

HOUSE BILL No. 6367

September 24, 2002, Introduced by Reps. Daniels, Phillips, McConico, Anderson, Jamnick, Bogardus, Reeves, Williams, Waters, Durhal, Toy, Mortimer, Hart, Whitmer, Hardman, Stallworth, Minore, Garza, Clark, Quarles, Rison, Bernero, Zelenko, Thomas and Lemmons and referred to the Committee on Criminal Justice.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
(MCL 791.201 to 791.283) by adding section 69b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 69B. (1) IN EVERY STATE CORRECTIONAL FACILITY, THE
2 DEPARTMENT SHALL PROVIDE A TELECOMMUNICATION SERVICE SYSTEM THAT
3 COMPLIES WITH ALL OF THE FOLLOWING REQUIREMENTS:

4 (A) THE OPERATOR SERVICE PROVIDER CHARGES A RATE FOR OPERA-
5 TOR SERVICES OR TOLL SERVICES THAT IS EQUAL TO THE SERVICE
6 PROVIDER'S ACTUAL COST OF PROVIDING THE OPERATOR OR TOLL SERVICE
7 PLUS A FAIR AND REASONABLE RETURN.

8 (B) THE SYSTEM ALLOWS ANY INDIVIDUAL TO RECEIVE COLLECT
9 CALLS FROM PRISONERS BILLED AT THE SAME RATE AND SUBJECT TO THE
10 SAME CHARGES REGARDLESS OF WHICH LOCAL TELEPHONE SERVICE PROVIDER
11 THE INDIVIDUAL USES.

(C) THE SYSTEM ALLOWS PRISONERS TO USE A NONTRANSFERABLE, NONTANGIBLE PREPAID ACCOUNT SYSTEM, THE RATE FOR WHICH SHALL NOT BE GREATER THAN THE RATE DESCRIBED IN SUBDIVISION (A).

(D) THE SYSTEM ALLOWS PRISONERS TO MAKE COLLECT CALLS AND TO USE TOLL-FREE NUMBERS TO PLACE CALLS, SUBJECT TO INSTITUTIONAL SECURITY PROCEDURES AND TO MONITORING CONDUCTED UNDER SECTION 70.

(E) THE SYSTEM ALLOWS PRISONERS TO PLACE INTERSTATE OR INTRASTATE TOLL CALLS, SUBJECT TO INSTITUTIONAL SECURITY PROCEDURES AND TO MONITORING CONDUCTED UNDER SECTION 70.

(2) THE TELECOMMUNICATIONS SERVICE SYSTEM SHALL NOT ALLOW A BLOCK TO BE PLACED ON A TELEPHONE NUMBER THAT HAD BEEN APPROVED FOR ACCESS BY A PRISONER UNLESS EITHER OF THE FOLLOWING APPLIES:

(A) THE PERSON WHOSE TELEPHONE NUMBER IS BEING BLOCKED HAS FAILED TO PAY TOLL CHARGES FOR PRIOR CALLS FROM PRISONERS.

(B) THE BLOCK IS PLACED FOR INSTITUTIONAL SECURITY REASONS.

(3) THE STATE SHALL NOT COLLECT A COMMISSION GREATER THAN 25% ON CALLS PLACED BY PRISONERS.

(4) NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT, IN COOPERATION WITH THE DEPARTMENT OF MANAGEMENT AND BUDGET, SHALL RENEGOTIATE OR REPLACE ITS AGREEMENTS WITH TELECOMMUNICATIONS SERVICE PROVIDERS TO THE EXTENT NECESSARY TO IMPLEMENT THIS SECTION.

(5) AS USED IN THIS SECTION, "OPERATOR SERVICE", "OPERATOR SERVICE PROVIDER", AND "TOLL SERVICE" MEAN THOSE TERMS AS DEFINED IN SECTION 102 OF THE MICHIGAN TELECOMMUNICATIONS ACT, 1991 PA 179, MCL 484.2102.