

ASSEMBLY, No. 4389

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED DECEMBER 12, 2016

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman ELIZABETH MAHER MUOIO

District 15 (Hunterdon and Mercer)

SYNOPSIS

Imposes requirements on video visitation service contracts for inmates in certain correctional facilities; requires correctional facilities to allow contact visits.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/13/2016)

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

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

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7 1. a. All video visitation service contracts for inmates in State,
8 county, or private correctional facilities, as defined in section 1 of
9 P.L.2016, c.37 (C.30:4-8.11), shall be subject to the procurement
10 provisions set forth in chapter 34 of Title 52 of the Revised Statutes
11 and chapter 11 of Title 40A of the New Jersey Statutes; provided,
12 however, the State Treasurer or appropriate person on behalf of the
13 county or private correctional facility shall contract with a qualified
14 vendor who charges a per minute rate for video visitation, including
15 video visitation that is accessed by visitors from a location other
16 than a correctional facility, that shall not exceed 11 cents per
17 minute, is the lowest responsible bidder, and does not bill to any
18 party any service charge or additional fee exceeding the per minute
19 rate.

20 As used in this subsection:

21 “Lowest price” means the least possible amount that meets all
22 requirements of the request of a contracting agent set forth in the
23 Request for Proposals.

24 “Lowest responsible bidder” means the bidder: (1) whose
25 response to a request for bids offers the lowest price and is
26 responsive; and (2) who is responsible.

27 b. A State, county, or private correctional facility shall not
28 accept or receive a commission or impose a surcharge for video
29 visitation usage by inmates in addition to the charges imposed by
30 the video visitation service provider. For the purposes of this
31 subsection, "commission" means any form of monetary payment,
32 in-kind payment requirement, gift, exchange of services or goods,
33 fee, or technology allowance.

34 c. Any contract entered into pursuant to subsection a. of this
35 section shall include a term that requires monetary penalties to be
36 imposed on a vendor who fails to maintain consistent and reliable
37 quality of the video visitation service.

38 d. A video visitation service provider shall refund, in a timely
39 manner, the charges imposed for: (1) a scheduled video visitation
40 that does not occur for any reason other than the fault of the visitor;
41 or (2) any video visitation in which communication between the
42 inmate and the visitor is substantially impaired due to low quality
43 audio or video.

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45 2. a. A State, county, or private correctional facility, as defined
46 in section 1 of P.L.2016, c.37 (C.30:4-8.11), shall not impose a
47 charge for video visitation between an inmate and the inmate’s
48 attorney, a representative of the attorney, or a member of the clergy.

1 A representative of the attorney shall include, but not be limited to,
2 investigators, investigative aides, expert witnesses, paralegals, and
3 law students.

4 b. An inmate incarcerated in a State, county, or private
5 correctional facility shall be permitted to have contact visits with
6 approved visitors. A State, county, or private correctional facility
7 may only impose on those visits reasonable conditions necessary for
8 safety and security within the correctional facility.

9 c. A State, county, or private correctional facility shall
10 implement reasonable visiting hours for contact visits and video
11 visitation.

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13 3. The Commissioner of Corrections shall adopt rules and
14 regulations pursuant to the "Administrative Procedure Act,"
15 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to implement
16 this act.

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18 4. This act shall take effect immediately and section 1 shall
19 apply to any new or renewal contract for inmate video visitation
20 services in effect on or after the date of enactment.

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STATEMENT

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25 This bill imposes requirements on video visitation service
26 contracts for inmates in State, county, and private correctional
27 facilities and requires correctional facilities to allow inmates to
28 have contact visits.

29 Under the provisions of this bill, the State Treasurer or other
30 appropriate person on behalf of the county or private correctional
31 facility is to contract with a vendor who charges a per minute rate
32 for video visitation, including video visitation that is accessed by
33 visitors from a location other than a correctional facility, which is
34 not to exceed 11 cents per minute and who is the lowest responsible
35 bidder. A vendor is not to bill any service charge or additional fee
36 exceeding the per minute rate.

37 The bill also provides that a State, county, or private correctional
38 facility is not permitted to receive a commission or impose a
39 surcharge for video visitation usage by inmates in addition to the
40 charges imposed by the service provider. Further, under the bill,
41 the contract is to include a term that requires monetary penalties to
42 be imposed on a vendor who does not maintain consistent and
43 reliable quality of the video visitation service.

44 In addition, a video visitation service provider is required to
45 refund, in a timely manner, any charges imposed: (1) for a
46 scheduled video visitation that does not occur for any reason other
47 than the fault of the visitor; or (2) any video visitation in which

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1 communication between the inmate and the visitor is substantially
2 impaired due to low quality audio or video.

3 The bill prohibits a State, county, or private correctional facility
4 from imposing a charge for video visitation between an inmate and
5 the inmate's attorney, a representative of the attorney, or a member
6 of the clergy. In addition, correctional facilities are required to
7 allow inmates to have contact visits with approved visitors and may
8 only impose reasonable conditions necessary for safety and security
9 within the correctional facility. Finally, correctional facilities are
10 required to implement reasonable visiting hours for both contact
11 visits and video visitation.