

30:4-91.1

LEGISLATIVE FACT SHEET

on *Confinement, transfer & interim release of inmates in State correctional institutions.*
(1976 Amendment)

N.J.R.S. 30:4-91.1, 91.2

LAWS OF 1976

CHAPTER 35 June 15, 1976

SENATE BILL 965 CORRECTED COPY to
OCR

ASSEMBLY BILL

INTRODUCED 1/26/76

BY MERLINO

SPONSOR'S STATEMENT

YES NO

ASSEMBLY COMMITTEE STATEMENT

YES NO

SENATE COMMITTEE STATEMENT

YES NO

FISCAL NOTE

YES NO

AMENDED DURING PASSAGE

YES NO

HEARING *None discovered*

VETO

BACKGROUND:

974.90 N.J. Legis. Senate. Institutions, Health & Welfare Committee.
P959 Public Meeting re: Senate Resolution #3004, directing investigation
1975 of the work-release programs administered by the State Dept. of
Institutions & Agencies, vols. 1 and 2, 1975.

974.90 N.J. Furlough Study Committee.
P959 New Jersey Furlough Program: A Review.
1976

974.90 N.J. Legis. Senate. Institutions, Health and Welfare Committee.
P959 Public Hearing on Release and Furlough Programs Run by Dept. of
1976a Institutions and Agencies. Feb. 4, 1976.

974.90 N.J. Legis. Senate. Institutions, Health and Welfare Committee.
P959 Improving the Inmate Furlough Program: A Report to the Legislature
1976c and the Citizens of N.J., April 1, 1976.

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JA/PC
11/7/75

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CHAPTER 35 LAWS OF N. J. 19 76
APPROVED 6-15-76

CORRECTED COPY
[OFFICIAL COPY REPRINT]
SENATE, No. 965

STATE OF NEW JERSEY

INTRODUCED JANUARY 26, 1976

By Senator MERLINO

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend "An act concerning the confinement, transfer and interim release of inmates in the several State correctional institutions, providing preparole rehabilitative work opportunities for inmates and supplementing Title 30 of the Revised Statutes," approved April 23, 1969 (P. L. 1969, c. 22).

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

1 1. Section 1 of P. L. 1969, c. 22 (C. 30:4-91.1) is amended to
2 read as follows:

3 1. When a person has been convicted of an offense against the
4 State of New Jersey and has been committed for a term of im-
5 prisonment by a court to an institution defined in R. S. 30:1-7, and
6 when it appears to the satisfaction of the Commissioner of Institu-
7 tions and Agencies that the inmate should be transferred to an
8 institution *or facility* more appropriate for his needs and welfare
9 or that of other inmates or for the security of the institution, the
10 commissioner shall be authorized and empowered to designate the
11 place of confinement to which the inmate shall be transferred to
12 serve his sentence.

1 2. Section 2 of P. L. 1969, c. 22 (C. 30:4-91.2) is amended to read
2 as follows:

3 2. The commissioner *or his duly authorized agent*, may designate
4 as a place of confinement any available, suitable, and appropriate
5 institution or facility whether owned by the State or otherwise,
6 and may at any time transfer a person from one place of confine-
7 ment to another.

8 ***[**The word "institution" shall include all State operated insti-
9 tutions as set forth by R. S. 30:1-7.**]*** The word "facility" shall
10 include ***[**all municipal, county, or State-operated institutions

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

11 and] * private nonprofit community-based residential treatment
12 centers which provide for the care, custody, subsistence, education,
13 training and welfare of inmates.

14 * [No more than one] * Any such * private nonprofit community-
15 based residential treatment center * [may be designated in any
16 municipality as a facility in which inmates are to be confined, and
17 any such facility] * must be certified * annually * by the commis-
18 sioner as a secure and appropriately * [guarded] * supervised *
19 place of confinement.

1 3. This act shall take effect immediately.

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4 as a place of confinement any available, suitable, and appropriate
5 institution or facility whether owned by the State or otherwise,
6 and may at any time transfer a person from one place of confine-
7 ment to another.

8 *The word "institution" shall include all State operated institu-*
9 *tions as set forth by R. S. 30:1-7. The word "facility" shall include*

10 *all municipal, county, or State-operated institutions and private*
11 *nonprofit community-based residential treatment centers which*
12 *provide for the care, custody, subsistence, education, training and*
13 *welfare of inmates.*

14 *No more than one private nonprofit community-based residential*
15 *treatment center may be designated in any municipality as a facility*
16 *in which inmates are to be confined, and any such facility must be*
17 *certified by the commissioner as a secure and appropriately guarded*
18 *place of confinement.*

1 3. This act shall take effect immediately.

STATEMENT

The Department of Institutions and Agencies presently has several opportunities for contracts with private agencies which depend on enactment of this legislation. Specifically, they can receive up to \$40,000.00 from SLEPA, to develop a program for purchase of bed space within various facilities in the community which will provide meals, lodging and treatment services for those inmates in prerelease placement programs. The Salvation Army has also expressed interest in establishing a program similar to those it operates in Buffalo and Rochester, New York and Toledo, Ohio. Finally, the KEY Education Release Project is ready to accept five inmates who would attend college full time while living in a community residence.

There would be no cost to the State, and the bill authorizes no State expenditure. This legislation, rather, would allow the State to use available non-State funds. The incidence of private corrections-oriented agencies now available to the Division of Correction and Parole for provision of supportive rehabilitation services to offenders has been increasing and is expected to be a significant resource in 1976. An example of this type of program is the New Jersey Association of Correction's Clinton House, a half-way house for offenders in Trenton. This facility has been providing residential services and treatment services to work releasees and parolees primarily from Federal correctional institutions.

This bill also provides that no municipality should host more than one such State-utilized treatment center. This is intended to guarantee that no community bear a disproportionate share of the new facilities.

5965-CC (1976)

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In addition, because of frequent expressions of concern about escapes from work-release-type programs, language is included requiring the commissioner to certify that any such private non-profit treatment facility is "secure" and "appropriately guarded." While escapes from these programs have been relatively few in New Jersey (4% of participants), this provision is a useful statement of the Legislature's concern for security when entrusting inmate rehabilitative programs to private nonprofit groups.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
SENATE, No. 965

STATE OF NEW JERSEY

DATED: MARCH 29, 1976

The committee amended this bill at lines 8-10 of section 2 to delete language which it considered superfluous. The words "institution" and "facility" under the existing language of the law already include institutions and facilities owned and operated by the State. However, the Attorney General has advised that the word "facility" in the present law does not cover private nonprofit community-based residential treatment centers. Since the express purpose of this bill is to allow the State to contract with such centers for the treatment of prisoners the committee let stand language in the bill which makes it clear that "facility" encompasses such centers.

The committee also amended the bill at lines 14-18 of section 2 to:

- (1) Delete the limitation placed on the number of private treatment centers which may be used in any one municipality (Most of the State's inmates come from the large, urban areas. Since they would profit most from treatment in their own cities, the Department of Institutions and Agencies would rightfully seek to find treatment for a large number of inmates in such cities, and would need to contract with several nonprofit treatment centers in each);
- (2) Specify that the commissioner certify *annually* that treatment centers are safe, rather than at her discretion; and
- (3) Require that the commissioner certify private treatment centers as "appropriately *supervised*" rather than "appropriately *guarded*" since the term "guarded" suggests a kind of close confinement in treatment centers that is neither appropriate nor required.

FISCAL NOTE TO
SENATE, No. 965

STATE OF NEW JERSEY

DATED: MAY 17, 1976

The Corrected Copy of the Official Copy Reprint of Senate Bill No. 965 permits the Commissioner of Institutions and Agencies to purchase services for prerelease inmates at private nonprofit facilities.

The Division of Budget and Accounting states that the expenditures, if any, that may be required by enactment of this legislation are unknown.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.