

# ASSEMBLY, No. 5195

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 16, 2023

**Sponsored by:**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblyman REGINALD W. ATKINS**

**District 20 (Union)**

**Assemblyman STERLEY S. STANLEY**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Assemblymen Mukherji, Wimberly and Assemblywoman Quijano**

**SYNOPSIS**

Requires State and private correctional facilities to allow inmates to make telephone and video calls at no cost to inmate or other party.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 2/23/2023)

1 AN ACT concerning inmate communications at certain correctional  
2 facilities and amending P.L.2016, c.37.

3

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

6

7 1. Section 2 of P.L.2016, c.37 (C.30:4-8.12) is amended to read  
8 as follows:

9 2. a. All telephone service contracts for inmates in **[State or]**  
10 county correctional facilities shall be subject to the procurement  
11 provisions set forth in **[chapter 34 of Title 52 of the Revised**  
12 **Statutes and]** chapter 11 of Title 40A of the New Jersey Statutes;  
13 provided, however, the **[State Treasurer or]** appropriate person on  
14 behalf of the county **[or private correctional facility]** shall contract  
15 with the qualified vendor whose rate shall not exceed 11 cents per  
16 minute for domestic debit, prepaid, and collect calls and who does  
17 not bill to any party any service charge or additional fee exceeding  
18 the per minute rate, including, but not limited to, any per call  
19 surcharge, account set up fee, bill statement fee, monthly account  
20 maintenance charge, or refund fee.

21 b. A State, county, or private correctional facility shall not  
22 accept or receive a commission or impose a surcharge for telephone  
23 usage by inmates in addition to the charges imposed by the  
24 telephone service provider. For the purposes of this section,  
25 "commission" means any form of monetary payment, in-kind  
26 payment requirement, gift, exchange of services or goods, fee, or  
27 technology allowance. A commission or surcharge shall not include  
28 any product or the like that is related to the completion of voice-  
29 only calls, inmate telephone service maintenance, the analysis of  
30 telephone records and related financial data for investigative or  
31 other purposes, or security enhancements, including, but not limited  
32 to, voice recognition software, text analytics, or aggregate data  
33 analytical software.

34 c. Telephone services made available through a prepaid or  
35 collect call system established pursuant to section 3 of this act may  
36 include international calls; provided however, that if international  
37 calls are included in the telephone services made available for  
38 inmates, those calls shall be made available at reasonable rates  
39 subject to Federal Communications Commission rules and  
40 regulations, but not to exceed 25 cents per minute to inmate  
41 incarcerated in a county correctional facility.

42 d.**[**Telephone services made available through a prepaid or  
43 collect call system established pursuant to section 3 of this act may  
44 include international calls; provided however, that if**]** If  
45 international calls are included in the telephone services made

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 available for inmates, those calls shall be made available **at**  
2 reasonable rates subject to Federal Communications Commission  
3 rules and regulations, but not to exceed 25 cents per minute **at no**  
4 charge to inmate incarcerated in a State or private correctional  
5 facility in accordance with subsection e. of this section.

6 e. The Commissioner of the Department of Corrections and the  
7 appropriate person on behalf of the private correctional facility shall  
8 allow every inmate incarcerated in a State or private correctional  
9 facility to make telephone and video calls with no charge imposed  
10 upon the inmate or the other party; provided, however, that all  
11 telephone service contracts for inmates in State or private  
12 correctional facilities shall be subject to the procurement provision  
13 set forth in Chapter 34 of Title 52 of the Revised Statutes.

14 (cf: P.L.2016, c.37, s.2)

15  
16 2. Section 3 of P.L.2016, c.37 (C.30:4-8.13) is amended to read  
17 as follows:

18 3. a. **【The Department of Corrections, each】** Each county  
19 correctional facility, and each private correctional facility **】** shall  
20 make available either a prepaid or collect call system, or a  
21 combination thereof, for telephone services for inmates.

22 b. Under a prepaid system, funds may be deposited into an  
23 inmate account in order to pay for telephone calls, provided that  
24 nothing in this section shall require the **【department,】** county **【,**  
25 private correctional facility】 to provide or administer a prepaid  
26 system.

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

31 d. For the purposes of this section, a "collect call system"  
32 means a call system pursuant to which recipients are billed for the  
33 cost of an accepted telephone call initiated by an inmate.

34 (cf: P.L.2016, c.37, s.3)

35  
36 3. This act shall take effect on the first day of the 13<sup>th</sup> month  
37 following enactment. However, the Commissioner of Corrections  
38 may take such anticipating administrative action as necessary for  
39 the timely implementation of this act.

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41  
42 STATEMENT

43  
44 This bill requires the Commissioner of the Department of  
45 Corrections and the appropriate person on behalf of a private  
46 correctional facility to allow inmates incarcerated in State and

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1 private correctional facilities to make telephone and video calls  
2 with no charge imposed upon the inmate or the other party.

3 Under current law, certain requirements are imposed upon  
4 telephone service contracts for inmates in State, county, and private  
5 correctional facilities, including the requirement that the rate for  
6 inmate telephone calls is not to exceed 11 cents per minute for  
7 domestic debit, prepaid, and collect calls.

8 Under the provisions of this bill, inmates incarcerated in State  
9 and private correctional facilities would be permitted to make  
10 telephone or video calls with no charge imposed upon the inmate or  
11 the other party, including international calls; provided that the  
12 telephone service contracts that the facilities enter into still adhere  
13 to the State contracting and procurement laws.

14 In the sponsor's view, the more incarcerated people stay in touch  
15 with their families, the better they do when they reenter society  
16 while those with weaker support systems due to lack of  
17 communication during incarceration, are more likely to re-offend.  
18 Some studies indicate that frequent and consistent family phone  
19 calls reduce recidivism and promote rehabilitation after release.

20 The sponsor notes that some families go into debt in their  
21 attempt to maintain contact with incarcerated loved ones through  
22 phone calls and visitations. It is the sponsor's intent to reduce the  
23 enormous financial burden of inmate phone calls as the high cost of  
24 prison phone calls have sapped savings from low-income families  
25 trying to communicate with their loved ones.