

STATE OF NEW YORK

7658--B

2019-2020 Regular Sessions

IN ASSEMBLY

May 14, 2019

Introduced by M. of A. EPSTEIN, MOSLEY, QUART, SIMON -- read once and referred to the Committee on Correction -- recommitted to the Committee on Correction in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to providing voice communication service to incarcerated people in state correctional facilities at no cost

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

1 Section 1. Section 623 of the correction law, as added by chapter 240
2 of the laws of 2007, is amended to read as follows:

3 § 623. [~~Inmate telephone~~] Voice communication services for incarcerated
4 people in the state correctional facilities.

5 1. [~~Telephone~~] Voice communication services contracts for [~~inmates~~]
6 incarcerated people in state correctional facilities shall be subject to
7 the procurement provisions as set forth in article eleven of the state
8 finance law [~~provided, however, that when determining the best value of~~
9 ~~such telephone service, the lowest possible cost to the telephone user~~
10 ~~shall be emphasized~~].

11 2. [~~The department shall make available either a "prepaid" or "collect~~
12 ~~call" system, or a combination thereof, for telephone service. Under the~~
13 ~~"prepaid" system, funds may be deposited into an account in order to pay~~
14 ~~for station-to-station calls, provided that nothing in this subdivision~~
15 ~~shall require the department to provide or administer a prepaid system.~~
16 ~~Under a "collect call" system, call recipients are billed for the cost~~
17 ~~of an accepted telephone call initiated by an inmate. Under such~~
18 ~~"collect call" system, the provider of inmate telephone service, as an~~
19 ~~additional means of payment, must permit the recipient of inmate calls~~
20 ~~to establish an account with such provider in order to deposit funds to~~

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

LBD11453-08-0

1 ~~pay for such collect calls in advance~~ Agencies charged with the opera-
2 tion and management of state correctional facilities and juvenile
3 detention facilities shall provide persons in their custody and confined
4 in a correctional or detention facility with voice communication service
5 at a minimum of ninety minutes per day and ensure sufficient infrastruc-
6 ture to meet this baseline. The commissioner may supplement voice commu-
7 nication service with other advanced communication services, including,
8 but not limited to, video communication and electronic mail services.
9 To the extent that the commissioner provides such voice communication
10 service or any other advanced communication service, each such service
11 shall be provided free of charge to the person initiating and the person
12 receiving the communication.

13 3. ~~[The department shall not accept or receive revenue in excess of~~
14 ~~its reasonable operating cost for establishing and administering such~~
15 ~~telephone system services as provided in subdivisions one and two of~~
16 ~~this section]~~ No agency shall receive revenue from the provision of
17 voice communication services or any other communication services to any
18 person confined in a state correctional or detention facility.

19 4. Nothing in this section shall be construed to limit, replace or
20 prevent in-person visitation between persons confined in a state correc-
21 tional or detention facility and relatives, friends or any other persons
22 approved to visit such person.

23 5. The department shall establish rules and regulations or depart-
24 mental procedures to ensure that any [~~inmate phone call system~~] voice
25 communication services for incarcerated people established by this
26 section provides reasonable security measures to preserve the safety and
27 security of each correctional facility, all staff and all persons
28 outside a facility who may receive [~~inmate phone calls~~] communications
29 for incarcerated people.

30 § 2. This act shall take effect April 1, 2021 and shall apply to any
31 new or renewal contract for voice communications for incarcerated people
32 or other advanced communication services entered into on or after such
33 date and provided further that any new or renewal contract for voice
34 communications for incarcerated people or other advanced communication
35 services entered into prior to April 1, 2021 shall not run past March
36 31, 2021.