

SENATE, No. 2526

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED FEBRUARY 8, 2024

Sponsored by:

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District 33 (Hudson)

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District 32 (Hudson)

Co-Sponsored by:

Senators Johnson, Turner, Diegnan, McKnight and Zwicker

SYNOPSIS

Provides free telecommunication services for incarcerated persons at State, county, and private adult and juvenile correctional facilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/3/2024)

1 AN ACT providing free telecommunication services for incarcerated
2 adults and juveniles, amending P.L.2016, c.37, and making an
3 appropriation.

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

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

10 2. a. All **【telephone】** voice communication, video
11 communication, and electronic mail service contracts for **【inmates】**
12 incarcerated persons in State or county correctional facilities,
13 including private correctional facilities and juvenile offender
14 facilities, shall be subject to the procurement provisions set forth in
15 chapter 34 of Title 52 of the Revised Statutes and chapter 11 of Title
16 40A of the New Jersey Statutes; provided, however, **【the State**
17 **Treasurer or appropriate person on behalf of the county or private**
18 **correctional facility shall contract with the qualified vendor whose**
19 **rate shall not exceed 11 cents per minute for domestic debit, prepaid,**
20 **and collect calls and who does not bill to any party any service charge**
21 **or additional fee exceeding the per minute rate, including, but not**
22 **limited to, any per call surcharge, account set up fee, bill statement**
23 **fee, monthly account maintenance charge, or refund fee】** to the extent
24 that voice communication, video communication, and electronic mail
25 services are provided, each such service shall be provided at no cost
26 to any party to the communication. Such state and local agencies must
27 at least maintain the same access to voice and other communication
28 services as the agencies allowed on January 1st, 2024.

29 b. A State, county, or private correctional facility, or juvenile
30 offender facility shall not accept or receive a commission or impose
31 a surcharge for **【telephone】** voice communication, video
32 communication, and electronic mail usage by **【inmates】** incarcerated
33 persons **【in addition to the charges imposed by the telephone service**
34 **provider】**. For the purposes of this section, “commission” means any
35 form of monetary payment, in-kind payment requirement, gift,
36 exchange of services or goods, fee, or technology allowance. **【A**
37 **commission or surcharge shall not include any product or the like that**
38 **is related to the completion of voice-only calls, inmate telephone**
39 **service maintenance, the analysis of telephone records and related**
40 **financial data for investigative or other purposes, or security**
41 **enhancements, including, but not limited to, voice recognition**
42 **software, text analytics, or aggregate data analytical software.】**

43 c. **【Telephone】** Voice communication services made available
44 **【through a prepaid or collect call system established】** to incarcerated

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 persons pursuant to section 3 of this act **【may】 shall** include
2 international calls **【**; provided however, that if international calls are
3 included in the telephone services made available for inmates, those
4 calls shall be made available at reasonable rates subject to Federal
5 Communications Commission rules and regulations, but not to
6 exceed 25 cents per minute**】** at no cost to any party to the
7 communication.

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

9

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

12 3. a. The Department of Corrections, the Juvenile Justice
13 Commission, each county correctional facility, and each private
14 correctional facility shall make available **【either a prepaid or collect**
15 **call system, or a combination thereof, for telephone】** voice
16 communication services for 【inmates】 incarcerated persons at no
17 cost to any party to the communication. The Department of
18 Corrections, the Juvenile Justice Commission, each county
19 correctional facility, and each private correctional facility may
20 supplement voice communication services with other communication
21 services, including, but not limited to, video communication and
22 electronic mail services. Such supplemental services, if provided,
23 shall be provided at no cost to any party to the communication.
24 Access to all such communication services shall not be limited
25 beyond program participation and routine facility procedures.

26 b. **【Under a prepaid system, funds may be deposited into an**
27 **inmate account in order to pay for telephone calls, provided that**
28 **nothing in this section shall require the department, county, or private**
29 **correctional facility to provide or administer a prepaid system.】** (Deleted
30 by amendment, P.L. , c.) (pending before the
31 Legislature as this bill)

32 c. **【The provider of the inmate telephone service, as an**
33 **additional means of payment, shall permit the recipient of inmate**
34 **collect calls to establish an account with that provider in order to**
35 **deposit funds for advance payment of those collect calls.】** (Deleted
36 by amendment, P.L. , c.) (pending before the Legislature as this
37 bill)

38 d. **【For the purposes of this section, a “collect call system”**
39 **means a call system pursuant to which recipients are billed for the**
40 **cost of an accepted telephone call initiated by an inmate.】** (Deleted
41 by amendment, P.L. , c.) (pending before the Legislature as this
42 bill)

43 e. The administrator of each State, county, or private
44 correctional facility shall ensure that the full amount of any funds
45 remaining as of the effective date of this subsection held in a prepaid

1 account by or for an incarcerated person is transferred to that
2 incarcerated person's commissary account.

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

4

5 3. Section 4 of P.L.2016, c.37 (C.30:4-8.14) is amended to read
6 as follows:

7 4. The **【department】** Department of Corrections and the Juvenile
8 Justice Commission shall each establish uniform rules and
9 regulations or departmental procedures, respectively, which shall be
10 applicable to every adult and juvenile correctional facility in the
11 State, including county and private correctional facilities, to ensure
12 that any **【inmate telephone call system】** voice communication, video
13 communication, or electronic mail service for incarcerated persons
14 established by this act provides reasonable security measures to
15 preserve the safety and security of each **【State and county**
16 **correctional】** facility, staff member, and person outside a facility who
17 may receive **【inmate】** such communications **【telephone calls】**.

18 (cf: P.L.2016, c.37, s.4)

19

20 4. (New section) There is appropriated from the General Fund to
21 the Department of Corrections and the Juvenile Justice Commission
22 such funds as shall be necessary for the implementation of this act,
23 as certified by the Commissioner of Corrections and the Executive
24 Director of the Juvenile Justice Commission, respectively, and
25 subject to the approval of the Director of the Division of Budget and
26 Accounting in the Department of the Treasury.

27

28 5. This act shall take effect on the first day of the sixth month
29 following enactment. However, the Commissioner of Corrections
30 and the Executive Director of the Juvenile Justice Commission may
31 take such anticipatory administrative action as necessary for the
32 timely implementation of this act.

33

34

35 STATEMENT

36

37 This bill provides that all adult and juvenile correctional facilities
38 in the State operated by the Department of Corrections, the Juvenile
39 Justice Commission, the counties, and private operators allow
40 incarcerated persons to make and receive telephone calls, video calls,
41 and electronic mail free of charge to both the sending and receiving
42 party.

43 Under current law, incarcerated persons may be charged for
44 domestic telephone calls at up to 11 cents per minute using a debit,
45 prepaid, or collect call system. Current law does not require
46 incarcerated persons to have access to video calls or electronic mail,

1 although such capability is already in place at certain facilities, with
2 a fee charged to the incarcerated person.

3 The bill makes an appropriation of such funds as may be necessary
4 for the implementation of the bill, as certified by the Commissioner
5 of Corrections and the Executive Director of the Juvenile Justice
6 Commission. The Department of Corrections and the Juvenile
7 Justice Commission retain the authority to establish rules and
8 regulations for the security of telecommunication services. It is the
9 sponsor's intent that the bill would not require any renegotiation of
10 existing State or local contracts for telecommunication services, but
11 would instead shift the costs associated with the contracts to the
12 correctional facility operator.

13 In the sponsor's view, the more incarcerated persons stay in touch
14 with their families, the better they do when they reenter society, while
15 those with weaker support systems due to lack of communication
16 during incarceration are more likely to re-offend. Maintaining family
17 and community connection while incarcerated is key to successful
18 reentry, and thus it is in the public interest to reduce the economic
19 burden on incarcerated persons associated with making and receiving
20 calls and messages. The sponsor notes that New York City,
21 Connecticut, California, Minnesota, Massachusetts, and Colorado
22 have all recently adopted legislation to make telecommunication
23 services free to incarcerated persons.

24 The sponsor further notes that prison telecommunication services
25 is a \$1.4 billion industry that has been accused of price-gouging and
26 profiteering from the families of incarcerated persons. According to
27 some studies, one in three families with an incarcerated loved one
28 goes into debt over the cost of telephone calls charged by correctional
29 facilities. It is the sponsor's intent to ease the enormous financial
30 burden on the families of incarcerated persons who are simply trying
31 to maintain communication with their loved ones.