

AMENDED IN SENATE JUNE 10, 2014

AMENDED IN ASSEMBLY MAY 15, 2014

AMENDED IN ASSEMBLY APRIL 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1876

Introduced by Assembly Member Quirk

February 19, 2014

An act to add Chapter 3.2 (commencing with Section 22120) to Part 3 of Division 2 of the Public Contract Code, relating to detention facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1876, as amended, Quirk. Jails and juvenile facilities: telephone service contracts.

Existing law imposes specified procedural and substantive content requirements on contracts entered into by local agencies, including cities and counties.

This bill would require any contract to provide telephone services to any person detained or sentenced to a jail or juvenile facility to be negotiated and awarded to an entity that meets the jail or juvenile facility's technical, functional, and security requirements for services, and that provides the lowest cost of service to any person who pays for the telephone service. The bill would ~~additionally~~ prohibit any contract to provide telephone services to any person detained or sentenced to a jail or juvenile facility from including any commission or other payment, as defined, to the entity operating the jail or juvenile facility. *The bill would further require that telephone rates affected by these provisions be reduced in response to the elimination of commission fees and require*

that current contracts for these telephone services, as specified, be amended to eliminate commission fees or other payments by a specified date.

Because this bill would require new actions by local jail officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 3.2 (commencing with Section 22120)
2 is added to Part 3 of Division 2 of the Public Contract Code, to
3 read:

4
5 CHAPTER 3.2. CONTRACTS FOR TELEPHONE SERVICES IN JAILS
6 AND JUVENILE FACILITIES
7

8 22120. (a) Any contract to provide telephone services to any
9 person detained or sentenced to a jail or juvenile facility shall be
10 negotiated and awarded to an entity that meets the jail or juvenile
11 facility’s technical, functional, and security requirements for
12 services, and that provides the lowest cost of service to any person
13 who pays for the telephone service. A county may require a
14 telephone service provider to cover all costs related to the
15 installation and maintenance of the telephone devices and services.

16 (b) A contract to provide telephone services to any person
17 detained or sentenced to a jail or juvenile facility shall not include
18 any commission or other payment to the entity operating the jail
19 or juvenile facility.

20 (c) Telephone rates shall be reduced in response to the
21 elimination of commission fees.

1 (d) All current telephone contracts that provide telephone
2 services to any person detained or sentenced to a jail or juvenile
3 facility shall be amended to eliminate commissions and other
4 payments on or before January 1, 2016. Telephone contracts that
5 provide free telephone services are exempt from this requirement.

6 (e)

7 (e) For purposes of this section, the following terms have the
8 following meanings:

9 (1) "Jail" means a county jail, a municipal jail, or a privately
10 operated jail.

11 (2) "Juvenile facility" means any juvenile hall, camp, ranch, or
12 other facility where a person is detained as a result of a petition
13 pursuant to Section 601 or 602 of the Welfare and Institutions
14 Code.

15 (3) "Commission or other payment" means any payments made
16 to incentivize procurement of contracts, but does not include grants
17 and other payments that do not increase the cost of telephone calls
18 billed to consumers.

19 SEC. 2. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.