

**STATUS:**

**S705-B NOZZOLIO**

Correction Law

TITLE....Provides inmates with telephone services utilizing a prepaid or collect call system

01/08/07 REFERRED TO CRIME VICTIMS, CRIME AND CORRECTION  
05/09/07 AMEND AND RECOMMIT TO CRIME VICTIMS, CRIME AND  
CORRECTION  
05/09/07 PRINT NUMBER 705A  
06/14/07 AMEND AND RECOMMIT TO CRIME VICTIMS, CRIME AND  
CORRECTION  
06/14/07 PRINT NUMBER 705B  
06/19/07 COMMITTEE DISCHARGED AND COMMITTED TO RULES  
06/19/07 ORDERED TO THIRD READING CAL.1770  
06/21/07 SUBSTITUTED BY A3397B  
**A03397 Aubry (MS)**  
01/24/07 referred to correction

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**SUMMARY:**

NOZZOLIO, DeFRANCISCO

Add S623, Cor L

Provides inmates with telephone services utilizing a prepaid or collect call system.

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**BILL TEXT:**

**STATE OF NEW YORK**

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705--B

2007-2008 Regular Sessions

**IN SENATE**

January 8, 2007

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Introduced by Sens. NOZZOLIO, DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to inmate telephone services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings and intent. The legislature finds that  
2 an inmate's ability to maintain contact with community and family is  
3 critical to a successful re-entry after release from prison. Inmates are  
4 often incarcerated far away from where their family and friends reside.  
5 Therefore, telephone calls are frequently the only method available to  
6 inmates to maintain vital contact with loved ones. The purpose of this  
7 legislation is to ensure that inmates can maintain contact with their  
8 loved ones without creating an undue financial burden on the inmate or  
9 the recipient of inmate calls. Further, the legislature does not  
10 intended to require the department of correctional services to provide  
11 or administer a "prepaid" telephone system under which funds may be  
12 deposited into an inmate's account to pay for station to station calls.  
13 Rather, the legislature intends to provide the department of correction-  
14 al services with the flexibility to make available either a "collect  
15 call" or "prepaid" system, or a combination thereof.

16 § 2. The correction law is amended by adding a new section 623 to read  
17 as follows:

18 § 623. Inmate telephone services. 1. Telephone services contracts for  
19 inmates in state correctional facilities shall be subject to the  
20 procurement provisions as set forth in article eleven of the state  
21 finance law provided, however, that when determining the best value of

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

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1 such telephone service, the lowest possible cost to the telephone user  
2 shall be emphasized.

3 2. The department shall make available either a "prepaid" or "collect  
4 call" system, or a combination thereof, for telephone service. Under the  
5 "prepaid" system, funds may be deposited into an account in order to pay  
6 for station-to-station calls, provided that nothing in this subdivision  
7 shall require the department to provide or administer a prepaid system.  
8 Under a "collect call" system, call recipients are billed for the cost  
9 of an accepted telephone call initiated by an inmate. Under such  
10 "collect call" system, the provider of inmate telephone service, as an  
11 additional means of payment, must permit the recipient of inmate calls  
12 to establish an account with such provider in order to deposit funds to  
13 pay for such collect calls in advance.

14 3. The department shall not accept or receive revenue in excess of its  
15 reasonable operating cost for establishing and administering such tele-  
16 phone system services as provided in subdivisions one and two of this  
17 section.

18 4. The department shall establish rules and regulations or depart-  
19 mental procedures to ensure that any inmate phone call system estab-  
20 lished by this section provides reasonable security measures to preserve  
21 the safety and security of each correctional facility, all staff and all  
22 persons outside a facility who may receive inmate phone calls.

23 § 2. This act shall take effect April 1, 2008 and shall apply to any  
24 new or renewal contract for inmate telephone services entered into on or  
25 after such date and provided further that any new or renewal contract  
26 for inmate telephone services entered into prior to April 1, 2008 shall  
27 not run past March 31, 2008.

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**SPONSORS MEMO:**

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S705B

**SPONSOR:** NOZZOLIO

**TITLE OF BILL:**

An act to amend the correction law, in relation to inmate telephone services

**PURPOSE OR GENERAL IDEA OF BILL:**

Enactment of this bill would provide inmates and any individual contacting such persons with "competitively negotiated" telephone rates.

**SUMMARY OF SPECIFIC PROVISIONS:**

Section 1. Requires telephone services contracts for inmates in state correctional facilities to be competitively negotiated and awarded.

Section 2. Offers inmates either a "debit" or "collect call" system, or a combination of the choices, for telephone service.

Section 3. Prohibits the department from accepting or receiving revenue in excess of its reasonable operating cost.

Section 4. Provides for the department to establish rules and regulations or departmental procedures to ensure an inmate phone call system protects the security and privacy of correctional facility staff and receivers of inmate phone calls.

**JUSTIFICATION:**

The excessive costs of collect phone calls made from inmates to their families, friends and loved ones has been a persistent problem since MCI was awarded a contract to operate the Department of Correctional Services' Inmate Call Home Program in 1996. Since many correction facilities are in remote locations, collect phone calls are often the only way that inmates can directly contact family members and loved ones. The family and loved ones of inmates should not be made to suffer such expensive charges just to communicate. This legislation is necessary to moderate billing rates to make inmate telephone services reasonably priced and accessible, yet preserve security and privacy for prison staff and recipients of inmate phone calls.

**PRIOR LEGISLATIVE HISTORY:**

S.5299 of 2005/2006.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

This act shall take effect April 1, 2008, and shall apply to any new or renewal contract for inmate telephone services entered into on or after such date.