

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: No

P.L.2015, CHAPTER 213, *approved January 11, 2016*
Assembly, No. 3950 (*First Reprint*)

1 AN ACT concerning correctional facility security, supplementing
2 Title 30 of the Revised Statutes, and amending P.L.1985, c.70.

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

6
7 1. (New section) a. As used in this act, “body imaging
8 scanning equipment” means equipment that utilizes a low dose
9 conventional x-ray transmission to produce an anatomical image of
10 the inmate capable of identifying external and internal contraband.

11 b. A State or county correctional facility may utilize body
12 imaging scanning equipment for the purpose of searching
13 arrestees, detainees, and¹ inmates. The use of body imaging
14 scanning equipment pursuant to this section shall be limited to
15 searches conducted ¹**[any time before or after an inmate]**¹:

16 (1) when an inmate¹ enters or leaves the correctional facility;

17 (2) any time before or after an inmate¹ is placed in close
18 custody,¹ prehearing detention, disciplinary detention, protective
19 custody, psychological observation, or suicide watch; ¹**[or]**¹

20 (3) any time before or after an inmate¹ has a contact visit in
21 which the inmate and a visitor are permitted physical contact with
22 each other¹;

23 (4) after an inmate has been in any area where the inmate has
24 had access to dangerous or valuable items;

25 (5) during a mass search of an inmate housing unit or inmate
26 work area;

27 (6) when a custody staff member with a rank of sergeant or
28 above determines that there exists a reasonable suspicion that an
29 inmate is carrying or concealing contraband on the inmate’s person,
30 or in the inmate's anal or vaginal cavity; or

31 (7) when a custody staff member with a rank of sergeant or
32 above determines that the search is reasonably necessary for safety
33 and security¹.

34 c. Notwithstanding the provisions of any other law to the
35 contrary, the body image scanning equipment may be operated by
36 an employee of the State or county correctional facility or other law
37 enforcement officer. Prior to operating body imaging scanning
38 equipment, an employee or officer shall successfully complete a
39 training course approved by the Police Training Commission
40 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.) and meet any

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

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted June 25, 2015.

1 other qualifications, including education and training, as determined
2 by the Commissioner of Corrections.

3 d. The commissioner shall, pursuant to the "Administrative
4 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt
5 regulations, as appropriate, to effectuate the purposes of this act.

6

7 2. Section 3 of P.L.1985, c.70 (C.2A:161A-3) is amended to
8 read as follows:

9 3. a. For purposes of this act, a "strip search" means the
10 removal or rearrangement of clothing for the purpose of visual
11 inspection of the person's undergarments, buttocks, anus, genitals or
12 breasts. The term does not include the use of body imaging
13 scanning equipment pursuant to section 1 of P.L. _____,

14 c. (C. _____)(pending before the Legislature as this bill) or any
15 removal or rearrangement of clothing reasonably required to render
16 medical treatment or assistance or the removal of articles of outer-
17 clothing such as coats, ties, belts or shoelaces.

18 b. For purposes of this act, a "body cavity search" means the
19 visual inspection or manual search of a person's anal or vaginal
20 cavity.

21 (cf: P.L.1991, c.305, s.3)

22

23 3. This act shall take effect immediately.

24

25

26

27

28 _____
29 Permits correctional facilities to utilize body imaging scanning
equipment.

ASSEMBLY, No. 3950

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 4, 2014

Sponsored by:

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

Assemblyman Coughlin and Assemblywoman Pintor Marin

SYNOPSIS

Permits correctional facilities to utilize body imaging scanning equipment.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/30/2015)

1 AN ACT concerning correctional facility security, supplementing
2 Title 30 of the Revised Statutes, and amending P.L.1985, c.70.

3

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

6

7 1. (New section) a. As used in this act, "body imaging
8 scanning equipment" means equipment that utilizes a low dose
9 conventional x-ray transmission to produce an anatomical image of
10 the inmate capable of identifying external and internal contraband.

11 b. A State or county correctional facility may utilize body
12 imaging scanning equipment for the purpose of searching inmates.
13 The use of body imaging scanning equipment pursuant to this
14 section shall be limited to searches conducted any time before or
15 after an inmate:

16 (1) enters or leaves the correctional facility;

17 (2) is placed in prehearing detention, disciplinary detention,
18 protective custody, psychological observation, or suicide watch; or

19 (3) has a contact visit in which the inmate and a visitor are
20 permitted physical contact with each other.

21 c. Notwithstanding the provisions of any other law to the
22 contrary, the body image scanning equipment may be operated by
23 an employee of the State or county correctional facility or other law
24 enforcement officer. Prior to operating body imaging scanning
25 equipment, an employee or officer shall successfully complete a
26 training course approved by the Police Training Commission
27 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.) and meet any
28 other qualifications, including education and training, as determined
29 by the Commissioner of Corrections.

30 d. The commissioner shall, pursuant to the "Administrative
31 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt
32 regulations, as appropriate, to effectuate the purposes of this act.

33

34 2. Section 3 of P.L.1985, c.70 (C.2A:161A-3) is amended to
35 read as follows:

36 3. a. For purposes of this act, a "strip search" means the
37 removal or rearrangement of clothing for the purpose of visual
38 inspection of the person's undergarments, buttocks, anus, genitals or
39 breasts. The term does not include the use of body imaging
40 scanning equipment pursuant to section 1 of P.L. _____,
41 c. (C. _____)(pending before the Legislature as this bill) or any
42 removal or rearrangement of clothing reasonably required to render
43 medical treatment or assistance or the removal of articles of outer-
44 clothing such as coats, ties, belts or shoelaces.

45 b. For purposes of this act, a "body cavity search" means the
46 visual inspection or manual search of a person's anal

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 or vaginal cavity.
2 (cf: P.L.1991, c.305, s.3)

3
4 3. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill permits State and county correctional facilities to utilize
10 body scanning imaging equipment to search inmates. The bill limits
11 the use of body imaging scanning equipment to searches conducted
12 before or after the inmate enters or leaves the facility. The bill also
13 permits the use of body imaging scanning equipment to search an
14 inmate prior to or following a prehearing detention, disciplinary
15 detention, protective custody, psychological observation, suicide
16 watch, or a contact visit in which the inmate and visitor have
17 physical contact.

18 The body image scanning equipment may be operated by an
19 employee of the correctional facility or other law enforcement
20 officer. The bill requires an employee who operates the equipment
21 to successfully complete a training course approved by the Police
22 Training Commission and meet any education and training
23 qualifications required by the Commissioner of Corrections. Body
24 imaging scanning equipment is defined in the bill as equipment that
25 utilizes a low dose conventional x-ray transmission to produce an
26 anatomical image of the inmate which is capable of identifying
27 external and internal contraband.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3950

STATE OF NEW JERSEY

DATED: JANUARY 12, 2015

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 3950.

Assembly Bill No. 3950 permits State and county correctional facilities to utilize body scanning imaging equipment to search inmates. The bill limits the use of body imaging scanning equipment to searches conducted before or after the inmate enters or leaves the facility. The bill also permits the use of body imaging scanning equipment to search an inmate prior to or following a prehearing detention, disciplinary detention, protective custody, psychological observation, suicide watch, or a contact visit in which the inmate and visitor have physical contact.

The body image scanning equipment may be operated by an employee of the correctional facility or other law enforcement officer. The bill requires an employee who operates the equipment to successfully complete a training course approved by the Police Training Commission and meet any education and training qualifications required by the Commissioner of Corrections. Body imaging scanning equipment is defined in the bill as equipment that utilizes a low dose conventional x-ray transmission to produce an anatomical image of the inmate which is capable of identifying external and internal contraband.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3950

STATE OF NEW JERSEY

DATED: MAY 7, 2015

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 3950.

As reported by the committee, Assembly Bill No. 3950 permits State and county correctional facilities to utilize body scanning imaging equipment to search inmates. The bill limits the use of body imaging scanning equipment to searches conducted before or after the inmate enters or leaves the facility. The bill also permits the use of body imaging scanning equipment to search an inmate prior to or following a prehearing detention, disciplinary detention, protective custody, psychological observation, suicide watch, or a contact visit in which the inmate and visitor have physical contact.

The body image scanning equipment may be operated by an employee of the correctional facility or other law enforcement officer. The bill requires an employee who operates the equipment to successfully complete a training course approved by the Police Training Commission and meet any education and training qualifications required by the Commissioner of Corrections. Body imaging scanning equipment is defined in the bill as equipment that utilizes a low dose conventional x-ray transmission to produce an anatomical image of the inmate which is capable of identifying external and internal contraband.

As reported by the committee, this bill is identical to Senate Bill No. 2832, also reported by the committee on this same date.

STATEMENT TO
ASSEMBLY, No. 3950

with Senate Floor Amendment
(Proposed by Senator GREENSTEIN)

ADOPTED: JUNE 25, 2015

Assembly Bill No. 3950 permits State and county correctional facilities to utilize body scanning imaging equipment to search inmates before or after an inmate: enters or leaves the correctional facility; is placed in prehearing detention, disciplinary detention, protective custody, psychological observation, or suicide watch; or has a contact visit in which the inmate and a visitor are permitted physical contact with each other.

These Senate amendments expand the instances when searches with body scanning imaging equipment may be conducted to include: anytime before or after an inmate is placed in a close custody unit; after an inmate has been in any area where the inmate had access to dangerous or valuable items; during a mass search of an inmate housing unit or inmate work area; when a custody staff member with a rank of sergeant or above determines that there exists a reasonable suspicion that an inmate is carrying or concealing contraband on the inmate's person, or in the inmate's anal or vaginal cavity; or when a custody staff member with a rank of sergeant or above determines that the search is reasonably necessary for safety and security.

The Senate amendments also allow the use of body scanning imaging equipment to search arrestees and detainees in State and county correctional facilities.

As amended, this bill is identical to Senate Bill No. 2832, also amended by the Senate on this same date.

SENATE, No. 2832

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED MARCH 16, 2015

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Permits correctional facilities to utilize body imaging scanning equipment.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning correctional facility security, supplementing
2 Title 30 of the Revised Statutes, and amending P.L.1985, c.70.

3

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

6

7 1. (New section) a. As used in this act, "body imaging
8 scanning equipment" means equipment that utilizes a low dose
9 conventional x-ray transmission to produce an anatomical image of
10 the inmate capable of identifying external and internal contraband.

11 b. A State or county correctional facility may utilize body
12 imaging scanning equipment for the purpose of searching inmates.
13 The use of body imaging scanning equipment pursuant to this
14 section shall be limited to searches conducted any time before or
15 after an inmate:

16 (1) enters or leaves the correctional facility;

17 (2) is placed in prehearing detention, disciplinary detention,
18 protective custody, psychological observation, or suicide watch; or

19 (3) has a contact visit in which the inmate and a visitor are
20 permitted physical contact with each other.

21 c. Notwithstanding the provisions of any other law to the
22 contrary, the body image scanning equipment may be operated by
23 an employee of the State or county correctional facility or other law
24 enforcement officer. Prior to operating body imaging scanning
25 equipment, an employee or officer shall successfully complete a
26 training course approved by the Police Training Commission
27 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.) and meet any
28 other qualifications, including education and training, as determined
29 by the Commissioner of Corrections.

30 d. The commissioner shall, pursuant to the "Administrative
31 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt
32 regulations, as appropriate, to effectuate the purposes of this act.

33

34 2. Section 3 of P.L.1985, c.70 (C.2A:161A-3) is amended to
35 read as follows:

36 3. a. For purposes of this act, a "strip search" means the
37 removal or rearrangement of clothing for the purpose of visual
38 inspection of the person's undergarments, buttocks, anus, genitals or
39 breasts. The term does not include the use of body imaging
40 scanning equipment pursuant to section 1 of P.L. _____,
41 c. (C. _____)(pending before the Legislature as this bill) or any
42 removal or rearrangement of clothing reasonably required to render
43 medical treatment or assistance or the removal of articles of outer-
44 clothing such as coats, ties, belts or shoelaces.

45 b. For purposes of this act, a "body cavity search" means the

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 visual inspection or manual search of a person's anal or vaginal
2 cavity.

3 (cf: P.L.1991, c.305, s.3)

4

5 3. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill permits State and county correctional facilities to utilize
11 body scanning imaging equipment to search inmates. The bill limits
12 the use of body imaging scanning equipment to searches conducted
13 before or after the inmate enters or leaves the facility. The bill also
14 permits the use of body imaging scanning equipment to search an
15 inmate prior to or following a prehearing detention, disciplinary
16 detention, protective custody, psychological observation, suicide
17 watch, or a contact visit in which the inmate and visitor have
18 physical contact.

19 The body image scanning equipment may be operated by an
20 employee of the correctional facility or other law enforcement
21 officer. The bill requires an employee who operates the equipment
22 to successfully complete a training course approved by the Police
23 Training Commission and meet any education and training
24 qualifications required by the Commissioner of Corrections. Body
25 imaging scanning equipment is defined in the bill as equipment that
26 utilizes a low dose conventional x-ray transmission to produce an
27 anatomical image of the inmate which is capable of identifying
28 external and internal contraband.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2832

STATE OF NEW JERSEY

DATED: MAY 7, 2015

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 2832.

As reported by the committee, Senate Bill No. 2832 permits State and county correctional facilities to utilize body scanning imaging equipment to search inmates. The bill limits the use of body imaging scanning equipment to searches conducted before or after the inmate enters or leaves the facility. The bill also permits the use of body imaging scanning equipment to search an inmate prior to or following a prehearing detention, disciplinary detention, protective custody, psychological observation, suicide watch, or a contact visit in which the inmate and visitor have physical contact.

The body image scanning equipment may be operated by an employee of the correctional facility or other law enforcement officer. The bill requires an employee who operates the equipment to successfully complete a training course approved by the Police Training Commission and meet any education and training qualifications required by the Commissioner of Corrections. Body imaging scanning equipment is defined in the bill as equipment that utilizes a low dose conventional x-ray transmission to produce an anatomical image of the inmate which is capable of identifying external and internal contraband.

As reported by the committee, this bill is identical to Assembly Bill No. 3950, also reported by the committee on this same date.

STATEMENT TO
SENATE, No. 2832

with Senate Floor Amendments
(Proposed by Senator GREENSTEIN)

ADOPTED: JUNE 25, 2015

Senate Bill No. 2832 permits State and county correctional facilities to utilize body scanning imaging equipment to search inmates before or after an inmate: enters or leaves the correctional facility; is placed in prehearing detention, disciplinary detention, protective custody, psychological observation, or suicide watch; or has a contact visit in which the inmate and a visitor are permitted physical contact with each other.

These Senate amendments expand the instances when searches with body scanning imaging equipment may be conducted to include: anytime before or after an inmate is placed in a close custody unit; after an inmate has been in any area where the inmate had access to dangerous or valuable items; during a mass search of an inmate housing unit or inmate work area; when a custody staff member with a rank of sergeant or above determines that there exists a reasonable suspicion that an inmate is carrying or concealing contraband on the inmate's person, or in the inmate's anal or vaginal cavity; or when a custody staff member with a rank of sergeant or above determines that the search is reasonably necessary for safety and security.

The Senate amendments also allow the use of body scanning imaging equipment to search arrestees and detainees in State and county correctional facilities.

As amended, this bill is identical to Assembly Bill No. 3950, also amended by the Senate on this same date.