

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1031

Introduced by McCollister, 20.

Read first time January 13, 2022

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to city and county jails; to amend sections
- 2 47-101.01 and 47-201.01, Reissue Revised Statutes of Nebraska; to
- 3 provide for caps on fees for inmate telephone calls; to harmonize
- 4 provisions; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 47-101.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 47-101.01 (1) Each county jail shall make available either a prepaid
4 telephone call system or collect telephone call system, or a combination
5 thereof, for telephone services for inmates. Under either system, the
6 provision of inmate telephone services shall be subject to the
7 requirements of this section.

8 (2)(a) {2} Under a prepaid system, funds may be deposited into an
9 inmate account in order to pay for telephone calls. The provider of the
10 inmate telephone services, as an additional means of payment, shall
11 permit the recipient of inmate collect telephone calls to establish an
12 account with that provider in order to deposit funds for advance payment
13 of those collect telephone calls. The provider of the inmate telephone
14 services shall also allow inmates to communicate on the telephone, or by
15 videoconferencing, with an attorney or attorneys without charge and
16 without monitoring or recording by the county jail or law enforcement.

17 (b) For telephone calls, jails shall not enter into a contract with
18 a telecommunications provider that charges more than the following
19 amounts per minute:

20 (i) For jails with an inmate population of one thousand or more,
21 thirteen cents;

22 (ii) For jails with an inmate population of more than three hundred
23 fifty and less than one thousand, fifteen cents; and

24 (iii) For jails with an inmate population of three hundred fifty or
25 fewer, twenty-one cents.

26 (c) Ancillary fees for prepaid call accounts shall be no more than
27 two dollars for online payments and four dollars and ninety-five cents
28 for live-operator payments.

29 (d) For transaction fees charged to recipients of collect calls,
30 jails shall not enter into a contract with a telecommunications provider
31 that charges more than four dollars per call.

1 (3) A county operating a county jail may receive revenue for the
2 reasonable operating costs for establishing and administering such
3 telephone services system or videoconferencing system, but shall not
4 receive excessive commissions or bonus payments. In determining the
5 amount of such reasonable operating costs, the Jail Standards Board may
6 consider for comparative purposes the rates for inmate calling services
7 provided in 47 C.F.R. part 64. Amounts in excess of the reasonable
8 operating costs include, but are not limited to, any excessive
9 commissions and bonus payments, as determined by the Jail Standards
10 Board, including, but not limited to, awards paid to a county for
11 contracting with an entity that provides such service.

12 (4) Nothing in this section shall require a county jail to provide
13 or administer a prepaid telephone call system.

14 (5) For the purposes of this section, collect telephone call system
15 means a system pursuant to which recipients are billed for the cost of an
16 accepted telephone call initiated by an inmate.

17 Sec. 2. Section 47-201.01, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 47-201.01 (1) Each city jail shall make available either a prepaid
20 telephone call system or collect telephone call system, or a combination
21 thereof, for telephone services for inmates. Under either system, the
22 provision of inmate telephone services shall be subject to the
23 requirements of this section.

24 (2)(a) ~~(2)~~ Under a prepaid system, funds may be deposited into an
25 inmate account in order to pay for telephone calls. The provider of the
26 inmate telephone services, as an additional means of payment, shall
27 permit the recipient of inmate collect telephone calls to establish an
28 account with that provider in order to deposit funds for advance payment
29 of those collect telephone calls. The provider of the inmate telephone
30 services shall also allow inmates to communicate on the telephone, or by
31 videoconferencing, with an attorney or attorneys without charge and

1 without monitoring or recording by the city jail or law enforcement.

2 (b) For telephone calls, jails shall not enter into a contract with
3 a telecommunications provider that charges more than the following
4 amounts per minute:

5 (i) For jails with an inmate population of one thousand or more,
6 thirteen cents;

7 (ii) For jails with an inmate population of more than three hundred
8 fifty and less than one thousand, fifteen cents; and

9 (iii) For jails with an inmate population of three hundred fifty or
10 fewer, twenty-one cents.

11 (c) Ancillary fees for prepaid call accounts shall be no more than
12 two dollars for online payments and four dollars and ninety-five cents
13 for live-operator payments.

14 (d) For transaction fees charged to recipients of collect calls,
15 jails shall not enter into a contract with a telecommunications provider
16 that charges more than four dollars per call.

17 (3) A city operating a city jail may receive revenue for the
18 reasonable operating costs for establishing and administering such
19 telephone services system or videoconferencing system, but shall not
20 receive excessive commissions or bonus payments. In determining the
21 amount of such reasonable operating costs, the Jail Standards Board may
22 consider for comparative purposes the rates for inmate calling services
23 provided in 47 C.F.R. part 64. Amounts in excess of the reasonable
24 operating costs include, but are not limited to, any excessive
25 commissions and bonus payments, as determined by the Jail Standards
26 Board, including, but not limited to, awards paid to a city for
27 contracting with an entity that provides such service.

28 (4) Nothing in this section shall require a city jail to provide or
29 administer a prepaid telephone call system.

30 (5) For the purposes of this section, collect telephone call system
31 means a system pursuant to which recipients are billed for the cost of an

- 1 accepted telephone call initiated by an inmate.
- 2 Sec. 3. Original sections 47-101.01 and 47-201.01, Reissue Revised
- 3 Statutes of Nebraska, are repealed.