

1 AN ACT relating to telecommunications for inmates in jails.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 441 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Telecommunications service" means any service designed to be used by*  
7 *inmates within the jail for communicating electronically with individuals*  
8 *not in custody of the jail, whether it be through audio, visual, text, or other*  
9 *means, or a combination of any, using a wired or wireless medium, and*  
10 *shall include all electronic devices and infrastructure installed in the jail or*  
11 *its grounds, as well as administrative and support services related thereto*  
12 *provided by the provider of the telecommunications service; and*

13 *(b) "Utilization event" means each individual accessing of the*  
14 *telecommunications service, whether it be a telephone or cell phone call,*  
15 *video call, text, or other usage that would incur a charge by the provider of*  
16 *the telecommunications service, and includes the use of time on a pre-paid*  
17 *calling card.*

18 *(2) Any jailer prior to entering into a contract for telecommunications services shall,*  
19 *regardless of the total cost of the contract, advertise for the procurement of these*  
20 *services under KRS 424.260, or, if the county in which the jail is located has*  
21 *adopted the local model procurement code, KRS 45A.343 to 45A.460.*

22 *(3) No less than thirty (30) days after the date the jailer enters into a contract for*  
23 *telecommunications services, the jailer shall make a written report to the fiscal*  
24 *court, or, if a regional jail, to the fiscal courts that are party to the regional jail,*  
25 *detailing:*

26 *(a) A general description of the type of the service provided;*

27 *(b) The total contract value which shall include a detailed listing of all*

1 infrastructure and equipment to be installed in the jail, or to remain in the  
2 jail if the contract is a continuation of an existing service;

3 (c) The cost to be paid by the jail for securing or retaining the service;

4 (d) The value over the life of a contract of any technology grant, signing bonus,  
5 labor reimbursement, complimentary pre-paid calling cards, or other offer  
6 of monetary value that would add to value of the contract including the  
7 value of anything with a monetary value that would negate the price of  
8 installing, operating, or maintaining the telecommunications service;

9 (e) The amount of money to be collected per utilization event to be paid by the  
10 inmate to the telecommunications provider of the telecommunications  
11 service listed by the type of service; and

12 (f) The amount of money to be paid to the jail account by the  
13 telecommunications provider per utilization event of the  
14 telecommunications service by the inmate, or the percent commission paid  
15 monthly to the jail from the profits of the provider of the  
16 telecommunications service generated by inmate use of those  
17 telecommunications services;

18 (4) The jailer shall maintain a separate account of all moneys received or disbursed  
19 related to the telecommunications service.

20 (5) In addition to the reports required under KRS 441.105 and 441.235, the jailer  
21 shall make a quarterly report to the fiscal court containing the following:

22 (a) The total amount of money paid to the provider of the telecommunications  
23 service by service use, which shall be itemized by each billable portion of the  
24 service;

25 (b) The total amount of money received from the provider of the  
26 telecommunications service, including values associated with subsection  
27 (3)(d) of this section, which shall be itemized by each source of revenue

- 1           within the telecommunications service; and
- 2           (c) The total number of utilization events, categorized by the type of use, such  
3           as telephonic, videographic, and textual, as well as the length, if length  
4           constitutes a billable unit.
- 5           (6) The expenses, revenues, and provision of items of value related to the provision of  
6           the telecommunications service shall be subject to individual audit. The fiscal  
7           court where the jail is located, or any fiscal court whose county operates under a  
8           contract with another jail to house its prisoners or whose county participates in a  
9           regional jail under KRS 441.800, may request an audit of the expenses, revenues,  
10           and provision of items of value related to the provision of the telecommunications  
11           service. The audit may be conducted by the Auditor of Public Accounts under  
12           KRS 43.070 or, if the Auditor declines, by an independent certified public  
13           accountant contracted with by the county.
- 14           (7) Any contract entered into by a jailer and a provider of telecommunications  
15           services shall include a provision that the provider of telecommunications  
16           services provide the data required under this section to the jailer and any other  
17           public official involved in the administering of the provisions of this section.
- 18           (8) The provisions of this section shall also apply to local governments operating  
19           metropolitan correctional services departments under KRS Chapter 67B, and  
20           correctional services divisions under KRS 67A.028.