

HOUSE No. 1796

The Commonwealth of Massachusetts

PRESENTED BY:

Chynah Tyler

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 relative to telephone service for inmates in all correctional and other penal institutions in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Chynah Tyler</i>	<i>7th Suffolk</i>	<i>1/17/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/8/2023</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/8/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/8/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/8/2023</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/8/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>2/8/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/8/2023</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>	<i>2/8/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/8/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/8/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/8/2023</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/8/2023</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/8/2023</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>2/8/2023</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>2/8/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/8/2023</i>

<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/8/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/8/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/8/2023</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>2/14/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>2/14/2023</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/14/2023</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>2/14/2023</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>2/21/2023</i>
<i>Kate Donaghue</i>	<i>19th Worcester</i>	<i>2/21/2023</i>
<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>2/21/2023</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>2/21/2023</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/21/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>2/21/2023</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>2/21/2023</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>4/4/2023</i>
<i>Judith A. Garcia</i>	<i>11th Suffolk</i>	<i>4/4/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>4/4/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>4/4/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>4/4/2023</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>4/4/2023</i>
<i>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>4/4/2023</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>4/4/2023</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>4/4/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>4/4/2023</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>4/4/2023</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>4/4/2023</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>4/4/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>4/4/2023</i>
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>4/4/2023</i>
<i>Rita A. Mendes</i>	<i>11th Plymouth</i>	<i>4/5/2023</i>
<i>Rob Consalvo</i>	<i>14th Suffolk</i>	<i>7/25/2023</i>

HOUSE No. 1796

By Representative Tyler of Boston, a petition (accompanied by bill, House, No. 1796) of Chynah Tyler and others relative to telephone service for inmates in correctional institutions. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1900 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act relative to telephone service for inmates in all correctional and other penal institutions in the Commonwealth.

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

1 Section [1] Chapter 127 of the General Laws is hereby amended by inserting after section
2 87 the 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 within 90 days of enactment of this
15 bill.

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

22 (e) In all state correctional facilities, state prisons and county correctional facilities,
23 including jails and houses of correction, that currently provide tablets that are capable of
24 becoming calling-enabled, the department of correction and sheriffs shall enable voice
25 communication services via these tablets, and shall ensure adequate infrastructure to provide
26 voice communication services via these tablets. These voice communication services shall be
27 provided free of charge to the person initiating and the person receiving the communication,
28 within 90 days of enactment of this bill. When tablet calling is unavailable—because Wifi is
29 unavailable, the tablet is damaged or lost, or for any other reason—incarcerated persons shall
30 have access to physical phones at all times in all housing units to the extent that such access does

31 not interfere with rehabilitative, educational or vocational programming or routine facility
32 procedures.

33 (f) The department of correction and sheriffs may supplement voice communication
34 services with other communication services, including, but not limited to, video and electronic
35 communication services provided, however, that other communication services shall not replace
36 voice communication services; and provided further, that other communication services shall be
37 provided free of charge to the person initiating and the person receiving the communication
38 within 90 days of enactment of this bill.

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

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

53 and the sheriffs shall report to the house and senate committees on ways and means and the joint
54 committee on the judiciary on the status of any communication services contracts and plans to
55 consolidate contracts to maximize purchasing power for voice communication services.