

CHAPTER 37

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

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

C.30:4-8.11 “Private correctional facility” defined.

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

C.30:4-8.12 Telephone service contracts for inmates.

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

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

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

C.30:4-8.13 Availability of collect call system for inmates.

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

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

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

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

C.30:4-8.14 Rules, regulations.

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

5. This act shall take effect immediately and section 2 shall apply to any new or renewal contract for inmate telephone services in effect on or after the date of enactment; provided however that section 3 of this act shall remain inoperative until the first day of the fourth month after the date of enactment.

Approved August 31, 2016.