

# 2C:29-10

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2007                    **CHAPTER:** 127

**NJSA:** 2C:29-10                    (Possession or use of electronic communications devices in certain correctional facilities)

**BILL NO:** S448                    (Substituted for A2598/2075)

**SPONSOR(S):** Rice and others

**DATE INTRODUCED:** January 10, 2006

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

**SENATE:** Law and Public Safety and Veterans' Affairs

**AMENDED DURING PASSAGE:**            Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** June 21, 2007

**SENATE:** June 21, 2007

**DATE OF APPROVAL:** August 6, 2007

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (Second reprint enacted)

**S448**

**[SPONSOR'S STATEMENT:](#)** (Begins on page 2 of original bill)                    [Yes](#)

**COMMITTEE STATEMENT:**     **[ASSEMBLY:](#)**                    [Yes](#)

**[SENATE:](#)**                    [Yes](#)

(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](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**                    No

**LEGISLATIVE FISCAL ESTIMATE:**                    No

**A2598/2075**

**[SPONSOR'S STATEMENT \(A2598\):](#)** (Begins on page 2 of original bill)                    [Yes](#)

**[SPONSOR'S STATEMENT \(A2075\):](#)** (Begins on page 2 of original bill)                    [Yes](#)

**COMMITTEE STATEMENT:**     **[ASSEMBLY:](#)**                    [Yes](#)

**SENATE:**                    No

**FLOOR AMENDMENT STATEMENT:**                    No

**LEGISLATIVE FISCAL ESTIMATE:**                    No

**VETO MESSAGE:**                    No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

IS 4/22/08

P.L. 2007, CHAPTER 127, *approved August 8, 2007*  
Senate, No. 448 (*Second Reprint*)

1 AN ACT concerning certain <sup>2</sup>[State]<sup>2</sup> correctional facilities and  
2 supplementing chapter 29 of Title 2C of the New Jersey Statutes.

3

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

6

7 1. a. For the purposes of this section<sup>1</sup>[,] :

8 <sup>2</sup>“County correctional facility” means any prison or other secure  
9 facility managed and operated by any county of this State in which  
10 adult offenders are incarcerated.

11 “County juvenile detention facility” means any secure juvenile  
12 facility managed and operated by any county of this State.<sup>2</sup>

13 “Secure juvenile facility” means the New Jersey Training School  
14 for Boys, the Juvenile Medium Security Facility, and any other  
15 secure juvenile facility managed and operated by the Juvenile  
16 Justice Commission<sup>1</sup>.

17 "State correctional facility" means a State prison or other penal  
18 institution <sup>1</sup>[or a State-contracted half-way house] .<sup>1</sup>

19 b. A person who possesses or uses <sup>1</sup>[a cellular telephone, a  
20 cellular telephone] an electronic communication device or a<sup>1</sup>  
21 battery or <sup>2</sup>[a]<sup>2</sup> device to recharge <sup>1</sup>[a cellular telephone battery]  
22 an electronic communication device<sup>1</sup> while confined to a State  
23 correctional facility<sup>1</sup> <sup>2</sup>[or],<sup>2</sup> secure juvenile facility<sup>1</sup> <sup>2</sup>, county  
24 correctional facility, or county juvenile detention facility<sup>2</sup> is guilty  
25 of a crime of the <sup>1</sup>[second] third<sup>1</sup> degree.

26 <sup>1</sup>c. A person, other than an employee or a contract employee of  
27 the Department of Corrections <sup>2</sup>[or],<sup>2</sup> the Juvenile Justice  
28 Commission, <sup>2</sup>a county correctional facility, or a county juvenile  
29 detention facility<sup>2</sup> who knowingly sells, transfers, assigns, provides  
30 <sup>2</sup>,<sup>2</sup> or otherwise gives an electronic communication device to a  
31 person who is confined in a State <sup>2</sup>[correction] correctional<sup>2</sup>  
32 facility <sup>2</sup>[or],<sup>2</sup> secure juvenile facility <sup>2</sup>, county correctional  
33 facility, or county juvenile detention facility<sup>2</sup> is guilty of a crime of  
34 the third degree.

35 d. An employee or a contract employee of the Department of  
36 Corrections <sup>2</sup>[or],<sup>2</sup> the Juvenile Justice Commission <sup>2</sup>, a county  
37 correctional facility, or a county juvenile detention facility<sup>2</sup> who  
38 knowingly sells, transfers, assigns, provides <sup>2</sup>,<sup>2</sup> or otherwise gives  
39 an electronic communication device to a person who is confined in  
40 a State <sup>2</sup>[correction] correctional<sup>2</sup> facility <sup>2</sup>[or],<sup>2</sup> secure juvenile

**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:

<sup>1</sup>Senate SLP committee amendments adopted February 26, 2007.

<sup>2</sup>Assembly ALP committee amendments adopted May 17, 2007.

1 facility <sup>2</sup>, county correctional facility, or county juvenile detention  
2 facility<sup>2</sup> is guilty of a crime of the second degree.<sup>1</sup>

3

4 2. This act shall take effect immediately.

5

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7

8

9 Criminalizes possession or use of electronic communications  
10 devices in certain correctional facilities.

**SENATE, No. 448**

**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**SYNOPSIS**

Makes possession or use of cellular telephone or accessories by person confined to State correctional facility second degree crime.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning State correctional facilities and supplementing  
2 chapter 29 of Title 2C of the New Jersey Statutes.

3

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

6

7 1. a. For the purposes of this section,  
8 "State correctional facility" means a State prison or other penal  
9 institution or a State-contracted half-way house.

10 b. A person who possesses or uses a cellular telephone, a  
11 cellular telephone battery or a device to recharge a cellular  
12 telephone battery while confined to a State correctional facility is  
13 guilty of a crime of the second degree.

14

15 2. This act shall take effect immediately.

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STATEMENT

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20 This bill makes the possession or use of a cellular telephone by a  
21 person confined to a State correctional facility a crime of the second  
22 degree. Crimes of the second degree are punishable by  
23 imprisonment of five to ten years, a fine of up to \$150,000, or both.

24 This bill is in response to situations where inmates have used  
25 cellular telephones to organize criminal activity outside of the  
26 prison. Under current law, administrative regulations prohibit  
27 inmates from possessing cellular phones, but the administrative  
28 remedies imposed for violations of these regulations are not severe  
29 enough to deter the activity sufficiently. Making the offense a  
30 second degree crime will create an additional deterrent because an  
31 inmate found guilty of possessing or using a cellular phone would  
32 receive a significant, additional prison sentence.

33 Under the provisions of the bill, the term "State correctional  
34 facility" means a State prison or other penal institution or a State-  
35 contracted half-way house.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

[First Reprint]

## **SENATE, No. 448**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 17, 2007

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 448 (1R).

As amended and reported by the committee, Senate Bill No. 448 (1R) makes the possession or use of an electronic communications device by a person confined to a State correctional facility, secure juvenile facility, county correctional facility, or county juvenile detention facility a crime of the third degree. Crimes of the third degree are punishable by imprisonment of three to five years, a fine of up to \$15,000, or both.

Under the amended bill's provisions, a person, other than an employee or a contract employee of the Department of Corrections (DOC), the Juvenile Justice Commission (JJC), a county correctional facility, or county juvenile detention facility who knowingly sells, transfers, assigns, provides or otherwise gives an electronic communication device to a person who is confined in a State correction facility, secure juvenile facility, county correctional facility, or county juvenile detention facility also is guilty of a crime of the third degree.

The amended bill further provides that an employee or a contract employee of the DOC or the JJC who knowingly sells, transfers, assigns, provides, or otherwise gives an electronic communication device to a person who is confined in a State correction facility, secure juvenile facility, county correctional facility, or county juvenile detention facility is guilty of a crime of the second degree. Crimes of the second degree are punishable by imprisonment of five to ten years, a fine of up to \$150,000, or both.

According to the sponsor, this bill was introduced in response to situations where inmates have used cellular telephones to organize criminal activity outside of the prison. Currently, administrative regulations prohibit inmates from possessing cellular phones, but the administrative remedies imposed for violations of these regulations are not severe enough to sufficiently deter the activity.

Under the provisions of the amended bill, the term “county correctional facility” means any prison or other secure facility managed and operated by any county of this State in which adult offenders are incarcerated. “County juvenile detention facility” means any secure juvenile facility managed and operated by any county of this State. “State correctional facility” means a State prison or other penal institution. “Secure juvenile facility” means the New Jersey Training School for Boys, the Juvenile Medium Security Facility and any other secure juvenile facility managed and operated by the Juvenile Justice Commission.

As reported by the committee, this bill is identical to the Assembly Committee Substitute for Assembly Bill Nos. 2598 and 2075, also reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to extend its provisions to county correctional facilities and county juvenile detention facilities.



SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 448**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 26, 2007

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 448.

As amended, this bill makes the possession or use of an electronic communications device by a person confined to a State correctional facility or secure juvenile facility a crime of the third degree. Crimes of the third degree are punishable by imprisonment of three to five years, a fine of up to \$15,000, or both.

Under the bill's provisions, a person, other than an employee or a contract employee of the Department of Corrections (DOC) or the Juvenile Justice Commission (JJC), who knowingly sells, transfers, assigns, provides or otherwise gives an electronic communication device to a person who is confined in a State correction facility or secure juvenile facility also is guilty of a crime of the third degree.

The bill further provides that an employee or a contract employee of the DOC or the JJC who knowingly sells, transfers, assigns, provides or otherwise gives an electronic communication device to a person who is confined in a State correction facility or secure juvenile facility is guilty of a crime of the second degree. Crimes of the second degree are punishable by imprisonment of five to ten years, a fine of up to \$150,000, or both.

According to the sponsor, this bill was introduced in response to situations where inmates have used cellular telephones to organize criminal activity outside of the prison. Under current law, administrative regulations prohibit inmates from possessing cellular phones, but the administrative remedies imposed for violations of these regulations are not severe enough to deter the activity sufficiently.

Under the provisions of the amended bill, the term "State correctional facility" means a State prison or other penal institution. "Secure juvenile facility" means the New Jersey Training School for Boys, the Juvenile Medium Security Facility and any other secure juvenile facility managed and operated by the Juvenile Justice Commission.

The committee amended the bill to expand its provisions to include electronic communications devices. As introduced, the bill's provisions applied only to cellular telephones. The committee amendments also make the bill's provisions applicable to the use, possession and provision of electronic communications devices in secure juvenile facilities and remove State-contracted half-way houses from the bill's provisions. The amendments also provide penalties for employees of the DOC and JJC and others who provide these devices to confined persons.

This bill was prefiled for introduction in the 2006-2007 legislative session. As reported, the bill includes the changes required by technical review which has been performed.

# ASSEMBLY, No. 2598

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 23, 2006

**Sponsored by:**

**Assemblyman LOUIS M. MANZO**

**District 31 (Hudson)**

**Assemblyman JEFF VAN DREW**

**District 1 (Cape May, Atlantic and Cumberland)**

**Co-Sponsored by:**

**Assemblyman Epps**

**SYNOPSIS**

Criminalizes possession and use of cellular phone in adult or juvenile correctional facility and criminalizes giving cellular phone to inmate.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/9/2007)**

1 AN ACT concerning persons incarcerated in certain adult and  
2 juvenile facilities and supplementing chapter 33 of Title 2C of  
3 the New Jersey Statutes.

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

7  
8 1. a. As used in this act:

9 “County correctional facility” means any prison or residential  
10 facility managed and operated by any county of this State in which  
11 adult offenders are incarcerated.

12 “Secure juvenile facility” means the New Jersey Training School  
13 for Boys, the Juvenile Medium Security Facility and any other  
14 secure juvenile facility managed and operated by the Juvenile  
15 Justice Commission.

16 “State correctional facility” means any prison or residential  
17 facility managed and operated by the State Department of  
18 Corrections and any half-way house or residential facility  
19 designated by the Commissioner of Corrections as a place of  
20 confinement pursuant to section 2 of P.L.1969, c.22 (C.30:4-91.2).

21 b. A person who possesses or uses a cellular telephone while  
22 confined in a State correctional facility, county correctional facility  
23 or a secure juvenile facility is guilty of a disorderly persons offense.  
24 A term of incarceration imposed by the court pursuant to this  
25 subsection shall be served consecutively.

26 c. A person who possesses or uses a cellular telephone for an  
27 unlawful purpose while confined in a State correctional facility,  
28 county correctional facility or secure juvenile facility is guilty of a  
29 crime of the third degree. A term of incarceration imposed by the  
30 court pursuant to this subsection shall be served consecutively.

31 d. A person who knowingly sells, transfers, assigns, provides or  
32 otherwise gives a cellular telephone to a person who is confined in a  
33 State correctional facility, a county correctional facility or a secure  
34 juvenile facility is guilty of a crime of the third degree.

35  
36 2. This act shall take effect immediately.

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38

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STATEMENT

40

41 This bill would establish statutory penalties for inmates who  
42 possess or use a cellular telephone while confined in a State, county  
43 or juvenile correctional facility. Currently, inmates are not allowed  
44 to possess or use cellular telephones in these correctional facilities,  
45 but the penalties are administrative, not statutory.

46 Under the provisions of the bill, it would be a disorderly persons  
47 offense for in inmate to possess or use a cellular telephone while  
48 confined in a State, county or juvenile facility. A disorderly

1 persons offense is punishable by imprisonment for a term of up to  
2 six months, a fine of not more than \$1,000 or both. The bill  
3 specifies that any term of imprisonment imposed for violating this  
4 prohibition is to be added on to the violator's current sentence.

5 An inmate who possesses or uses a cellular telephone for an  
6 unlawful purpose while confined in a State, county or juvenile  
7 correctional facility is guilty of a crime of the third degree. An  
8 inmate who uses a cellular telephone to organize criminal or gang-  
9 related activities outside the facility, for example, would be guilty  
10 of using that telephone for an unlawful purpose. A crime of the  
11 third degree is punishable by imprisonment for a term of three to  
12 five years, a fine of up to \$15,000 or both. Any term of  
13 imprisonment imposed for violating this prohibition is to be added  
14 on to the violator's current sentence.

15 Finally, the bill makes it a crime of the third degree for anyone to  
16 knowingly sell, transfer, assign, provide or otherwise give a cellular  
17 telephone to a person who is confined in a State correctional  
18 facility, a county correctional facility or a secure juvenile facility.

# ASSEMBLY, No. 2075

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 26, 2006

**Sponsored by:**

**Assemblyman CRAIG A. STANLEY**

**District 28 (Essex)**

**Assemblyman ALFRED E. STEELE**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Makes possession or use of cellular telephone or accessories by person confined to State correctional facility second degree crime.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/27/2006)**

1 AN ACT concerning State correctional facilities and supplementing  
2 chapter 29 of Title 2C of the New Jersey Statutes.

3

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

6

7 1. a. For the purposes of this section:

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

10 b. A person who possesses or uses a cellular telephone, a cellular  
11 telephone battery or a device to recharge a cellular telephone  
12 battery while confined to a State correctional facility is guilty of a  
13 crime of the second degree.

14

15 2. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 This bill makes the possession or use of a cellular telephone by a  
21 person confined to a State correctional facility a crime of the second  
22 degree. Crimes of the second degree are punishable by  
23 imprisonment of five to ten years, a fine of up to \$150,000, or both.

24 This bill is in response to situations where inmates have used  
25 cellular telephones to organize criminal activity outside of the  
26 prison. Under current law, administrative regulations prohibit  
27 inmates from possessing cellular phones, but the administrative  
28 remedies imposed for violations of these regulations are not severe  
29 enough to deter the activity sufficiently. Making the offense a  
30 second degree crime will create an additional deterrent because an  
31 inmate found guilty of possessing or using a cellular phone would  
32 receive a significant, additional prison sentence.

33 Under the provisions of the bill, the term "State correctional  
34 facility" means a State prison or other penal institution or a State-  
35 contracted half-way house.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 2598 and 2075**

# **STATE OF NEW JERSEY**

DATED: MAY 17, 2007

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 2598 and 2075.

This Assembly Committee Substitute for Assembly Bill Nos. 2598 and 2075 makes the possession or use of an electronic communications device by a person confined to a State correctional facility, secure juvenile facility, county correctional facility, or county juvenile detention facility a crime of the third degree. Crimes of the third degree are punishable by imprisonment of three to five years, a fine of up to \$15,000, or both.

Under the committee substitute's provisions, a person, other than an employee or a contract employee of the Department of Corrections (DOC), the Juvenile Justice Commission (JJC), a county correctional facility, or county juvenile detention facility who knowingly sells, transfers, assigns, provides or otherwise gives an electronic communication device to a person who is confined in a State correction facility, secure juvenile facility, county correctional facility, or county juvenile detention facility also is guilty of a crime of the third degree.

The committee substitute further provides that an employee or a contract employee of the DOC or the JJC who knowingly sells, transfers, assigns, provides, or otherwise gives an electronic communication device to a person who is confined in a State correction facility, secure juvenile facility, county correctional facility, or county juvenile detention facility is guilty of a crime of the second degree. Crimes of the second degree are punishable by imprisonment of five to ten years, a fine of up to \$150,000, or both.

The committee substitute is a response to situations where inmates have used cellular telephones to organize criminal activity outside of the prison. Currently, administrative regulations prohibit inmates from possessing cellular phones, but the administrative remedies imposed for violations of these regulations are not severe enough to sufficiently deter the activity.

Under the provisions of the committee substitute, the term "county correctional facility" means any prison or other secure facility



managed and operated by any county of this State in which adult offenders are incarcerated. "County juvenile detention facility" means any secure juvenile facility managed and operated by any county of this State. "State correctional facility" means a State prison or other penal institution. "Secure juvenile facility" means the New Jersey Training School for Boys, the Juvenile Medium Security Facility and any other secure juvenile facility managed and operated by the Juvenile Justice Commission.

As reported by the committee, this Assembly Committee Substitute is identical to Senate Bill No. 448(1R), as amended and reported by the committee on this same date.