

FLOOR AMENDMENT STATEMENT:

Yes 1-7-10

LEGISLATIVE FISCAL NOTE:

Yes 1-7-10
1-15-10

VETO MESSAGE:

No

GOVERNOR'S STATEMENT UPON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

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No

NEWSPAPER ARTICLES:

Yes

"Controversial parole bill signed by Corzine," The Record, 1-20-10

LAW/RWH

[Second Reprint]

ASSEMBLY, No. 4201

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

Sponsored by:

Assemblyman ALBERT COUTINHO

District 29 (Essex and Union)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblywoman ELEASE EVANS

District 35 (Bergen and Passaic)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblywoman MILA M. JASEY

District 27 (Essex)

Assemblywoman L. GRACE SPENCER

District 29 (Essex and Union)

Co-Sponsored by:

**Assemblyman Schaer, Assemblywomen Pou, Riley, Rodriguez, Senators
Cunningham, Turner, Ruiz, Lesniak and Girgenti**

SYNOPSIS

Provides for programs and services for inmates and formerly incarcerated persons; and institutes certain administrative procedures.

CURRENT VERSION OF TEXT

As amended by the General Assembly on January 7, 2010.

(Sponsorship Updated As Of: 1/12/2010)

1 AN ACT concerning inmates and formerly incarcerated persons,
2 amending P.L.1969, c.22 ²[;]² and supplementing Titles 30 and
3 52 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. (New section) Sections 1 ²[through 3] and 2² of this act may
9 be known and shall be cited as the “Fair Release and Reentry Act of
10 2009.”

11
12 2. (New section) The Commissioner of Corrections shall
13 provide to each inmate at least ten days prior to release from a State
14 correctional facility:

15 a. A copy of the inmate’s criminal history record and written
16 information on the inmate’s right to have his criminal records
17 expunged under chapter 52 of Title 2C of the New Jersey Statutes;

18 b. General written information on the inmate’s right to vote
19 under R.S.19:4-1;

20 c. General written information on the availability of programs,
21 including faith-based and secular programs, that would assist in
22 removing barriers to the inmate’s employment or participation in
23 vocational or educational rehabilitative programs, including, but not
24 limited to information concerning the “Rehabilitated Convicted
25 Offenders Act,” P.L.1968, c.282 (C.2A:168A-1 et seq.) and the
26 certificate of rehabilitation under P.L.2007, c.327 (C.2A:168A-7 et
27 seq.);

28 d. A detailed written record of the inmate’s participation in
29 educational, training, employment, and medical or other treatment
30 programs while the inmate was incarcerated;

31 e. A written accounting of the fines, assessments, surcharges,
32 restitution, penalties, child support arrearages, and any other
33 obligations due and payable by the inmate upon release;

34 f. A non-driver identification card, which shall be issued by
35 the New Jersey Motor Vehicle Commission and for which the
36 Motor Vehicle Commission shall accept a former inmate’s
37 Department of Corrections identification card to have a ²[four-
38 point] two-point² value in applying for the non-driver identification
39 card;

40 g. A copy of the inmate’s birth certificate if the inmate was
41 born in New Jersey;

42 h. Assistance in obtaining a Social Security card;

43 i. A one-day New Jersey bus or rail pass;

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:

¹Assembly AAP committee amendments adopted December 3, 2009.

²Assembly floor amendments adopted January 7, 2010.

- 1 j. A ²[one-month] two-week² supply of prescription
2 medication;
- 3 k. General written information concerning child support,
4 including child support payments owed by the inmate, information
5 on how to seek child support payments and information on where to
6 seek services regarding child support, child custody, and
7 establishing parentage; and
- 8 l. A copy of the inmate's full medical record at no charge to
9 the inmate made available to the inmate in a safe and secure
10 manner.
- 11
- 12 ¹[3. (New section) The superintendent of each county
13 correctional facility shall provide to each inmate at least ten days
14 prior to release from that facility:
- 15 a. A copy of the inmate's criminal history record and written
16 information on the inmate's right to have his criminal records
17 expunged under chapter 52 of Title 2C of the New Jersey Statutes,
18 eligibility requirements for expungement and the procedural process
19 for seeking expungement;
- 20 b. General written information on the inmate's right to vote
21 under R.S.19:4-1;
- 22 c. General written information on the availability of programs,
23 including faith-based and secular programs, that would assist in
24 removing barriers to the inmate's employment or participation in
25 vocational or educational rehabilitative programs, including, but not
26 limited to information concerning the "Rehabilitated Convicted
27 Offenders Act," P.L.1968, c.282 (C.2A:168A-1 et seq.) and the
28 certificate of rehabilitation under P.L.2007, c.327 (C.2A:168A-7 et
29 seq.);
- 30 d. A detailed written record of the inmate's participation in
31 educational, training, employment, and medical or other treatment
32 programs while the inmate was incarcerated;
- 33 e. A written accounting of the fines, assessments, surcharges,
34 restitution, penalties, child support arrearages, and any other
35 obligations due and payable by the inmate upon release;
- 36 f. A non-driver identification card, which shall be issued by
37 the New Jersey Motor Vehicle Commission and for which the
38 Motor Vehicle Commission shall accept a former inmate's
39 Department of Corrections identification card to have a four-point
40 value in applying for the non-driver identification card;
- 41 g. A copy of the inmate's birth certificate if the inmate was
42 born in New Jersey;
- 43 h. Assistance in obtaining a Social Security card;
- 44 i. A one-day New Jersey bus or rail pass; the county may
45 apply for reimbursement of the cost of the pass from the
46 Department of Treasury to the extent resources are made available
47 for this purpose;

1 j. A one-month supply of prescription medication, for which
2 the county may apply for reimbursement for the cost from the
3 Department of Treasury to the extent resources are made available
4 for this purpose;

5 k. General written information concerning child support,
6 including child support payments owed by the inmate, information
7 on how to seek child support payments and information on where to
8 seek services regarding child support, child custody, and
9 establishing parentage; and

10 l. A copy of the inmate's full medical record at no charge to
11 the inmate made available to the inmate in a safe and secure
12 manner.】¹

13

14 ¹【4.】 3. (New section) a. The Commissioner of Corrections, in
15 conjunction with the Juvenile Justice Commission and the State
16 Parole Board, shall establish a program to record and analyze the
17 recidivism of all inmates and juveniles adjudicated delinquent who
18 are released from a State correctional facility or a training school
19 for juveniles, whether on parole or upon the completion of their
20 maximum sentences. The purpose of this program shall be to assist
21 in measuring the effectiveness of the State's reentry initiatives and
22 programs.

23 b. The program shall record the arrests for all offenses
24 committed by releasees within three years following their release
25 and any convictions resulting from ¹【these】 the arrests. These
26 data shall be analyzed to determine whether the rates and nature of
27 rearrests and convictions differ according to the criminal histories
28 and personal characteristics of releasees, the treatment they
29 received while confined, length of sentence, conditions of parole,
30 participation and involvement in reentry initiatives and programs,
31 and such other factors as may be relevant to the purposes of this
32 section, including, but not limited to, race, gender, ethnicity, and
33 age.

34 c. The commissioner shall prepare and disseminate semi-
35 annual reports summarizing the recidivism rates, patterns, and other
36 findings and analyses resultant of the information gathered pursuant
37 to this section. These reports shall be available to the general
38 public. To facilitate the accessibility of these reports to the general
39 public, the commissioner shall, to the greatest extent possible,
40 utilize the Internet.

41 d. The commissioner shall annually prepare and transmit to the
42 Governor and the Legislature a summary of the recommendations
43 set forth in the reports prepared pursuant to subsection c. of this
44 section, along with any recommendations the department, Juvenile
45 Justice Commission or the State Parole Board may have for
46 legislation to improve the effectiveness of the State's reentry
47 initiatives and programs.

1 ¹[5.] 4.¹ (New section) a. The Commissioner of Corrections
2 shall designate a staff member as Coordinator for Reentry and
3 Rehabilitative Services. The coordinator shall be qualified by
4 training and experience to perform the duties of this position. ¹The
5 coordinator may be chosen by the commissioner from among the
6 current employees of the department and ²the chosen employee²
7 may continue the duties and responsibilities of ²[their regular
8 employment] the current position² in addition to the duties and
9 responsibilities of the coordinator position as provided in this
10 section.¹

11 b. The coordinator shall compile and disseminate to inmates
12 information concerning organizations and programs, whether faith-
13 based or secular programs, which provide assistance and services to
14 inmates reentering society after a period of incarceration. In
15 compiling this information, the coordinator shall consult with non-
16 profit entities, including but not limited to the New Jersey Institute
17 for Social Justice, that provide informational services concerning
18 reentry, the Executive Director of the Office of Faith-based
19 Initiatives in the Department of State, and the Public Advocate.

20 c. The coordinator shall ensure that inmates are made aware of
21 and referred to organizations which provide services in the county
22 where the inmate is to reside after being released from
23 incarceration. The coordinator shall assist inmates in gaining
24 access to programs and procuring the appropriate services.

25 d. The coordinator may employ professional and clerical staff
26 as necessary within the limits of available appropriations.

27

28 ¹[6.] 5.¹ (New section) At the time of release ²from a State
29 correctional facility², every inmate shall be notified in writing of all
30 outstanding fines, assessments, and restitution charges ordered as
31 part of that inmate's sentence, as well as any outstanding warrants
32 or detainers.

33 To assist in an inmate's transition and reentry into the
34 community, no inmate shall be required to pay any portion of any
35 outstanding fine, assessment, or restitution ordered as part of that
36 inmate's sentence during the first 90 days following his release.
37 During that 90-day period no warrant shall be issued against the
38 inmate for any nonpayment of any such fine, assessment, or
39 restitution. Nothing in this section shall be construed to diminish or
40 in any way impair the inmate's responsibility for paying all such
41 outstanding fines, assessments, and restitutions ordered by the
42 court.

43

44 ¹[7.] 6.¹ Section 4 of P.L.1969, c.22 (C.30:4-91.4) is amended
45 to read as follows:

46 4. The commissioner, as a part of any work release program for
47 an inmate, shall require that any wages, salary, earnings and other

1 income of each gainfully employed prisoner be paid, less payroll
2 deductions required or authorized by law, to the superintendent of
3 the institution who shall deposit such sums so received to the credit
4 of such inmate in a trust fund account at such institution. From
5 such trust fund account belonging to any inmate the superintendent
6 of the institution is empowered to withdraw moneys, in an amount
7 not to exceed one-half the total income, as follows:

8 The superintendent shall withdraw up to one-third of that amount
9 in order to collect assessments, restitutions and fines pursuant to the
10 requirements of section 3 of P.L.1979, c.396 (C.2C:46-4).

11 The superintendent may withdraw up to two-thirds of that
12 amount as may be required to pay the following:

13 (a) Such costs of maintenance related to the prisoner's
14 confinement as are determined by the State Board of Control to be
15 appropriate and reasonable, including costs and fees charged or
16 owing pursuant to section 2 of P.L.1995, c.254 (C.30:7E-2).

17 (b) Necessary travel expenses to and from work or other
18 business and incidental expenses of the prisoner.

19 (c) Support of the prisoner's dependents, if necessary.

20 (d) (Deleted by amendment, P.L.1991, c.329).

21 (e) Payment of either in full or ratably of the prisoner's debts
22 which have been reduced to judgment or which have been
23 acknowledged in writing by him.

24 (f) The balance, if any, shall be paid to the prisoner in
25 accordance with section 8 of P.L. , c. (C.) (pending before
26 the Legislature as this bill) at the completion of the period of his
27 confinement.

28 (cf: P.L.1995, c.254, s.9)

29

30 **'[8.] 7.'** (New section) a. The commissioner shall, at least 30
31 days prior to an inmate's release from confinement, assist the
32 inmate in establishing a consumer checking account pursuant to the
33 provisions of P.L.1991, c.210 (C.17:16N-1 et seq.). The inmate
34 **'[shall] may'** be issued a basic debit card by the bank. For the
35 purposes of this section, "debit card" means any instrument or
36 device, whether known as a debit card, automated teller machine
37 card, or by any other name, issued with or without fee by an issuer
38 for the use of the debit card holder in obtaining money, goods,
39 services or anything else of value through the electronic
40 authorization of a financial institution to debit the debit card
41 holder's account. "Debit card holder" means a consumer named on
42 the face of a debit card to whom or for whose benefit the debit card
43 is issued by an issuer.

44 b. Upon an inmate's release, the balance remaining in the inmate
45 account administered by the correctional facility, following all
46 payments and withdrawals pursuant to section 4 of P.L.1969, c.22
47 (C.30:4-91.4), shall be transferred into the consumer checking
48 account established pursuant to this section.

1 c. Nothing in this section shall be construed to require an inmate
2 to establish a consumer checking account. The commissioner shall
3 not be required to establish a consumer checking account if the
4 inmate chooses not to establish 'such' an account pursuant to this
5 section. 'Any consumer checking account or debit card provided
6 under this section shall be established or issued in a manner that is
7 consistent with State and federal law and regulation.'

8 d. The commissioner, in consultation with the Commissioner of
9 Banking and Insurance, and pursuant to the provisions of the
10 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
11 seq.), shall promulgate rules and regulations necessary to
12 implement and effectuate the purposes of P.L. , c. (C.)
13 (pending before the Legislature as this bill).

14
15 '[9.] 8.' (New section) The Juvenile Justice Commission
16 shall ensure that prior to the scheduled date of release of a juvenile
17 from a detention facility or a facility in which the juvenile was
18 incarcerated, the appropriate staff at the facility notify the
19 applicable county welfare agency to process the reinstatement of the
20 juvenile in the Medicaid program if the juvenile was enrolled in
21 Medicaid prior to detention or incarceration and continues to meet
22 eligibility requirements for the program.

23 As used in this act, "Medicaid" means the Medicaid program
24 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

25
26 '[10. (New section) a. There shall be established in the
27 Criminal Division of the Superior Court a Special Mental Health
28 Court Part. The Mental Health Court shall have jurisdiction over
29 criminal matters in which the defendant waives the right to a speedy
30 trial to allow for a delay in criminal trial proceedings for a period
31 during which the defendant will receive mental health care.

32 b. The Mental Health Court shall coordinate with government
33 agencies and non-governmental entities to facilitate the provision of
34 voluntary treatment of defendants who have mental health illnesses
35 prior to the defendants entering a plea or during a defendants
36 probation period.

37 c. The Supreme Court of New Jersey may adopt court rules
38 appropriate or necessary to effectuate the purposes of this act. ']'

39
40 '[11.] 9.' (New section) The Commissioner of Corrections
41 shall ensure that at least 30 days prior to the scheduled date of
42 release of an inmate from a correctional institution in the State, the
43 appropriate staff at the institution notify the applicable county
44 welfare agency to process the reinstatement of the inmate in the
45 Medicaid program if the inmate was enrolled in Medicaid prior to
46 incarceration and continues to meet eligibility requirements for the
47 program.

1 As used in this act, “Medicaid” means the Medicaid program
2 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

3
4 **‘[12.] 10.’** (New section) a. To assist and advise in issues
5 pertaining to prisoner reentry, there is established in the Department
6 of Corrections an advisory commission to be known as the
7 “Prisoner Reentry Commission.” The purpose of the commission
8 shall be to review, study, and offer solutions to problems facing
9 prisoners re-entering society, including, but not limited to
10 determining whether:

11 (1) New Jersey should seek a federal waiver under Section 1115
12 of the Social Security Act to expand Medicaid eligibility to non-
13 disabled adults, to leverage additional federal funds in order to
14 target high risk populations;

15 (2) Health care and treatment resources for former prisoners are
16 adequate and if not, methods by which they can be improved;

17 (3) The prison population can be incorporated fully into New
18 Jersey’s workforce development strategy; and

19 (4) Sources of funding intended for the same populations and
20 communities could be tapped, coordinated and leveraged effectively.

21 b. In addition, the commission shall:

22 (1) Evaluate and provide recommendations for special issues
23 concerning juvenile reentry;

24 (2) Evaluate and make recommendations concerning current law
25 on juvenile waiver; and

26 (3) Evaluate and provide recommendations for inter-agency
27 communication, information sharing, and problem solving.

28 c. (1) The advisory commission shall consist of 18 members as
29 follows:

30 (a) The Attorney General or his designee, who shall serve ex
31 officio;

32 (b) The Secretary of State or his designee, who shall serve ex
33 officio;

34 (c) The Commissioner of Corrections or his designee, who shall
35 serve ex officio;

36 (d) The Commissioner of Human Services or his designee, who
37 shall serve ex officio;

38 (e) The Commissioner of Labor and Workforce Development or
39 his designee, who shall serve ex officio;

40 (f) The Commissioner of Community Affairs or his designee,
41 who shall serve ex officio;

42 (g) The Commissioner of Education or his designee, who shall
43 serve ex officio;

44 (h) Two members of the Senate, to be appointed by the
45 President of the Senate, who shall each be of different political
46 parties;

47 (i) Two members of the General Assembly, to be appointed by
48 the Speaker of the General Assembly, who shall each be of different

1 political parties;

2 (j) The Chairman of the State Parole Board or his designee,
3 who shall serve ex officio;

4 (k) The Executive Director of the Juvenile Justice Commission
5 or his designee, who shall serve ex officio;

6 (l) The Executive Director of the Housing and Mortgage
7 Finance Agency or his designee, who shall serve ex officio;

8 (m) The New Jersey Public Defender or his designee, who shall
9 serve ex officio;

10 (n) One representative from the New Jersey Institute for Social
11 Justice; and

12 (o) Two public members, who by experience or training have
13 expertise in issues facing former prisoners, to be appointed by the
14 Governor.

15 (2) The Governor shall designate one member as chairman and
16 two members as vice-chairmen of the commission from among the
17 members listed in this subsection.

18 (3) The public members shall be appointed for a five year term.
19 Vacancies in the membership of the advisory commission shall be
20 filled in the same manner provided for in the original appointments.
21 The members of the advisory commission shall serve without
22 compensation but may be reimbursed for travel and other
23 miscellaneous expenses necessary to perform their duties, within
24 the limits of funds made available to the advisory commission for
25 its purposes.

26 (4) A member of the commission may be removed for good
27 cause.

28 d. The commission may meet at the call of its chair and hold
29 hearings at the times and in the places it may deem appropriate and
30 necessary to fulfill its charge. The advisory commission shall be
31 entitled to call to its assistance, and avail itself of the services of,
32 the employees of any State, county or municipal department, board,
33 bureau, commission or agency as it may require and as may be
34 available to it for its purposes.

35 e. The commission shall annually submit a report to the
36 Governor and the Legislature pursuant to section 2 of P.L.1991,
37 c.164 (C.52:14-19.1) along with any recommendations it deems
38 appropriate, including any legislative proposals it may wish to
39 make.

40

41 ¹[13.] 11. (New section) a. (1) There is hereby created in the
42 State Parole Board a committee known as the “Blue Ribbon Panel
43 for Review of Long-Term Prisoners’ Parole Eligibility.” The
44 committee shall be comprised of six members who are residents of
45 this State, who shall have served as judges, prosecutors or public
46 defenders but are not currently serving as judges, prosecutors or
47 public defenders. The members of the committee shall be
48 appointed by the Governor, without regard to the appointees’

1 political affiliations and shall be subject to removal by the Governor
2 at any time for good and sufficient cause. The chairperson of the
3 committee shall be designated by the Governor.

4 (2) The members appointed by the Governor pursuant to this
5 section shall be appointed for terms of six years. All appointed
6 members shall serve after the expiration of their terms until their
7 respective successors are appointed and shall qualify. Vacancies
8 shall be filled for the unexpired term.

9 (3) Members of the committee shall receive no compensation
10 for services, but shall be reimbursed for actual expenditures
11 incurred in the performance of their duties.

12 b. It shall be the duty of the committee to consider if prisoners
13 who have been incarcerated and served more than 20 years of their
14 sentences should be eligible for parole and submit any
15 recommendations for parole to the appropriate parole board panel
16 with a written recommendation regarding the case. The committee
17 shall have discretion to determine whether to consider a prisoner's
18 case and the committee shall also have the discretion to make
19 recommendations regarding any case that the committee has
20 considered.

21

22 ²[¹12. (New section) a. As an alternative to the imposition of a
23 term of imprisonment, the Director of the Administrative Office of
24 the Courts, in consultation with the Attorney General, shall
25 establish a program that allows a sentencing court to sentence
26 defendants convicted of nonviolent crimes of the third or fourth
27 degree to participate in a residential community release program.
28 Participation in a residential community release program may be
29 offered at the time of sentencing as an alternative to incarceration
30 under the current sentencing guidelines.

31 b. In determining whether a defendant is eligible to participate
32 in the program established under subsection a. of this section, the
33 court is to consider the nature and circumstances of the offense; the
34 history, character and condition of the defendant; the hardship
35 incarceration would impose on the defendant's dependents; and
36 whether the defendant's non-incarceration would pose a danger to
37 public safety.

38 c. The director may promulgate guidelines to effectuate the
39 provisions of this section.¹²

40

41 ²[¹13. (New section) As part of each defendant's presentence
42 investigation, the probation officer shall determine whether the
43 defendant is subject to any court-ordered child support obligation
44 and whether the defendant has income sources sufficient to continue
45 making the child support payments set forth in that order.

46 Defendants determined to be subject to court-ordered child
47 support obligations shall be advised of their right to make
48 application to the court for modification of those orders and

1 provided assistance in filing the appropriate motions with the
2 court.¹]²

3
4 ²[14] 12². This act shall take effect the first day of the fourth
5 month following enactment; provided that the Commissioner of
6 Corrections, ²[the county correctional facility superintendents] the
7 Commissioner of Banking and Insurance², the Executive Director of
8 the Juvenile Justice Commission, and the Chairman of the State
9 Parole Board may take any anticipatory action prior to the effective
10 date necessary to implement the provisions of this act.

ASSEMBLY, No. 4201

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

Sponsored by:

Assemblyman ALBERT COUTINHO

District 29 (Essex and Union)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

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Co-Sponsored by:

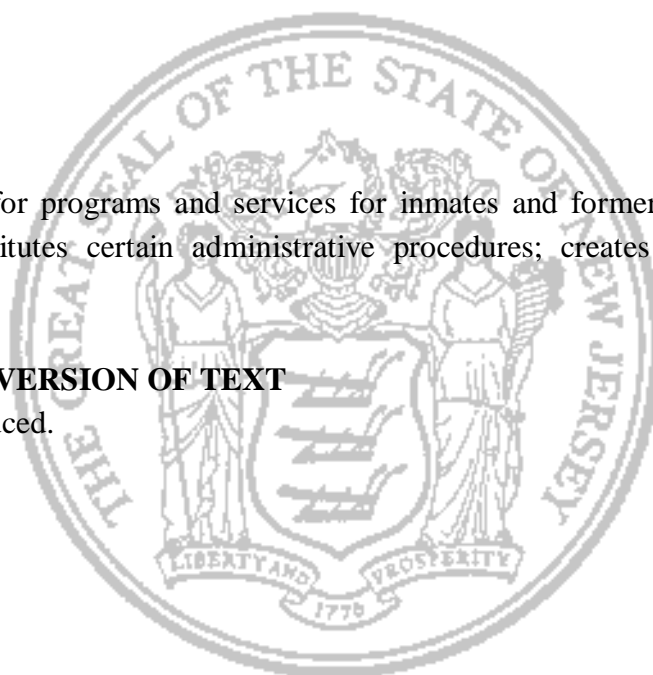
Assemblyman Schaer and Assemblywoman Pou

SYNOPSIS

Provides for programs and services for inmates and formerly incarcerated persons; institutes certain administrative procedures; creates mental health court.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/1/2009)

A4201 COUTINHO, WATSON COLEMAN

2

1 AN ACT concerning inmates and formerly incarcerated persons,
2 amending P.L.1969, c.22; and supplementing Titles 30 and 52 of
3 the Revised Statutes.

4

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

7

8 1. (New section) Sections 1 through 3 of this act may be known
9 and shall be cited as the “Fair Release and Reentry Act of 2009.”

10

11 2. (New section) The Commissioner of Corrections shall
12 provide to each inmate at least ten days prior to release from a State
13 correctional facility:

14 a. A copy of the inmate’s criminal history record and written
15 information on the inmate’s right to have his criminal records
16 expunged under chapter 52 of Title 2C of the New Jersey Statutes;

17 b. General written information on the inmate’s right to vote
18 under R.S.19:4-1;

19 c. General written information on the availability of programs,
20 including faith-based and secular programs, that would assist in
21 removing barriers to the inmate’s employment or participation in
22 vocational or educational rehabilitative programs, including, but not
23 limited to information concerning the “Rehabilitated Convicted
24 Offenders Act,” P.L.1968, c.282 (C.2A:168A-1 et seq.) and the
25 certificate of rehabilitation under P.L.2007, c.327 (C.2A:168A-7 et
26 seq.);

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28 educational, training, employment, and medical or other treatment
29 programs while the inmate was incarcerated;

30 e. A written accounting of the fines, assessments, surcharges,
31 restitution, penalties, child support arrearages, and any other
32 obligations due and payable by the inmate upon release;

33 f. A non-driver identification card, which shall be issued by
34 the New Jersey Motor Vehicle Commission and for which the
35 Motor Vehicle Commission shall accept a former inmate’s
36 Department of Corrections identification card to have a four-point
37 value in applying for the non-driver identification card;

38 g. A copy of the inmate’s birth certificate if the inmate was
39 born in New Jersey;

40 h. Assistance in obtaining a Social Security card;

41 i. A one-day New Jersey bus or rail pass;

42 j. A one-month supply of prescription medication;

43 k. General written information concerning child support,
44 including child support payments owed by the inmate, information
45 on how to seek child support payments and information on where to

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 seek services regarding child support, child custody, and
2 establishing parentage; and

3 l. A copy of the inmate's full medical record at no charge to
4 the inmate made available to the inmate in a safe and secure
5 manner.

6
7 3. (New section) The superintendent of each county
8 correctional facility shall provide to each inmate at least ten days
9 prior to release from that facility:

10 a. A copy of the inmate's criminal history record and written
11 information on the inmate's right to have his criminal records
12 expunged under chapter 52 of Title 2C of the New Jersey Statutes,
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22 Offenders Act," P.L.1968, c.282 (C.2A:168A-1 et seq.) and the
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31 f. A non-driver identification card, which shall be issued by
32 the New Jersey Motor Vehicle Commission and for which the
33 Motor Vehicle Commission shall accept a former inmate's
34 Department of Corrections identification card to have a four-point
35 value in applying for the non-driver identification card;

36 g. A copy of the inmate's birth certificate if the inmate was
37 born in New Jersey;

38 h. Assistance in obtaining a Social Security card;

39 i. A one-day New Jersey bus or rail pass; the county may
40 apply for reimbursement of the cost of the pass from the
41 Department of Treasury to the extent resources are made available
42 for this purpose;

43 j. A one-month supply of prescription medication, for which
44 the county may apply for reimbursement for the cost from the
45 Department of Treasury to the extent resources are made available
46 for this purpose;

47 k. General written information concerning child support,
48 including child support payments owed by the inmate, information

1 on how to seek child support payments and information on where to
2 seek services regarding child support, child custody, and
3 establishing parentage; and

4 1. A copy of the inmate's full medical record at no charge to
5 the inmate made available to the inmate in a safe and secure
6 manner.

7
8 4. (New section) a. The Commissioner of Corrections, in
9 conjunction with the Juvenile Justice Commission and the State
10 Parole Board, shall establish a program to record and analyze the
11 recidivism of all inmates and juveniles adjudicated delinquent who
12 are released from a State correctional facility or a training school
13 for juveniles, whether on parole or upon the completion of their
14 maximum sentences. The purpose of this program shall be to assist
15 in measuring the effectiveness of the State's reentry initiatives and
16 programs.

17 b. The program shall record the arrests for all offenses
18 committed by releasees within three years following their release
19 and any convictions resulting from these arrests. These data shall
20 be analyzed to determine whether the rates and nature of rearrests
21 and convictions differ according to the criminal histories and
22 personal characteristics of releasees, the treatment they received
23 while confined, length of sentence, conditions of parole,
24 participation and involvement in reentry initiatives and programs,
25 and such other factors as may be relevant to the purposes of this
26 section, including, but not limited to, race, gender, ethnicity, and
27 age.

28 c. The commissioner shall prepare and disseminate semi-
29 annual reports summarizing the recidivism rates, patterns, and other
30 findings and analyses resultant of the information gathered pursuant
31 to this section. These reports shall be available to the general
32 public. To facilitate the accessibility of these reports to the general
33 public, the commissioner shall, to the greatest extent possible,
34 utilize the Internet.

35 d. The commissioner shall annually prepare and transmit to the
36 Governor and the Legislature a summary of the recommendations
37 set forth in the reports prepared pursuant to subsection c. of this
38 section, along with any recommendations the department, Juvenile
39 Justice Commission or the State Parole Board may have for
40 legislation to improve the effectiveness of the State's reentry
41 initiatives and programs.

42
43 5. (New section) a. The Commissioner of Corrections shall
44 designate a staff member as Coordinator for Reentry and
45 Rehabilitative Services. The coordinator shall be qualified by
46 training and experience to perform the duties of this position.

47 b. The coordinator shall compile and disseminate to inmates
48 information concerning organizations and programs, whether faith-

1 based or secular programs, which provide assistance and services to
2 inmates reentering society after a period of incarceration. In
3 compiling this information, the coordinator shall consult with non-
4 profit entities, including but not limited to the New Jersey Institute
5 for Social Justice, that provide informational services concerning
6 reentry, the Executive Director of the Office of Faith-based
7 Initiatives in the Department of State, and the Public Advocate.

8 c. The coordinator shall ensure that inmates are made aware of
9 and referred to organizations which provide services in the county
10 where the inmate is to reside after being released from
11 incarceration. The coordinator shall assist inmates in gaining
12 access to programs and procuring the appropriate services.

13 d. The coordinator may employ professional and clerical staff
14 as necessary within the limits of available appropriations.
15

16 6. (New section) At the time of release, every inmate shall be
17 notified in writing of all outstanding fines, assessments, and
18 restitution charges ordered as part of that inmate's sentence, as well
19 as any outstanding warrants or detainers.

20 To assist in an inmate's transition and reentry into the
21 community, no inmate shall be required to pay any portion of any
22 outstanding fine, assessment, or restitution ordered as part of that
23 inmate's sentence during the first 90 days following his release.
24 During that 90-day period no warrant shall be issued against the
25 inmate for any nonpayment of any such fine, assessment, or
26 restitution. Nothing in this section shall be construed to diminish or
27 in any way impair the inmate's responsibility for paying all such
28 outstanding fines, assessments, and restitutions ordered by the
29 court.
30

31 7. Section 4 of P.L.1969, c.22 (C.30:4-91.4) is amended to read
32 as follows:

33 4. The commissioner, as a part of any work release program for
34 an inmate, shall require that any wages, salary, earnings and other
35 income of each gainfully employed prisoner be paid, less payroll
36 deductions required or authorized by law, to the superintendent of
37 the institution who shall deposit such sums so received to the credit
38 of such inmate in a trust fund account at such institution. From
39 such trust fund account belonging to any inmate the superintendent
40 of the institution is empowered to withdraw moneys, in an amount
41 not to exceed one-half the total income, as follows:

42 The superintendent shall withdraw up to one-third of that amount
43 in order to collect assessments, restitutions and fines pursuant to the
44 requirements of section 3 of P.L.1979, c.396 (C.2C:46-4).

45 The superintendent may withdraw up to two-thirds of that
46 amount as may be required to pay the following:

47 (a) Such costs of maintenance related to the prisoner's
48 confinement as are determined by the State Board of Control to be

1 appropriate and reasonable, including costs and fees charged or
2 owing pursuant to section 2 of P.L.1995, c.254 (C.30:7E-2).

3 (b) Necessary travel expenses to and from work or other
4 business and incidental expenses of the prisoner.

5 (c) Support of the prisoner's dependents, if necessary.

6 (d) (Deleted by amendment, P.L.1991, c.329).

7 (e) Payment of either in full or ratably of the prisoner's debts
8 which have been reduced to judgment or which have been
9 acknowledged in writing by him.

10 (f) The balance, if any, shall be paid to the prisoner in
11 accordance with section 8 of P.L. , c. (C.) (pending before
12 the Legislature as this bill) at the completion of the period of his
13 confinement.

14 (cf: P.L.1995, c.254, s.9)

15

16 8. (New section) a. The commissioner shall, at least 30 days
17 prior to an inmate's release from confinement, assist the inmate in
18 establishing a consumer checking account pursuant to the
19 provisions of P.L.1991, c.210 (C. 17:16N-1 et seq.). The inmate
20 shall be issued a basic debit card by the bank. For the purposes of
21 this section, "debit card" means any instrument or device, whether
22 known as a debit card, automated teller machine card, or by any other
23 name, issued with or without fee by an issuer for the use of the debit
24 card holder in obtaining money, goods, services or anything else of
25 value through the electronic authorization of a financial institution to
26 debit the debit card holder's account. "Debit card holder" means a
27 consumer named on the face of a debit card to whom or for whose
28 benefit the debit card is issued by an issuer.

29 b. Upon an inmate's release, the balance remaining in the inmate
30 account administered by the correctional facility, following all
31 payments and withdrawals pursuant to section 4 of P.L.1969, c.22
32 (C.30:4-91.4), shall be transferred into the consumer checking
33 account established pursuant to this section.

34 c. Nothing in this section shall be construed to require an inmate
35 to establish a consumer checking account. The commissioner shall
36 not be required to establish a consumer checking account if the
37 inmate chooses not to establish an account pursuant to this section.

38 d. The commissioner, in consultation with the Commissioner of
39 Banking and Insurance, and pursuant to the provisions of the
40 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
41 seq.), shall promulgate rules and regulations necessary to
42 implement and effectuate the purposes of P.L. , c. (C.)
43 (pending before the Legislature as this bill).

44

45 9. (New section) The Juvenile Justice Commission shall
46 ensure that prior to the scheduled date of release of a juvenile from
47 a detention facility or a facility in which the juvenile was
48 incarcerated, the appropriate staff at the facility notify the

1 applicable county welfare agency to process the reinstatement of the
2 juvenile in the Medicaid program if the juvenile was enrolled in
3 Medicaid prior to detention or incarceration and continues to meet
4 eligibility requirements for the program.

5 As used in this act, "Medicaid" means the Medicaid program
6 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
7

8 10. (New section) a. There shall be established in the Criminal
9 Division of the Superior Court a Special Mental Health Court Part.
10 The Mental Health Court shall have jurisdiction over criminal
11 matters in which the defendant waives the right to a speedy trial to
12 allow for a delay in criminal trial proceedings for a period during
13 which the defendant will receive mental health care.

14 b. The Mental Health Court shall coordinate with government
15 agencies and non-governmental entities to facilitate the provision of
16 voluntary treatment of defendants who have mental health illnesses
17 prior to the defendants entering a plea or during a defendants
18 probation period.

19 c. The Supreme Court of New Jersey may adopt court rules
20 appropriate or necessary to effectuate the purposes of this act.
21

22 11. (New section) The Commissioner of Corrections shall
23 ensure that at least 30 days prior to the scheduled date of release of
24 an inmate from a correctional institution in the State, the
25 appropriate staff at the institution notify the applicable county
26 welfare agency to process the reinstatement of the inmate in the
27 Medicaid program if the inmate was enrolled in Medicaid prior to
28 incarceration and continues to meet eligibility requirements for the
29 program.

30 As used in this act, "Medicaid" means the Medicaid program
31 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
32

33 12. (New section) a. To assist and advise in issues pertaining to
34 prisoner reentry, there is established in the Department of
35 Corrections an advisory commission to be known as the "Prisoner
36 Reentry Commission." The purpose of the commission shall be to
37 review, study, and offer solutions to problems facing prisoners re-
38 entering society, including, but not limited to determining whether:

39 (1) New Jersey should seek a federal waiver under Section 1115
40 of the Social Security Act to expand Medicaid eligibility to non-
41 disabled adults, to leverage additional federal funds in order to
42 target high risk populations;

43 (2) Health care and treatment resources for former prisoners are
44 adequate and if not, methods by which they can be improved;

45 (3) The prison population can be incorporated fully into New
46 Jersey's workforce development strategy; and

47 (4) Sources of funding intended for the same populations and
48 communities could be tapped, coordinated and leveraged effectively.

1 b. In addition, the commission shall:

2 (1) Evaluate and provide recommendations for special issues
3 concerning juvenile reentry;

4 (2) Evaluate and make recommendations concerning current law
5 on juvenile waiver; and

6 (3) Evaluate and provide recommendations for inter-agency
7 communication, information sharing, and problem solving.

8 c. (1) The advisory commission shall consist of 18 members as
9 follows:

10 (a) The Attorney General or his designee, who shall serve ex
11 officio;

12 (b) The Secretary of State or his designee, who shall serve ex
13 officio;

14 (c) The Commissioner of Corrections or his designee, who shall
15 serve ex officio;

16 (d) The Commissioner of Human Services or his designee, who
17 shall serve ex officio;

18 (e) The Commissioner of Labor and Workforce Development or
19 his designee, who shall serve ex officio;

20 (f) The Commissioner of Community Affairs or his designee,
21 who shall serve ex officio;

22 (g) The Commissioner of Education or his designee, who shall
23 serve ex officio;

24 (h) Two members of the Senate, to be appointed by the President
25 of the Senate, who shall each be of different political parties;

26 (i) Two members of the General Assembly, to be appointed by
27 the Speaker of the General Assembly, who shall each be of different
28 political parties;

29 (j) The Chairman of the State Parole Board or his designee, who
30 shall serve ex officio;

31 (k) The Executive Director of the Juvenile Justice Commission
32 or his designee, who shall serve ex officio;

33 (l) The Executive Director of the Housing and Mortgage Finance
34 Agency or his designee, who shall serve ex officio;

35 (m) The New Jersey Public Defender or his designee, who shall
36 serve ex officio;

37 (n) One representative from the New Jersey Institute for Social
38 Justice; and

39 (o) Two public members, who by experience or training have
40 expertise in issues facing former prisoners, to be appointed by the
41 Governor.

42 (2) The Governor shall designate one member as chairman and
43 two members as vice-chairmen of the commission from among the
44 members listed in this subsection.

45 (3) The public members shall be appointed for a five year term.
46 Vacancies in the membership of the advisory commission shall be
47 filled in the same manner provided for in the original appointments.
48 The members of the advisory commission shall serve without

1 compensation but may be reimbursed for travel and other
2 miscellaneous expenses necessary to perform their duties, within
3 the limits of funds made available to the advisory commission for
4 its purposes.

5 (4) A member of the commission may be removed for good
6 cause.

7 d. The commission may meet at the call of its chair and hold
8 hearings at the times and in the places it may deem appropriate and
9 necessary to fulfill its charge. The advisory commission shall be
10 entitled to call to its assistance, and avail itself of the services of,
11 the employees of any State, county or municipal department, board,
12 bureau, commission or agency as it may require and as may be
13 available to it for its purposes.

14 e. The commission shall annually submit a report to the
15 Governor and the Legislature pursuant to section 2 of P.L.1991,
16 c.164 (C.52:14-19.1) along with any recommendations it deems
17 appropriate, including any legislative proposals it may wish to
18 make.

19

20 13. (New section) a. (1) There is hereby created in the State
21 Parole Board a committee known as the "Blue Ribbon Panel for
22 Review of Long-Term Prisoners' Parole Eligibility." The
23 committee shall be comprised of six members who are residents of
24 this State, who shall have served as judges, prosecutors or public
25 defenders but are not currently serving as judges, prosecutors or
26 public defenders. The members of the committee shall be
27 appointed by the Governor, without regard to the appointees'
28 political affiliations and shall be subject to removal by the Governor
29 at any time for good and sufficient cause. The chairperson of the
30 committee shall be designated by the Governor.

31 (2) The members appointed by the Governor pursuant to this
32 section shall be appointed for terms of six years. All appointed
33 members shall serve after the expiration of their terms until their
34 respective successors are appointed and shall qualify. Vacancies
35 shall be filled for the unexpired term.

36 (3) Members of the committee shall receive no compensation
37 for services, but shall be reimbursed for actual expenditures
38 incurred in the performance of their duties.

39 b. It shall be the duty of the committee to consider if prisoners
40 who have been incarcerated and served more than 20 years of their
41 sentences should be eligible for parole and submit any
42 recommendations for parole to the appropriate parole board panel
43 with a written recommendation regarding the case. The committee
44 shall have discretion to determine whether to consider a prisoner's
45 case and the committee shall also have the discretion to make
46 recommendations regarding any case that the committee has
47 considered.

1 14. This act shall take effect the first day of the fourth month
2 following enactment; provided that the Commissioner of
3 Corrections, the county correctional facility superintendents, the
4 Executive Director of the Juvenile Justice Commission, and the
5 Chairman of the State Parole Board may take any anticipatory
6 action prior to the effective date necessary to implement the
7 provisions of this act.

8
9
10 STATEMENT

11
12 This bill's provisions would enable inmates and formerly
13 incarcerated persons to obtain information and services that would
14 foster rehabilitation and reduce recidivism rates.

15 The bill would require the Commissioner of Corrections to
16 designate a staff member as Coordinator for Reentry and
17 Rehabilitative Services. The coordinator would compile and
18 disseminate information concerning organizations and programs,
19 whether faith-based or secular, which provide assistance and
20 services to inmates reentering society.

21 Under the provisions of the bill, each inmate is to receive written
22 notice of all the outstanding court imposed fines, assessments, and
23 restitution charges for which he is responsible, as well as
24 outstanding warrants or detainers applicable to the inmate. The bill
25 specifies that former inmates would not be required to make any
26 payments on any of their outstanding court imposed fines,
27 assessments or restitution charges during the first 90 days after their
28 release. During this grace period no arrest warrants would be
29 issued for the nonpayment of fines, assessments, or restitution
30 charges.

31 The bill would also establish Mental Health Courts in the in the
32 Criminal Division of the Superior Court. The Mental Health Court
33 would coordinate with governmental and non-governmental
34 agencies that provide mental health care to facilitate the provision
35 of voluntary treatment of defendants who have mental health
36 illnesses prior to the defendants entering a plea or during a
37 defendant's probation period.

38 This bill would also provide that State and county inmates, prior
39 to their release, would have to be provided with various documents,
40 written information, and other items that would enhance their
41 ability to successfully reenter society after serving their term of
42 incarceration.

43 Under the bill, State and county inmates would have to be
44 provided with the following:

- 45 a. A copy of their criminal history record and written
46 information on criminal record expungement;
47 b. General written information on voting rights;

- 1 c. General written information on the availability of programs,
2 including faith-based programs as well as secular programs, that
3 would assist in removing barriers to employment or participation in
4 vocational or educational rehabilitative programs, including the
5 availability of a certificate of rehabilitation;
- 6 d. A detailed written record of an inmate's participation in
7 educational, training, employment, and medical or other treatment
8 programs while the inmate was incarcerated;
- 9 e. A written accounting of the fines, assessments, surcharges,
10 restitution, penalties, child support arrearages, and any other
11 obligations due and payable upon release;
- 12 f. A non-driver identification card issued by the New Jersey
13 Motor Vehicle Commission;
- 14 g. A copy of the inmate's birth certificate if the inmate was
15 born in New Jersey;
- 16 h. Assistance in securing a Social Security card;
- 17 i. A one-day New Jersey bus or rail pass;
- 18 j. A one-month supply of prescription medication;
- 19 k. General written information concerning child support; and
- 20 l. A copy of the inmate's full medical record.

21 The bill would also require the commissioner to establish a
22 consumer checking account for an inmate who wants such an
23 account. Any balance left in the inmate's account held by the
24 correctional facility would be transferred to this checking account
25 upon the inmate's release and the inmate would be issued a debit
26 card to access that balance.

27 This bill would also require the Juvenile Justice Commission or
28 the Department of Corrections, as applicable, prior to the scheduled
29 date of release of a juvenile or an inmate from its facility, to arrange
30 for the appropriate staff at the facility to notify the applicable
31 county welfare agency to process the reinstatement of the person in
32 the Medicaid program if the person was enrolled in Medicaid prior
33 to detention or incarceration.

34 This bill would also establish an advisory commission in the
35 Department of Corrections to be known as the "Prisoner Reentry
36 Commission." The commission would offer solutions to the
37 problems facing formerly incarcerated adults and juveniles who are
38 re-entering society. The bill would also establish a "Blue Ribbon
39 Panel for Review of Long-Term Prisoners' Parole Eligibility" that
40 would be composed of former judges, prosecutors and public
41 defenders who would consider the cases of prisoners who have
42 served more than 20 years of their sentences. The Blue Ribbon
43 Panel for Review of Long-Term Prisoners' Parole Eligibility would
44 then have the discretion to recommend those prisoners for parole
45 eligibility.

46 Finally, the bill requires the Commissioner of Corrections to
47 work with the Juvenile Justice Commission and the State Parole
48 Board to establish a program to record and analyze recidivism rates

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12

- 1 for adult and juvenile inmates released from incarceration. The
- 2 purpose of this provision is to measure the effectiveness of the
- 3 State's reentry initiatives and programs.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4201

STATE OF NEW JERSEY

DATED: NOVEMBER 23, 2009

The Assembly Law and Public Safety Committee reports favorably on Assembly Bill No. 4201.

This bill's provisions would enable inmates and formerly incarcerated persons to obtain information and services that would foster rehabilitation and reduce recidivism rates.

The bill would require the Commissioner of Corrections to designate a staff member as Coordinator for Reentry and Rehabilitative Services. The coordinator would compile and disseminate information concerning organizations and programs, whether faith-based or secular, which provide assistance and services to inmates reentering society.

Under the provisions of the bill, each inmate is to receive written notice of all the outstanding court imposed fines, assessments, and restitution charges for which he is responsible, as well as outstanding warrants or detainers applicable to the inmate. The bill specifies that former inmates would not be required to make any payments on any of their outstanding court imposed fines, assessments or restitution charges during the first 90 days after their release. During this grace period no arrest warrants would be issued for the nonpayment of fines, assessments, or restitution charges.

The bill would also establish Mental Health Courts in the Criminal Division of the Superior Court. The Mental Health Court would coordinate with governmental and non-governmental agencies that provide mental health care to facilitate the provision of voluntary treatment of defendants who have mental health illnesses prior to the defendants entering a plea or during a defendant's probation period.

This bill would also provide that State and county inmates, prior to their release, would have to be provided with various documents, written information, and other items that would enhance their ability to successfully reenter society after serving their term of incarceration.

Under the bill, State and county inmates would have to be provided with the following:

- a. A copy of their criminal history record and written information on criminal record expungement;
- b. General written information on voting rights;
- c. General written information on the availability of programs, including faith-based programs as well as secular programs, that would

assist in removing barriers to employment or participation in vocational or educational rehabilitative programs, including the availability of a certificate of rehabilitation;

d. A detailed written record of an inmate's participation in educational, training, employment, and medical or other treatment programs while the inmate was incarcerated;

e. A written accounting of the fines, assessments, surcharges, restitution, penalties, child support arrearages, and any other obligations due and payable upon release;

f. A non-driver identification card issued by the New Jersey Motor Vehicle Commission;

g. A copy of the inmate's birth certificate if the inmate was born in New Jersey;

h. Assistance in securing a Social Security card;

i. A one-day New Jersey bus or rail pass;

j. A one-month supply of prescription medication;

k. General written information concerning child support; and

l. A copy of the inmate's full medical record.

The bill would also require the commissioner to establish a consumer checking account for an inmate who wants such an account. Any balance left in the inmate's account held by the correctional facility would be transferred to this checking account upon the inmate's release and the inmate would be issued a debit card to access that balance.

Under the bill, the Juvenile Justice Commission or the Department of Corrections, as applicable, prior to the scheduled date of release of a juvenile or an inmate from its facility, would have to arrange for the appropriate staff at the facility to notify the applicable county welfare agency to process the reinstatement of the person in the Medicaid program if the person was enrolled in Medicaid prior to detention or incarceration.

This bill would also establish an advisory commission in the Department of Corrections to be known as the "Prisoner Reentry Commission." The commission would offer solutions to the problems facing formerly incarcerated adults and juveniles who are re-entering society. The bill would also establish a "Blue Ribbon Panel for Review of Long-Term Prisoners' Parole Eligibility" that would be composed of former judges, prosecutors and public defenders who would consider the cases of prisoners who have served more than 20 years of their sentences. The Blue Ribbon Panel for Review of Long-Term Prisoners' Parole Eligibility would then have the discretion to recommend those prisoners for parole eligibility.

Finally, the bill requires the Commissioner of Corrections to work with the Juvenile Justice Commission and the State Parole Board to establish a program to record and analyze recidivism rates for adult and juvenile inmates released from incarceration. The purpose of this

provision is to measure the effectiveness of the State's reentry initiatives and programs.

ASSEMBLY, No. 4201

MINORITY STATEMENT

By Assemblyman Bramnick and Assemblyman Rible

This bill falls into the category of legislation with worthwhile public policy intentions on the part of the sponsor, but one which will create additional costs for the state budget at a time when the State simply cannot afford additional spending.

The State is facing very serious financial difficulties. Revenues are falling substantially below budgeted projections, meaning that the State will not even have sufficient funds to cover amounts appropriated in the FY 2010 budget. The Governor has ordered his cabinet officers to recommend reductions in spending, and both he and the Governor-elect have announced means of addressing the dire fiscal circumstances that include moratoria on incurring any additional spending obligations. It would be irresponsible for the Legislature to disregard both the incumbent Governor and the incoming Governor on the most pressing issue facing the State and its taxpayers.

For this reason, we cannot support the advancement of this legislation at this time due to its budgetary impact.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4201

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2009

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4201, with committee amendments.

The bill, as amended, enables inmates and formerly incarcerated persons to obtain information and services that would foster rehabilitation and reduce recidivism rates.

The bill requires the Commissioner of Corrections to designate a staff member as Coordinator for Reentry and Rehabilitative Services. The coordinator is to compile and disseminate information concerning organizations and programs, whether faith-based or secular, which provide assistance and services to inmates reentering society.

The bill requires that each inmate receive written notice of all the outstanding court imposed fines, assessments, and restitution charges for which he is responsible, as well as outstanding warrants or detainers applicable to the inmate. The bill specifies that former inmates are not required to make any payments on any of their outstanding court imposed fines, assessments or restitution charges during the first 90 days after their release. During this grace period no arrest warrants are to be issued for the nonpayment of fines, assessments, or restitution charges.

This bill also provides that State inmates, prior to their release, are to be provided with various documents, written information, and other items to enhance their ability to successfully reenter society after serving their term of incarceration.

Under the bill, State inmates are to be provided with the following:

- a. A copy of their criminal history record and written information on criminal record expungement;
- b. General written information on voting rights;
- c. General written information on the availability of programs, including faith-based programs as well as secular programs, that would assist in removing barriers to employment or participation in vocational or educational rehabilitative programs, including the availability of a certificate of rehabilitation;
- d. A detailed written record of an inmate's participation in educational, training, employment, and medical or other treatment programs while the inmate was incarcerated;

- e. A written accounting of the fines, assessments, surcharges, restitution, penalties, child support arrearages, and any other obligations due and payable upon release;
- f. A non-driver identification card issued by the New Jersey Motor Vehicle Commission;
- g. A copy of the inmate's birth certificate if the inmate was born in New Jersey;
- h. Assistance in securing a Social Security card;
- i. A one-day New Jersey bus or rail pass;
- j. A one-month supply of prescription medication;
- k. General written information concerning child support; and
- l. A copy of the inmate's full medical record.

The bill requires the commissioner to establish a consumer checking account for any inmate incarcerated in a State facility who wants such an account. Any balance left in the inmate's account held by the correctional facility is to be transferred to this checking account upon the inmate's release and the inmate is issued a debit card to access that balance.

Under the bill, the Juvenile Justice Commission or the Department of Corrections, as applicable, prior to the scheduled date of release of a juvenile or an inmate, arranges for the appropriate staff at the facility to notify the applicable county welfare agency to process the reinstatement of the person in the Medicaid program if the person was enrolled in Medicaid prior to detention or incarceration.

This bill establishes an advisory commission in the Department of Corrections to be known as the "Prisoner Reentry Commission." The commission is to offer solutions to the problems facing formerly incarcerated adults and juveniles who are re-entering society. The bill also establishes a "Blue Ribbon Panel for Review of Long-Term Prisoners' Parole Eligibility" to be composed of former judges, prosecutors and public defenders who would consider the cases of prisoners who have served more than 20 years of their sentences. Under the provisions of the bill, the Blue Ribbon Panel for Review of Long-Term Prisoners' Parole Eligibility has the discretion to recommend those prisoners for parole eligibility.

Finally, the bill requires the Commissioner of Corrections to work with the Juvenile Justice Commission and the State Parole Board to establish a program to record and analyze recidivism rates for adult and juvenile inmates released from incarceration. The purpose of this provision is to measure the effectiveness of the State's reentry initiatives and programs.

FISCAL IMPACT:

According to sources, it is not possible to estimate the various costs associated with this bill and these costs are indeterminate.

Most of the provisions in the bill that are currently provided by the Department of Corrections (DOC) would be expanded. Establishment

of the “Prisoner Reentry Commission” within DOC would generate incidental costs for travel and supplies. Responsibility for the “Blue Ribbon Panel for Review of Long-Term Prisoners’ Parole Eligibility” would fall to the State Parole Board.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) remove the requirement that county inmates, prior to their release, be provided with various documents following a term of incarceration in a county facility;

2) clarify that the Coordinator of Reentry and Rehabilitative Services may be chosen from among the current employees of the Department of Corrections;

3) clarify that consumer checking accounts and debit cards are to be established and issued in a manner that is consistent with State and federal law and regulation;

4) require the Director of the Administrative Office of the Courts, in consultation with the Attorney General, to establish a program that allows a sentencing court to sentence defendants convicted of nonviolent crimes of the third or fourth degree to participate in a residential community release program as an alternative to incarceration;

5) require that as part of a defendant’s presentence investigation, a probation officer is to determine whether an offender is financially able to continue making child support payments, advise inmates of their right to modify child support orders, and provide assistance in filing for a modification of child support obligations with the court;

6) clarifies a debit card will only be issued under a consumer checking account if the inmate wishes it;

7) remove the section establishing Mental Health Courts; and

8) make technical corrections.

MINORITY STATEMENT TO ASSEMBLY BILL NO. 4201 (1R)

By Assemblymen Merkt and Thompson, Assemblywoman Addiego,
and Assemblyman DeMaio

We concur with the Minority Statement previously submitted by Assemblymen Bramnick and Rible, based on the State’s current budgetary crisis:

This bill falls into the category of legislation with worthwhile public policy intentions on the part of the sponsor, but one which will create additional costs for the state budget at a time when the State simply cannot afford additional spending.

The State is facing very serious financial difficulties. Revenues are falling substantially below budgeted projections, meaning that the State will not even have sufficient funds to cover amounts appropriated in the FY 2010 budget. The Governor has ordered his cabinet officers to recommend reductions in spending, and both he and the Governor-elect have announced means of addressing the dire fiscal circumstances that include moratoria on incurring any additional spending obligations. It would be irresponsible for the Legislature to disregard both the incumbent Governor and the incoming Governor on the most pressing issue facing the State and its taxpayers.

For this reason, we cannot support the advancement of this legislation at this time due to its budgetary impact.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 4201

with Assembly Floor Amendments
(Proposed by Assemblyman COUTINHO)

ADOPTED: JANUARY 7, 2010

Assembly Bill No. 4201 (1R) requires the Commissioner of Corrections to provide inmates, before their release, various documents, information, and other items. One requirement is that the commissioner provide a non-driver identification card to former inmates. A former inmate's Department of Corrections identification card is to have a four-point value in applying for the non-driver identification card. These Assembly amendments reduce this value to two points. Another requirement is that the commissioner provide a one-month supply of prescription medication to the former inmate. These Assembly amendments reduce the prescription drug requirement to a two-week supply.

The Assembly amendments further clarify that the 90-day amnesty period for repayment by inmates of outstanding fines, assessments, and restitution charges applies to inmates released from State correctional facilities.

The Assembly amendments remove a provision that would have required the Administrative Office of the Courts and the Attorney General to establish a program allowing courts to sentence defendants convicted of nonviolent third and fourth degree crimes to a residential community release program. The amendments also remove a provision requiring child support information be provided by probation in the presentence investigation phase.

The Assembly amendments also make technical corrections.

These Assembly amendments make this bill identical to the Senate Committee Substitute for Senate Bill No. 502, which was amended by the Senate on this same date.

FISCAL NOTE
ASSEMBLY, No. 4201
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: DECEMBER 4, 2009

SUMMARY

- Synopsis:** Provides for programs and services for inmates and formerly incarcerated persons; institutes certain administrative procedures; creates mental health court.
- Type of Impact:** General Fund expenditure.
- Agencies Affected:** Department of Corrections, Judiciary, Juvenile Justice Commission, State Parole Board, Motor Vehicle Commission, County jails.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate - See comments below		
County Jail Cost	Indeterminate - See comments below		

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate and adds that with regard to mental health courts the State may be required to fund the costs of treatment. No estimate has been provided concerning the extent of these costs.
- The OLS notes that there would be an undetermined cost to the Motor Vehicle Commission to provide non-driver identification cards to released inmates and the DOC would incur an undetermined cost to provide the one-day NJ bus or rail passes.
- The OLS also notes that the county jails would incur an indeterminate cost to provide the services listed in this bill.
- The bill provides for programs and services for inmates and formerly incarcerated persons, institutes certain administrative procedures and creates a mental health court.
- The Department of Corrections (DOC) states this bill would create considerable additional costs for the DOC. However, it is not possible to estimate these costs at this time.

- The Administrative Office of the Courts states that because it does not maintain any statistics that would allow it to predict the number of referrals to the mental health courts there is no historical data or basis to project the total cost of the program's establishment and operation. Consequently, the Judiciary is unable to accurately determine the fiscal impact of the legislation with any certainty.

BILL DESCRIPTION

Assembly Bill No. 4201 of 2009 would require the Commissioner of Corrections to designate a staff member as Coordinator for Reentry and Rehabilitative Services. The coordinator would compile and disseminate information concerning organizations and programs, whether faith-based or secular, which provide assistance and services to inmates reentering society.

Under the provisions of the bill, each inmate is to receive written notice of all the outstanding court imposed fines, assessments, and restitution charges for which he is responsible, as well as outstanding warrants or detainers applicable to the inmate. The bill specifies that former inmates would not be required to make any payments on any of their outstanding court imposed fines, assessments or restitution charges during the first 90 days after their release. During this grace period no arrest warrants would be issued for the nonpayment of fines, assessments, or restitution charges.

The bill would also establish Mental Health Courts in the Criminal Division of the Superior Court. The Mental Health Court would coordinate with governmental and non-governmental agencies that provide mental health care to facilitate the provision of voluntary treatment of defendants who have mental health illnesses, prior to the defendants entering a plea or during a defendant's probation period.

This bill would also provide that State and county inmates, prior to their release, would have to be provided with various documents, written information, and other items that would enhance their ability to successfully reenter society after serving their term of incarceration.

Under the bill, State and county inmates would have to be provided with the following:

- a. A copy of their criminal history record and written information on criminal record expungement;
- b. General written information on voting rights;
- c. General written information on the availability of programs, including faith-based programs as well as secular programs, that would assist in removing barriers to employment or participation in vocational or educational rehabilitative programs, including the availability of a certificate of rehabilitation;
- d. A detailed written record of an inmate's participation in educational, training, employment, and medical or other treatment programs while the inmate was incarcerated;
- e. A written accounting of the fines, assessments, surcharges, restitution, penalties, child support arrearages, and any other obligations due and payable upon release;
- f. A non-driver identification card issued by the New Jersey Motor Vehicle Commission;
- g. A copy of the inmate's birth certificate if the inmate was born in New Jersey;
- h. Assistance in securing a Social Security card;
- i. A one-day New Jersey bus or rail pass;
- j. A one-month supply of prescription medication;
- k. General written information concerning child support; and
- l. A copy of the inmate's full medical record.

The bill would also require the commissioner to establish a consumer checking account for an inmate who wants such an account. Any balance left in the inmate's account held by the correctional facility would be transferred to this checking account upon the inmate's release and the inmate would be issued a debit card to access that balance.

Under the bill, the Juvenile Justice Commission or the DOC, as applicable, prior to the scheduled date of release of a juvenile or an inmate from its facility, would have to arrange for the appropriate staff at the facility to notify the applicable county welfare agency to process the reinstatement of the person in the Medicaid program if the person was enrolled in Medicaid prior to detention or incarceration.

This bill would also establish an advisory commission in the DOC to be known as the "Prisoner Reentry Commission." The commission would offer solutions to the problems facing formerly incarcerated adults and juveniles who are re-entering society. The bill would also establish a "Blue Ribbon Panel for Review of Long-Term Prisoners' Parole Eligibility" that would be composed of former judges, prosecutors and public defenders who would consider the cases of prisoners who have served more than 20 years of their sentences. The Blue Ribbon Panel for Review of Long-Term Prisoners' Parole Eligibility would then have the discretion to recommend those prisoners for parole eligibility.

Finally, the bill requires the Commissioner of Corrections to work with the Juvenile Justice Commission and the State Parole Board to establish a program to record and analyze recidivism rates for adult and juvenile inmates released from incarceration. The purpose of this provision is to measure the effectiveness of the State's reentry initiatives and programs.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Department of Corrections

The DOC states that most items that the bill would require the DOC to provide or expand services that are currently provided. Examples of some of the costs, if expanded to all inmates are shown below.

The DOC states that the department's Office of Chaplaincy coordinates the department's faith based programs. The section requiring the Commissioner to designate a Coordinator for Reentry and Rehabilitation Services to compile and disseminate to inmates information concerning organizations and programs, whether faith-based organizations or secular programs, especially those which provide assistance and services to inmates reentering society after a period of incarceration may require additional positions and funds to expand the duties of this office.

The provision implementing the delay in the collections of remaining fines etc. for 90-days from release is currently the practice, after which the Division of Revenue is contacted and further attempts to collect the debts are instituted. Therefore, there appears to be no fiscal impact on the DOC.

The DOC notes that currently a birth certificate is provided only if requested by the inmate, at \$25 per inmate, a cost which the DOC absorbs. If every inmate required one, based on 14,000 releases annually, the total amount needed to fund this requirement would be \$350,000.

The DOC notes that currently a 14-day supply of medication is provided upon release, per the current medical contract. By expanding the prescription drug supply to one month, the DOC would double its costs. Because this is included in the department's medical contract, the portion of the pharmacy cost attributable to released inmates is unknown. However, the

increased medication supply would result in an increase in the cost of department's medical services contract.

The DOC states that currently, the department issues cash or a check to released inmates. They are currently in the process of researching the possibility of implementing a debit card system as an alternative to cash and check disbursements. However, implementation or operating costs are not available at this time. Any consideration given to its implementation would be done as a pilot program before extending to all institutions.

The DOC notes that there is no fiscal impact on the department from the provision requiring DOC to ensure that at least 30 days prior to the scheduled date of release of an inmate that the appropriate staff at the institution notify the applicable county welfare agency to process the reinstatement of the inmate in Medicaid program if the inmate was enrolled in Medicaid prior to incarceration and continues to meet the eligibility requirements of the program.

The establishment of a "Prisoner Reentry Commission" within the DOC would generate incidental costs for travel and supplies.

With regard to the provision requiring the commissioner of DOC in conjunction with the Juvenile Justice Commission and the State Parole Board, to establish a program to record and analyze the recidivism of all inmates and juveniles adjudicated delinquent who are released from a State correctional facility or a training school, the DOC states that this requirement involves a very comprehensive and rigorous research process to identify the causes of recidivism and to remediate those factors. Such an endeavor is highly sophisticated and cannot be carried out by the limited research staff currently assigned to the DOC. This endeavor would require the creation of new positions and would require an extensive recruitment effort, at an unknown additional cost. In addition, the DOC states that the implementation of recommendations for new or modified programs are likely to require additional funds to upgrade service to the inmate population.

The DOC notes that the responsibility for the "Blue Ribbon Panel for Review of Long-Term Prisoners' Parole Eligibility" would fall to the State Parole Board, and therefore have no fiscal impact upon the DOC.

Judiciary

In a fiscal note to another bill implementing mental health courts, the Administrative Office of the Courts stated that the cost of one judge team to be devoted to mental health cases exclusively in the first year of operation a vicinage would total \$522,133. This would increase to \$542,081 and \$556,968 in the second and third years following enactment. Expanding this to all 15 vicinages would cost \$7,831,995 during the first full year following enactment, increasing to \$8,131,215 and \$8,354,520 during the second and third years.

However, the Judiciary states that because it does not maintain any statistics that would allow it to predict the number of referrals to the mental health courts there is no historical data or basis to project the total cost of the program's establishment and operation. Consequently, the Judiciary is unable to accurately determine the fiscal impact of the legislation with any certainty.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Department of Corrections estimate.

The OLS concurs with the Judiciary estimate concerning mental health courts but notes that while the bill does not state who is responsible for treatment costs, the State may be required to fund the costs of treatment. No estimate has been provided concerning the extent of these costs.

The OLS notes that there would be an undetermined cost to the Motor Vehicle Commission to provide non-driver identification cards to released inmates.

The OLS notes that the DOC would incur an undetermined cost to provide the one-day NJ bus or rail passes.

The OLS also notes that the county jails would incur an indeterminate cost to provide the services listed in this bill.

Section: Judiciary

*Analyst: Anne Raughley
 Principal Fiscal Analyst*

*Approved: David J. Rosen
 Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-6 et seq.).

FISCAL NOTE
[Second Reprint]
ASSEMBLY, No. 4201
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: JANUARY 15, 2010

SUMMARY

- Synopsis:** Provides for programs and services for inmates and formerly incarcerated persons; and institutes certain administration procedures.
- Type of Impact:** General Fund expenditure.
- Agencies Affected:** Department of Corrections, Judiciary, Juvenile Justice Commission, State Parole Board, Motor Vehicle Commission.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate - See comments below		

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- The OLS notes that there would be an undetermined cost to the Motor Vehicle Commission to provide non-driver identification cards to released inmates and the DOC would incur an undetermined cost to provide the one-day NJ bus or rail passes.
- The bill provides for programs and services for inmates and formerly incarcerated persons and institutes certain administrative procedures.
- The Department of Corrections (DOC) states this bill would create additional costs for the DOC. However, it is not possible to estimate these costs at this time.

BILL DESCRIPTION

Assembly Bill No. 4201 (2R) of 2009 enables inmates and formerly incarcerated persons to obtain information and services that would foster rehabilitation and reduce recidivism rates.

The bill requires the Commissioner of Corrections to designate a staff member as Coordinator for Reentry and Rehabilitative Services. The coordinator is to compile and

disseminate information concerning organizations and programs, whether faith-based or secular, which provide assistance and services to inmates reentering society.

The bill requires that each inmate receive written notice of all the outstanding court imposed fines, assessments, and restitution charges for which he is responsible, as well as outstanding warrants or detainers applicable to the inmate. The bill specifies that former inmates are not required to make any payments on any of their outstanding court imposed fines, assessments or restitution charges during the first 90 days after their release. During this grace period no arrest warrants are to be issued for the nonpayment of fines, assessments, or restitution charges.

This bill also provides that State inmates, prior to their release, are to be provided with various documents, written information, and other items to enhance their ability to successfully reenter society after serving their term of incarceration.

Under the bill, State inmates are to be provided with the following:

- a. A copy of their criminal history record and written information on criminal record expungement;
- b. General written information on voting rights;
- c. General written information on the availability of programs, including faith-based programs as well as secular programs, that would assist in removing barriers to employment or participation in vocational or educational rehabilitative programs, including the availability of a certificate of rehabilitation;
- d. A detailed written record of an inmate's participation in educational, training, employment, and medical or other treatment programs while the inmate was incarcerated;
- e. A written accounting of the fines, assessments, surcharges, restitution, penalties, child support arrearages, and any other obligations due and payable upon release;
- f. A non-driver identification card issued by the New Jersey Motor Vehicle Commission;
- g. A copy of the inmate's birth certificate if the inmate was born in New Jersey;
- h. Assistance in securing a Social Security card;
- i. A one-day New Jersey bus or rail pass;
- j. A two-week supply of prescription medication;
- k. General written information concerning child support; and
- l. A copy of the inmate's full medical record.

The bill requires the commissioner to establish a consumer checking account for any inmate incarcerated in a State facility who wants such an account. Any balance left in the inmate's account held by the correctional facility is to be transferred to this checking account upon the inmate's release and the inmate is issued a debit card to access that balance.

Under the bill, the Juvenile Justice Commission or the Department of Corrections, as applicable, prior to the scheduled date of release of a juvenile or an inmate, is required to arrange for the appropriate staff at the facility to notify the applicable county welfare agency to process the reinstatement of the person in the Medicaid program if the person was enrolled in Medicaid prior to detention or incarceration.

This bill establishes an advisory commission in the Department of Corrections to be known as the "Prisoner Reentry Commission." The commission is to offer solutions to the problems facing formerly incarcerated adults and juveniles who are re-entering society. The bill also establishes a "Blue Ribbon Panel for Review of Long-Term Prisoners' Parole Eligibility" to be composed of former judges, prosecutors and public defenders who would consider the cases of prisoners who have served more than 20 years of their sentences. Under the provisions of the bill, the Blue Ribbon Panel for Review of Long-Term Prisoners' Parole Eligibility has the discretion to recommend those prisoners for parole eligibility.

Finally, the bill requires the Commissioner of Corrections to work with the Juvenile Justice Commission and the State Parole Board to establish a program to record and analyze recidivism

rates for adult and juvenile inmates released from incarceration. The purpose of this provision is to measure the effectiveness of the State's reentry initiatives and programs.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Department of Corrections

The DOC states that most items that the bill would require the DOC to provide or expand services that are currently provided. Examples of some of the costs, if expanded to all inmates are shown below.

The DOC states that the department's Office of Chaplaincy coordinates the department's faith based programs. The section requiring the Commissioner to designate a Coordinator for Reentry and Rehabilitation Services to compile and disseminate to inmates information concerning organizations and programs, whether faith-based organizations or secular programs, especially those which provide assistance and services to inmates reentering society after a period of incarceration may require additional positions and funds to expand the duties of this office.

The provision implementing the delay in the collections of remaining fines etc. for 90-days from release is currently the practice, after which the Division of Revenue is contacted and further attempts to collect the debts are instituted. Therefore, there appears to be no fiscal impact on the DOC.

The DOC notes that currently a birth certificate is provided only if requested by the inmate, at \$25 per inmate, a cost which the DOC absorbs. If every inmate required one, based on 14,000 releases annually, the total amount needed to fund this requirement would be \$350,000.

The DOC notes that currently a 14-day supply of medication is provided upon release, per the current medical contract. Therefore, there appears to be no fiscal impact on the DOC.

The DOC states that currently, the department issues cash or a check to released inmates. They are currently in the process of researching the possibility of implementing a debit card system as an alternative to cash and check disbursements. However, implementation or operating costs are not available at this time. Any consideration given to its implementation would be done as a pilot program before extending to all institutions.

The DOC notes that there is no fiscal impact on the department from the provision requiring DOC to ensure that at least 30 days prior to the scheduled date of release of an inmate that the appropriate staff at the institution notify the applicable county welfare agency to process the reinstatement of the inmate in Medicaid program if the inmate was enrolled in Medicaid prior to incarceration and continues to meet the eligibility requirements of the program.

The establishment of a "Prisoner Reentry Commission" within the DOC would generate incidental costs for travel and supplies.

With regard to the provision requiring the commissioner of DOC in conjunction with the Juvenile Justice Commission and the State Parole Board, to establish a program to record and analyze the recidivism of all inmates and juveniles adjudicated delinquent who are released from a State correctional facility or a training school, the DOC states that this requirement involves a very comprehensive and rigorous research process to identify the causes of recidivism and to remediate those factors. Such an endeavor is highly sophisticated and cannot be carried out by the limited research staff currently assigned to the DOC. This endeavor would require the creation of new positions and would require an extensive recruitment effort, at an unknown additional cost. In addition, the DOC states that the implementation of recommendations for

new or modified programs are likely to require additional funds to upgrade service to the inmate population.

The DOC notes that the responsibility for the “Blue Ribbon Panel for Review of Long-Term Prisoners’ Parole Eligibility” would fall to the State Parole Board, and therefore have no fiscal impact upon the DOC.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate.

The OLS notes that there would be an undetermined cost to the Motor Vehicle Commission to provide non-driver identification cards to released inmates.

The OLS notes that the DOC would incur an undetermined cost to provide the one-day NJ bus or rail passes.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-6 et seq.).

SENATE, No. 502

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

SYNOPSIS

Establishes "Prisoners' Reentry Bill of Rights."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



S502 TURNER

2

1 AN ACT concerning prisoner reentry, designated the “Prisoners’
2 Reentry Bill of Rights,” and supplementing 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. The Commissioner of Corrections shall provide to inmates in
9 each State correctional facility, prior to their release and in writing:

10 a. Information on their right to have their criminal records
11 expunged under chapter 52 of Title 2C of the New Jersey Statutes;

12 b. Information on their right to vote under R.S.19:4-1;

13 c. Information on the availability of programs that would assist
14 in removing barriers to their employment or participation in
15 vocational or educational rehabilitative programs, including, but not
16 limited to their rights under the “Rehabilitated Convicted Offenders
17 Act,” P.L.1968, c.282 (C.2A:168A-1 et seq.);

18 d. A detailed record of their participation in educational,
19 training, employment, and treatment programs while they were
20 incarcerated; and

21 e. An accounting of the fines, assessments, surcharges,
22 restitution, penalties, child support arrearages and any other
23 obligations due and payable by the inmates upon release.

24
25 2. The superintendent of each county correctional facility shall
26 provide to inmates in the facility, prior to their release and in
27 writing:

28 a. Information on their right to have their criminal records
29 expunged under chapter 52 of Title 2C of the New Jersey Statutes;

30 b. Information on their right to vote under R.S.19:4-1;

31 c. Information on the availability of programs that would assist
32 in removing barriers to their employment or participation in
33 vocational or educational rehabilitative programs, including, but not
34 limited to their rights under the “Rehabilitated Convicted Offenders
35 Act,” P.L.1968, c.282 (C.2A:168A-1 et seq.);

36 d. A detailed record of their participation in educational,
37 training, employment, and treatment programs while they were
38 incarcerated; and

39 e. An accounting of the fines, assessments, surcharges,
40 restitution, penalties, child support arrearages and any other
41 obligations due and payable by the inmates upon release.

42
43 3. This act shall take effect on the first day of the seventh month
44 after enactment.

1 STATEMENT

2
3 This bill would establish the “Prisoners’ Reentry Bill of Rights.”
4 Under the bill, State and county inmates, prior to their release,
5 would have to be informed, in writing, of their right to have their
6 criminal records expunged, their right to vote, and about the
7 availability of programs that would assist in removing barriers to
8 their employment or participation in vocational or educational
9 rehabilitative programs. Additionally, they would have to be
10 provided with a detailed record of their participation in educational,
11 training, employment, and treatment programs while incarcerated,
12 and be given an accounting of the fines, assessments, surcharges,
13 restitution, penalties, child support arrearages and any other
14 obligations that they owe.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 502

STATE OF NEW JERSEY

DATED: NOVEMBER 23, 2009

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill No. 502.

This committee substitute would enable inmates and formerly incarcerated persons to obtain information and services that would foster rehabilitation and reduce recidivism rates.

The substitute would require the Commissioner of Corrections to designate a staff member as Coordinator for Reentry and Rehabilitative Services. The coordinator would compile and disseminate information concerning organizations and programs, whether faith-based or secular, which provide assistance and services to inmates reentering society.

Under the provisions of the substitute, each inmate is to receive written notice of all the outstanding court imposed fines, assessments, and restitution charges for which he is responsible, as well as outstanding warrants or detainers applicable to the inmate. The substitute specifies that former inmates would not be required to make any payments on any of their outstanding court imposed fines, assessments or restitution charges during the first 90 days after their release. During this grace period no arrest warrants would be issued for the nonpayment of fines, assessments, or restitution charges.

This substitute would also provide that State and county inmates, prior to their release, would have to be provided with various documents, written information, and other items that would enhance their ability to successfully reenter society after serving their term of incarceration.

Under the substitute, State and county inmates would have to be provided with the following:

- a. A copy of their criminal history record and written information on criminal record expungement;
- b. General written information on voting rights;
- c. General written information on the availability of programs, including faith-based programs as well as secular programs, that would assist in removing barriers to employment or participation in

vocational or educational rehabilitative programs, including the availability of a certificate of rehabilitation;

d. A detailed written record of an inmate's participation in educational, training, employment, and medical or other treatment programs while the inmate was incarcerated;

e. A written accounting of the fines, assessments, surcharges, restitution, penalties, child support arrearages, and any other obligations due and payable upon release;

f. A non-driver identification card issued by the New Jersey Motor Vehicle Commission;

g. A copy of the inmate's birth certificate if the inmate was born in New Jersey;

h. Assistance in securing a Social Security card;

i. A one-day New Jersey bus or rail pass;

j. A one-month supply of prescription medication;

k. General written information concerning child support; and

l. A copy of the inmate's full medical record.

The substitute would also require the commissioner to establish a consumer checking account for an inmate who wants such an account. Any balance left in the inmate's account held by the correctional facility would be transferred to this checking account upon the inmate's release and the inmate would be issued a debit card to access that balance.

Under the substitute, the Juvenile Justice Commission or the Department of Corrections, as applicable, prior to the scheduled date of release of a juvenile or an inmate from its facility, would have to arrange for the appropriate staff at the facility to notify the applicable county welfare agency to process the reinstatement of the person in the Medicaid program if the person was enrolled in Medicaid prior to detention or incarceration.

Under the substitute, an advisory commission in the Department of Corrections to be known as the "Prisoner Reentry Commission." The commission would offer solutions to the problems facing formerly incarcerated adults and juveniles who are re-entering society. The substitute would also establish a "Blue Ribbon Panel for Review of Long-Term Prisoners' Parole Eligibility" that would be composed of former judges, prosecutors and public defenders who would consider the cases of prisoners who have served more than 20 years of their sentences. The Blue Ribbon Panel for Review of Long-Term Prisoners' Parole Eligibility would then have the discretion to recommend those prisoners for parole eligibility.

Finally, the substitute requires the Commissioner of Corrections to work with the Juvenile Justice Commission and the State Parole Board to establish a program to record and analyze recidivism rates for adult and juvenile inmates released from incarceration. The purpose of this provision is to measure the effectiveness of the State's reentry initiatives and programs.

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 502

with Senate Floor Amendments
(Proposed by Senator CUNNINGHAM)

ADOPTED: JANUARY 7, 2010

The Senate Committee Substitute for Senate Bill No. 502 requires the Commissioner of Corrections to provide inmates, before their release, various documents, information, and other items. One requirement is that the commissioner provide a non-driver identification card to former inmates. A former inmate's Department of Corrections identification card is to have a four-point value in applying for this non-driver identification card. These Assembly amendments reduce this value to two points. Another requirement is that the commissioner provide a one-month supply of prescription medication to former inmates. These Assembly amendments reduce the prescription drug requirement to a two-week supply.

The Senate amendments also remove the provision requiring county correctional facilities to provide inmates, before their release, the same information and items required to be supplied to State inmates.

Under the substitute, the Commissioner of Corrections is to designate a staff member as Coordinator for Reentry and Rehabilitative Services. The Senate amendments clarify that the coordinator may be chosen from among the current employees of the department and the chosen coordinator may continue performing his current duties and responsibilities, in addition to the duties and responsibilities of the coordinator position.

The Senate amendments further clarify that the 90-day amnesty period for repayment by inmates of outstanding fines, assessments, and restitution charges applies to inmates released from State correctional facilities.

Under the substitute, the Commissioner of Corrections is to assist an inmate in establishing a consumer checking account. The Senate amendments clarify that an inmate may issued a debit card, but it is not mandatory. Under the amendments, a consumer checking account or debit card must be established or issued in accordance with State and federal laws and regulations.

These Senate amendments make this bill identical to Assembly Bill No. 4201 (1R), as amended by the General Assembly on this same date.

FISCAL NOTE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 502
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: JANUARY 7, 2010

SUMMARY

Synopsis: Provides for programs and services for inmates and formerly incarcerated persons; institutes certain administrative procedures.

Type of Impact: General Fund expenditure, County expenditure

Agencies Affected: Department of Corrections, Judiciary, Juvenile Justice Commission, State Parole Board, Motor Vehicle Commission, County jails.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate - See comments below		
County Jail Cost	Indeterminate - See comments below		

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- The OLS notes that there would be an undetermined cost to the Motor Vehicle Commission to provide non-driver identification cards to released inmates and the DOC would incur an undetermined cost to provide the one-day NJ bus or rail passes.
- The OLS also notes that the county jails would incur an indeterminate cost to provide the services listed in this bill.
- The bill provides for programs and services for inmates and formerly incarcerated persons, institutes certain administrative procedures and creates a mental health court.
- The Department of Corrections (DOC) states this bill would create considerable additional costs for the DOC. However, it is not possible to estimate these costs at this time.

BILL DESCRIPTION

Senate Committee Substitute for Senate Bill No. 502 of 2009 would enable inmates and formerly incarcerated persons to obtain information and services that would foster rehabilitation and reduce recidivism rates.

The substitute would require the Commissioner of Corrections to designate a staff member as Coordinator for Reentry and Rehabilitative Services. The coordinator would compile and disseminate information concerning organizations and programs, whether faith-based or secular, which provide assistance and services to inmates reentering society.

Under the provisions of the substitute, each inmate is to receive written notice of all the outstanding court imposed fines, assessments, and restitution charges for which he is responsible, as well as outstanding warrants or detainers applicable to the inmate. The substitute specifies that former inmates would not be required to make any payments on any of their outstanding court imposed fines, assessments or restitution charges during the first 90 days after their release. During this grace period no arrest warrants would be issued for the nonpayment of fines, assessments, or restitution charges.

This substitute would also provide that State and county inmates, prior to their release, would have to be provided with various documents, written information, and other items that would enhance their ability to successfully reenter society after serving their term of incarceration.

Under the substitute, State and county inmates would have to be provided with the following:

- a. A copy of their criminal history record and written information on criminal record expungement;
- b. General written information on voting rights;
- c. General written information on the availability of programs, including faith-based programs as well as secular programs, that would assist in removing barriers to employment or participation in vocational or educational rehabilitative programs, including the availability of a certificate of rehabilitation;
- d. A detailed written record of an inmate's participation in educational, training, employment, and medical or other treatment programs while the inmate was incarcerated;
- e. A written accounting of the fines, assessments, surcharges, restitution, penalties, child support arrearages, and any other obligations due and payable upon release;
- f. A non-driver identification card issued by the New Jersey Motor Vehicle Commission;
- g. A copy of the inmate's birth certificate if the inmate was born in New Jersey;
- h. Assistance in securing a Social Security card;
- i. A one-day New Jersey bus or rail pass;
- j. A one-month supply of prescription medication;
- k. General written information concerning child support; and
- l. A copy of the inmate's full medical record.

The substitute would also require the commissioner to establish a consumer checking account for an inmate who wants such an account. Any balance left in the inmate's account held by the correctional facility would be transferred to this checking account upon the inmate's release and the inmate would be issued a debit card to access that balance.

Under the substitute, the Juvenile Justice Commission or the DOC, as applicable, prior to the scheduled date of release of a juvenile or an inmate from its facility, would have to arrange for the appropriate staff at the facility to notify the applicable county welfare agency to process the reinstatement of the person in the Medicaid program if the person was enrolled in Medicaid prior to detention or incarceration.

Under the substitute, an advisory commission in the DOC to be known as the "Prisoner Reentry Commission." The commission would offer solutions to the problems facing formerly

incarcerated adults and juveniles who are re-entering society. The substitute would also establish a “Blue Ribbon Panel for Review of Long-Term Prisoners’ Parole Eligibility” that would be composed of former judges, prosecutors and public defenders who would consider the cases of prisoners who have served more than 20 years of their sentences. The Blue Ribbon Panel for Review of Long-Term Prisoners’ Parole Eligibility would then have the discretion to recommend those prisoners for parole eligibility.

Finally, the substitute requires the Commissioner of Corrections to work with the Juvenile Justice Commission and the State Parole Board to establish a program to record and analyze recidivism rates for adult and juvenile inmates released from incarceration.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Department of Corrections

The DOC states that most items that the bill would require the DOC to provide or expand services that are currently provided. Examples of some of the costs, if expanded to all inmates are shown below.

The DOC states that the department’s Office of Chaplaincy coordinates the department’s faith based programs. The section requiring the Commissioner to designate a Coordinator for Reentry and Rehabilitation Services to compile and disseminate to inmates information concerning organizations and programs, whether faith-based organizations or secular programs, especially those which provide assistance and services to inmates reentering society after a period of incarceration may require additional positions and funds to expand the duties of this office.

The provision implementing the delay in the collections of remaining fines etc. for 90-days from release is currently the practice, after which the Division of Revenue is contacted and further attempts to collect the debts are instituted. Therefore, there appears to be no fiscal impact on the DOC.

The DOC notes that currently a birth certificate is provided only if requested by the inmate, at \$25 per inmate, a cost which the DOC absorbs. If every inmate required one, based on 14,000 releases annually, the total amount needed to fund this requirement would be \$350,000.

The DOC notes that currently a 14-day supply of medication is provided upon release, per the current medical contract. By expanding the prescription drug supply to one month, the DOC would double its costs. Because this is included in the department’s medical contract, the portion of the pharmacy cost attributable to released inmates is unknown. However, the increased medication supply would result in an increase in the cost of department’s medical services contract.

The DOC states that currently, the department issues cash or a check to released inmates. They are currently in the process of researching the possibility of implementing a debit card system as an alternative to cash and check disbursements. However, implementation or operating costs are not available at this time. Any consideration given to its implementation would be done as a pilot program before extending to all institutions.

The DOC notes that there is no fiscal impact on the department from the provision requiring DOC to ensure that at least 30 days prior to the scheduled date of release of an inmate that the appropriate staff at the institution notify the applicable county welfare agency to process the reinstatement of the inmate in Medicaid program if the inmate was enrolled in Medicaid prior to incarceration and continues to meet the eligibility requirements of the program.

The establishment of a “Prisoner Reentry Commission” within the DOC would generate incidental costs for travel and supplies.

With regard to the provision requiring the commissioner of DOC in conjunction with the Juvenile Justice Commission and the State Parole Board, to establish a program to record and analyze the recidivism of all inmates and juveniles adjudicated delinquent who are released from a State correctional facility or a training school, the DOC states that this requirement involves a very comprehensive and rigorous research process to identify the causes of recidivism and to remediate those factors. Such an endeavor is highly sophisticated and cannot be carried out by the limited research staff currently assigned to the DOC. This endeavor would require the creation of new positions and would require an extensive recruitment effort, at an unknown additional cost. In addition, the DOC states that the implementation of recommendations for new or modified programs are likely to require additional funds to upgrade service to the inmate population.

The DOC notes that the responsibility for the “Blue Ribbon Panel for Review of Long-Term Prisoners’ Parole Eligibility” would fall to the State Parole Board, and therefore have no fiscal impact upon the DOC.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate.

The OLS notes that there would be an undetermined cost to the Motor Vehicle Commission to provide non-driver identification cards to released inmates.

The OLS notes that the DOC would incur an undetermined cost to provide the one-day NJ bus or rail passes.

The OLS also notes that the county jails would incur an indeterminate cost to provide the services listed in this bill.

Section: Judiciary

*Analyst: Anne Raughley
 Principal Fiscal Analyst*

*Approved: David J. Rosen
 Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-6 et seq.).

FISCAL NOTE

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 502

STATE OF NEW JERSEY

213th LEGISLATURE

DATED: JANUARY 15, 2010

SUMMARY

- Synopsis:** Provides for programs and services for inmates and formerly incarcerated persons; and institutes certain administration procedures.
- Type of Impact:** General Fund expenditure.
- Agencies Affected:** Department of Corrections, Judiciary, Juvenile Justice Commission, State Parole Board, Motor Vehicle Commission.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate - See comments below		

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- The OLS notes that there would be an undetermined cost to the Motor Vehicle Commission to provide non-driver identification cards to released inmates and the DOC would incur an undetermined cost to provide the one-day NJ bus or rail passes.
- The committee substitute provides for programs and services for inmates and formerly incarcerated persons and institutes certain administrative procedures.
- The Department of Corrections (DOC) states this committee substitute would create additional costs for the DOC. However, it is not possible to estimate these costs at this time.

BILL DESCRIPTION

Senate Committee Substitute for Senate Bill No. 502 (1R) of 2008 enables inmates and formerly incarcerated persons to obtain information and services that would foster rehabilitation and reduce recidivism rates.

The committee substitute requires the Commissioner of Corrections to designate a staff member as Coordinator for Reentry and Rehabilitative Services. The coordinator is to compile and disseminate information concerning organizations and programs, whether faith-based or secular, which provide assistance and services to inmates reentering society.

The committee substitute requires that each inmate receive written notice of all the outstanding court imposed fines, assessments, and restitution charges for which he is responsible, as well as outstanding warrants or detainers applicable to the inmate. The committee substitute specifies that former inmates are not required to make any payments on any of their outstanding court imposed fines, assessments or restitution charges during the first 90 days after their release. During this grace period no arrest warrants are to be issued for the nonpayment of fines, assessments, or restitution charges.

This committee substitute also provides that State inmates, prior to their release, are to be provided with various documents, written information, and other items to enhance their ability to successfully reenter society after serving their term of incarceration.

Under the committee substitute, State inmates are to be provided with the following:

- a. A copy of their criminal history record and written information on criminal record expungement;
- b. General written information on voting rights;
- c. General written information on the availability of programs, including faith-based programs as well as secular programs, that would assist in removing barriers to employment or participation in vocational or educational rehabilitative programs, including the availability of a certificate of rehabilitation;
- d. A detailed written record of an inmate's participation in educational, training, employment, and medical or other treatment programs while the inmate was incarcerated;
- e. A written accounting of the fines, assessments, surcharges, restitution, penalties, child support arrearages, and any other obligations due and payable upon release;
- f. A non-driver identification card issued by the New Jersey Motor Vehicle Commission;
- g. A copy of the inmate's birth certificate if the inmate was born in New Jersey;
- h. Assistance in securing a Social Security card;
- i. A one-day New Jersey bus or rail pass;
- j. A two-week supply of prescription medication;
- k. General written information concerning child support; and
- l. A copy of the inmate's full medical record.

The committee substitute requires the commissioner to establish a consumer checking account for any inmate incarcerated in a State facility who wants such an account. Any balance left in the inmate's account held by the correctional facility is to be transferred to this checking account upon the inmate's release and the inmate is issued a debit card to access that balance.

Under the committee substitute, the Juvenile Justice Commission or the Department of Corrections, as applicable, prior to the scheduled date of release of a juvenile or an inmate, is required to arrange for the appropriate staff at the facility to notify the applicable county welfare agency to process the reinstatement of the person in the Medicaid program if the person was enrolled in Medicaid prior to detention or incarceration.

This committee substitute establishes an advisory commission in the Department of Corrections to be known as the "Prisoner Reentry Commission." The commission is to offer solutions to the problems facing formerly incarcerated adults and juveniles who are re-entering society. The committee substitute also establishes a "Blue Ribbon Panel for Review of Long-Term Prisoners' Parole Eligibility" to be composed of former judges, prosecutors and public defenders who would consider the cases of prisoners who have served more than 20 years of their sentences. Under the provisions of the committee substitute, the Blue Ribbon Panel for

Review of Long-Term Prisoners' Parole Eligibility has the discretion to recommend those prisoners for parole eligibility.

Finally, the committee substitute requires the Commissioner of Corrections to work with the Juvenile Justice Commission and the State Parole Board to establish a program to record and analyze recidivism rates for adult and juvenile inmates released from incarceration. The purpose of this provision is to measure the effectiveness of the State's reentry initiatives and programs.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Department of Corrections

The DOC states that most items that the committee substitute would require the DOC to provide or expand services that are currently provided. Examples of some of the costs, if expanded to all inmates are shown below.

The DOC states that the department's Office of Chaplaincy coordinates the department's faith based programs. The section requiring the Commissioner to designate a Coordinator for Reentry and Rehabilitation Services to compile and disseminate to inmates information concerning organizations and programs, whether faith-based organizations or secular programs, especially those which provide assistance and services to inmates reentering society after a period of incarceration may require additional positions and funds to expand the duties of this office.

The provision implementing the delay in the collections of remaining fines etc. for 90-days from release is currently the practice, after which the Division of Revenue is contacted and further attempts to collect the debts are instituted. Therefore, there appears to be no fiscal impact on the DOC.

The DOC notes that currently a birth certificate is provided only if requested by the inmate, at \$25 per inmate, a cost which the DOC absorbs. If every inmate required one, based on 14,000 releases annually, the total amount needed to fund this requirement would be \$350,000.

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The DOC notes that there is no fiscal impact on the department from the provision requiring DOC to ensure that at least 30 days prior to the scheduled date of release of an inmate that the appropriate staff at the institution notify the applicable county welfare agency to process the reinstatement of the inmate in Medicaid program if the inmate was enrolled in Medicaid prior to incarceration and continues to meet the eligibility requirements of the program.

The establishment of a "Prisoner Reentry Commission" within the DOC would generate incidental costs for travel and supplies.

With regard to the provision requiring the commissioner of DOC in conjunction with the Juvenile Justice Commission and the State Parole Board, to establish a program to record and analyze the recidivism of all inmates and juveniles adjudicated delinquent who are released from a State correctional facility or a training school, the DOC states that this requirement involves a very comprehensive and rigorous research process to identify the causes of recidivism and to

remediate those factors. Such an endeavor is highly sophisticated and cannot be carried out by the limited research staff currently assigned to the DOC. This endeavor would require the creation of new positions and would require an extensive recruitment effort, at an unknown additional cost. In addition, the DOC states that the implementation of recommendations for new or modified programs are likely to require additional funds to upgrade service to the inmate population.

The DOC notes that the responsibility for the “Blue Ribbon Panel for Review of Long-Term Prisoners’ Parole Eligibility” would fall to the State Parole Board, and therefore have no fiscal impact upon the DOC.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate.

The OLS notes that there would be an undetermined cost to the Motor Vehicle Commission to provide non-driver identification cards to released inmates.

The OLS notes that the DOC would incur an undetermined cost to provide the one-day NJ bus or rail passes.

Section: Judiciary

*Analyst: Anne Raughley
 Principal Fiscal Analyst*

*Approved: David J. Rosen
 Legislative Budget and Finance Officer*

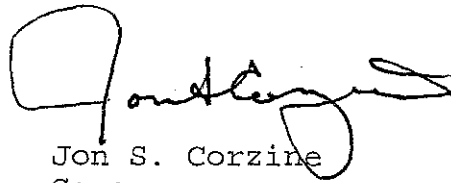
This fiscal note has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-6 et seq.).

GOVERNOR'S STATEMENT UPON SIGNING
ASSEMBLY BILL NO. 4201
(Second Reprint)

In approving Assembly Bill No. 4201 (Second Reprint) (2009), it is my understanding, based on advice from the Office of the Attorney General, that the "Blue Ribbon Panel for Review of Long-Term Prisoners' Parole Eligibility" called for under the bill would provide advisory recommendations only, and would in no way function to authorize the State Parole Board or the Department of Corrections to release individuals on parole supervision who are not eligible for parole release under the currently applicable sentencing and parole laws and regulations. Instead, this section of the bill would authorize this panel, once constituted, to make recommendations to parole panels that are considering whether to parole people who may be eligible under the law for parole release. Thus, I approve this bill with the understanding that this provision in no way changes the current parole eligibility laws. Furthermore, I understand that this provision of the bill would not in any way apply to anyone sentenced to life imprisonment without parole or to any case of an inmate who is not otherwise eligible for parole consideration under the currently applicable legal standards, which are in no way modified by this bill.

Date:

1/18/10



Jon S. Corzine
Governor

Attest:



William J. Castner, Jr.
Chief Counsel to the Governor