STATE OF NEW YORK

2790

2021-2022 Regular Sessions

IN SENATE

January 25, 2021

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

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 added by chapter 240 of the laws of 2007, is amended to read as follows:

§ 623. [~~Inmate~~] **Incarcerated individual** telephone **and electronic mail** services. 1. Telephone **and electronic mail** services contracts for [~~inmates~~] **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 [~~inmate~~] **incarcerated individual**. Under such "collect call" system, the provider of [~~inmate~~] **incarcerated individual** telephone service, as an additional means of payment, must permit the recipient of [~~inmate~~] **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

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

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into an account in order to pay for additional electronic mail pursuant to subdivision three of this section, provided that nothing in this subdivision shall require the department to provide or administer a prepaid system.

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

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

[~~4.~~] 5. The department shall establish rules and regulations or departmental procedures to ensure that any [~~inmate~~] incarcerated individual phone call and electronic mail system 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 [~~inmate~~] incarcerated individual phone calls or electronic mail letters.

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