

# STATE OF NEW YORK

2446--A

2021-2022 Regular Sessions

## IN ASSEMBLY

January 19, 2021

Introduced by M. of A. HYNDMAN -- read once and referred to the Committee on Correction -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 facilities shall be subject to the procurement provisions as set forth in  
5 article five-A of the general municipal law provided, however, that when  
6 determining the best value of such telephone service, the lowest possible  
7 cost to the telephone user shall be emphasized. Local correctional  
8 facilities, counties and municipalities shall not accept or receive  
9 revenue or other benefits from the provider of telephone services to  
10 such facilities.

11 2. The sheriff of such local correctional facility shall make available  
12 either a prepaid or collect call system, or a combination thereof,  
13 for telephone service. Under the prepaid system, funds may be deposited  
14 into an account in order to pay for station-to-station calls, provided  
15 that nothing in this subdivision shall require the sheriff to provide or  
16 administer a prepaid system. Under a collect call system, call recipients  
17 shall be billed for the cost of an accepted telephone call initiated  
18 by an inmate. Under such collect call system, the provider of  
19 inmate telephone service, as an additional means of payment, shall  
20 permit the recipient of inmate calls to establish an account with such  
21 provider in order to deposit funds to pay for such collect calls in  
22 advance.  
23

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

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

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

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

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

22     § 3. Section 45 of the correction law is amended by adding a new  
23 subdivision 19 to read as follows:

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

36     § 4. This act shall take effect April 1, 2022 and shall apply to  
37 contracts for inmate telephone services issued, renewed, modified,  
38 altered or amended on or after such effective date and any new or  
39 renewal contract for inmate telephone services entered into prior to  
40 April 1, 2021 shall not run past March 31, 2022.