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SENATE BILL NO. 612

Offered January 11, 2006

A BILL to amend and reenact §§ 53.1-1.1 and 56-234 of the Code of Virginia, and to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 53.1 a section numbered 53.1-1.2, relating to telephone systems within state correctional facilities.

Patrons—Puckett; Delegates: Albo and Saxman

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-1.1 and 56-234 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 53.1 a section numbered 53.1-1.2, as follows:

§ 53.1-1.1. Telephone systems within correctional facilities.

The Department of Corrections shall offer debit or prepaid telephone systems, in addition to any existing collect calling systems, which allow telephone calls to be placed to the telephone number or numbers on an approved call list. Such telephone systems ~~may~~ shall be established with the lowest available rates, *allowing for the security needs of the institutions.*

Commission payments to the Commonwealth or agencies thereof from the companies that provide inmate telephone services shall not exceed 10% of the amount paid by the individuals who use the service. All payments received by the Commonwealth as a result of the telephone systems required by this section shall be paid into the Prisoner Reentry Fund established in § 53.1-1.2.

§ 53.1-1.2. Prisoner Reentry Fund established; uses.

There is hereby created in the state treasury a special nonreverting fund to be known as the Prisoner Reentry Fund (the Fund). The Fund shall be established on the books of the Comptroller. All payments received as a result of the telephone systems required by § 53.1-1.1 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of independent pre-release and post-release transition services programs. The Board of Corrections shall determine what organizations shall receive moneys from the Fund. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

For purposes of this section, "independent pre-release and post-release services programs" include those supported by charitable and faith-based organizations.

§ 56-234. Duty to furnish adequate service at reasonable and uniform rates.

It shall be the duty of every public utility to furnish reasonably adequate service and facilities at reasonable and just rates to any person, firm or corporation along its lines desiring same. It shall be their duty to charge uniformly therefor all persons, corporations or municipal corporations using such service under like conditions. However, no provision of law shall be deemed to preclude voluntary rate or rate design tests or experiments, or other experiments involving the use of special rates, where such experiments have been approved by order of the Commission after notice and hearing and a finding that such experiments are necessary in order to acquire information which is or may be in furtherance of the public interest. The charge for such service shall be at the lowest rate applicable for such service in accordance with schedules filed with the Commission pursuant to § 56-236. But, subject to the provisions of § 56-232.1, nothing contained herein or in § 56-481.1 shall apply to (i) schedules of rates for any telecommunications service provided to the public by virtue of any contract with, (ii) for any service provided under or relating to a contract for telecommunications services with, or (iii) contracts for service rendered by any telephone company to, the state government or any agency thereof, or by any other public utility to any municipal corporation or to the state or federal government, *unless the costs of the services provided are billed to the individual members of the general public who use the services.* The provisions hereof shall not apply to or in any way affect any proceeding pending in the State Corporation Commission on or before July 1, 1950, and shall not confer on the Commission any jurisdiction not now vested in it with respect to any such proceeding.

2. That the Board of Corrections shall promulgate regulations to implement the provisions of § 53.1-1.2, including developing an application process and criteria for the selection of fund recipients.

INTRODUCED

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