

**§ 623. Inmate telephone services**

1. Telephone services contracts for inmates 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 service, the lowest possible cost to the telephone user shall be emphasized.
2. 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. Under such “collect call” system, the provider of inmate telephone service, as an additional means of payment, must permit the recipient of inmate calls to establish an account with such provider in order to deposit funds to pay for such collect calls in advance.
3. The department shall not accept or receive revenue in excess of its reasonable operating cost for establishing and administering such telephone system services as provided in subdivisions one and two of this section.
4. The department shall establish rules and regulations or departmental procedures to ensure that any inmate phone call 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 phone calls.

CREDIT(S)

(Added L.2007, c. 240, § 2, eff. April 1, 2008.)

**HISTORICAL AND STATUTORY NOTES**

2011 Electronic Pocket Part Update.

L.2007, c. 240 legislation

L.2007, c. 240, §§ 1, 2 (second), provide:

“Section 1. Legislative findings and intent. The legislature finds that an inmate's ability to maintain contact with community and family is critical to a successful re-entry after release from prison. Inmates are often incarcerated far away from where their family and friends reside. Therefore, telephone calls are frequently the only method available to inmates to maintain vital contact with loved ones. The purpose of this legislation is to ensure that inmates can maintain contact with their loved ones without creating an undue financial burden on the inmate or the recipient of inmate calls. Further, the legislature does not intended to require the department of

correctional services to provide or administer a ‘prepaid’ telephone system under which funds may be deposited into an inmate's account to pay for station to station calls. Rather, the legislature intends to provide the department of correctional services with the flexibility to make available either a ‘collect call’ or ‘prepaid’ system, or a combination thereof.”

“2. 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 and provided further that any new or renewal contract for inmate telephone services entered into prior to April 1, 2008 shall not run past March 31, 2008.”

2003 Main Volume

Former Sections

Former § 623, which related to the furnishing of information by officers, was added by L.1929, c. 243, amended by L.1946, c. 454 and repealed by L.1958, c. 881, § 2, eff. Jan. 1, 1959. Provisions relating to criminal identification and statistics are now covered by Correction Law § 618 and Executive Law §§ 837, 837-b.

SUPPLEMENTARY PRACTICE COMMENTARIES

2011 Electronic Pocket Part Update.

by Mark Bonacquist

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The high cost of inmate telephone service in Department of Correctional Services' facilities has long been a source of anger and frustration for inmates and their families. In an attempt to rectify this situation, the Legislature added this section specifying that inmate telephone services contracts in State prisons shall be subject to the competitive bidding requirements of the State Finance Law, but also requiring that in determining the “best value” of such service, the lowest cost to the user shall be emphasized. Significantly, § 623 prohibits the Department from accepting commissions in excess of its reasonable costs in operating the inmate telephone system. This amendment codifies action taken by Governor Spitzer in the fiscal year 2007-08 State budget to end the commissions the Department realized from each call. It was the payment of these commissions that greatly increased the cost of telephone service in State prisons well beyond that paid by callers in the community. The requirements take effect April 1, 2008 and apply to any new or renewal contract for inmate telephone services entered into on or after such date.