

HOUSE BILL No. 4041

January 22, 2007, Introduced by Reps. Lemmons, Virgil Smith, Leland, Tobocman and Robert Jones and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
(MCL 791.201 to 791.285) 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 OPERATOR
5 SERVICES OR TOLL SERVICES THAT IS EQUAL TO THE SERVICE PROVIDER'S
6 ACTUAL COST OF PROVIDING THE OPERATOR OR TOLL SERVICE PLUS A FAIR
7 AND REASONABLE RETURN.

8 (B) THE SYSTEM ALLOWS ANY INDIVIDUAL TO RECEIVE COLLECT CALLS
9 FROM PRISONERS BILLED AT THE SAME RATE AND SUBJECT TO THE SAME

1 CHARGES REGARDLESS OF WHICH LOCAL TELEPHONE SERVICE PROVIDER THE
2 INDIVIDUAL USES.

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

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

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

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

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

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

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

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

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

1 MCL 484.2102.