

30:8-57 to 30:8-60

LEGISLATIVE HISTORY CHECKLIST

WASA 30:8-57 to 30:8-60 (Penal facilities - counties-- admission of new inmates)

LAWS OF 1979 CHAPTER 472

Bill No. A3114

Sponsor(s) Hardwick, Contillo and Smith

Date Introduced Feb. 22, 1979

Committee: Assembly County Government

Senate Law, Public Safety & Defense

Amended during passage Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly July 16, 1979

Senate Jan. 7, 1980

Date of approval Feb. 27, 1980

Following statements are attached if available:

Sponsor statement	Yes	<input checked="" type="checkbox"/>
Committee Statement:	Assembly	Yes <input checked="" type="checkbox"/>
	Senate	Yes <input checked="" type="checkbox"/>
Fiscal Note	Yes	<input type="checkbox"/>
Veto message	Yes	<input type="checkbox"/>
Message on signing	Yes	<input type="checkbox"/>
Following were printed:		
Reports	Yes	<input checked="" type="checkbox"/>
Hearings	Yes	<input checked="" type="checkbox"/>

974.90 NJ. Legislature. Assembly. County Government Committee.
P959 Special Subcommittee to Study County Penal Institutions.
1978c Public hearing, held 6-27-78, 7-18-78 & 8-29-78.

974.90 NJ. Legislature. Assembly. County Government Committee.
P959 Special Subcommittee to Study County Penal Institutions.
1978d Report...Dec. 4, 1978.

9/1/78
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ASSEMBLY, No. 3114

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1979

By Assemblymen HARDWICK, CONTILLO and SMITH

Referred to Committee on County Government

AN ACT concerning the admission of new inmates to county penal facilities and supplementing Title 30 of the Revised Statutes.

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

1 1. If the Commissioner of the Department of Corrections shall
2 determine that a county jail, workhouse or penitentiary is in willful
3 and continuous disregard of the minimum standards for such facili-
4 ties promulgated by the department pursuant to section 10 of
5 P. L. 1976 c. 98 (C. 30:1B-10), he shall order a phased restriction
6 of admission of new inmates to such facility. Upon such deter-
7 mination, the commissioner shall notify the county governing body
8 of his decision to impose such a restriction, which notification shall
9 include a written statement specifying the reasons therefor. If the
10 commissioner shall determine that no appropriate action has been
11 initiated within 60 days following such notification to correct the
12 violations specified in the notice, he shall order the following:

13 a. That such county jail, workhouse or penitentiary shall
14 immediately cease to admit persons sentenced to State penal facili-
15 ties and awaiting transfer or admittance to such facilities;

16 b. That such county jail, workhouse or penitentiary shall, upon
17 the expiration of 30 days after such order, immediately cease to
18 admit persons sentenced to terms in said county penal facility; and,

19 c. That such county jail, workhouse or penitentiary shall, upon
20 the expiration of 90 days after such order, immediately cease to
21 admit all persons sent to said facility.

22 Any county jail, workhouse or penitentiary so restricted shall
23 continue under such order until such time as the commissioner
24 determines that the violations specified in the notice have been
25 corrected or that the facility has initiated actions which will ensure
26 the correction of said violations.

1 2. Upon the issuance of an order pursuant to section 1 of this
2 act, the commissioner shall locate inmates assigned to any facility

3 so restricted by such order within other State or county penal
4 facilities. The commissioner shall determine which other State
5 or county penal facilities have adequate room for such inmates
6 and shall assign them on the basis of available space; provided,
7 however, that such assignments shall conform to all statutory re-
8 quirements providing for the classification of inmates. Any State
9 or county penal facilities ordered to accept such inmates shall do
10 so within 5 days following the issuance of an order pursuant to
11 section 1 of this act. Any county jail, workhouse or penitentiary
12 restricted by an order issued pursuant to section 1 of this act shall
13 assume responsibility for all transportation of any person sent to
14 another penal facility so long as such order shall remain in effect.

1 3. The governing body of a county whose jail, workhouse or
2 penitentiary has been prohibited from accepting new inmates, and
3 whose inmates have been assigned to other penal facilities pursuant
4 to section 2 of this act, shall appropriate an amount to repay the
5 Department of Corrections for the custody, care, maintenance, and
6 for all other services normally provided by the county to inmates
7 of such facilities. For the first full *calendar* year, or portion there-
8 of, following the effective date of this act said payment shall be
9 \$60.00 a day for each inmate, and said sum shall increase 5% per
10 annum each year thereafter. Any facility receiving inmates pursu-
11 ant to section 2 of this act shall receive from the Department of
12 Corrections \$60.00 per day for each inmate sent to the institution
13 for the first full calendar year, or portion thereof, following the
14 effective date of this act. Such sum shall increase by 5% per annum
15 each year thereafter.

1 4. The Department of Corrections shall after notice and hearing
2 promulgate, pursuant to law, such rules and regulations it may
3 deem necessary to effectuate the purposes of this act.

1 5. This act shall take effect immediately.

ASSEMBLY, No. 3114

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1979

By Assemblymen HARDWICK, CONTILLO and SMITH

Referred to Committee on County Government

AN ACT concerning the admission of new inmates to county penal facilities and supplementing Title 30 of the Revised Statutes.

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2 *of New Jersey:*

1 1. If the Commissioner of the Department of Corrections shall
2 determine that a county jail, workhouse or penitentiary is in willful
3 and continuous disregard of the minimum standards for such facili-
4 ties promulgated by the department pursuant to section 10 of
5 P. L. 1976 c. 98 (C. 30:1B-10), he shall order a phased restriction
6 of admission of new inmates to such facility. Upon such deter-
7 mination, the commissioner shall notify the county governing body
8 of his decision to impose such a restriction, which notification shall
9 include a written statement specifying the reasons therefor. If the
10 commissioner shall determine that no appropriate action has been
11 initiated within 60 days following such notification to correct the
12 violations specified in the notice, he shall order the following:

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14 immediately cease to admit persons sentenced to State penal facili-
15 ties and awaiting transfer or admittance to such facilities;

16 b. That such county jail, workhouse or penitentiary shall, upon
17 the expiration of 30 days after such order, immediately cease to
18 admit persons sentenced to terms in said county penal facility; and,

19 c. That such county jail, workhouse or penitentiary shall, upon
20 the expiration of 90 days after such order, immediately cease to
21 admit all persons sent to said facility.

22 Any county jail, workhouse or penitentiary so restricted shall
23 continue under such order until such time as the commissioner
24 determines that the violations specified in the notice have been
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26 the correction of said violations.

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2 act, the commissioner shall locate inmates assigned to any facility

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 4 facilities. The commissioner shall determine which other State
 5 or county penal facilities have adequate room for such inmates
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 7 however, that such assignments shall conform to all statutory re-
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 9 or county penal facilities ordered to accept such inmates shall do
 10 so within 5 days following the issuance of an order pursuant to
 11 section 1 of this act. Any county jail, workhouse or penitentiary
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1 3. The governing body of a county whose jail, workhouse or
 2 penitentiary has been prohibited from accepting new inmates, and
 3 whose inmates have been assigned to other penal facilities pursuant
 4 to section 2 of this act, shall appropriate an amount to repay the
 5 Department of Corrections for the custody, care, maintenance, and
 6 for all other services normally provided by the county to inmates
 7 of such facilities. For the first full year, or portion thereof, follow-
 8 ing the effective date of this act said payment shall be \$60.00 a day
 9 for each inmate, and said sum shall increase 5% per annum each
 10 year thereafter. Any facility receiving inmates pursuant to section
 11 2 of this act shall receive from the Department of Corrections
 12 \$60.00 per day for each inmate sent to the institution for the first
 13 full calendar year, or portion thereof, following the effective date
 14 of this act. Such sum shall increase by 5% per annum each year
 15 thereafter.

1 4. The Department of Corrections shall after notice and hearing
 2 promulgate, pursuant to law, such rules and regulations it may
 3 deem necessary to effectuate the purposes of this act.

1 5. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to give the Department of Corrections the permissive right to prohibit a county jail, workhouse or penitentiary from accepting new inmates if the department determines that the facility is in willful and continuous disregard of the minimum standards for local correctional facilities promulgated by the department pursuant to section 10 of P. L. 1976 c. 98 (C. 30:1B-10). The Department of Corrections now has the right to promulgate standards for county penal facilities and to inspect and issue reports on them. It lacks direct power to require county

A. 3114 (1979)

penal facilities to conform to established standards. This bill would give the department greater ability to insure that county penal facilities conform to commonly accepted standards of quality, while keeping such institutions under the control of local officials.

The bill permits the department to initiate a phased restriction of inmates to county penal facilities and to lift such restriction when it determines that such institutions have corrected the problems cited by the department. The Department of Corrections is authorized to send inmates sentenced to facilities prohibited from accepting new admissions to other State and county penal institutions. The bill requires the county whose facility is so prohibited to pay for all costs of maintaining inmates in other institutions and for all services to inmates which would normally be assumed by the county. Counties under an order to accept no new inmates will be assessed a charge of \$60.00 a day for each inmate sent to another penal facility and that sum will be paid to the institution hosting the inmate.

The bill is a product of a study conducted by a Subcommittee of the Assembly County Government Committee which determined that the quality of New Jersey's county penal facilities vary dramatically from local unit to local unit. The subcommittee determined that the recently created Department of Corrections needed increased authority to require any county penal facility which was clearly substandard to upgrade the institution.

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3114

STATE OF NEW JERSEY

DATED: MAY 3, 1979

This bill would permit the Commissioner of the Department of Corrections to order a phased restriction of admissions of new inmates to any county penal facilities which is in willful and continuous violation of the minimum standards promulgated by the department for such facilities. Following the issuance of an order restricting a county penal facility from accepting new inmates, such unit will no longer be permitted to accept inmates sentenced to State penal facilities and awaiting transfer. Thirty days after the issuance of an order, said facility will be restricted from accepting inmates sentenced to prison terms in the unit and, should the order remain in effect for more than 90 days, the facility would be prohibited from accepting all new inmates. This final restriction would prohibit a county penal facility from accepting any pre-trial detainees who constitute a substantial segment of the inmate population of local detention facilities.

The commissioner may lift such a restriction when he has determined that the violations specified in the order have been corrected or if actions have been initiated which will ensure correction of such problems.

The commissioner is given the authority to assign inmates who would normally be assigned to a restricted facility to other State or county correctional institutions. Any county so restricted will be assessed a charge of \$60.00 for each prisoner sent to another State or county penal facility and that sum will be paid to the institution hosting the inmates.

The committee amendment is purely technical in nature and serves to clarify when a county whose facility has been restricted from accepting new inmates shall pay the Department of Corrections for the assignment of prisoners to other penal facilities.

ASSEMBLY COMMITTEE AMENDMENT TO
ASSEMBLY, No. 3114

STATE OF NEW JERSEY

ADOPTED MAY 3, 1979

Amend page 2, section 3, line 7, after "full", insert "calendar".

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3114

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 1979

This bill empowers the Commissioner of the Department of Corrections to order a phased restriction of the admission of new inmates to any county penal facilities that he determines are willfully and continuously disregarding the minimum standards promulgated by the department for such facilities. Once an order restricting a county penal facility from accepting new inmates has been issued, the unit may no longer accept inmates sentenced to State penal facilities who are awaiting transfer. Thirty days following the issuance of an order, the facility may no longer accept inmates sentenced to prison terms in the unit and, should the order remain in effect for more than 90 days, the facility would be prohibited from accepting any new inmates. This final restriction would apply to pretrial detainees who constitute a substantial segment of the inmate population of local detention facilities.

The commissioner may lift such a restriction upon a determination that the violations specified in the order have been corrected or that actions have been initiated which will ensure the correction of such problems.

The commissioner is given further authority to assign those inmates who would normally be assigned to a restricted facility to other State or county correctional institutions. Any county maintaining a facility so restricted will be assessed \$60.00 per diem for each prisoner sent to another State or county penal facility to be paid to the institution that maintains the inmates.

FEBRUARY 27, 1980

being nominated, elected or appointed to a State Civil Service office or position of profit; a member of the Legislature from becoming a member of Congress or accepting any Federal or State office or position of profit; a member of Congress or a Federal or State official or judge from becoming a member of the Legislature; or the Governor from being a member of Congress or holding any office or position of profit in the State or Federal government.

A-1642, sponsored by Assemblyman Walter J. Kavanaugh (R-Somerset), which permits a fraternal organization or lodge to file an application within 30 days of enactment for a property tax exemption for the year 1972 in which the exemption was lost for failure to file a timely application.

A-3114, sponsored by Assemblyman Chuck Hardwick (R-Union), which will permit the Commissioner of the Department of Corrections to order a phased restriction of admissions of new inmates to any county penal facility which is in willful and continuous violation of the minimum standards promulgated by the Department for such a facility.

A-3139, sponsored by Assemblyman Richard Van Wagner (D-Monmouth), which amends the Municipal and County Utilities Authorities Law to enable a county governing body in its discretion to expand the membership of the county utilities authority from five to nine members. The purpose of the bill is to permit a county governing body to provide for wider county representation on the utilities authority board.

A-3154, sponsored by Assemblyman Emil Olszowy (R-Passaic), which appropriates \$2,800,000 from the 1976 Clean Waters Fund to provide a 100% grant to the Borough of Haledon for the repair and maintenance of the Haledon Reservoir Dam.

The Governor signed the bill with a line item veto, reducing the appropriation from \$2,800,000 to \$125,000. A copy of the Governor's message is attached.

A-3276, sponsored by Assemblyman Joseph D. Patero (D-Somerset), which appropriates to the Department of Environmental Protection from the Clean Waters Fund \$3,100,000 for the following water quality planning and water supply construction and rehabilitation projects:

Areawide Water Quality Planning	\$ 750,000
Delaware and Raritan Canal Rehabilitation & Improvement	\$2,200,000
Manasquan River Reservoir Engineering & Design	\$ 150,000