

# HOUSE BILL 401

E5  
HB 1366/24 – JUD

5lr1681  
CF SB 56

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By: **Delegates Roberson, Amprey, Kaufman, J. Long, Pasteur, Wilkins, and Woods**  
Introduced and read first time: January 16, 2025  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Correctional Facilities – Incarcerated Individuals – Costs of Telephone**  
3 **Communications**

4 FOR the purpose of establishing certain requirements relating to the use of telephone  
5 equipment and telephone services by incarcerated individuals in State correctional  
6 facilities; establishing the Costs of Telephone Communications Advisory Committee;  
7 and generally relating to the payment of costs for telephone equipment and  
8 telephone services used by incarcerated individuals in State correctional facilities.

9 BY repealing and reenacting, with amendments,  
10 Article – Correctional Services  
11 Section 10–503(a)(2)  
12 Annotated Code of Maryland  
13 (2017 Replacement Volume and 2024 Supplement)

14 BY adding to  
15 Article – Correctional Services  
16 Section 10–1001 through 10–1003 to be under the new subtitle “Subtitle 10.  
17 No–Charge Telephone Communications for Incarcerated Individuals”  
18 Annotated Code of Maryland  
19 (2017 Replacement Volume and 2024 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
21 That the Laws of Maryland read as follows:

22 **Article – Correctional Services**

23 10–503.

24 (a) (2) (i) Each fund consists of:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 1. profits derived from the sale of goods through the  
2 commissary operation [and telephone] and vending machine commissions; and

3 2. subject to subparagraph (ii) of this paragraph, money  
4 received from other sources.

5 (ii) Money from the General Fund of the State may not be  
6 transferred by budget amendment or otherwise to a fund.

7 **SUBTITLE 10. NO-CHARGE TELEPHONE COMMUNICATIONS FOR INCARCERATED**  
8 **INDIVIDUALS.**

9 **10-1001.**

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
11 INDICATED.

12 (B) (1) "TELEPHONE EQUIPMENT" MEANS A TELEPHONE OR OTHER  
13 DEVICE OR SYSTEM THAT ENABLES A USER TO MAKE VOICE COMMUNICATION USING  
14 A TELEPHONE SERVICE.

15 (2) "TELEPHONE EQUIPMENT" DOES NOT INCLUDE EQUIPMENT FOR  
16 VIDEO COMMUNICATION.

17 (C) "TELEPHONE SERVICE" MEANS:

18 (1) LANDLINE TELEPHONE SERVICE;

19 (2) WIRELESS OR CELLULAR TELEPHONE SERVICE;

20 (3) VOICE OVER INTERNET PROTOCOL (VOIP) SERVICE, AS DEFINED  
21 IN § 8-601 OF THE PUBLIC UTILITIES ARTICLE; OR

22 (4) ANY OTHER SIMILAR SERVICE CAPABLE OF BEING USED FOR  
23 VOICE COMMUNICATION, REGARDLESS OF THE TECHNOLOGY.

24 (D) "TELEPHONE SERVICE PROVIDER" MEANS A PERSON ENGAGED IN THE  
25 BUSINESS OF PROVIDING TELEPHONE EQUIPMENT OR A TELEPHONE SERVICE FOR  
26 A FEE.

27 **10-1002.**

1           **THIS SUBTITLE APPLIES ONLY TO TELEPHONE EQUIPMENT OR A TELEPHONE**  
2 **SERVICE THAT A STATE CORRECTIONAL FACILITY HAS AUTHORIZED AN**  
3 **INCARCERATED INDIVIDUAL TO USE IN THE FACILITY.**

4 **10-1003.**

5           **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A STATE**  
6 **CORRECTIONAL FACILITY IS RESPONSIBLE FOR THE PAYMENT OF ANY COST**  
7 **CHARGED BY A TELEPHONE SERVICE PROVIDER FOR THE USE OF TELEPHONE**  
8 **EQUIPMENT AND A TELEPHONE SERVICE BY AN INCARCERATED INDIVIDUAL WHO IS**  
9 **CONFINED IN THE FACILITY.**

10           **(2) THIS SUBSECTION MAY NOT BE INTERPRETED TO REQUIRE A**  
11 **STATE CORRECTIONAL FACILITY TO PAY A COST THAT THE FACILITY DISPUTES IS**  
12 **OWED TO A TELEPHONE SERVICE PROVIDER.**

13           **(B) A STATE CORRECTIONAL FACILITY AND A TELEPHONE SERVICE**  
14 **PROVIDER MAY NOT CHARGE AN INCARCERATED INDIVIDUAL OR A THIRD PARTY,**  
15 **INCLUDING THE RECIPIENT OF A TELEPHONE CALL, FOR AN INCARCERATED**  
16 **INDIVIDUAL'S USE OF TELEPHONE EQUIPMENT OR TELEPHONE SERVICES IN A**  
17 **STATE CORRECTIONAL FACILITY.**

18           **(C) A STATE CORRECTIONAL FACILITY SHALL ESTABLISH A RATIO OF TEN**  
19 **INDIVIDUALS TO ONE TELEPHONE.**

20           **(D) AN INCARCERATED INDIVIDUAL'S ACCESS TO OR USE OF TELEPHONE**  
21 **EQUIPMENT AND TELEPHONE SERVICES MAY NOT SUPPLANT TIME THAT THE**  
22 **INCARCERATED INDIVIDUAL IS ENTITLED TO IN-PERSON VISITATION.**

23           **(E) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A**  
24 **STATE CORRECTIONAL FACILITY FROM DISABLING TELEPHONE SERVICES FOR**  
25 **DISCIPLINARY MATTERS.**

26           SECTION 2. AND BE IT FURTHER ENACTED, That:

27           (a) There is a Costs of Telephone Communications Advisory Committee.

28           (b) The Advisory Committee consists of the following members:

29                   (1) two members of the Senate, appointed by the President of the Senate;

30                   (2) two members of the House of Delegates, appointed by the Speaker of  
31 the House;

1 (3) the Secretary of Public Safety and Correctional Services, or the  
2 Secretary's designee;

3 (4) the Public Defender, or the Public Defender's designee;

4 (5) the President of the Maryland State's Attorneys' Association, or the  
5 President's designee;

6 (6) the following members designated by the Secretary of Public Safety and  
7 Correctional Services:

8 (i) one member who is employed by the Department of Public Safety  
9 and Correctional Services and whose primary responsibility is to implement and maintain  
10 communication services for incarcerated individuals; and

11 (ii) one member who is employed as a correctional officer in a State  
12 correctional facility; and

13 (7) the following members appointed by the Governor:

14 (i) one member who represents a nonprofit organization that  
15 primarily advocates for no-charge prison phone call programs;

16 (ii) two members who were formally incarcerated in a State  
17 correctional facility;

18 (iii) two members who are currently incarcerated in a State  
19 correctional facility;

20 (iv) one member who represents a nonprofit organization that  
21 primarily advocates for job opportunities and low-wage workers;

22 (v) one member who represents a nonprofit organization that  
23 primarily advocates for criminal justice reform to improve reentry of incarcerated  
24 individuals; and

25 (vi) one member who represents a correctional officers' union.

26 (c) The Governor shall designate the chair of the Advisory Committee.

27 (d) The Department of Legislative Services shall provide staff for the Advisory  
28 Committee.

29 (e) A member of the Advisory Committee:

30 (1) may not receive compensation as a member of the Advisory Committee;  
31 but

1           (2) is entitled to reimbursement for expenses under the Standard State  
2 Travel Regulations, as provided in the State budget.

3           (f) The Advisory Committee shall:

4           (1) review and analyze data related to no-charge prison and jail phone call  
5 programs in other states;

6           (2) review and analyze data from the Department of Public Safety and  
7 Correctional Services related to the use of telephone equipment and telephone services,  
8 including monthly volume;

9           (3) review and analyze contracts for telephone equipment and telephone  
10 service in State correctional facilities, including the rates and fees paid by the Department  
11 of Public Safety and Correctional Services and fees charged to users for the services  
12 provided;

13           (4) make recommendations to lower the projected cost of providing  
14 no-charge prison phone calls in the State; and

15           (5) make recommendations to efficiently implement a no-charge prison  
16 phone call program under Title 10, Subtitle 10 of the Correctional Services Article.

17           (g) On or before December 31, 2025, the Advisory Committee shall report its  
18 findings and recommendations to the Governor and, in accordance with § 2-1257 of the  
19 State Government Article, the General Assembly.

20           SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take  
21 effect July 1, 2026.

22           SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section  
23 3 of this Act, this Act shall take effect July 1, 2025. Section 2 of this Act shall remain  
24 effective for a period of 1 year and, at the end of June 30, 2026, Section 2 of this Act, with  
25 no further action required by the General Assembly, shall be abrogated and of no further  
26 force and effect.