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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2302 Session of  
2018

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INTRODUCED BY WHEATLEY, THOMAS, FRANKEL, KINSEY, J. McNEILL,  
DEAN AND SCHWEYER, MAY 8, 2018

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MAY 8, 2018

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AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, in telephone and telegraph wires,  
3 further providing for definitions and for State correctional  
4 institutions.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 2901 of Title 66 of the Pennsylvania  
8 Consolidated Statutes is amended by adding definitions to read:  
9 § 2901. Definitions.

10 The following words and phrases when used in this chapter  
11 shall have, unless the context clearly indicates otherwise, the  
12 meanings given to them in this section:

13 "Correctional institution." As defined in 61 Pa.C.S. § 102  
14 (relating to definitions). The term shall also include an  
15 institution that houses inmates and is administered by a private  
16 entity.

17 \* \* \*

18 "Governing authority." One of the following:

19 (1) If the correctional institution is administered by

1 the Commonwealth, the Department of Corrections of the  
2 Commonwealth.

3 (2) If the correctional institution is administered by a  
4 county, the county jail oversight board of the county.

5 (3) If administered by a private entity, the private  
6 entity.

7 \* \* \*

8 Section 2. Section 2907 of Title 66 is amended to read:

9 § 2907. [State correctional] Correctional institutions.

10 (a) Identification of calls.--Telecommunication service  
11 providers which provide telecommunication services to [State]  
12 any correctional [institutions] institution within this  
13 Commonwealth shall identify to the called party any call made by  
14 an inmate as originating from a correctional institution[.] and,  
15 if the call is a collect call, the telecommunication service  
16 provider shall inform the called party of the rate at which the  
17 called party will be billed.

18 (a.1) Public notice.--

19 (1) Within 30 days of the establishment of an agreement  
20 that will have an effect on the rate at which either party  
21 will be billed, the governing authority of a correctional  
22 institution shall publish the revised rates, including any  
23 additional fee and the length of the contract, to the  
24 publicly accessible Internet website associated with the  
25 correctional institution.

26 (2) The rate at which a party may be billed for a call  
27 originating in the correctional institution shall be posted  
28 conspicuously and in close proximity to any area in which  
29 inmates may make telephone calls.

30 (b) Payment of calls.--

1           (1) The [Department of Corrections] governing authority  
2 of a correctional institution may direct that calls made by  
3 an inmate shall be collect calls.

4           (2) The [Department of Corrections] governing authority  
5 of a correctional institution may provide guidelines for  
6 alternative payment methods for telephone calls made by  
7 inmates, provided that the alternative methods are consistent  
8 with security needs, orderly operation of the prison and the  
9 public interest.

10 (b.1) Contracts for service.--

11           (1) Notwithstanding any other provision of law, all  
12 contracts between correctional institutions and  
13 telecommunication service providers shall be subject to or  
14 comply with the procurement provisions under 62 Pa.C.S. § 512  
15 (relating to competitive sealed bidding) and the following:

16                 (i) When evaluating proposals from telecommunication  
17 service providers, the governing authority of the  
18 correctional institution shall seek to obtain quality  
19 service for the lowest cost to the billed party.

20                 (ii) The correctional institution shall not accept  
21 commissions or other revenue in excess of its reasonable  
22 operating costs for establishing and administering the  
23 telecommunications systems.

24           (2) Correctional institutions may not impose a surcharge  
25 or other fees for telephone usage by inmates in excess of the  
26 charges imposed by the telecommunication service provider.

27           (3) Telecommunication service providers may not impose a  
28 surcharge or fee to the billed party in addition to the  
29 charges described in the contract for service established  
30 with the correctional institution or its governing authority.

1           (4) A copy of the signed contract or an amendment to the  
2 signed contract shall be filed with the commission no less  
3 than 30 days prior to the effective date of the contract, as  
4 prescribed under section 503 (relating to enforcement  
5 proceedings by Chief Counsel).

6           (c) No cause of action created.--This section shall not be  
7 construed to create any cause of action or any legal right in  
8 any person or entity. In addition, this section is not intended  
9 to create any right of an inmate to make a telephone call or to  
10 compel a particular method of payment.

11           (d) Administration.--

12           (1) The governing authority of a correctional  
13 institution may establish additional rules or procedures to  
14 administer telecommunication service programs.

15           (2) Violations of this section may be reported to the  
16 commission using the methods outlined in Chapter 7 (relating  
17 to procedure on complaints). The commission may conduct  
18 investigations and hearings as it deems necessary, and a  
19 party found in violation of any part of this section shall be  
20 subject to the penalties described in Chapter 33 (relating to  
21 violations and penalties).

22           Section 3. This act shall take effect in 60 days.