

# STATE OF NEW YORK

6666

2017-2018 Regular Sessions

## IN ASSEMBLY

March 15, 2017

Introduced by M. of A. GJONAJ, WEPRIN -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to inmate telephone services at local correctional facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The correction law is amended by adding a new section 623-a  
2 to read as follows:

3 § 623-a. Inmate telephone services at local correctional facilities.  
4 1. Telephone services contracts for inmates in local correctional facil-  
5 ities shall be subject to the procurement provisions as set forth in  
6 article five-A of the general municipal law provided, however, that when  
7 determining the best value of such telephone service, the lowest possi-  
8 ble cost to the telephone user shall be emphasized.

9 2. The sheriff of such local correctional facility shall make avail-  
10 able either a prepaid or collect call system, or a combination thereof,  
11 for telephone service. Under the prepaid system, funds may be deposited  
12 into an account in order to pay for station-to-station calls, provided  
13 that nothing in this subdivision shall require the sheriff to provide or  
14 administer a prepaid system. Under a collect call system, call recipi-  
15 ents shall be billed for the cost of an accepted telephone call initi-  
16 ated by an inmate. Under such collect call system, the provider of  
17 inmate telephone service, as an additional means of payment, shall  
18 permit the recipient of inmate calls to establish an account with such  
19 provider in order to deposit funds to pay for such collect calls in  
20 advance.

21 3. A local correctional facility shall not accept or receive revenue  
22 in excess of its reasonable operating cost for establishing and adminis-  
23 tering such telephone system services as provided in subdivisions one  
24 and two of this section.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1     4. The commission shall establish rules and regulations or procedures  
2 to ensure that any inmate phone call system established by this section  
3 provides reasonable security measures to preserve the safety and securi-  
4 ty of each correctional facility, all staff and all persons outside a  
5 facility who may receive inmate phone calls.

6     5. Pursuant to rules and regulations established by the department and  
7 the commission, a local correctional facility may request to participate  
8 in a contract procured by the department pursuant to subdivision one of  
9 section six hundred twenty-three of this article. A copy of such request  
10 shall be provided to the commission. The cost and administration of  
11 telephone services secured pursuant to this subdivision shall be borne  
12 by the local correctional facility.

13     § 2. Section 623 of the correction law is amended by adding a new  
14 subdivision 5 to read as follows:

15     5. Upon application by a local correctional facility pursuant to  
16 subdivision eighteen of section forty-five of this chapter, the depart-  
17 ment may include such local correctional facility under a contract it  
18 procures to receive inmate telephone services pursuant to subdivision  
19 one of this section provided that such inclusion has no fiscal impact  
20 on, or requires continuing administration by, the department.

21     § 3. Section 45 of the correction law is amended by adding a new  
22 subdivision 18 to read as follows:

23     18. Promulgate rules and regulations, in consultation with the depart-  
24 ment, for inmate telephone services provided in local correctional  
25 facilities and to assure that such telephone services contracts are  
26 subject to the procurement provisions as set forth in article five-A of  
27 the general municipal law and that when determining the best value of  
28 such telephone service, the lowest possible cost to the telephone user  
29 shall be emphasized. Such rules and regulations shall also provide for  
30 application by a local correctional facility to participate in the  
31 following inmate telephone services contract that shall be secured by  
32 the department for state correctional facilities provided that the cost  
33 and administration of the services applied for shall be borne by the  
34 local correctional facility.

35     § 4. This act shall take effect April 1, 2018 and shall apply to  
36 contracts for inmate telephone services issued, renewed, modified,  
37 altered or amended on or after such effective date and any new or  
38 renewal contract for inmate telephone services entered into prior to  
39 April 1, 2017 shall not run past March 31, 2018.