STATE OF NEW YORK

3096--B

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. EPSTEIN, QUART, SIMON, SEAWRIGHT, KELLES, GONZALEZ-ROJAS, GOTTFRIED, FORREST, JACKSON, DAVILA, GIBBS -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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

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 with such provider in order to deposit funds to pay for such collect~~

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

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~~calls in advance~~] State and local agencies charged with the operation and management of state and local correctional facilities and juvenile detention facilities shall provide persons in their custody and confined in a correctional or detention facility with voice communication service at a minimum of ninety minutes per day and ensure sufficient infrastructure to meet this baseline. The commissioner may supplement voice communication service with other advanced communication services, including, but not limited to, video communication and electronic mail services. To the extent that the commissioner provides such voice communication service or any other advanced communication service, each such service shall be provided free of charge to the person initiating and the person receiving the communication.

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

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

5. The department shall establish rules and regulations or departmental procedures to ensure that any [~~incarcerated individual phone call system~~] voice communication services for incarcerated individuals established by this section provides reasonable security measures to preserve the safety and security of each correctional facility, all staff and all persons outside a facility who may receive incarcerated individual [~~phone calls~~] voice communication services for incarcerated individuals.

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