

# ASSEMBLY, No. 1419

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblywoman Mosquera**

**SYNOPSIS**

Requires lowest possible price not exceeding certain cap for inmate telephone calls.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 4/5/2016)**

1 AN ACT concerning inmate telephone charges and supplementing  
2 Title 30 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. For the purposes of this act, “private correctional facility”  
8 means any private facility detaining persons pursuant to any  
9 intergovernmental service agreement or other contract with any  
10 federal, State, or county agency, including but not limited to United  
11 States Immigration and Customs Enforcement, and including any  
12 private facility authorized under the provisions of P.L.1999, c.243  
13 (C.30:4-91.9 et seq.).

14

15 2. a. All telephone service contracts for inmates in State or  
16 county correctional facilities shall be subject to the procurement  
17 provisions set forth in chapter 34 of Title 52 of the Revised Statutes  
18 and chapter 11 of Title 40A of the New Jersey Statutes; provided,  
19 however, the State Treasurer or appropriate person on behalf of the  
20 county or private correctional facility shall contract with the  
21 qualified vendor who proposes the lowest per minute rate not  
22 exceeding the maximum rate allowed by the Federal  
23 Communications Commission Order for state prisons, as specified  
24 in In the Matter of Rates for Interstate Inmate Calling Services,  
25 Second Report and Order and Third Further Notice of Proposed  
26 Rulemaking, WC Docket 12-375, FCC 15-136 (adopted Oct. 22,  
27 2015) or successor order for debit, prepaid, and collect calls and  
28 who does not bill to any party any service charge or additional fee  
29 exceeding the per minute rate, including, but not limited to, any per  
30 call surcharge, account set up fee, bill statement fee, monthly  
31 account maintenance charge, or refund fee.

32

33 b. A State, county, or private correctional facility shall not  
34 accept or receive a commission or any other payment from the  
35 telephone service provider based upon an amount the provider  
36 billed for telephone calls made by inmates in the correctional  
37 facility.

38

39 c. Telephone services made available through a prepaid or  
40 collect call system established pursuant to section 3 of this act shall  
41 include international calls at reasonable rates subject to Federal  
42 Communications Commission rules and regulations, but not to  
43 exceed 25 cents per minute.

44

45 3. a. The Department of Corrections, each county correctional  
46 facility, and each private correctional facility shall make available  
47 either a prepaid or collect call system, or a combination thereof, for  
48 telephone services for inmates.

49

50 b. Under a prepaid system, funds may be deposited into an  
51 inmate account in order to pay for telephone calls, provided that

1 nothing in this section shall require the department, county, or  
2 private correctional facility to provide or administer a prepaid  
3 system.

4 c. The provider of the inmate telephone service, as an  
5 additional means of payment, shall permit the recipient of inmate  
6 collect calls to establish an account with that provider in order to  
7 deposit funds for advance payment of those collect calls.

8 d. For the purposes of this section, a “collect call system” shall  
9 mean a call system pursuant to which recipients are billed for the  
10 cost of an accepted telephone call initiated by an inmate.

11  
12 4. The department shall establish rules and regulations or  
13 departmental procedures to ensure that any inmate telephone call  
14 system established by this act provides reasonable security  
15 measures to preserve the safety and security of each State and  
16 county correctional facility, staff member, and person outside a  
17 facility who may receive inmate telephone calls.

18  
19 5. Sections 1, 2, and 4 of this act shall take effect immediately  
20 and section 2 shall apply to any new or renewal contract for inmate  
21 telephone services in effect on or after April 10, 2015; section 3 of  
22 this act shall take effect on the first day of the fourth month after  
23 enactment.

24  
25

26 STATEMENT

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28 This bill requires the State and counties to contract with the  
29 lowest bidder for intrastate telephone service contracts for inmates  
30 in State and county correctional facilities.

31 Under the bill, the maximum per minute rate for calls may not  
32 exceed the maximum rate allowed by order of the Federal  
33 Communications Commission (FCC) for out-of-State calls.  
34 Furthermore, a bidder would not be authorized to impose a service  
35 charge or additional fee exceeding the per minute rate, including a  
36 per call surcharge, account set up fee, bill statement fee, monthly  
37 account maintenance charge, or refund fee. The bill also requires  
38 international calls to be made available at reasonable rates subject  
39 to Federal Communications Commission rules and regulations, but  
40 not to exceed 25 cents per minute.

41 This bill prohibits a State department, county, or private  
42 correctional facility from accepting or receiving a commission or  
43 any other payment from the telephone service provider based upon  
44 an amount the provider billed for telephone calls made by inmates  
45 in the correctional facility. A “private correctional facility” is  
46 defined in the bill as a private facility detaining persons pursuant to  
47 any intergovernmental service agreement or other contract with any  
48 federal, State, or county agency, including but not limited to United

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1 States Immigration and Customs Enforcement and residential  
2 community release programs (halfway houses).

3 This bill requires the Department of Corrections (DOC), the  
4 counties, and private correctional facilities to make available a  
5 prepaid or collect call system, or a combination of the two, for  
6 telephone services. Under a prepaid or “debit” system, funds may  
7 be deposited into an inmate account in order to pay for telephone  
8 calls, as long as the department, county, or private correctional  
9 facility is not required to provide for or administer that prepaid  
10 system. The provider of the inmate telephone service, as an  
11 additional means of payment, is to permit the recipient of inmate  
12 collect calls to establish an account with 2 that provider in order to  
13 deposit funds for advance payment of those collect calls.

14 Finally, the bill requires the DOC to establish rules and  
15 regulations or departmental procedures to ensure that any inmate  
16 telephone call system established by the substitute provides  
17 reasonable security measures to preserve the safety and security of  
18 State and county correctional facilities, staff members, and those  
19 outside a facility who may receive inmate telephone calls.