

26:2B-40

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2014 **CHAPTER:** 1

NJSA: 26:2B-40 (Requires Division of Addiction Services to grant residential drug treatment program licenses to certain programs operating in State correctional facilities and county jails)

BILL NO: A2295 (Substituted for S686)

SPONSOR(S) Prieto and others

DATE INTRODUCED: February 6, 2014

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

SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** March 27, 2014

SENATE: March 27, 2014

DATE OF APPROVAL: April 17, 2014

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced version of bill enacted)

A2295

SPONSOR'S STATEMENT: (Begins on page 5 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Law and Public
Budget

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S686

SPONSOR'S STATEMENT: (Begins on page 5 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes Law and Public
Budget and Approp.

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"For a day, a cause outweighs a scandal," The Star-Ledger, 4-18-14

"Bridge scandal takes a break," The Record, 4-18-14

"In New Jersey, Two Former Foes Align," The Wall Street Journal, 4-18-14

"Reentry is seen as worse than prison," The Philadelphia Inquirer, 4-18-14

"Christie and McGreevey: Unlikely gubernatorial BFFs," NJSPOTLIGHT, 4-18-14

LAW/RWH

P.L.2014, CHAPTER 1, *approved April 17, 2014*

Assembly, No. 2295

1 **AN ACT** concerning drug treatment programs and supplementing
2 Title 26 of the Revised Statutes and amending P.L.1997, c.14.

3

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

6

7 1. (New section) a. A drug treatment program operating
8 within a State correctional facility or county jail which meets or
9 substantially meets the requirements for licensing as a residential
10 drug treatment program shall be granted such license by the
11 Division of Addiction Services in the Department of Human
12 Services.

13 b. A drug treatment program which the Director of the Division
14 of Addiction Services determines does not meet or substantially
15 meet the requirements for licensing as a residential drug treatment
16 program shall be advised by the director, within 60 days of the
17 determination, specifically as to which requirement or requirements
18 the program failed to meet. If such drug treatment program
19 addresses the deficiency or deficiencies and can meet or
20 substantially meet the requirements, the program may reapply for
21 licensure as a residential drug treatment program.

22 c. The Commissioner of the Department of Human Services
23 may promulgate rules and regulations, pursuant to the
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
25 seq.), as may be necessary to effectuate the purposes of this act.

26

27 2. Section 5 of P.L.1997, c.14 (C.44:10-48) is amended to read
28 as follows:

29 5. a. Only those persons who are United States citizens or
30 eligible aliens shall be eligible for benefits under the Work First
31 New Jersey program. Single adults or couples without dependent
32 children who are legal aliens who meet federal requirements and
33 have applied for citizenship, shall not receive benefits for more than
34 six months unless (1) they attain citizenship, or (2) they have passed
35 the English language and civics components for citizenship, and are
36 awaiting final determination of citizenship by the federal
37 Immigration and Naturalization Service.

38 b. The following persons shall not be eligible for assistance and
39 shall not be considered to be members of an assistance unit:

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 (1) non-needy caretakers, except that the eligibility of a
2 dependent child shall not be affected by the income or resources of
3 a non-needy caretaker;
- 4 (2) Supplemental Security Income recipients, except for the
5 purposes of receiving emergency assistance benefits pursuant to
6 section 8 of P.L.1997, c.14 (C.44:10-51);
- 7 (3) illegal aliens;
- 8 (4) other aliens who are not eligible aliens;
- 9 (5) a person absent from the home who is incarcerated in a
10 federal, State, county or local corrective facility or under the
11 custody of correctional authorities, except as provided by regulation
12 of the commissioner;
- 13 (6) a person who: is fleeing to avoid prosecution, custody or
14 confinement after conviction, under the laws of the jurisdiction
15 from which the person has fled, for a crime or an attempt to commit
16 a crime which is a felony or a high misdemeanor under the laws of
17 the jurisdiction from which the person has fled; or is violating a
18 condition of probation or parole imposed under federal or state law;
- 19 (7) a person convicted on or after August 22, 1996 under federal
20 or state law of any offense which is classified as a felony or crime,
21 as appropriate, under the laws of the jurisdiction involved and
22 which has as an element the possession, use, or distribution of a
23 controlled substance as defined in section 102(6) of the federal
24 "Controlled Substances Act" (21 U.S.C. s.802 (6)), who would
25 otherwise be eligible for general public assistance pursuant to
26 P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person who
27 is convicted of any such offense which has as an element the
28 possession or use only of such a controlled substance may be
29 eligible for Work First New Jersey general public assistance
30 benefits if the person enrolls in or has completed a licensed
31 residential drug treatment program.
- 32 Eligibility for benefits for a person entering a licensed residential
33 drug treatment program which does not operate in a State
34 correctional facility or county jail shall commence upon the
35 person's enrollment in the drug treatment program, and shall
36 continue during the person's active participation in, and upon
37 completion of, the drug treatment program, except that during the
38 person's active participation in a drug treatment program and the
39 first 60 days after completion of a drug treatment program, the
40 commissioner shall provide for testing of the person to determine if
41 the person is free of any controlled substance. If the person is
42 determined to not be free of any controlled substance during the 60-
43 day period, the person's eligibility for benefits pursuant to this
44 paragraph shall be terminated; except that this provision shall not
45 apply to the use of methadone by a person who is actively
46 participating in a drug treatment program, as prescribed by the drug
47 treatment program. The commissioner, in consultation with the
48 Commissioner of Health and Senior Services, shall adopt
49 regulations to carry out the provisions of this paragraph, which shall

1 include the criteria for determining active participation in and
2 completion of a drug treatment program.

3 Eligibility for benefits for a person who completes a licensed
4 residential drug treatment program which operates in a State
5 correctional facility or county jail, in accordance with section 1 of
6 P.L. c. (C.) (pending before the Legislature as this bill), shall
7 commence upon release from incarceration.

8 Cash benefits, less a personal needs allowance, for a person
9 receiving general public assistance benefits under the Work First
10 New Jersey program who is enrolled in and actively participating in
11 a licensed residential drug treatment program shall be issued
12 directly to the drug treatment provider to offset the cost of
13 treatment. Upon completion of the drug treatment program, the
14 cash benefits shall be then issued to the person. In the case of a
15 delay in issuing cash benefits to a person receiving Work First New
16 Jersey general public assistance benefits who has completed the
17 drug treatment program, the drug treatment provider shall transmit
18 to the person those funds received on behalf of that person after
19 completion of the drug treatment program;

20 (8) a person found to have fraudulently misrepresented his
21 residence in order to obtain means-tested, public benefits in two or
22 more states or jurisdictions, who shall be ineligible for benefits for
23 a period of 10 years from the date of conviction in a federal or state
24 court; or

25 (9) a person who intentionally makes a false or misleading
26 statement or misrepresents, conceals or withholds facts for the
27 purpose of receiving benefits, who shall be ineligible for benefits
28 for a period of six months for the first violation, 12 months for the
29 second violation, and permanently for the third violation.

30 c. A person who makes a false statement with the intent to
31 qualify for benefits and by reason thereof receives benefits for
32 which the person is not eligible is guilty of a crime of the fourth
33 degree.

34 d. Pursuant to the authorization provided to the states under 21
35 U.S.C. s.862a(d)(1), this State elects to exempt from the application
36 of 21 U.S.C. s.862a(a):

37 (1) needy persons and their dependent children domiciled in
38 New Jersey for the purposes of receiving benefits under the Work
39 First New Jersey program and food assistance under the federal
40 "Food and Nutrition Act of 2008," Pub.L.110-234 (7 U.S.C. s.2011
41 et seq.); and

42 (2) single persons and married couples without dependent
43 children domiciled in New Jersey for the purposes of receiving food
44 assistance under Pub.L.110-234.

45 (cf: P.L.2009, c.328, s.1)

46

47 3. This act shall take effect on the first day of the fourth month
48 following the date of enactment, except that the Commissioner of
49 the Department of Human Services may take such anticipatory

1 administrative action in advance thereof as shall be necessary for
2 the implementation of this act.

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STATEMENT

6

7 This bill requires the Division of Addiction Services to grant
8 residential treatment program licenses to programs operating in
9 State correctional facilities and county jails which meet or
10 substantially meet requirements for licensure. The purpose of this
11 bill is to ensure that these programs are not denied licensure
12 because they are located within a correctional setting.

13 Under current law, a person convicted under federal or state law
14 of any felony or crime which has an element of the possession, use,
15 or distribution of a controlled dangerous substance, and who would
16 otherwise be eligible for general public assistance benefits, is
17 ineligible to receive the benefits unless the person has enrolled in or
18 completed a licensed residential drug treatment program. This bill
19 would ensure that incarcerated individuals who participate in and
20 complete drug treatment programs which meet or substantially meet
21 requirements for licensure as residential programs are not denied
22 eligibility for general public assistance benefits upon release from
23 incarceration.

24 Additionally, licensed residential drug treatment programs are
25 eligible for certain grants and additional benefits which other types
26 of drug treatment programs are not. This bill would allow programs
27 in correctional facilities, which meet or substantially meet the
28 licensing criteria, to be afforded this eligibility.

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33 Requires Division of Addiction Services to grant residential drug
34 treatment program licenses to certain programs operating in State
35 correctional facilities and county jails.

ASSEMBLY, No. 2295

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 6, 2014

Sponsored by:

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Assemblyman CARMELO G. GARCIA

District 33 (Hudson)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Hunterdon and Mercer)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

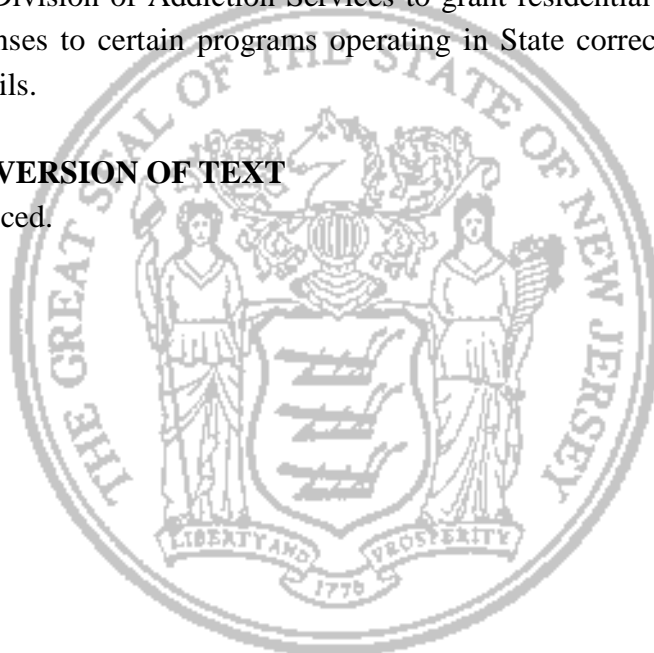
Senators Lesniak, Sacco, Pou and Cunningham

SYNOPSIS

Requires Division of Addiction Services to grant residential drug treatment program licenses to certain programs operating in State correctional facilities and county jails.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/28/2014)

1 AN ACT concerning drug treatment programs and supplementing
2 Title 26 of the Revised Statutes and amending P.L.1997, c.14.

3

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

6

7 1. (New section) a. A drug treatment program operating
8 within a State correctional facility or county jail which meets or
9 substantially meets the requirements for licensing as a residential
10 drug treatment program shall be granted such license by the
11 Division of Addiction Services in the Department of Human
12 Services.

13 b. A drug treatment program which the Director of the Division
14 of Addiction Services determines does not meet or substantially
15 meet the requirements for licensing as a residential drug treatment
16 program shall be advised by the director, within 60 days of the
17 determination, specifically as to which requirement or requirements
18 the program failed to meet. If such drug treatment program
19 addresses the deficiency or deficiencies and can meet or
20 substantially meet the requirements, the program may reapply for
21 licensure as a residential drug treatment program.

22 c. The Commissioner of the Department of Human Services
23 may promulgate rules and regulations, pursuant to the
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
25 seq.), as may be necessary to effectuate the purposes of this act.

26

27 2. Section 5 of P.L.1997, c.14 (C.44:10-48) is amended to read
28 as follows:

29 5. a. Only those persons who are United States citizens or
30 eligible aliens shall be eligible for benefits under the Work First
31 New Jersey program. Single adults or couples without dependent
32 children who are legal aliens who meet federal requirements and
33 have applied for citizenship, shall not receive benefits for more than
34 six months unless (1) they attain citizenship, or (2) they have passed
35 the English language and civics components for citizenship, and are
36 awaiting final determination of citizenship by the federal
37 Immigration and Naturalization Service.

38 b. The following persons shall not be eligible for assistance and
39 shall not be considered to be members of an assistance unit:

40 (1) non-needy caretakers, except that the eligibility of a
41 dependent child shall not be affected by the income or resources of
42 a non-needy caretaker;

43 (2) Supplemental Security Income recipients, except for the
44 purposes of receiving emergency assistance benefits pursuant to
45 section 8 of P.L.1997, c.14 (C.44:10-51);

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 (3) illegal aliens;

2 (4) other aliens who are not eligible aliens;

3 (5) a person absent from the home who is incarcerated in a
4 federal, State, county or local corrective facility or under the
5 custody of correctional authorities, except as provided by regulation
6 of the commissioner;

7 (6) a person who: is fleeing to avoid prosecution, custody or
8 confinement after conviction, under the laws of the jurisdiction
9 from which the person has fled, for a crime or an attempt to commit
10 a crime which is a felony or a high misdemeanor under the laws of
11 the jurisdiction from which the person has fled; or is violating a
12 condition of probation or parole imposed under federal or state law;

13 (7) a person convicted on or after August 22, 1996 under federal
14 or state law of any offense which is classified as a felony or crime,
15 as appropriate, under the laws of the jurisdiction involved and
16 which has as an element the possession, use, or distribution of a
17 controlled substance as defined in section 102(6) of the federal
18 "Controlled Substances Act" (21 U.S.C. s.802 (6)), who would
19 otherwise be eligible for general public assistance pursuant to
20 P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person who
21 is convicted of any such offense which has as an element the
22 possession or use only of such a controlled substance may be
23 eligible for Work First New Jersey general public assistance
24 benefits if the person enrolls in or has completed a licensed
25 residential drug treatment program.

26 Eligibility for benefits for a person entering a licensed residential
27 drug treatment program which does not operate in a State
28 correctional facility or county jail shall commence upon the
29 person's enrollment in the drug treatment program, and shall
30 continue during the person's active participation in, and upon
31 completion of, the drug treatment program, except that during the
32 person's active participation in a drug treatment program and the
33 first 60 days after completion of a drug treatment program, the
34 commissioner shall provide for testing of the person to determine if
35 the person is free of any controlled substance. If the person is
36 determined to not be free of any controlled substance during the 60-
37 day period, the person's eligibility for benefits pursuant to this
38 paragraph shall be terminated; except that this provision shall not
39 apply to the use of methadone by a person who is actively
40 participating in a drug treatment program, as prescribed by the drug
41 treatment program. The commissioner, in consultation with the
42 Commissioner of Health and Senior Services, shall adopt
43 regulations to carry out the provisions of this paragraph, which shall
44 include the criteria for determining active participation in and
45 completion of a drug treatment program.

46 Eligibility for benefits for a person who completes a licensed
47 residential drug treatment program which operates in a State
48 correctional facility or county jail, in accordance with section 1 of

1 P.L. c. (C.) (pending before the Legislature as this bill), shall
2 commence upon release from incarceration.

3 Cash benefits, less a personal needs allowance, for a person
4 receiving general public assistance benefits under the Work First
5 New Jersey program who is enrolled in and actively participating in
6 a licensed residential drug treatment program shall be issued
7 directly to the drug treatment provider to offset the cost of
8 treatment. Upon completion of the drug treatment program, the
9 cash benefits shall be then issued to the person. In the case of a
10 delay in issuing cash benefits to a person receiving Work First New
11 Jersey general public assistance benefits who has completed the
12 drug treatment program, the drug treatment provider shall transmit
13 to the person those funds received on behalf of that person after
14 completion of the drug treatment program;

15 (8) a person found to have fraudulently misrepresented his
16 residence in order to obtain means-tested, public benefits in two or
17 more states or jurisdictions, who shall be ineligible for benefits for
18 a period of 10 years from the date of conviction in a federal or state
19 court; or

20 (9) a person who intentionally makes a false or misleading
21 statement or misrepresents, conceals or withholds facts for the
22 purpose of receiving benefits, who shall be ineligible for benefits
23 for a period of six months for the first violation, 12 months for the
24 second violation, and permanently for the third violation.

25 c. A person who makes a false statement with the intent to
26 qualify for benefits and by reason thereof receives benefits for
27 which the person is not eligible is guilty of a crime of the fourth
28 degree.

29 d. Pursuant to the authorization provided to the states under 21
30 U.S.C. s.862a(d)(1), this State elects to exempt from the application
31 of 21 U.S.C. s.862a(a):

32 (1) needy persons and their dependent children domiciled in
33 New Jersey for the purposes of receiving benefits under the Work
34 First New Jersey program and food assistance under the federal
35 "Food and Nutrition Act of 2008," Pub.L.110-234 (7 U.S.C. s.2011
36 et seq.); and

37 (2) single persons and married couples without dependent
38 children domiciled in New Jersey for the purposes of receiving food
39 assistance under Pub.L.110-234.

40 (cf: P.L.2009, c.328, s.1)

41

42 3. This act shall take effect on the first day of the fourth month
43 following the date of enactment, except that the Commissioner of
44 the Department of Human Services may take such anticipatory
45 administrative action in advance thereof as shall be necessary for
46 the implementation of this act.

STATEMENT

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This bill requires the Division of Addiction Services to grant residential treatment program licenses to programs operating in State correctional facilities and county jails which meet or substantially meet requirements for licensure. The purpose of this bill is to ensure that these programs are not denied licensure because they are located within a correctional setting.

Under current law, a person convicted under federal or state law of any felony or crime which has an element of the possession, use, or distribution of a controlled dangerous substance, and who would otherwise be eligible for general public assistance benefits, is ineligible to receive the benefits unless the person has enrolled in or completed a licensed residential drug treatment program. This bill would ensure that incarcerated individuals who participate in and complete drug treatment programs which meet or substantially meet requirements for licensure as residential programs are not denied eligibility for general public assistance benefits upon release from incarceration.

Additionally, licensed residential drug treatment programs are eligible for certain grants and additional benefits which other types of drug treatment programs are not. This bill would allow programs in correctional facilities, which meet or substantially meet the licensing criteria, to be afforded this eligibility.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2295

STATE OF NEW JERSEY

DATED: MARCH 13, 2014

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2295.

As reported by the committee, Assembly Bill No. 2295 requires the Division of Addiction Services to grant residential treatment program licenses to programs operating in State correctional facilities and county jails which meet or substantially meet requirements for licensure. The purpose of this bill is to ensure that these programs are not denied licensure because they are located within a correctional setting.

Under current law, a person convicted under federal or state law of any felony or crime which has an element of the possession, use, or distribution of a controlled dangerous substance, and who would otherwise be eligible for general public assistance benefits, is ineligible to receive the benefits unless the person has enrolled in or completed a licensed residential drug treatment program. This bill ensures that incarcerated individuals who participate in and complete drug treatment programs which meet or substantially meet requirements for licensure as residential programs are not denied eligibility for general public assistance benefits upon release from incarceration.

Additionally, licensed residential drug treatment programs are eligible to receive certain grants and additional benefits for which other types of drug treatment programs are not eligible. Under this bill, programs in correctional facilities that meet or substantially meet the licensing criteria would be eligible for these grants and benefits.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2295

STATE OF NEW JERSEY

DATED: MARCH 24, 2014

The Assembly Budget Committee reports favorably Assembly Bill No. 2295.

The bill requires the Division of Addiction Services to grant residential treatment program licenses to qualified programs operating in State correctional facilities and county jails.

Under current law, enrollment or completion of a licensed residential drug treatment program is a prerequisite for a person, convicted of a felony or crime involving the possession, use, or distribution of a controlled dangerous substance, to receive Work First New Jersey general public assistance benefits. This bill allows drug treatment programs in State correctional facilities and county jails to qualify as a licensed residential drug treatment program for purposes of Work First New Jersey general public assistance benefits following release from incarceration.

The bill provides that if a drug treatment program in a State correctional facility or county jail does not meet or substantially meet a licensing requirement then the facility must be specifically advised within 60 days of such a determination and provided an opportunity to reapply.

This bill takes effect on the first day of the fourth month following the date of enactment.

FISCAL IMPACT:

Additional State expenditures attributable to an increase in eligible claims for Work First New Jersey general public assistance from formerly incarcerated individuals who complete a licensed residential drug treatment program while incarcerated cannot be reliably quantified. There may also be additional licensing costs imposed on the Division of Addiction Services and likely passed on to residential drug treatment programs within corrections facilities.

SENATE, No. 686

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

SYNOPSIS

Requires Division of Addiction Services to grant residential drug treatment program licenses to certain programs operating in State correctional facilities and county jails.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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10 drug treatment program shall be granted such license by the
11 Division of Addiction Services in the Department of Human
12 Services.

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14 of Addiction Services determines does not meet or substantially
15 meet the requirements for licensing as a residential drug treatment
16 program shall be advised by the director, within 60 days of the
17 determination, specifically as to which requirement or requirements
18 the program failed to meet. If such drug treatment program
19 addresses the deficiency or deficiencies and can meet or
20 substantially meet the requirements, the program may reapply for
21 licensure as a residential drug treatment program.

22 c. The Commissioner of the Department of Human Services
23 may promulgate rules and regulations, pursuant to the
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
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30 eligible aliens shall be eligible for benefits under the Work First
31 New Jersey program. Single adults or couples without dependent
32 children who are legal aliens who meet federal requirements and
33 have applied for citizenship, shall not receive benefits for more than
34 six months unless (1) they attain citizenship, or (2) they have passed
35 the English language and civics components for citizenship, and are
36 awaiting final determination of citizenship by the federal
37 Immigration and Naturalization Service.

38 b. The following persons shall not be eligible for assistance and
39 shall not be considered to be members of an assistance unit:

40 (1) non-needy caretakers, except that the eligibility of a
41 dependent child shall not be affected by the income or resources of
42 a non-needy caretaker;

43 (2) Supplemental Security Income recipients, except for the
44 purposes of receiving emergency assistance benefits pursuant to
45 section 8 of P.L.1997, c.14 (C.44:10-51);

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.

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2 (4) other aliens who are not eligible aliens;

3 (5) a person absent from the home who is incarcerated in a
4 federal, State, county or local corrective facility or under the
5 custody of correctional authorities, except as provided by regulation
6 of the commissioner;

7 (6) a person who: is fleeing to avoid prosecution, custody or
8 confinement after conviction, under the laws of the jurisdiction
9 from which the person has fled, for a crime or an attempt to commit
10 a crime which is a felony or a high misdemeanor under the laws of
11 the jurisdiction from which the person has fled; or is violating a
12 condition of probation or parole imposed under federal or state law;

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14 or state law of any offense which is classified as a felony or crime,
15 as appropriate, under the laws of the jurisdiction involved and
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17 controlled substance as defined in section 102(6) of the federal
18 "Controlled Substances Act" (21 U.S.C. s.802 (6)), who would
19 otherwise be eligible for general public assistance pursuant to
20 P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person who
21 is convicted of any such offense which has as an element the
22 possession or use only of such a controlled substance may be
23 eligible for Work First New Jersey general public assistance
24 benefits if the person enrolls in or has completed a licensed
25 residential drug treatment program.

26 Eligibility for benefits for a person entering a licensed residential
27 drug treatment program which does not operate in a State
28 correctional facility or county jail shall commence upon the
29 person's enrollment in the drug treatment program, and shall
30 continue during the person's active participation in, and upon
31 completion of, the drug treatment program, except that during the
32 person's active participation in a drug treatment program and the
33 first 60 days after completion of a drug treatment program, the
34 commissioner shall provide for testing of the person to determine if
35 the person is free of any controlled substance. If the person is
36 determined to not be free of any controlled substance during the 60-
37 day period, the person's eligibility for benefits pursuant to this
38 paragraph shall be terminated; except that this provision shall not
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4 Cash benefits, less a personal needs allowance, for a person
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6 New Jersey program who is enrolled in and actively participating in
7 a licensed residential drug treatment program shall be issued
8 directly to the drug treatment provider to offset the cost of
9 treatment. Upon completion of the drug treatment program, the
10 cash benefits shall be then issued to the person. In the case of a
11 delay in issuing cash benefits to a person receiving Work First New
12 Jersey general public assistance benefits who has completed the
13 drug treatment program, the drug treatment provider shall transmit
14 to the person those funds received on behalf of that person after
15 completion of the drug treatment program;

16 (8) a person found to have fraudulently misrepresented his
17 residence in order to obtain means-tested, public benefits in two or
18 more states or jurisdictions, who shall be ineligible for benefits for
19 a period of 10 years from the date of conviction in a federal or state
20 court; or

21 (9) a person who intentionally makes a false or misleading
22 statement or misrepresents, conceals or withholds facts for the
23 purpose of receiving benefits, who shall be ineligible for benefits
24 for a period of six months for the first violation, 12 months for the
25 second violation, and permanently for the third violation.

26 c. A person who makes a false statement with the intent to
27 qualify for benefits and by reason thereof receives benefits for
28 which the person is not eligible is guilty of a crime of the fourth
29 degree.

30 d. Pursuant to the authorization provided to the states under 21
31 U.S.C. s.862a(d)(1), this State elects to exempt from the application
32 of 21 U.S.C. s.862a(a):

33 (1) needy persons and their dependent children domiciled in
34 New Jersey for the purposes of receiving benefits under the Work
35 First New Jersey program and food assistance under the federal
36 "Food and Nutrition Act of 2008," Pub.L.110-234 (7 U.S.C. s.2011
37 et seq.); and

38 (2) single persons and married couples without dependent
39 children domiciled in New Jersey for the purposes of receiving food
40 assistance under Pub.L.110-234.

41 (cf: P.L.2009, c.328, s.1)

42

43 3. This act shall take effect on the first day of the fourth month
44 following the date of enactment, except that the Commissioner of
45 the Department of Human Services may take such anticipatory
46 administrative action in advance thereof as shall be necessary for
47 the implementation of this act.

STATEMENT

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This bill requires the Division of Addiction Services to grant residential treatment program licenses to programs operating in State correctional facilities and county jails which meet or substantially meet requirements for licensure. The purpose of this bill is to ensure that these programs are not denied licensure because they are located within a correctional setting.

Under current law, a person convicted under federal or state law of any felony or crime which has an element of the possession, use, or distribution of a controlled dangerous substance, and who would otherwise be eligible for general public assistance benefits, is ineligible to receive the benefits unless the person has enrolled in or completed a licensed residential drug treatment program. This bill would ensure that incarcerated individuals who participate in and complete drug treatment programs which meet or substantially meet requirements for licensure as residential programs are not denied eligibility for general public assistance benefits upon release from incarceration.

Additionally, licensed residential drug treatment programs are eligible for certain grants and additional benefits which other types of drug treatment programs are not. This bill would allow programs in correctional facilities, which meet or substantially meet the licensing criteria, to be afforded this eligibility.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 686

STATE OF NEW JERSEY

DATED: JANUARY 30, 2014

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 686.

This bill requires the Division of Addiction Services to grant residential treatment program licenses to programs operating in State correctional facilities and county jails which meet or substantially meet requirements for licensure. The purpose of this bill is to ensure that these programs are not denied licensure because they are located within a correctional setting.

Under current law, a person convicted under federal or state law of any felony or crime which has an element of the possession, use, or distribution of a controlled dangerous substance, and who would otherwise be eligible for general public assistance benefits, is ineligible to receive the benefits unless the person has enrolled in or completed a licensed residential drug treatment program. This bill would ensure that incarcerated individuals who participate in and complete drug treatment programs which meet or substantially meet requirements for licensure as residential programs are not denied eligibility for general public assistance benefits upon release from incarceration.

Additionally, licensed residential drug treatment programs are eligible for certain grants and additional benefits which other types of drug treatment programs are not. This bill would allow programs in correctional facilities, which meet or substantially meet the licensing criteria, to be afforded this eligibility.

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 686

STATE OF NEW JERSEY

DATED: MARCH 20, 2014

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 686.

This bill allows certain drug offenders serving sentences in State and county correctional facilities, who complete correctional facility based residential drug treatment programs that under the bill can become licensed by the Division of Addiction Services in the Department of Human Services, to be eligible for Work First New Jersey general public assistance benefits upon release from incarceration. The division will be required to grant residential treatment program licenses to qualified programs operating in State correctional facilities and county jails which meet or substantially meet requirements for licensing. The absence of licensing of these facilities is a statutory bar to eligibility for general public assistance benefits for individuals sentenced to incarceration for certain controlled dangerous substances offenses (that do not involve an element of distribution but only use or possession), that successfully complete correctional facility housed residential drug treatment programs before their release from incarceration.

A residential treatment program that does not meet or substantially meet a licensing requirement must be specifically advised within 60 days of such a determination by the division and provided an opportunity to reapply for licensure to meet or substantially meet the licensing requirement.

This bill will take effect on the first day of the fourth month following enactment.

FISCAL IMPACT:

The Office of Drug Programs in the New Jersey Department of Corrections (NJDOC) is responsible for the Therapeutic Community Substance Abuse Disorder Treatment Program. Under this program, the NJDOC noted in its 2012 annual report that it contracts for 1,332 Therapeutic Community (TC) beds in eight different programs, located in six different correctional facilities. An evidence-based Therapeutic Community in-prison treatment model has been employed by the NJDOC as its principal treatment modality to address offender substance use disorders. In-prison treatment, varying from nine to 12

months in duration based on progress in treatment, is followed by participation in community-based programs.

The Office of Legislative Services (OLS) informally notes that there may be licensing costs of the Division of Addiction Services that may be passed on to residential drug treatment programs within these corrections facilities and some additional costs for Work First New Jersey assistance benefits that a limited group of inmates may receive. The Division of Addiction Services assesses residential drug treatment programs biennial fees of \$500 per license, and \$500 per inspection, and an additional \$3 for each authorized treatment bed. It is assumed these fees cover the approximate cost for the inspection and licensing services performed by the division and will be an additional cost imposed upon a residential drug treatment program within a NJDOC or county facility that seeks to obtain licensing.

Additional State expenditures attributable to an increase in eligible claims for Work First New Jersey general public assistance from formerly incarcerated individuals who complete a licensed residential drug treatment program while incarcerated cannot be reliably quantified. Several factors that OLS can not quantify but are likely to impact possible general assistance payments under this bill include: (1) the number of programs that may receive licensing, (2) the number of incarcerated individuals in a licensed residential program who are serving a sentence for a disqualifying offense involving distribution of a controlled substance, (3) the successful program completion rate of qualified individuals, and other factors that may affect an individual's qualification for Work First New Jersey general assistance as well as the amount of monthly assistance grants.

Under the federal Residential Substance Abuse Treatment (RSAT) for State Prisoners Formula Grant Program the New Jersey Department of Law and Public Safety receives federal funds that may support these residential treatment programs for certain incarcerated individuals. In Fiscal Year 2013 the State received \$236,000 in federal funds and anticipates federal funds of \$189,000 in Fiscal Years 2014 and 2015. The RSAT program, administered through the federal Bureau of Justice Assistance (BJA), provides matching grants to States and units of local government to develop, implement, and improve treatment programs in State and local correctional and detention facilities. The federal share of a grant-funded project may not exceed 75 percent of the total costs of the project and the State must provide a 25 percent cash match. The State cash match appropriation in Fiscal Year 2014 was \$26,000 and allocated within the Services Other Than Personal accounts for applicable corrections facilities; \$62,000 is reported as the expended State match amount during Fiscal Year 2013 from \$72,000 of available funds that include carryover and transfers amounts.

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Governor Christie Continues Commitment To Providing Life-Changing Drug Treatment and Addiction Services

Signs Legislation to Improve Prison Drug Treatment Programs and Help Continue Breaking Cycle of Recidivism

Thursday, April 17, 2014

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State of New Jersey
OFFICE OF THE GOVERNOR

Signs Legislation to Improve Prison Drug Treatment Programs and Help Continue Breaking Cycle of Recidivism

Trenton, NJ – Governor Chris Christie today signed legislation that would allow the licensure of certain drug treatment programs to operate in State correctional facilities and county jails.

"Far too many drug users end up in jail as a result of actions fueled by their addiction," said Governor Christie. "Today, I am signing a bill to improve drug treatment programs in our State that clarifies our current law and increases opportunities and services available to inmates who are showing a commitment to turn their lives around by graduating from these licensed drug treatment programs prior to release from incarceration. Those opportunities will help these individuals in their recovery and reintegration after incarceration and help reduce the likelihood they fall back into the cycle of addiction and criminality."

The new statute also addresses a longstanding issue that prevented just-released prisoners from eligibility for General Assistance. It ensures that incarcerated individuals who participate in and complete drug treatment programs, which meet or substantially meet licensure requirements, are not denied eligibility for general public assistance benefits upon release from incarceration.

Governor Christie has long spoken of his firmly held belief that no life is disposable and everyone deserves a second chance through treatment if they haven't committed a violent crime. Today's bill signing is one of several initiatives the Governor has advocated to support the recovery of individuals battling addiction, continuing his commitment to fundamentally change the conversation and policies toward addiction and treatment.

Last year, Governor Christie followed through on his commitment to take a smarter and more effective approach in how the State treats drug-addicted offenders by signing into law two landmark, bipartisan bills that put in place a statewide, mandatory drug court program and provide legal protection to people trying to help a drug overdose victim.

And most recently, he announced the formal launch of a pilot program in Ocean and Monmouth counties that will train and equip police officers to administer the antidote Narcan to people experiencing an overdose of heroin or prescription narcotics.

Primary sponsors for A-2295/S-686 included Senators Raymond Lesniak and Nicholas Sacco, and Assemblymembers Vincent Prieto, Angelica Jimenez, Carmelo Garcia, Bonnie Watson-Coleman, and Raj Mukherji.

###

Gov. Christie On Gov. McGreevey: We Don't Agree On Every Issue But We Agree On This

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Governor Christie: One of the reasons I agreed to come and talk about this today is because of him. Now the reason I say that is we need people who have had great accomplishments in their life, from both parties, being willing to work together with each other. And you know, all too often we set up a system in our political affairs where that becomes impossible, or if not impossible, frowned upon to the point where people become reluctant to do it. And I can tell you that from the time I've become Governor, I've reached out to him for advice and to urge him to get out more in public. Because even though we don't agree on every issue or nearly every issue - if we sat down and did a list of public policy issues, right? I mean it would be a relatively spartan list, right, that McGreevey and I agreed on. But what I will tell you is that has never stopped him from giving me advice. When you're in these jobs, the advice you can get from somebody who's actually sat in the chair is qualitatively different than the advice you can get from anybody else. I want him to continue to be a leader in this state on issues that he's passionate about and cares about. And I want all of you to see that no matter what disagreements we may have on other issues, when we agree on something, we're going to work together to try to make it happen and force, because we've been leaders in the highest office in this state, and force the people underneath us; the legislators, the mayors, the council people, the freeholders, the county executives, to not allow the partisan barriers to get up between them to prevent progress because if we can do it, then everybody else beneath us in terms of office status should be able to do it too. So his invitation today was really welcome and I appreciate it.

Governor McGreevey: Before the Governor leaves I just want to say a heartfelt thank you and I wasn't even going to say this but you know obviously I've had my own challenges in life and there have been few people who have been as decent and kind and compassionate and good as Chris Christie. And so I want to thank him for being here today. I want to thank him for clear, strong, powerful voice as to the need for treatment over incarceration, for visiting our women in Hudson County, for Mary Pat coming to Integrity in the basement of one of our facilities and spending hours with our women and for the Governor being here at the mayor's conference, to lifting up his voice, not only here in Hudson County, not only in this state, but god willing, nationally so that America can be her best not only for those in this room, but for those sitting in prison cells throughout this country. Governor, on behalf of all of us, a heartfelt thank you and blessed Easter.

###

Transcript:

Governor Christie: I'm pro-life and I believe strongly in the sanctity of life and as do many of my conservative, fellow conservative governors and I say to them you know, it's great to be pro-life but you need to be pro-life after they get out of the womb too. We have to be pro-life all the way along. And sometimes life presents us with challenges to being pro-life. People make mistakes. People anger us. People do things that we can't understand and it becomes harder at that moment to be pro-life but if we believe in the sanctity of life then we need to believe in how life is precious for every moment that God gives us. Not only the really good moments, but the really tough moments too.

Governor McGreevey: Amen.

Governor Christie: And so if in fact we believe life is precious and I do, then the life of the drug addicted teenager who has been arrested for the sixth time is just as precious as the lives of any one of my children. The life of the 45 year old lawyer who is addicted to prescription drugs and alcohol is just as precious as any one of the prosecutors who ever worked for me. the life of the 65 year old woman who has spent her entire life helping others and then falls

victim to alcohol or drug abuse is just as precious as the life of my own father. Now these are things that we need to stand up for. And it's hard to stand up for them. But if you're going to be pro-life, you've got to be pro-life the entire journey, not just the beginning of it. So I think if you talk to conservative leaders and say to them yes there is a class of people who deserve to be incarcerated and whether conservative or moderate or liberal, whatever you call yourself, you don't want violent people on the street.

Governor McGreevey: No.

Governor Christie: Nobody does. It doesn't matter what neighborhood you live in, you don't want a violent person armed on your street that may hurt you or your children or your other loved ones or your neighbors. But we also have to understand that there is a class of people who will benefit much more from us reaching out a helping hand to them and understanding that we're all flawed and we all make mistakes and we all at some moment in our lives need help. I just recently lost a dear friend to alcohol and drug abuse. And I could tell you that as we all stood around at his wake at 52 years old, that all of us were in a sense at the same moment of disbelief and inevitability. I said to my wife that night, is it possible to be completely stunned and not the least bit surprised at the same time. And I can tell you from just having experienced this, it is absolutely possible. I knew we all tried to reach out to this friend and help him for nearly a decade and he continued not to be able to deal with the ravage that this addiction did to him. And at the same time though, I was completely stunned that a guy who had been a dear friend of mine for 30 years was laying there in that coffin because he couldn't deal with the illness that he had. When I tell you everybody that this can happen to everybody, when I talk about this over and over at town hall meetings, it's because it can and it does every day. So I don't believe this is a conservative or moderate or liberal issue. I don't believe this is a Republican or Democrat issue because let me tell you, I know as many drug addicted Republicans as I know drug addicted Democrats. It just is what it is. Because alcohol, prescription drugs, heroin, cocaine, they don't ask you for your party registration card when the drug dealer is selling it to you.

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Governor Christie: If You're Pro-Life, You Must Be Pro-Life For The Entire Journey

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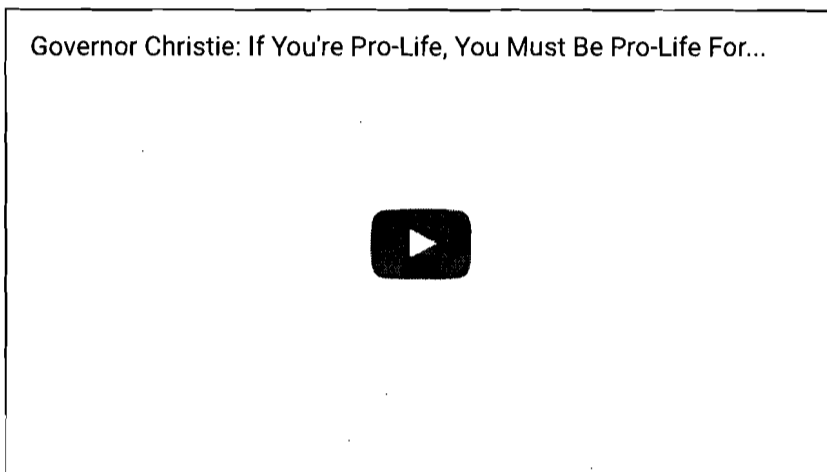
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