

AMENDED IN ASSEMBLY JUNE 27, 2000

AMENDED IN SENATE MAY 1, 2000

SENATE BILL

No. 1978

**Introduced by Senator Hayden
(Principal coauthors: Senators Polanco and Vasconcellos)**

February 25, 2000

An act to add Section 10108.8 of the Public ~~Contracts~~ *Contract* Code, relating to correctional institutions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1978, as amended, Hayden. Department of Corrections: telephone service contracts.

Existing law imposes specified procedural and substantive content requirements on contracts entered into by state agencies, including the Department of Corrections.

This bill would state findings and declarations of the Legislature with regard to the availability and cost of telephone services to inmates within the custody of the Department of Corrections and wards of the California Youth Authority, *and their families and loved ones*, and would provide that any contract to provide telephone services to wards of the Department of the Youth Authority or to inmates in state prisons shall be negotiated and awarded in a manner to provide for the lowest—~~possible~~ *reasonable* costs to wards and inmates, *and their families and loved ones*, and to pay for any expenses of the Department of Corrections and the Department of the Youth Authority, as well as for the reasonable costs of the Department of General Services for

establishing and administering any necessary telephone contract, and profits to these departments or the state shall not be a basis for awarding a contract.

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

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

1 SECTION 1. The Legislature finds and declares the
2 following:

3 (a) The California prison system is comprised of 33
4 institutions that are often located in remote locations,
5 making it difficult for family and friends to visit inmates.

6 (b) Studies, advocates, and incarceration experts have
7 concluded that inmates who remain in contact with
8 family and loved ones are less likely to pose a threat to
9 prison staff or to reoffend once released.

10 (c) Collect phone calls are often the only means by
11 which the more than 160,000 inmates confined in the
12 California prison system can directly communicate with
13 family, friends, and loved ones.

14 (d) The State of California contracts with vendors
15 through a prescribed bidding process to provide
16 telephone service to prisons while maximizing its
17 economic return through telephone concessions
18 agreements.

19 (e) Billing rates for collect telephone calls from
20 prisons include a 33- to 43-percent commission beyond
21 the provider's costs, which in 1998 generated \$16 million
22 for the General Fund of the state.

23 (f) The excessive rates resulting from the state
24 commission for collect telephone calls made from prisons
25 makes it difficult, if not impossible, for inmates to remain
26 in regular contact with family members and loved ones.

27 (g) Therefore, it is the intent of the Legislature to
28 assure that affordable telephone services are available for
29 inmates within the custody of the Department of
30 Corrections and wards of the California Youth Authority,
31 and their families and loved ones.



1 *(h) In assuring affordable telephone service as*
2 *specified, it also is the intent of the Legislature to assure*
3 *that any awarded contract allows for full recovery of the*
4 *vendor's costs in performing the terms and conditions of*
5 *the contract and a reasonable margin of profit.*

6 SEC. 2. Section 10108.8 is added to the Public
7 Contract Code, to read:

8 10108.8. Any contract to provide telephone services
9 to wards of the Department of the Youth Authority or to
10 inmates in state prisons shall be negotiated and awarded
11 in a manner to provide for the lowest ~~possible~~ *reasonable*
12 costs to wards and inmates, *and their families and loved*
13 *ones*, and to pay for any expenses of the Department of
14 Corrections and the Department of the Youth Authority,
15 as well as for the reasonable costs of the Department of
16 General Services for establishing and administering any
17 necessary telephone contract, and profits to these
18 departments or the state shall not be a basis for awarding
19 a contract.

