communication services at the prisons and pay their fees and rates. Most phone companies outside of prison charge much less for phone plan services. Predatory companies should not be able to rob families of money that they need to survive in order to remain in contact with loved ones. Investing in communications services for the incarcerated is an investment in communities. Human communication gives hope, strengthens family bonds, breaks the cycle of intergenerational incarceration, and improves outcomes.

OTHER: Many experience guilt and shame for being a burden on families for the cost of communicating with loved ones. It is a barrier to building relationships.

Persons Testifying (Human Services): PRO: Senator Drew Hansen, Prime Sponsor; Christopher Blackwell; Devennice Gaines; Darrel Jackson; Joseph McClain; Jerry Thomas; jonathan Ejonga-Lihua, DOC; Andrew Lama, Worth Rises; Liz Trautman, Stand for Children; Candice Baughman, Underground Ministries; Lydia Schoen; Hilary Young, Pioneer Human Services and WA Statewide Reentry Council.

OTHER: Ladarion Roberts, WA DEPARTMENT OF CORRECTIONS-WA CORR CTR FOR WOMEN.

Persons Signed In To Testify But Not Testifying (Human Services): No one.

Staff Summary of Public Testimony (Ways & Means): PRO: Millions of dollars are spent each year for incarcerated individuals to communicate with their loved ones. The state should make this investment in communication without placing the burden on families.

OTHER: Communication between an incarcerated person and their family is very important. More balance is needed when it comes to funding. DOC should not need additional funds in order to do this. DOC already receives substantial money for communication and should be able to do this within existing funds.

Persons Testifying (Ways & Means): PRO: Andrew Lama, Worth Rises.

OTHER: Kehaulani Walker.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.