

30:4-27.34

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 156

NJSA: 30:4-27.34 (Regulations on sexually violent predators)

BILL NO: A3510 (Substituted for S2349)

SPONSOR(S): Barnes and Diegnan

DATE INTRODUCED: May 5, 2003

COMMITTEE: **ASSEMBLY:** Law and Public Safety

SENATE: ----

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 12, 2003

SENATE: June 23, 2003

DATE OF APPROVAL: August 15, 2003

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

A3510

[SPONSORS STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2349

[SPONSORS STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

P.L. 2003, CHAPTER 156, *approved August 15, 2003*

Assembly Bill No. 3510

1 **AN ACT** requiring certain departments to promulgate regulations
2 addressing unique security concerns posed by sexually violent
3 predators who have been civilly committed and amending
4 P.L.1998,c.71.

5

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

8

9 1. Section 11 of P.L.1998, c.71 (C.30:4-27.34) is amended to read
10 as follows:

11 11. a. The Department of Corrections shall be responsible for the
12 operation of any facility designated for the custody, care and treatment
13 of sexually violent predators, and shall provide or arrange for custodial
14 care of persons committed pursuant to this act. Except as may be
15 provided pursuant to subsection c. of section 9 of this act, a person
16 committed pursuant to this act shall be kept in a secure facility and
17 shall be housed and managed separately from offenders in the custody
18 of the Department of Corrections and, except for occasional instances
19 of supervised incidental contact, shall be segregated from such
20 offenders.

21 b. The Division of Mental Health Services in the Department of
22 Human Services shall provide or arrange for treatment for a person
23 committed pursuant to this act. Such treatment shall be appropriately
24 tailored to address the specific needs of sexually violent predators.

25 c. Appropriate representatives of the Department of Corrections
26 and the Department of Human Services shall participate in an
27 interagency oversight board to facilitate the coordination of the
28 policies and procedures of the facility.

29 d. Notwithstanding the provisions of section 10 of P.L.1965,
30 c.59 (C.30:4-24.2) or any other law to the contrary, the rights and
31 rules of conduct applicable to a person subject to involuntary
32 commitment as a sexually violent predator pursuant to P.L.1998,
33 c.71 (C.30:4-27.24 et seq.) shall be established by regulation
34 promulgated jointly by the Commissioner of Human Services and the
35 Commissioner of Corrections, in consultation with the Attorney
36 General. The regulations promulgated under this subsection shall take
37 into consideration the rights of patients as set forth in section 10 of
38 P.L.1965, c.59 (C.30:4-24.2), but shall specifically address the
39 differing needs and specific characteristics of, and treatment protocols
40 related to, sexually violent predators. In developing these regulations,
41 the commissioners shall give due regard to security concerns and
42 safety of the residents, treatment staff, custodial personnel and others

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 in and about the facility.
2 (cf: P.L.1998, c.71, s.11)

3

4 2. This act shall take effect immediately.

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STATEMENT

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9 This bill would require the Commissioners of Human Services and
10 Corrections, in consultation with the Attorney General, to promulgate
11 certain regulations concerning involuntarily committed sexually violent
12 predators. These regulations are necessary to ensure the safety of the
13 corrections officers, treatment providers, Department of Human
14 Services staff and resident sexually violent predators from the risks of
15 harm presented by other sexually violent predators.

16 In 1998, the Legislature enacted the "New Jersey Sexually Violent
17 Predator Act," P.L.1998, c.71 (C.30:4-27.24 et seq.) to establish a
18 civil procedure for the involuntary commitment of sexually violent
19 predators. Recognizing the nature of the mental conditions,
20 abnormalities or personality disorders that make a person likely to
21 engage in acts of sexual violence and the dangers these predators pose
22 to those around them, the law authorized the civil commitment of
23 these individuals in a separate and secure custodial environment.

24 Having a separate facility for the control, custody and treatment of
25 these predators presents certain unique concerns directly related to the
26 particular needs, specific characteristics and distinct treatment
27 protocols associated with those residents. To provide clear guidance
28 to residents and staff, it is appropriate to specify the rights and rules
29 of conduct applicable to the sexually violent predators committed
30 pursuant to the New Jersey Sexually Violent Predator Act.

31 This bill requires the Commissioner of Corrections and the
32 Commission of Human Services, in consultation with the Attorney
33 General, to promulgate regulations to delineate these specific rights
34 and rules of conduct. In developing these regulations, the
35 commissioners are to take into consideration the rights afforded all
36 patients under section 10 of P.L.1965, c.59 (C.30:4-24.2), as well as
37 the particular needs, specific characteristics and distinct treatment
38 protocols associated the control, custody and treatment of these
39 predators. In addition, the bill directs the commissioners to give due
40 consideration of the security and safety of the residents, treatment
41 staff, custodial personnel and all others in and about these facilities
42 when promulgating these regulations.

1

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3 Directs DOC and DHS commissioners to develop regulations
4 addressing unique security concerns posed by civilly committed
5 sexually violent predators.

ASSEMBLY, No. 3510

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 5, 2003

Sponsored by:

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

Assemblyman PATRICK DIEGNAN, JR.

District 18 (Middlesex)

Co-Sponsored by:

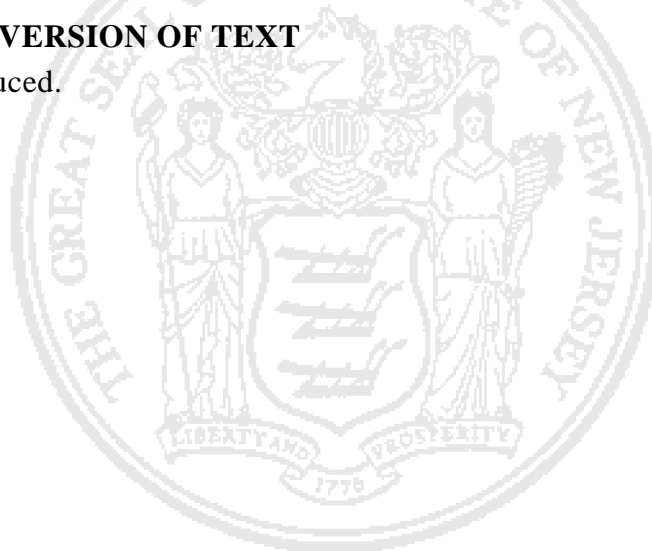
Assemblyman Egan, Assemblywoman Previte, Assemblymen R.Smith, Burzichelli, Fisher, Assemblywoman Friscia, Assemblymen Johnson, Hackett, McKeon, Assemblywomen Greenstein, Heck, Senators Girgenti and Furnari

SYNOPSIS

Directs DOC and DHS commissioners to develop regulations addressing unique security concerns posed by civilly committed sexually violent predators.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/24/2003)

1 AN ACT requiring certain departments to promulgate regulations
2 addressing unique security concerns posed by sexually violent
3 predators who have been civilly committed and amending
4 P.L.1998,c.71.

5

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

8

9 1. Section 11 of P.L.1998, c.71 (C.30:4-27.34) is amended to read
10 as follows:

11 11. a. The Department of Corrections shall be responsible for the
12 operation of any facility designated for the custody, care and treatment
13 of sexually violent predators, and shall provide or arrange for custodial
14 care of persons committed pursuant to this act. Except as may be
15 provided pursuant to subsection c. of section 9 of this act, a person
16 committed pursuant to this act shall be kept in a secure facility and
17 shall be housed and managed separately from offenders in the custody
18 of the Department of Corrections and, except for occasional instances
19 of supervised incidental contact, shall be segregated from such
20 offenders.

21 b. The Division of Mental Health Services in the Department of
22 Human Services shall provide or arrange for treatment for a person
23 committed pursuant to this act. Such treatment shall be appropriately
24 tailored to address the specific needs of sexually violent predators.

25 c. Appropriate representatives of the Department of Corrections
26 and the Department of Human Services shall participate in an
27 interagency oversight board to facilitate the coordination of the
28 policies and procedures of the facility.

29 d. Notwithstanding the provisions of section 10 of P.L.1965,
30 c.59 (C.30:4-24.2) or any other law to the contrary, the rights and
31 rules of conduct applicable to a person subject to involuntary
32 commitment as a sexually violent predator pursuant to P.L.1998,
33 c.71 (C.30:4-27.24 et seq.) shall be established by regulation
34 promulgated jointly by the Commissioner of Human Services and the
35 Commissioner of Corrections, in consultation with the Attorney
36 General. The regulations promulgated under this subsection shall take
37 into consideration the rights of patients as set forth in section 10 of
38 P.L.1965, c.59 (C.30:4-24.2), but shall specifically address the
39 differing needs and specific characteristics of, and treatment protocols
40 related to, sexually violent predators. In developing these regulations,
41 the commissioners shall give due regard to security concerns and
42 safety of the residents, treatment staff, custodial personnel and others
43 in and about the facility.

44 (cf: P.L.1998, c.71, s.11)

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 2. This act shall take effect immediately.

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STATEMENT

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6 This bill would require the Commissioners of Human Services and
7 Corrections, in consultation with the Attorney General, to promulgate
8 certain regulations concerning involuntarily committed sexually violent
9 predators. These regulations are necessary to ensure the safety of the
10 corrections officers, treatment providers, Department of Human
11 Services staff and resident sexually violent predators from the risks of
12 harm presented by other sexually violent predators.

13 In 1998, the Legislature enacted the "New Jersey Sexually Violent
14 Predator Act," P.L.1998, c.71 (C.30:4-27.24 et seq.) to establish a
15 civil procedure for the involuntary commitment of sexually violent
16 predators. Recognizing the nature of the mental conditions,
17 abnormalities or personality disorders that make a person likely to
18 engage in acts of sexual violence and the dangers these predators pose
19 to those around them, the law authorized the civil commitment of
20 these individuals in a separate and secure custodial environment.

21 Having a separate facility for the control, custody and treatment of
22 these predators presents certain unique concerns directly related to the
23 particular needs, specific characteristics and distinct treatment
24 protocols associated with those residents. To provide clear guidance
25 to residents and staff, it is appropriate to specify the rights and rules
26 of conduct applicable to the sexually violent predators committed
27 pursuant to the New Jersey Sexually Violent Predator Act.

28 This bill requires the Commissioner of Corrections and the
29 Commission of Human Services, in consultation with the Attorney
30 General, to promulgate regulations to delineate these specific rights
31 and rules of conduct. In developing these regulations, the
32 commissioners are to take into consideration the rights afforded all
33 patients under section 10 of P.L.1965, c.59 (C.30:4-24.2), as well as
34 the particular needs, specific characteristics and distinct treatment
35 protocols associated the control, custody and treatment of these
36 predators. In addition, the bill directs the commissioners to give due
37 consideration of the security and safety of the residents, treatment
38 staff, custodial personnel and all others in and about these facilities
39 when promulgating these regulations.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3510

STATE OF NEW JERSEY

DATED: MAY 5, 2003

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 3510.

Assembly Bill No. 3510 requires the Commissioners of Human Services and Corrections, in consultation with the Attorney General, to promulgate certain regulations concerning involuntarily committed sexually violent predators. These regulations are necessary to ensure the safety of the corrections officers, treatment providers, Department of Human Services staff and resident sexually violent predators from the risks of harm presented by other sexually violent predators.

In 1998, the Legislature enacted the "New Jersey Sexually Violent Predator Act," P.L.1998, c.71 (C.30:4-27.24 et seq.) to establish a civil procedure for the involuntary commitment of sexually violent predators. Recognizing the nature of the mental conditions, abnormalities or personality disorders that make a person likely to engage in acts of sexual violence and the dangers these predators pose to those around them, the law authorized the civil commitment of these individuals in a separate and secure custodial environment.

Having a separate facility for the control, custody and treatment of these predators presents certain unique concerns directly related to the particular needs, specific characteristics and distinct treatment protocols associated with those residents. To provide clear guidance to residents and staff, it is appropriate to specify the rights and rules of conduct applicable to the sexually violent predators committed pursuant to the New Jersey Sexually Violent Predator Act.

This bill requires the Commissioner of Corrections and the Commission of Human Services, in consultation with the Attorney General, to promulgate regulations to delineate these specific rights and rules of conduct. In developing these regulations, the commissioners are to take into consideration the rights afforded all patients under section 10 of P.L.1965, c.59 (C.30:4-24.2), as well as the particular needs, specific characteristics and distinct treatment protocols associated the control, custody and treatment of these predators. In addition, the bill directs the commissioners to give due consideration to the security and safety of the residents, treatment staff, custodial personnel and all others in and about these facilities when promulgating these regulations.

SENATE, No. 2349

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED FEBRUARY 27, 2003

Sponsored by:

Senator JOHN A. GIRGENTI

District 35 (Bergen and Passaic)

Senator GARRY J. FURNARI

District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Directs DOC and DHS commissioners to develop regulations outlining rights of civilly committed sexually violent predators.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/10/2003)

1 AN ACT concerning the custody, care and treatment of sexually violent
2 predators and amending P.L.1998, c.71.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 11 of P.L.1998, c.71 (C.30:4-27.34) is amended to read
8 as follows:

9 11. a. The Department of Corrections shall be responsible for the
10 operation of any facility designated for the custody, care and treatment
11 of sexually violent predators, and shall provide or arrange for custodial
12 care of persons committed pursuant to this act. Except as may be
13 provided pursuant to subsection c. of section 9 of this act, a person
14 committed pursuant to this act shall be kept in a secure facility and
15 shall be housed and managed separately from offenders in the custody
16 of the Department of Corrections and, except for occasional instances
17 of supervised incidental contact, shall be segregated from such
18 offenders.

19 b. The Division of Mental Health Services in the Department of
20 Human Services shall provide or arrange for treatment for a person
21 committed pursuant to this act. Such treatment shall be appropriately
22 tailored to address the specific needs of sexually violent predators.

23 c. Appropriate representatives of the Department of Corrections
24 and the Department of Human Services shall participate in an
25 interagency oversight board to facilitate the coordination of the
26 policies and procedures of the facility.

27 d. Notwithstanding the provisions of section 10 of P.L.1965, c.59
28 (C.30:4-24.2) or any other law to the contrary, the rights and rules of
29 conduct applicable to a person subject to involuntary commitment as
30 a sexually violent predator pursuant to P.L.1998, c.71 (C.30:4-27.24
31 et seq.) shall be established by regulation promulgated jointly by the
32 Commissioner of Human Services and the Commissioner of
33 Corrections, in consultation with the Attorney General. The
34 regulations promulgated under this subsection shall take into
35 consideration the rights of patients as set forth in section 10 of
36 P.L.1965, c.59 (C.30:4-24.2), but shall specifically address the
37 differing needs and specific characteristics of, and treatment protocols
38 related to, sexually violent predators. In developing these regulations,
39 the commissioners shall give due regard to security concerns and
40 safety of the residents, treatment staff, custodial personnel and others
41 in and about the facility.

42 (cf: P.L.1998, c.71, s.11)

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 2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill would require the Commissioners of Human Services and
7 Corrections, in consultation with the Attorney General, to promulgate
8 certain regulations concerning involuntarily committed sexually violent
9 predators.

10 In 1998, the Legislature enacted the "New Jersey Sexually Violent
11 Predator Act," P.L.1998, c.71 (C.30:4-27.24 et seq.) to establish a
12 civil procedure for the involuntary commitment of sexually violent
13 predators.

14 Recognizing the nature of the mental conditions, abnormalities or
15 personality disorders that make a person likely to engage in acts of
16 sexual violence and the dangers these predators pose to those around
17 them, the law authorized the civil commitment of these individuals in
18 secure facilities.

19 Having a separate facility for the control, custody and treatment of
20 these predators presents certain unique concerns directly related to the
21 particular needs, specific characteristics and distinct treatment
22 protocols associated with those residents. One of the most notable,
23 and obvious, concerns is a heightened interest in maintaining
24 appropriated safety and security standards.

25 To provide clear guidance to residents and staff, it is appropriate to
26 specify the rights and rules of conduct applicable to the sexually
27 violent predators housed in these facilities.

28 This bill requires the Commissioner of Corrections and the
29 Commission of Human Services, in consultation with the Attorney
30 General, to promulgate regulations to delineate these specific rights
31 and rules of conduct. In developing these regulations, the
32 commissioners are to take into consideration the rights afforded all
33 patients under section 10 of P.L.1965, c.59 (C.30:4-24.2), as well as
34 the particular needs, specific characteristics and distinct treatment
35 protocols associated the control, custody and treatment of these
36 predators. In addition, the bill directs the commissioners to give due
37 consideration of the security and safety of the residents, treatment
38 staff, custodial personnel and all others in and about these facilities
39 when promulgating these regulations.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2349

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2003

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 2349.

This bill requires the Commissioners of Human Services and Corrections, in consultation with the Attorney General, to promulgate certain regulations concerning involuntarily committed sexually violent predators. These regulations are necessary to ensure the safety of the corrections officers, treatment providers and Department of Human Services staff from the risk of harm presented by resident sexually violent predators. They also are necessary to protect resident sexually violent predators from the risk of harm presented by other resident sexually violent predators.

In 1998, the Legislature enacted the "New Jersey Sexually Violent Predator Act," P.L.1998, c.71 (C.30:4-27.24 et seq.) to establish a civil procedure for the involuntary commitment of sexually violent predators. Recognizing the nature of the mental conditions, abnormalities or personality disorders that make a person likely to engage in acts of sexual violence and the dangers these predators pose to those around them, the law authorized the civil commitment of these individuals in a separate and secure custodial environment.

Having a separate facility for the control, custody and treatment of these predators presents certain unique concerns directly related to the particular needs, specific characteristics and distinct treatment protocols associated with those residents. To provide clear guidance to residents and staff, it is appropriate to specify the rights and rules of conduct applicable to the sexually violent predators committed pursuant to the New Jersey Sexually Violent Predator Act.

This bill requires the Commissioner of Corrections and the Commission of Human Services, in consultation with the Attorney General, to promulgate regulations to delineate these specific rights and rules of conduct. In developing these regulations, the commissioners are to take into consideration the rights afforded all patients under section 10 of P.L.1965, c.59 (C.30:4-24.2), as well as

the particular needs, specific characteristics and distinct treatment protocols associated the control, custody and treatment of these predators. In addition, the bill directs the commissioners to give due consideration to the security and safety of the residents, treatment staff, custodial personnel and all others in and about these facilities when promulgating these regulations.

The committee amendments are technical in nature. As amended and reported by the committee, this bill is identical to Assembly Bill No. 3510.