

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:7D-1 (Convicted offenders--foreigners--provide for transfer to country of citizenship)

LAWS OF: 1986 **CHAPTER** 141

BILL NO: S2229

Sponsor(s): Cody

Date Introduced: June 5, 1986

Committee: Assembly: -----

Senate: Institutions, Health and Welfare

Amended during passage: No Substituted for A2680 (not attached since identical to S2229)

Date of Passage: **Assembly:** September 18, 1986

Senate: July 31, 1986

Date of Approval: November 6, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clippings--attached:

"Governor signs transfer measure for foreign prisoners held in Jersey," 11-8-86 Star Ledger.

"Prisoner transfer bill fails to alter controversy on young Canadian," 9-21-86 Star Ledger

(OVER)

States having prisoner transfer statutes:

Alaska	Maryland	New Mexico	Texas
Arizona	Massachusetts	New York	Virginia
California	Michigan	North Dalkota	Washington
Colorado	Minnesota	Oklahoma	Wisconsin
Florida	Mississippi	Oregon	Wyoming
Idaho	Nebraska	South Carolina	
Illinois	Nevada		
Kansas			

SENATE, No. 2229

STATE OF NEW JERSEY

INTRODUCED JUNE 5, 1986

By Senator CODY

Referred to Committee on Institutions, Health and Welfare

AN ACT to authorize the Commissioner of the Department of Corrections to approve the exchange or transfer under certain circumstances of juveniles adjudicated delinquent or persons convicted of criminal offenses and supplementing P. L. 1976, c. 98 (C. 30:1B-1 et seq.).

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

1 1. If a treaty in effect between the United States and a foreign
2 country provides for the exchange or transfer of the citizens of
3 that foreign country who are juveniles adjudicated delinquent or
4 persons convicted of criminal offenses pursuant to the laws of this
5 State, the Governor may authorize the Commissioner of the Depart-
6 ment of Corrections to approve an exchange or transfer pursuant
7 to the terms of a treaty. The Governor may also authorize the
8 commissioner to take any other action which is necessary for the
9 participation of this State in such exchanges or transfers.

1 2. This act shall take effect immediately.

STATEMENT

Currently, if a juvenile who is a citizen of a foreign country is adjudicated delinquent by this State, or if a person who is a citizen of a foreign country is convicted of a criminal offense by this State, that juvenile or person will serve his sentence in this State. In contrast, 24 other states have enacted statutes which permit the State to participate in prisoner transfer programs pursuant to existing prisoner transfer treaties.

These international treaties permit the exchange or transfer of foreign nationals to the country of their citizenship to serve sentences imposed by the courts of this State. The United States currently has prisoner transfer treaties with seven foreign countries: Canada, Mexico, Bolivia, Panama, Peru, Turkey, and France. In addition, the United States is party to the Council of Europe Convention on the Transfer of Sentenced Persons which includes Spain, Sweden, the United Kingdom, and France. It is expected that other member nations of the Council of Europe will ratify the convention in the near future.

The practice of prisoner transfers contributes to the easing of overcrowded conditions in our State prisons and allows the transferred prisoners to be under the control of the country of their citizenship. This may increase rehabilitation and reduce custody problems related to cultural and language differences.

It should be noted that all United States citizens returning under prisoner transfer treaties return as federal prisoners and not as State prisoners. Thus, while the State relinquishes authority over the prisoners transferred, the State will not have to accept new prisoners in return.

CORRECTIONS AND PRISONS

Authorizes the Commissioner of the Department of Corrections to approve the exchange or transfer of convicted offenders who are citizens of foreign countries to their country of citizenship.

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Currently, if a juvenile who is a citizen of a foreign country is adjudicated delinquent by this State, or if a person who is a citizen of a foreign country is convicted of a criminal offense by this State, that juvenile or person will serve his sentence in this State. In contrast, 24 other states have enacted statutes which permit the State to participate in prisoner transfer programs pursuant to existing prisoner transfer treaties.

These international treaties permit the exchange or transfer of foreign nationals to the country of their citizenship to serve sentences imposed by the courts of this State. The United States currently has prisoner transfer treaties with seven foreign countries: Canada, Mexico, Bolivia, Panama, Peru, Turkey, and France. In addition, the United States is party to the Council of Europe Convention on the Transfer of Sentenced Persons which includes Spain, Sweden, the United Kingdom, and France. It is expected that other member nations of the Council of Europe will ratify the convention in the near future.

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SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

SENATE, No. 2229

STATE OF NEW JERSEY

DATED: JULY 9, 1986

The Senate Institutions, Health and Welfare Committee favorably reports Senate Bill No. 2229.

This bill permits the Governor to authorize the Commissioner of Corrections to approve an exchange or transfer of a prisoner in the State who is a citizen of a foreign country with which the United States has a prisoner transfer or exchange treaty, to that prisoner's country of residence. The exchange or transfer could apply to a juvenile adjudicated delinquent or a person convicted of a criminal offense in the State.

Currently in New Jersey, if a juvenile adjudicated delinquent or an adult convicted of a criminal offense in this State is a citizen of a foreign country, that juvenile or adult is required to serve his sentence in this State. In contrast, 24 other states have enacted statutes which permit the state to participate in prisoner transfer programs pursuant to existing prisoner transfer treaties.

These international treaties permit the exchange or transfer of a foreign national to the country of his citizenship to serve the sentence imposed by a state court. The United States currently has prisoner transfer treaties with seven foreign countries: Canada, Mexico, Bolivia, Panama, Peru, Turkey, and France. In addition, the United States is party to the Council of Europe Convention on the Transfer of Sentenced Persons, which includes Spain, Sweden, the United Kingdom, and France. It is expected that other member nations of the Council of Europe will ratify the convention in the near future.

It should be noted that all United States citizens returning under prisoner transfer treaties from foreign countries return as federal prisoners and not as state prisoners. Thus, while a state relinquishes authority over the prisoners transferred, the state will not have to accept new prisoners in return.

The practice of prisoner transfers should contribute to the easing of overcrowded conditions in the State prisons and will allow the transferred prisoners to be under the control of the country of their citizenship. The transfer may also increase rehabilitation of the person and reduce custody problems in the State related to cultural and language differences.