

**SENATE . . . . . No. 1494**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Cynthia Stone Creem***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to keep families connected.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>Norfolk and Middlesex</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/31/2023</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/31/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/7/2023</i>
<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>2/9/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/9/2023</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/27/2023</i>
<i>Adam Gomez</i>	<i>Hampden</i>	<i>2/27/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>3/1/2023</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>3/6/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/31/2023</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/2/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/2/2023</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/7/2023</i>

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 1494) of Cynthia Stone Creem, Joanne M. Comerford, Michael J. Barrett, Rebecca L. Rausch and other members of the Senate for legislation relative to inmate telephone calls. Public Safety and Homeland Security.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1559 OF 2021-2022.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act to keep families connected.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 127 of the General Laws is hereby amended by inserting after section 87 the  
2 following section:-

3 Section 87A. (a) For the purposes of this section, the terms “state correctional facilities,”  
4 “state prisons” and “county correctional facilities” shall have the same meanings as those terms  
5 are defined in section 1 of chapter 125. For purposes of this section, “housing units” are defined  
6 as follows: any and all administrative segregation or restrictive housing units, Hospital Service  
7 Units, Mental Health Units and General Population housing units in the facility, and any new  
8 types of housing units the department of correction or sheriffs may establish in the future.

9 (b) The department of correction and sheriffs shall provide and shall ensure adequate  
10 infrastructure to provide voice communication services to persons committed to state  
11 correctional facilities, state prisons and county correctional facilities, including jails and houses  
12 of correction.

13 (c) The provision of such communication services shall be provided free of charge to the  
14 person initiating and the person receiving the communication.

15 (d) In all housing units, each incarcerated or detained person shall be able to access voice  
16 communication services at all times to the extent that such access does not interfere with  
17 rehabilitative, educational or vocational programming or routine facility procedures; and further,  
18 access to voice communication services shall not be less than existed during the month prior to  
19 enactment of this section.

20 (e) In all state correctional facilities, state prisons and county correctional facilities,  
21 including jails and houses of correction, that currently provide tablets that are capable of  
22 becoming calling-enabled, the department of correction and sheriffs shall enable voice  
23 communication services via these tablets, and shall ensure adequate infrastructure to provide  
24 voice communication services via these tablets. These voice communication services shall be  
25 provided free of charge to the person initiating and the person receiving the communication.  
26 When tablet calling is unavailable because Wifi is unavailable, the tablet is damaged or lost, or  
27 for any other reason, incarcerated persons shall have access to landline phones at all times in all  
28 housing units to the extent that such access does not interfere with rehabilitative, educational or  
29 vocational programming or routine facility procedures.

30 (f) The department of correction and sheriffs may supplement voice communication  
31 services with other communication services, including, but not limited to, video and electronic  
32 communication services provided, however, that other communication services shall not replace  
33 voice communication services; and provided further, that other communication services shall be  
34 provided free of charge to the person initiating and the person receiving the communication.

35 (g) Nothing in this section shall authorize or permit the department of correction or  
36 sheriffs to limit or prohibit in-person contact visits.

37 SECTION 2. Notwithstanding any general or special law to the contrary, not later than 90  
38 days of enactment of this bill, any provision of a contract for communication services to any  
39 person confined in a state correctional facility, state prison or county correctional facility that  
40 provides for the payment of revenue, financial incentives or commissions to a state or local law  
41 enforcement agency shall be void and the department of correction and sheriffs shall renegotiate  
42 any such contract to remove any such provision. A renegotiated contract shall reduce the cost of  
43 communication services to reflect the removal of any provision that provide for the payment of  
44 revenue, financial incentives or commissions to a state or local enforcement agency; provided,  
45 however, that no other terms of the contract shall be affected by this section; provided further,  
46 that the department of corrections and the sheriffs shall seek to maximize purchasing power and  
47 consolidate contracts to the extent feasible after such renegotiated contracts expire; provided  
48 further, that not later than 90 days after the enactment of this bill, the department of correction  
49 and the sheriffs shall report to the house and senate committees on ways and means and the joint  
50 committee on the judiciary on the status of any communication services contracts and plans to  
51 consolidate contracts to maximize purchasing power for voice communication services.

52 SECTION 3. Chapter 29 of the General Laws is hereby amended by adding after section  
53 2QQQQQ the following new section:-

54 Section 2RRRRR. There shall be a Communications Access Trust Fund to be  
55 administered by the secretary of administration and finance, in consultation with the secretary of  
56 public safety and security. The fund shall consist of: (i) money transferred to the fund by the  
57 general court and specifically designated to be credited to the fund; (ii) funds from public and  
58 private sources, including, but not limited to, gifts, grants and donations; and (iii) interest earned  
59 on such money. Amounts credited to the fund that are unexpended at the end of a fiscal year  
60 shall not revert to the General Fund. (b) Amounts credited to the fund may be expended, without  
61 further appropriation, by the secretary of administration and finance for the purposes of making  
62 payments to the department of correction and the sheriffs for providing voice communication  
63 services, including phone calls, and other communication services free of charge to the person  
64 initiating and the person receiving the communication pursuant to section 87A of chapter 127.  
65 The secretary of administration and finance shall make said payments to the department of  
66 correction and the sheriffs on a quarterly basis; provided, that sufficient documentation shall be  
67 received by the secretary of administration and finance consistent with subsection (c); provided,  
68 however, that no payment from the fund shall be for any financial incentive received in  
69 connection with a communication services contract, including, but not limited to a commission.  
70 (d) The department of correction and the sheriffs shall submit quarterly to the secretary of  
71 administration and finance documentation of communication services provided free of charge in  
72 order to receive payments from the fund pursuant to subsection (b); provided, that documentation  
73 shall include, but not be limited to, the following information for each facility: (i) the number of  
74 voice calls; (ii) the total number of minutes for voice calls; (iii) the number of video calls; (iv)

75 the total number of minutes for video calls; (v) the number of electronic mail messages sent and  
76 received; ; and provided further, that the secretary of administration and finance may require  
77 additional documentation as deemed necessary by the secretary. (d) Quarterly, the secretary of  
78 administration and finance, in consultation with the department of correction and the sheriffs,  
79 shall report to the house and senate committees on ways and means and the joint committee on  
80 the judiciary on matters related to telecommunication contracts entered into by the department of  
81 correction and the sheriffs, including, but not limited to: (i) records of all payments for  
82 telecommunications services for incarcerated persons; (ii) contracts for all telecommunication  
83 services, including the compensation structure; (iii) a rate sheet itemizing all charges to  
84 consumers for services or programs embedded in the telecommunications contract, including  
85 charges for tablet services and transfers to commissary accounts via tablet; (iv) revenue derived  
86 from products or services embedded in the telecommunications contract; (v) any policy  
87 governing access to voice, video or electronic mail communications, if such policy exists, and;  
88 (vi) any changes in contracts for voice communication services, including any progress in  
89 maximizing purchasing power and consolidating contracts between the sheriffs and the  
90 department of correction.

91 SECTION 4. The provisions of paragraphs (c), (e), and (f) of Section 1 of this act shall go  
92 into effect no later than ninety days after the enactment.