

STATE OF NEW YORK

3512--B

2021-2022 Regular Sessions

IN SENATE

January 29, 2021

Introduced by Sens. BAILEY, COONEY, HOYLMAN, JACKSON, RIVERA, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- 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 services to incarcerated individuals at no cost

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

Section 1. Section 623 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 623. [~~Incarcerated individual telephone~~] Voice communication services for incarcerated individuals. 1. [~~Telephone~~] Voice communication services contracts for incarcerated individuals in state correctional facilities shall be subject to the procurement provisions as set forth in article eleven of the state finance law [~~provided, however, that when determining the best value of such telephone service, the lowest possible cost to the telephone user shall be emphasized~~].

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

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

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

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

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

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

32 § 2. This act shall take effect April 1, 2023 and shall apply to any
33 new or renewal contract for voice communication services for incarcerat-
34 ed individuals or other advanced communication services entered into on
35 or after such date and provided further that any new or renewal contract
36 for voice communication services for incarcerated individuals or other
37 advanced communication services entered into prior to April 1, 2023
38 shall not run past March 31, 2023.