

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE ENROLLED ACT No. 136

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AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 5-22-23 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 23. Telephone Calling Systems for Confined Offenders**

**Sec. 1. For purposes of this chapter, "confined" has the meaning set forth in IC 11-8-1-6.**

**Sec. 2. For purposes of this chapter, "department" refers to the Indiana department of administration.**

**Sec. 3. For purposes of this chapter, "offender" has the meaning set forth in IC 11-8-1-9.**

**Sec. 4. For purposes of this chapter, "system" means a telephone calling system (including local, intralata, interlata, and interstate long distance services) for confined offenders.**

**Sec. 5. (a) This section applies to a solicitation for a system by the department.**

**(b) Notwithstanding any other law, the solicitation must include a statement concerning the following:**

- (1) Any security and fraud control services considered necessary by the department, including the use of collect calling services as the sole means of confined offender communications with the general population.**
- (2) The goal of reducing the total cost of a telephone call**



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placed by a confined offender by soliciting competitive proposals that emphasize lower:

- (A) per call service charges;
- (B) per minute rates; and
- (C) commission rates.

(c) The department shall accept the responsible offeror whose proposal is determined in writing to be the most advantageous to the governmental body, taking into consideration price and the other evaluation factors set forth in the request for proposals. The determination must include the consideration of any requirement imposed under subsection (b).

(d) The department shall deposit commissions received under a contract entered into under a solicitation into the correctional facilities calling system fund established by section 7 of this chapter.

Sec. 6. (a) This section applies to a purchasing agent for the following:

- (1) A community corrections advisory board.
- (2) A juvenile detention center.
- (3) A juvenile detention facility.
- (4) A county jail.

This section does not apply to a purchasing agent for a county with a population less than seventy-five thousand (75,000).

(b) Notwithstanding any other law, a solicitation by a purchasing agent:

- (1) must include any security and fraud control services considered necessary by the purchasing agency, including the use of collect calling services as the sole means of confined offender communications with the general population; and
- (2) may not solicit:
  - (A) a per call service charge;
  - (B) a per minute rate; or
  - (C) a commission rate;

that exceeds the terms of a contract between the state and a telecommunications provider for the same service under the most recent solicitation submitted by the department under this article.

Sec. 7. (a) The correctional facilities calling system fund is established for the purposes of improving, repairing, rehabilitating, and equipping department of correction facilities. The fund consists of the following:

- (1) Money deposited in the fund under section 5(d) of this

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chapter.

(2) Money appropriated by the general assembly.

(3) Money received from any other source.

(b) The department of correction shall administer the fund.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) Money in the fund may not be spent unless the general assembly includes a specific line item appropriation in the budget bill or otherwise specifically appropriates the money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 2. [EFFECTIVE UPON PASSAGE] IC 5-22-23, as added by this act, does not apply to solicitations for telephone calling systems (including local, interlata, intralata, and interstate long distance services) for confined offenders made before the effective date of this act.

SECTION 3. An emergency is declared for this act.

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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