

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

ATTACHED: Missouri's "Jake's Law"—mentioned in sponsor's statement.
<http://www.moga.state.mo.us/statutes/C200-299/2210000510.HTM>

P.L. 2003, CHAPTER 282, *approved January 14, 2004*
Assembly, No. 719 (*Third Reprint*)

1 AN ACT concerning ¹[criminal history record background] wanted
2 person¹ checks of inmates and suspects and supplementing chapter
3 4 of Title 30 of the Revised Statutes.

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

7
8 1. For the purposes of this act:

9 "County correctional facility" means a county jail, penitentiary,
10 prison or workhouse.

11 "Municipal jail" means a municipal jail, lockup, police station or
12 other place maintained by a municipality for the detention of suspects
13 or offenders.

14 "State correctional facility" means a State prison or other penal
15 institution or a State-contracted half-way house.

16 ¹"Wanted person check" means a determination of whether a person
17 has an outstanding arrest warrant or pending charges by accessing
18 the New Jersey Wanted Person System (NJWPS) and New Jersey
19 Criminal Justice Information System (NJ CJIS) in the files of the
20 National Crime Information Center (NCIC).¹

21

22 2. a. A ¹[criminal history record background] wanted person¹
23 check shall be conducted on every person serving a sentence or
24 detained as a suspect in a State correctional facility, county
25 correctional facility or municipal jail to determine if there are any
26 outstanding arrest warrants or charges pending against the inmate or
27 suspect.

28 b. ³[A] Except for a transfer from one State correctional facility
29 to another State correctional facility, a³ person serving a sentence or
30 detained as a suspect in a State correctional facility, county
31 correctional facility or municipal jail shall not be released or
32 transferred before a ¹[criminal history record background] wanted
33 person¹ check of the inmate or suspect has been conducted to
34 determine if any there are any outstanding arrest warrants or charges
35 pending against the inmate or suspect.

36 c. If the ¹[criminal history record background] wanted person¹
37 check of a person conducted pursuant to subsection b. of this section

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted February 28, 2002.

² Assembly AAP committee amendments adopted February 3, 2003.

³ Senate SLP committee amendments adopted March 10, 2003.

1 reveals outstanding arrest warrants or ¹criminal¹ charges against the
2 inmate or suspect , the ¹[inmate or suspect shall not be released until
3 the arrest has been effectuated or a preliminary hearing on the charges
4 has been held] law enforcement authority with jurisdiction over the
5 outstanding arrest warrant or criminal charges shall be notified that the
6 inmate or suspect is in the custody of the State correctional facility,
7 county correctional facility or municipal jail¹.

8 d. If the ¹[criminal history record background] wanted person¹
9 check of a person conducted pursuant to subsection b. of this section
10 reveals outstanding arrest warrants or charges pending against the
11 inmate or suspect, the inmate or suspect shall not be transferred to
12 another facility or jail ², other than a transfer from one State
13 correctional facility to another State correctional facility.² unless the
14 receiving facility or jail is notified in advance of the outstanding arrest
15 warrants or pending charges. A copy of the outstanding arrest
16 warrants or pending charges shall accompany the transferred inmate
17 or suspect.

18 e. If the ¹[criminal history record background] wanted person¹
19 check of a person conducted pursuant to subsection b. of this section
20 reveals outstanding arrest warrants or charges pending against the
21 inmate or suspect from another jurisdiction, the jurisdiction shall be
22 notified that the inmate or suspect is in the custody of the State
23 correctional facility, county correctional facility or municipal jail.

24

25 3. This act shall take effect immediately.

26

27

28

29

30 _____
31 Requires wanted person check before release or transfer of inmates or
suspects.

ASSEMBLY, No. 719

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Requires criminal background check before release or transfer of inmates and suspects.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning criminal history record background checks of
2 inmates and suspects and supplementing chapter 4 of Title 30 of the
3 Revised Statutes.

4

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

7

8 1. For the purposes of this act:

9 "County correctional facility" means a county jail, penitentiary,
10 prison or workhouse.

11 "Municipal jail" means a municipal jail, lockup, police station or
12 other place maintained by a municipality for the detention of suspects
13 or offenders.

14 "State correctional facility" means a State prison or other penal
15 institution or a State-contracted half-way house.

16

17 2. a. A criminal history record background check shall be
18 conducted on every person serving a sentence or detained as a suspect
19 in a State correctional facility, county correctional facility or municipal
20 jail to determine if there are any outstanding arrest warrants or charges
21 pending against the inmate or suspect.

22 b. A person serving a sentence or detained as a suspect in a State
23 correctional facility, county correctional facility or municipal jail shall
24 not be released or transferred before a criminal history record
25 background check of the inmate or suspect has been conducted to
26 determine if any there are any outstanding arrest warrants or charges
27 pending against the inmate or suspect.

28 c. If the criminal history record background check of a person
29 conducted pursuant to subsection b. of this section reveals
30 outstanding arrest warrants or charges against the inmate or suspect,
31 the inmate or suspect shall not be released until the arrest has been
32 effectuated or a preliminary hearing on the charges has been held.

33 d. If the criminal history record background check of a person
34 conducted pursuant to subsection b. of this section reveals
35 outstanding arrest warrants or charges pending against the inmate or
36 suspect, the inmate or suspect shall not be transferred to another
37 facility or jail unless the receiving facility or jail is notified in advance
38 of the outstanding arrest warrants or pending charges. A copy of the
39 outstanding arrest warrants or pending charges shall accompany the
40 transferred inmate or suspect.

41 e. If the criminal history record background check of a person
42 conducted pursuant to subsection b. of this section reveals outstanding
43 arrest warrants or charges pending against the inmate or suspect from
44 another jurisdiction, the jurisdiction shall be notified that the inmate or
45 suspect is in the custody of the State correctional facility, county
46 correctional facility or municipal jail.

1 3. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill would require law enforcement agencies and State and
7 county correctional facilities to conduct criminal history record
8 background checks on persons detained as suspects or inmates serving
9 a sentence in a State correctional facility, county correctional facility
10 or municipal jail to determine if there are any outstanding arrest
11 warrants or charges pending against the inmates or suspects.

12 The bill also requires that background checks be conducted before
13 an inmate or suspect is released from or transferred between
14 correctional facilities or jails. If the background check reveals that
15 outstanding arrest warrants or charges are pending against the inmate
16 or suspect, the inmate or suspect would not be released until the arrest
17 has been effectuated or a preliminary hearing held on the charges.

18 If the background check of an inmate or suspect who is being
19 transferred reveals outstanding arrest warrants or charges pending
20 against the inmate or suspect, the correctional facility or jail
21 transferring the inmate or suspect is required to notify the receiving
22 facility or jail of the arrest warrants or charges before the transfer is
23 made. A copy of the arrest warrants or charges would accompany the
24 transferred inmate or suspect. If the background check reveals arrest
25 warrants or charges pending from another jurisdiction, the correctional
26 facility or jail is required to notify the jurisdiction that the inmate or
27 suspect is in custody.

28 This bill is modeled after Jake's Law, a Missouri bill requiring
29 criminal background checks before the release of prisoners in custody.
30 The campaign to pass Jake's Law was prompted by the death of six-
31 year old Jake Robel in Kansas City. Jake was waiting in the car while
32 his mother went into a convenience store. An alleged carjacker
33 pushed Jake out of the car and drove off with Jake hanging outside the
34 car tangled in the seat belt. The carjacker continued to drive several
35 miles at high speed, dragging Jake to his death. The carjacker had
36 been in police custody earlier that day but, despite outstanding arrest
37 warrants against him, was released. This bill is intended to prevent
38 similar heinous crimes in this State by keeping persons with
39 outstanding arrest warrants or charges against them in custody.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 719

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2002

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 719.

In its original form, the bill would have required law enforcement agencies and State and county correctional facilities to conduct criminal history record background checks to determine if there were any outstanding arrest warrants or charges before releasing or transferring a suspect or inmate.

The committee amended the bill to require that a wanted person check instead of a criminal background check be performed on any person serving a sentence or detained as a suspect before that person is released or transferred. A wanted person check would determine whether the person has any outstanding warrants or charges. The wanted person check would be performed by accessing the New Jersey Wanted Person System (NJVPS) and New Jersey Criminal Justice Information System (NJCJIS) in the files of the National Crime Information Center (NCIC).

The amendments provide that if the wanted person check of the inmate or suspect reveals outstanding arrest warrants or criminal charges against the inmate or suspect, the law enforcement authority with jurisdiction over the outstanding arrest warrant or criminal charges is required to be notified that the inmate or suspect is in the custody of the facility or jail.

With regard to an inmate or suspect who is being transferred, the amendments clarify that if a wanted person check reveals any outstanding warrants or charges the inmate or suspect would not be transferred to another facility or jail unless the receiving facility or jail is notified in advance of the outstanding warrants or charges. A copy of the arrest warrants or charges would accompany the transferred inmate or suspect.

Finally, the amendments clarify that if the wanted persons check reveals any outstanding arrest warrants or charges from another jurisdiction, the correctional facility or jail is required to notify that jurisdiction that the inmate or suspect is in custody.

This bill is modeled after Jake's Law, a Missouri law (MO.ST. 221.510) which requires that an outstanding warrant check be made on an inmate or suspect before that inmate is released or transferred.

This bill was prefiled for introduction in the 2002 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 719

with Assembly committee amendments.

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 2003

The Assembly Appropriations Committee reports favorably Assembly Bill No. 719 (1R), with committee amendments.

Assembly Bill No. 719 (1R), as amended, requires State, county and municipal correctional facilities to perform 'wanted person checks' for all persons serving a sentence or detained as a suspect to determine whether outstanding warrants or criminal charges are pending. If warrants or charges are found the correctional facility is required to notify the law enforcement authority with jurisdiction over the outstanding arrest warrant or charge.

FISCAL IMPACT:

In the fiscal note to this legislation, the Department of Law and Public Safety stated that State, county and municipal correctional facilities presently have access through the Division of State Police to the State and federal databases required to perform the 'wanted person checks' required under this bill. No additional cost would be incurred by these facilities in conducting these checks, according to the department. The Office of Legislative Services noted that State and local correctional facilities may incur minimal costs in performing additional paperwork and notifying law enforcement agencies.

COMMITTEE AMENDMENTS:

The amendments clarify that advance notice of a positive wanted person check is not required in the case of a transfer from one State correctional facility to another State correctional facility.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 719

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 10, 2003

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Assembly Bill No. 719 (2R).

This bill requires State, county and municipal correctional facilities to perform 'wanted person checks' for all persons serving a sentence or detained as a suspect to determine whether outstanding warrants or criminal charges are pending. If warrants or charges are found the correctional facility is required to notify the law enforcement authority with jurisdiction over the outstanding arrest warrant or charge.

The committee amendments clarify that a positive wanted person check does not bar the transfer of an inmate or suspect from one State correctional facility to another State correctional facility.

FISCAL NOTE
[First Reprint]
ASSEMBLY, No. 719
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: FEBRUARY 3, 2003

SUMMARY

Synopsis: Requires wanted person check before release or transfer of inmates or suspects.

Type of Impact: Minimal

Agencies Affected: State, county and municipal correctional facilities.

Executive Estimate

Fiscal Impact	Year 1	Year 2	Year 3
State Cost	Minimal	Minimal	Minimal
Local Cost	Minimal	Minimal	Minimal

- ! Requires State, county and municipal correctional facilities to perform wanted person checks for all persons serving a sentence or detained as a suspect to determine whether outstanding warrants or criminal charges are pending.
- ! Requires notification of law enforcement agency with appropriate jurisdiction if warrants or charges exist.
- ! Correctional facilities presently have access to State Police and national databases which contain the necessary information. No additional charges would be incurred for the searches required under this bill.

BILL DESCRIPTION

Assembly Bill No. 719 (1R) of 2002 requires State, county and municipal correctional facilities to perform wanted person checks for all persons serving a sentence or detained as a suspect to determine whether outstanding warrants or criminal charges are pending. If warrants or charges are found, the correctional facility is required to notify the law enforcement authority with jurisdiction over the outstanding arrest warrant or charge.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Department of Law and Public Safety states that State, county and municipal correctional facilities presently have access through the Division of State Police to the State and federal databases required to perform the wanted person checks required under this bill. No additional cost would be incurred by these facilities in conducting these checks, according to the department.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the Executive estimate, while noting that State and local correctional facilities may incur minimal costs in performing the additional paperwork and notifying law enforcement agencies.

Section: *Law and Public Safety*

Analyst: *William Double*

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67.

SENATE, No. 2600

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MAY 29, 2003

Sponsored by:

Senator ANTHONY R. BUCCO

District 25 (Morris)

Senator ROBERT J. MARTIN

District 26 (Morris and Passaic)

SYNOPSIS

Requires wanted person check before release or transfer of inmates or suspects.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning wanted person checks of inmates and suspects
2 and supplementing chapter 4 of Title 30 of the Revised Statutes.

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

6
7 1. For the purposes of this act:

8 "County correctional facility" means a county jail, penitentiary,
9 prison or workhouse.

10 "Municipal jail" means a municipal jail, lockup, police station or
11 other place maintained by a municipality for the detention of suspects
12 or offenders.

13 "State correctional facility" means a State prison or other penal
14 institution or a State-contracted half-way house.

15 "Wanted person check" means a determination of whether a person
16 has an outstanding arrest warrant or pending charges by accessing the
17 New Jersey Wanted Person System (NJWPS) and New Jersey Criminal
18 Justice Information System (NJCJIS) in the files of the National Crime
19 Information Center (NCIC).

20
21 2. a. A wanted person check shall be conducted on every person
22 serving a sentence or detained as a suspect in a State correctional
23 facility, county correctional facility or municipal jail to determine if
24 there are any outstanding arrest warrants or charges pending against
25 the inmate or suspect.

26 b. Except for a transfer from one State correctional facility to
27 another State correctional facility, a person serving a sentence or
28 detained as a suspect in a State correctional facility, county
29 correctional facility or municipal jail shall not be released or
30 transferred before a wanted person check of the inmate or suspect has
31 been conducted to determine if any there are any outstanding arrest
32 warrants or charges pending against the inmate or suspect.

33 c. If the wanted person check of a person conducted pursuant to
34 subsection b. of this section reveals outstanding arrest warrants or
35 criminal charges against the inmate or suspect, the law enforcement
36 authority with jurisdiction over the outstanding arrest warrant or
37 criminal charges shall be notified that the inmate or suspect is in the
38 custody of the State correctional facility, county correctional facility
39 or municipal jail.

40 d. If the wanted person check of a person conducted pursuant to
41 subsection b. of this section reveals outstanding arrest warrants or
42 charges pending against the inmate or suspect, the inmate or suspect
43 shall not be transferred to another facility or jail, other than a transfer
44 from one State correctional facility to another State correctional
45 facility, unless the receiving facility or jail is notified in advance of the
46 outstanding arrest warrants or pending charges. A copy of the

1 outstanding arrest warrants or pending charges shall accompany the
2 transferred inmate or suspect.

3 e. If the wanted person check of a person conducted pursuant to
4 subsection b. of this section reveals outstanding arrest warrants or
5 charges pending against the inmate or suspect from another
6 jurisdiction, the jurisdiction shall be notified that the inmate or suspect
7 is in the custody of the State correctional facility, county correctional
8 facility or municipal jail.

9

10 3. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 This bill requires State, county and municipal correctional facilities
16 to perform "wanted person checks" for all persons serving a sentence
17 or detained as a suspect to determine whether outstanding warrants or
18 criminal charges are pending. If warrants or charges are found the
19 correctional facility is required to notify the law enforcement authority
20 with jurisdiction over the outstanding arrest warrant or charge.

21 The bill also clarifies that a positive wanted person check does not
22 bar the transfer of an inmate or suspect from one State correctional
23 facility to another State correctional facility.