

AN ACT

*Codification
District of
Columbia
Code
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide limits on the amount which can be charged for operator-assisted telephone calls made by inmates from a penal or correctional institution in the District of Columbia, to prohibit penal or correctional institutions in the District of Columbia from charging surcharges, commissions, or other financial impositions that are in addition to the legally established rates for local or long-distance telephone service, to require that any contract entered into by the District of Columbia for the holding or incarceration of persons charged or convicted in the Superior Court of the District of Columbia contain provisions prohibiting the penal or correctional institution from charging surcharges, commissions, or other financial impositions for calls made by an inmate subject to the contract that are in addition to the legally established rates for calls made by an inmate, to require the Department of Corrections to survey communications plans used by other prison systems, to explore alternative communications plans with telecommunications companies, and to issue a report to the Council and the Mayor on the results of its survey and exploration, and to require that the Public Service Commission determine the maximum rate for operator-assisted calls made by inmates from a penal or correctional institution in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fair Phone Charges For Prisoners Act of 2000".

Sec. 2. (a) Notwithstanding any other District of Columbia law, no telephone service provider shall charge a customer a rate for operator-assisted calls made from a penal or correctional institution in the District of Columbia in excess of the maximum rate determined by the Public Service Commission of the District of Columbia.

(b) No penal or correctional institution in the District of Columbia shall charge a surcharge, commission, or other financial imposition that is in addition to legally established rates for local or long-distance telephone service.

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Sec. 3. In any contract to which the District of Columbia is a party that is for the holding or incarceration of persons charged or convicted in the Superior Court of the District of Columbia, such contract shall prohibit surcharges, commissions, or other financial impositions that are in addition to the legally established rates for calls made by any inmate subject to the contract. The District of Columbia government shall seek to obtain quality service for the least cost to the individual party paying for the telephone call by an inmate subject to the contract.

Sec. 4. (a) The Department of Corrections ("Department") shall survey the communications plans used by the Federal Bureau of Prisons, and all state prison systems. The Department shall explore additional alternative communication plans with telecommunications companies. The explored alternatives shall include prison commissary phone accounts, restricted calling cards, presenting calling cards, and debit calling cards.

(b) No later than 180 days after the effective date of this act, the Department shall report to the Council and the Mayor the results of the survey and the exploration of alternatives. The report shall include the merits and disadvantages of each communication plan examined, including consideration of the security needs of the Department, the financial burden to the families and other individuals telephoned, the availability of telecommunications to the inmates, the feasibility of waiving the gross receipts tax, and other incentives to control the cost of inmate phone service. The report shall include a recommendation for an inmate telephone service.

Sec. 5. The Public Service Commission shall determine the maximum rate for operator-assisted calls made from phones utilized by inmates of a penal or correctional institution in the District of Columbia.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 7. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia