

STATE OF NEW YORK

4531

2023-2024 Regular Sessions

IN ASSEMBLY

February 16, 2023

Introduced by M. of A. HYNDMAN -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to incarcerated individual 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. Incarcerated individual telephone services at local correc-
4 tional facilities. 1. Telephone services contracts for incarcerated
5 individuals in local correctional facilities shall be subject to the
6 procurement provisions as set forth in article five-A of the general
7 municipal law provided, however, that when determining the best value of
8 such telephone service, the lowest possible cost to the telephone user
9 shall be emphasized. Local correctional facilities, counties and muni-
10 cipalities shall not accept or receive revenue or other benefits from
11 the provider of telephone services to such facilities.

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

24 3. The commission, in consultation with local correctional facilities,
25 shall establish rules and regulations or procedures to ensure that any

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

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1 incarcerated individual phone call system established by this section
2 provides reasonable security measures to preserve the safety and securi-
3 ty of each correctional facility, all staff and all persons outside a
4 facility who may receive incarcerated individual phone calls.

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

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

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

21 § 3. Section 45 of the correction law is amended by adding a new
22 subdivision 20 to read as follows:

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

35 § 4. This act shall take effect April 1, 2024 and shall apply to
36 contracts for incarcerated individual telephone services issued,
37 renewed, modified, altered or amended on or after such effective date
38 and any new or renewal contract for inmate telephone services entered
39 into prior to April 1, 2023 shall not run past March 31, 2024.