

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.