

STATE OF NEW YORK

1942

2023-2024 Regular Sessions

IN SENATE

January 17, 2023

Introduced by Sens. BAILEY, CLEARE, COONEY, GOUNARDES, HOYLMAN-SIGAL, JACKSON, KRUEGER, RIVERA, STAVISKY -- 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 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:

1 Section 1. Section 623 of the correction law, as amended by chapter
2 322 of the laws of 2021, is amended to read as follows:

3 § 623. [~~Incarcerated individual telephone~~] Voice communication
4 services for incarcerated individuals. 1. [~~Telephone~~] Voice communi-
5 cation services contracts for incarcerated individuals in state correc-
6 tional facilities shall be subject to the procurement provisions as set
7 forth in article eleven of the state finance law [~~provided, however,~~
8 ~~that when determining the best value of such telephone service, the~~
9 ~~lowest possible cost to the telephone user shall be emphasized~~].

10 2. [~~The department shall make available either a "prepaid" or "collect~~
11 ~~call" system, or a combination thereof, for telephone service. Under the~~
12 ~~"prepaid" system, funds may be deposited into an account in order to pay~~
13 ~~for station-to-station calls, provided that nothing in this subdivision~~
14 ~~shall require the department to provide or administer a prepaid system.~~
15 ~~Under a "collect call" system, call recipients are billed for the cost~~
16 ~~of an accepted telephone call initiated by an incarcerated individual.~~
17 ~~Under such "collect call" system, the provider of incarcerated individ-~~
18 ~~ual telephone service, as an additional means of payment, must permit~~
19 ~~the recipient of incarcerated individual calls to establish an account~~
20 ~~with such provider in order to deposit funds to pay for such collect~~
21 ~~calls in advance~~] State and local agencies charged with the operation
22 and management of state and local correctional facilities and juvenile
23 detention facilities shall provide persons in their custody and confined

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

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1 in a correctional or detention facility with voice communication service
2 at a minimum of ninety minutes per day and ensure sufficient infrastruc-
3 ture to meet this baseline. The commissioner may supplement voice commu-
4 nication service with other advanced communication services, including,
5 but not limited to, video communication and electronic mail services. To
6 the extent that the commissioner provides such voice communication
7 service or any other advanced communication service, each such service
8 shall be provided free of charge to the person initiating and the person
9 receiving the communication.

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

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

21 5. The department shall establish rules and regulations or depart-
22 mental procedures to ensure that any [~~incarcerated individual phone call~~
23 ~~system]~~ voice communication services for incarcerated individuals estab-
24 lished by this section provides reasonable security measures to preserve
25 the safety and security of each correctional facility, all staff and all
26 persons outside a facility who may receive incarcerated individual
27 [~~phone calls]~~ voice communication services for incarcerated individuals.

28 § 2. This act shall take effect April 1, 2024 and shall apply to any
29 new or renewal contract for voice communication services for incarcerat-
30 ed individuals or other advanced communication services entered into on
31 or after such date and provided further that any new or renewal contract
32 for voice communication services for incarcerated individuals or other
33 advanced communication services entered into prior to April 1, 2024
34 shall not run past March 31, 2024.