

STATE OF NEW YORK

5893--A

Cal. No. 195

2021-2022 Regular Sessions

IN ASSEMBLY

March 1, 2021

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Correction -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the correction law, in relation to providing electronic mail services to an incarcerated individual

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 and electronic mail services. 1. Telephone and electronic mail 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 and electronic mail service, the lowest possible cost to the telephone and electronic mail user shall be emphasized.

2. a. 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 calls in advance.

b. The department shall make available a "prepaid" system for electronic mail service. Under the "prepaid" system, funds may be deposited into an account in order to pay for additional electronic mail pursuant

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

LBD05951-02-2

1 to subdivision three of this section, provided that nothing in this
2 subdivision shall require the department to provide or administer a
3 prepaid system.

4 3. The department shall provide secure electronic mail services to
5 individuals in its custody. An incarcerated individual may send up to
6 ten electronic mail letters a day at no charge. Additional electronic
7 mail letters sent by such incarcerated individual may incur a charge of
8 no more than twenty-five cents per electronic mail letter on a prepaid
9 account established pursuant to paragraph b of subdivision two of this
10 section. No person shall be charged for sending a secure electronic mail
11 letter to an incarcerated individual.

12 4. The department shall not accept or receive revenue in excess of its
13 reasonable operating cost for establishing and administering such tele-
14 phone and electronic mail system services as provided in subdivisions
15 one [~~and~~], two and three of this section.

16 [~~4.~~] 5. The department shall establish rules and regulations or
17 departmental procedures to ensure that any incarcerated individual phone
18 call and electronic mail system established by this section provides
19 reasonable security measures to preserve the safety and security of each
20 correctional facility, all staff and all persons outside a facility who
21 may receive incarcerated individual phone calls or electronic mail
22 letters.

23 § 2. This act shall take effect on the one hundred twentieth day after
24 it shall have become a law.