

30:1A-1 ET AL.

LEGISLATIVE HISTORY CHECKLIST

NJSA 30:1A-1 et al. ("Department of Corrections Act")

Laws of 1976 Chapter 98

Bill No. A1912

Sponsor(s) Deverin & others

Date Introduced May 17, 1976

Committee: Assembly Institutions, Health & Welfare

Senate Institutions, Health & Welfare

Amended during passage Yes No Amendments during passage denoted by asterisks.

Date of passage: Assembly June 14, 1976

Senate Sept. 27, 1976

Date of approval October 5, 1976

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

974.90 N.J. Legislature. Senate. Committee on Institutions,
R424 Health & Welfare.
1976c Public hearing on reorganization of the Department
of Institutions and Agencies [Senate Bill S35].
Held April 28, 1976. Trenton.

(over)

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10/4/76
JAN 1978

- 974.90 N.J. Legislature. Senate. Committee on Institutions, Health and Welfare.
R424 and Welfare.
1976d On the reorganization of the Department of Institutions and Agencies. Trenton, June, 1976.
- 974.90 N.J. Correctional Master Plan Policy.
P959 New Jersey Correctional Master Plan. Trenton, 1977.
1977a 2v.

For background see:

- 974.90 N.J. Legislature. Senate. Committee on Institutions and Welfare.
I52
1971 Public hearing on S2260 [Organization and reorganization of the Department of Institutions and Agencies]. May 27, 1971, Trenton.
- 974.90 N.J. Legislature. Senate. Institutions, Health and Welfare Committee.
M549
1972b Public hearing on Senate Bill S1134 [Establishing a Department of Human Services as a principal department in the Executive Branch of State Government]. Dec. 7, 1972, Trenton.

CHAPTER 98 LAWS OF N. J. 19 76
APPROVED 10-5-76

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1912

STATE OF NEW JERSEY

INTRODUCED MAY 17, 1976

By Assemblymen DEVERIN, HAMILTON, OTLOWSKI, KARCHER,
BORNHEIMER, GREGORIO, SNEDEKER, VISOTCKY and
SAXTON

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning the organization and reorganization of the State Government, establishing a Department of Corrections as a principal department in the Executive Branch, changing the name of the Department of Institutions and Agencies to the Department of Human Services and continuing it as a principal department in the Executive Branch, transferring the State School District for Institutions to the Department of Education ******[, and making an appropriation]******.

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

1 1. This act shall be known and may be cited as the "Department
2 of Corrections Act of 1976."

1 2. There is hereby established in the Executive Branch of the
2 State Government a principal department which shall be known as
3 the Department of Corrections.

4 As used in this act, unless the context clearly indicates otherwise,
5 "department" means the Department of Corrections.

1 *3. *The Legislature hereby finds and declares that the purpose*
2 *of the department shall be to protect the public and to provide for*
3 *the custody, care, discipline, training and treatment of persons*
4 *committed to State correctional institutions or on parole; to super-*
5 *vise and assist in the treatment and training of persons in local*
6 *correctional and detention facilities, so that such persons may be*
7 *prepared for release and reintegration into the community; and*
8 *to cooperate with the other law enforcement agencies of this State*
9 *to encourage a more unified system of criminal justice.*

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

10 *The Legislature further finds and declares that:*

11 *a. There is a need to:*

12 *(1) Provide maximum-security confinement of those offenders*
 13 *whose demonstrated propensity to acts of violence requires their*
 14 *separation from the community;*

15 *(2) Develop alternatives to conventional incarceration for those*
 16 *offenders who can be dealt with more effectively in less restrictive,*
 17 *community-based facilities and programs; and*

18 *(3) Separate juvenile offenders from the adult offender popu-*
 19 *lation and develop programs and services for juvenile offenders*
 20 *which recognize their special needs;*

21 *b. The environment for incarcerated persons should encourage*
 22 *the possibilities of rehabilitation and reintegration into the com-*
 23 *munity; and,*

24 *c. The incarcerated offender should be protected from victimiza-*
 25 *tion within the Institution.**

1 ***[3.]**4.*** The head and chief executive officer of the department
 2 shall be a commissioner, who shall be known as the Commissioner of
 3 Corrections. The commissioner shall be appointed by the Governor,
 4 with the advice and consent of the Senate, and shall serve at the
 5 pleasure of the Governor during the Governor's term of office and
 6 until the appointment and qualification of his successor. The com-
 7 missioner shall receive such salary as shall be provided by law.
 8 He shall devote his entire time to the performance of his duties.

1 ***[4.]* *5.*** a. The commissioner may appoint one ****[deputy]****
 2 ****deputy**** and such assistant commissioners as he shall deem
 3 necessary to serve at the pleasure of the commissioner. Each
 4 deputy or assistant commissioner shall exercise such powers and
 5 perform such duties as the commissioner shall prescribe. The com-
 6 missioner shall designate one department official to exercise the
 7 powers and perform the duties of the commissioner during his
 7A disability or absence.

8 b. The commissioner shall have the authority to establish, organize
 9 and maintain in the department such administrative divisions to
 10 perform all necessary personnel, planning, budget and finance,
 11 facilities and equipment services for the department and to assign
 12 such personnel thereto as he shall deem necessary.

1 ***[5.]* *6.*** The commissioner, as administrator and chief execu-
 2 tive officer of the department, shall:

3 a. Administer the work of the department;

4 b. Appoint and remove officers and other personnel employed
 5 within the department, subject to the provisions of Title 11 of the

- 6 Revised Statutes, Civil Service, and other applicable statutes, ex-
7 cept as herein otherwise specifically provided;
- 8 c. Perform, exercise and discharge the functions, powers and
9 duties of the department through such divisions as may be estab-
10 lished by this act or otherwise by law;
- 11 d. Organize the work of the department in such divisions, not
12 inconsistent with the provision of this act, and in such bureaus and
13 other organizational units as he may determine to be necessary for
14 efficient and effective operation;
- 15 e. Formulate, adopt, issue and promulgate, in the name of the
16 department such rules and regulations for the efficient conduct of
17 the work and general administration of the department, the institu-
18 tions or noninstitutional agencies within its jurisdiction, its officers
19 and employees as may be authorized by law;
- 20 f. Determine all matters relating to the unified and continuous
21 development of the institutions and noninstitutional agencies within
22 his jurisdiction;
- 23 g. Determine all matters of policy and regulate the administra-
24 tion of the institutions or noninstitutional agencies within his
25 jurisdiction, correct and adjust the same so that each shall function
26 as an integral part of a general system. The rules, regulations,
27 orders and directions promulgated by the commissioner for this
28 purpose shall be accepted and enforced by the executive having
29 charge of any institution or group of institutions or noninstitutional
30 agencies or any phase of the work within the jurisdiction of the
31 department;
- 32 h. Institute or cause to be instituted such legal proceedings or
33 processes as may be necessary to enforce properly and give effect
34 to any of his powers or duties; for the purpose of any such investi-
35 gation, he may cause to be examined under oath any and all persons
36 whatsoever and compel by subpoena the attendance of witnesses
37 and the production of such books, records, accounts, papers and
38 other documents as are appropriate. If a witness fails without
39 good cause to attend, testify or produce such records or documents
40 as are directed in the subpoena, he shall be punished in the manner
41 provided for the punishment of any witness who disobeys a sum-
42 mons or subpoena issued from a court of record in this State;
- 43 i. Make a report in each year to the Governor and to the Legis-
44 lature of the department's operations for the preceding fiscal year,
45 and render such other reports as the Governor shall from time to
46 time request or as may be required by law;
- 47 j. Appoint such advisory committees as may be desirable to advise
48 and assist the department or a division in carrying out its functions
49 and duties;

50 k. Maintain suitable headquarters for the department and such
 51 other quarters as he shall deem necessary to the proper functioning
 52 of the department; ****[and]****

53 ***l. Develop and from time to time revise and maintain a com-
 54 prehensive master plan for the State's correctional system which
 55 shall indicate, among other things, the department's goals, objec-
 56 tives, resources and needs;*

57 *m. Promote the development of alternatives to conventional in-
 58 carceration for those offenders who can be dealt with more effec-
 59 tively in less restrictive, community-based facilities;*

60 *n. Provide for the separation of juvenile offenders from the
 61 adult offender population and the development of programs and
 62 services for juveniles which promote their rehabilitation and rec-
 63 ognize their special needs;*

64 *o. Promote a unified criminal justice system, including the in-
 65 tegration of State and local correctional programs and probation
 66 and parole services;*

67 *p. Provide for the timely and efficient collection and analysis
 68 of data regarding the correctional system to insure the continuing
 69 review and evaluation of correctional services, policies and pro-
 70 cedures; and***

71 ****[l.]** **q.**** Perform such other functions as may be pre-
 72 scribed in this act or by any other law.

1 ***[6.]* *7.*** The commissioner shall arrange for personal contact
 2 with each of the institutions and the work of the noninstitutional
 3 agencies by visitations and by such other means as he may deter-
 4 mine to be necessary and proper, so that he may be as nearly as
 5 is practicable continually in touch with and informed concerning
 6 the general conditions and progress of the several institutions and
 7 noninstitutional agencies and the general results of the manage-
 8 ment thereof and the condition and welfare of the inmates and
 9 other persons committed or admitted. The commissioner shall visit
 10 and inspect each institution at least semiannually, at periods which
 11 shall not be fixed in advance.

1 ***[7.]* *8.*** The following correctional institutions of this State
 2 are hereby transferred from the Department of Institutions and
 3 Agencies to the Department of Corrections established hereunder:

4 State Prison, Trenton
 5 State Prison, Rahway
 6 State Prison, Leesburg
 7 Youth Reception and Correction Center, Yardville
 8 Youth Correctional Institution, Bordentown
 9 Correctional Institution for Women, Clinton

10 Youth Correctional Institution, Annandale

11 Training School for Boys, Jamesburg

12 Training School for Girls, Trenton

13 Training School for Boys, Skillman

14 Adult Diagnostic and Treatment Center, Avenel

15 Any State institution and satellite facilities heretofore or here-
16 after established for any purpose similar to the above institutions
17 and agencies shall be assigned to and maintained and operated
18 by the Department of Corrections.

1 ***[8.]*** *9.* All functions, powers and duties of the exist-
2 ing Division of Correction and Parole, the Department of Institutions and
3 Agencies, and the Commissioner of Institutions and Agencies with
4 respect to all matters affecting State correctional institutions as
5 defined herein, are hereby transferred to the Department of Cor-
6 rections and Commissioner of Corrections established hereunder.

1 ***[9.]*** *10.* All functions, powers and duties of the Commis-
2 sioner of Institutions and Agencies and the Department of Insti-
3 tutions and Agencies with respect to all county and city jails or
4 places of detention, county or city workhouses, county peniten-
5 tiaries, county and municipal schools of detention, privately main-
6 tained institutions and noninstitutional agencies and juvenile
7 detention facilities for the care, treatment, government and dis-
8 cipline of inmates are hereby transferred to the Department of
9 Corrections established hereunder. The commissioner may, in
10 accordance with the Administrative Procedure Act, P. L. 1968,
11 c. 410 (C. 52:14B-1 et seq.), promulgate such rules and regulations
12 as he shall deem necessary to establish minimum standards for
13 such care, treatment, government and discipline.

1 ***[10.]*** *11.* All functions, powers and duties of the Department
2 of Institutions and Agencies with respect to county work release
3 and vocational training release programs are hereby transferred
4 to the Department of Corrections established hereunder.

1 ***[11.]*** *12.* All appropriations and other moneys available and
2 to become available to any department, division, bureau, board or
3 other agency, the functions, powers and duties of which have been
4 assigned or transferred herein, are hereby transferred to the De-
5 partment of Corrections established hereunder, and shall be avail-
6 able for the objects and purposes for which appropriated, subject
7 to any terms, restrictions, limitations or other requirements im-
8 posed by State or Federal law.

1 ***[12.]*** *13.* Such employees of any department, division,
2 bureau, board or other agency, the functions, powers and duties of
3 which have been herein assigned or transferred to the Department

4 of Corrections or to any agency designated continued or constituted
5 hereunder as the Commissioner of Corrections may determine are
6 needed for the proper performance of the functions and duties
7 imposed upon the Department of Corrections, or agency therein,
8 are hereby transferred to the department or agency to which such
9 functions, powers and duties have been herein assigned or trans-
10 ferred.

1 ***[13.]*** *14.* Nothing in this act shall be construed to deprive
2 any person of any tenure rights or of any right or protection pro-
3 vided him by Title 11 of the Revised Statutes, Civil Service, or
4 under any pension law or retirement system.

1 ***[14.]*** *15.* Any employee not appointed or transferred pur-
2 suant to this act may exercise any special reemployment rights and
3 may also exercise within all departments of the Executive Branch
4 all other layoff rights which would have been available to said
5 employee in the Department of Institutions and Agencies if the
6 Department of Corrections had not been established.

1 ***[15.]*** *16.* All files, books, papers, records, equipment and
2 other property of any department, division, bureau, board or other
3 agency, the functions, powers and duties of which have been herein
4 assigned or transferred to the Department of Corrections or to any
5 agency designated, continued or constituted hereunder, shall upon
6 the effective date of this act be transferred to the department or
7 agency to which such assignment or transfer has been made here-
8 under.

1 ***[16.]*** *17.* This act shall not affect the orders, rules and regu-
2 lations heretofore made or promulgated by any department, divi-
3 sion, bureau, board or other agency, the functions, powers and
4 duties of which have been herein assigned or transferred to the
5 Department of Corrections or to any agency designated, continued
6 or constituted hereunder; but such orders, rules and regulations
7 shall continue with full force and effect until amended or repealed
8 pursuant to law.

1 ***[17.]*** *18.* This act shall not affect actions or proceedings,
2 civil or criminal, brought by or against any department, division,
3 bureau, board or other agency, the functions, powers and duties of
4 which have been herein assigned or transferred to the Department
5 of Corrections or to any agency designated, continued or consti-
6 tuted hereunder, and pending on the effective date of this act, but
7 such actions or proceedings may be prosecuted or defended in the
8 same manner and to the same effect by the department or agency
9 to which such assignment or transfer has been made hereunder, as

10 if the foregoing provisions had not taken effect, nor shall any of
11 the foregoing provisions affect any order or recommendation made
12 by, or other matters or proceedings before, any department, divi-
13 sion, bureau, board or other agency, the functions, powers and
14 duties of which have been herein assigned or transferred to the
15 Department of Corrections or to any agency designated, continued
16 or constituted hereunder, and all such matters or proceedings pend-
17 ing before such department, division, bureau, board or other agency
18 on the effective date of this act shall be continued by the depart-
19 ment or agency to which such assignment or transfer has been made
20 hereunder, as if the foregoing provisions had not taken effect.

1 ***[18.]*** *19.* Unless specifically otherwise provided in this act
2 or by any operative law, whenever, pursuant to existing law, re-
3 ports, certifications, applications or requests are required or per-
4 mitted to be made to the department, division, bureau, board or
5 other agency, whose powers and duties are herein assigned or
6 transferred, such reports and certifications shall hereafter be re-
7 quired to be filed with, and such applications or requests shall
8 hereafter be made to, the department or agency to which such
9 assignment or transfer has been made hereunder.

1 ***[19.]*** *20.* With respect to the functions, powers and duties
2 hereby transferred to the Department of Corrections, whenever in
3 any law, rule, regulation, judicial or administrative proceeding or
4 otherwise, reference is made to the Division of Correction and
5 Parole within the Department of Institutions and Agencies or to
6 the Department of Institutions and Agencies with respect to cor-
7 rectional institutions as defined herein, or to the Commissioner of
8 Institutions and Agencies with respect to correctional institutions
9 as defined herein, the same shall mean and refer to the Department
10 of Corrections and the Commissioner of Corrections, respectively.

1 ***[20.]*** *21.* All the powers, functions and duties heretofore
2 exercised by the State Board of Institutional Trustees pursuant to
3 Title 30 of the New Jersey Statutes with respect to correctional
4 institutions as defined herein are hereby transferred to and vested
5 in the Commissioner of Corrections.

1 ***[21.]*** *22.* The State Parole Board in the Department of In-
2 stitutions and Agencies, together with all of its functions, powers
3 and duties, is continued but such board is hereby transferred to the
4 Department of Corrections established hereunder. All personnel,
5 appropriations, books, papers, records and property necessary to
6 the operation of the existing State Parole Board are likewise trans-
7 ferred. All rules, regulations, acts, determinations and decisions

8 in force at the time of such transfer proceedings or other such
9 matters undertaken or commenced by the State Parole Board shall
10 continue in force.

1 *~~[22.]~~* *23.* The State School District for Institutions within
2 the Department of Institutions* and Agencies, together with all of
3 its functions, powers and duties, is continued but such State School
4 District is hereby transferred to the Department of Education. All
5 personnel, appropriations, books, papers and property necessary
6 to the operation of the existing State School District are likewise
7 transferred. All rules, regulations, acts, determinations and de-
8 cisions in force at the time of such transfer proceedings or other
9 such matters undertaken or commenced by the State School Dis-
10 trict shall continue in force.

1 *~~[23.]~~* *24.* a. There is hereby created within the Department
2 of Corrections an Advisory Council on Corrections to consult with
3 and advise the commissioner. The Advisory Council shall consist
4 of seven citizen members who shall be residents of this State to be
5 appointed by the Governor with the advice and consent of the
6 Senate. The Governor or his designee; the Commissioner of *~~[In-~~
7 stitutions and Agencies]* *Human Services*, the Commissioner
8 of Labor and Industry, the Commissioner of Education *, the
9 Attorney General, the Director of the Administrative Office of the
10 Courts* and the Commissioner of Corrections, or their designees,
10A shall serve as ex-officio members during their terms of office.

11 The members appointed by the Governor pursuant to this act
12 shall be appointed for terms of 4 years; provided, however, of the
13 members first appointed, two shall be appointed for a term of 4
14 years; two for a term of 3 years; two for a term of 2 years; and
15 one for a term of 1 year. All appointed members shall continue
16 to serve after the expiration of their terms until their successors
17 are appointed and shall qualify. In the case of a vacancy, a new
18 member shall be appointed for the remainder of the unexpired
19 term. Members of the advisory council shall receive no compensa-
20 tion for services but shall be reimbursed for actual necessary and
21 reasonable expenditures incurred in the performance of their du-
22 ties. The members shall annually elect a chairperson from among
23 their membership.

24 The department shall provide the advisory council with reason-
25 able administrative and clerical support services, subject to the
26 availability of funds.

27 b. The advisory council shall:

28 (1) Conduct research on institutional needs;

29 (2) Review and make recommendations to the commissioner
30 with respect to budget requests from the institutions;

31 (3) Encourage cooperation between public and private institu-
32 tions;

33 (4) Periodically review existing programs of care, training, re-
34 habilitation, research, and public service in the public institutions
35 of this and other states and new developments in the various fields
36 of the department's responsibility and advise the commissioner
37 on desirable change;

38 (5) Consult with and make recommendations to the commissioner
39 as it deems necessary with regard to services, lands, buildings and
40 equipment to be furnished by the department and its institutions;

41 (6) Visit the institutions under the supervision or control of the
42 department to examine into their manner of operation and to ad-
43 vise the commissioner on their observations;

44 (7) Review and make recommendations to the commissioner with
45 respect to budget requests to be submitted by the commissioner;
46 and

47 (8) Make an annual report to the commissioner and the Governor
48 and such other reports as it may deem proper from time to time or
49 as may be requested by the commissioner.

50 *** (9) Make recommendations for the consideration of the com-
51 missioner with regard to the appointment of members of the boards
52 of trustees of the various correctional institutions. ***

1 **[24.]* *25.** All the functions, powers and duties of the existing
2 Department of Institutions and Agencies and the commissioner
3 thereof not herein transferred to the Department of Corrections are
4 continued; provided, however, that the Department of Institutions
5 and Agencies continued hereunder shall hereinafter be known and
6 referred to as the Department of Human Services. With respect
7 to the functions, powers and duties of the Department of Institu-
8 tions and Agencies not herein transferred to the Department of
9 Corrections, whenever in any law, rule, regulation, judicial or ad-
10 ministrative proceeding or otherwise, reference is made to the
11 Department of Institutions and Agencies, or to the Commissioner
12 of Institutions and Agencies, the same shall mean and refer to the
13 Department of Human Services and the Commissioner of Human
14 Services, respectively.

1 **[25.]* *26.** The transfers directed by this act shall be effected
2 pursuant to the "State Agency Transfer Act," P. L. 1971, c. 375
3 (C. 52:14D-1 et seq.).

1 *~~26.~~* ~~27.~~* The commissioner may, in accordance with the
 2 Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B-1 et
 3 seq.), promulgate such rules and regulations as are necessary to
 4 effectuate the purposes of this act.

1 *~~27.~~* ~~28.~~* The salary of the commissioner which by the pro-
 2 visions of this act is to be fixed by law, shall be at the annual rate
 3 of \$43,000.00.

1 *~~28.~~* ~~29.~~* There is hereby appropriated to the Department
 2 of Corrections the sum of \$500,000.00 for the purposes of this
 3 act.**

1 *~~29.~~* ~~30.~~* ~~29.~~* All acts and parts of acts inconsistent
 2 with any of the provisions of this act are, to the extent of such
 3 inconsistency, superseded and repealed.

1 *~~30.~~* ~~31.~~* ~~30.~~* If any clause, sentence, paragraph,
 2 section or part of this act shall be adjudged by any court of compe-
 3 tent jurisdiction to be invalid, such judgment shall not affect,
 4 impair or invalidate the remainder thereof, but shall be confined
 5 in its operation to the clause, sentence, paragraph, section or part
 6 thereof directly involved in the controversy in which such judg-
 7 ment shall have been rendered.

1 *~~31.~~* ~~32.~~* ~~31.~~* The provisions of this act shall
 2 become effective ~~September~~ ~~October~~ ~~November~~
 3 1, 1976. Anticipatory actions appropriate and necessary to effect
 4 the establishment of the department are authorized to be accom-
 5 plished as promptly as possible in advance thereof including the
 6 making of authorized appointments and confirmation or approval
 7 thereof, and, within the limits of appropriations to the department,
 8 the expenditure of funds for payment of salaries and expenses
 9 incident thereto.

ASSEMBLY, No. 1912

STATE OF NEW JERSEY

INTRODUCED MAY 17, 1976

By Assemblymen DEVERIN, HAMILTON, OTLOWSKI, KARCHER,
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Referred to Committee on Institutions, Health and Welfare

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4 with the advice and consent of the Senate, and shall serve at the
5 pleasure of the Governor during the Governor's term of office and
6 until the appointment and qualification of his successor. The com-
7 missioner shall receive such salary as shall be provided by law.
8 He shall devote his entire time to the performance of his duties.

1 4. a. The commissioner may appoint one deputy and such assistant
2 commissioners as he shall deem necessary to serve at the pleasure
3 of the commissioner. Each deputy or assistant commissioner shall

4 exercise such powers and perform such duties as the commissioner
5 shall prescribe. The commissioner shall designate one department
6 official to exercise the powers and perform the duties of the com-
7 missioner during his disability or absence.

8 b. The commissioner shall have the authority to establish, organize
9 and maintain in the department such administrative divisions to
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12 such personnel thereto as he shall deem necessary.

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2 of the department, shall:

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5 within the department, subject to the provisions of Title 11 of the
6 Revised Statutes, Civil Service, and other applicable statutes, ex-
7 cept as herein otherwise specifically provided;

8 c. Perform, exercise and discharge the functions, powers and
9 duties of the department through such divisions as may be estab-
10 lished by this act or otherwise by law;

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19 and employees as may be authorized by law;

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22 his jurisdiction;

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 6 State Prison, Leesburg
 7 Youth Reception and Correction Center, Yardville
 8 Youth Correctional Institution, Bordentown
 9 Correctional Institution for Women, Clinton
 10 Youth Correctional Institution, Annandale
 11 Training School for Boys, Jamesburg

12 Training School for Girls, Trenton

13 Training School for Boys, Skillman

14 Adult Diagnostic and Treatment Center, Avenel

15 Any State institution and satellite facilities heretofore or here-
16 after established for any purpose similar to the above institutions
17 and agencies shall be assigned to and maintained and operated
18 by the Department of Corrections.

1 8. All functions, powers and duties of the existing Division of
2 Correction and Parole, the Department of Institutions and Agencies,
3 and the Commissioner of Institutions and Agencies with respect
4 to all matters affecting State correctional institutions as defined
5 herein, are hereby transferred to the Department of Corrections
6 and Commissioner of Corrections established hereunder.

1 9. All functions, powers and duties of the Commissioner of
2 Institutions and Agencies and the Department of Institutions and
3 Agencies with respect to all county and city jails or places of
4 detention, county or city workhouses, county penitentiaries, county
5 and municipal schools of detention, privately maintained institu-
6 tions and noninstitutional agencies and juvenile detention facilities
7 for the care, treatment, government and discipline of inmates are
8 hereby transferred to the Department of Corrections established
9 hereunder. The commissioner may, in accordance with the Ad-
10 ministrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B-1 et seq.),
11 promulgate such rules and regulations as he shall deem necessary
12 to establish minimum standards for such care, treatment, govern-
13 ment and discipline.

1 10. All functions, powers and duties of the Department of Institu-
2 tions and Agencies with respect to county work release and voca-
3 tional training release programs are hereby transferred to the
4 Department of Corrections established hereunder.

1 11. All appropriations and other moneys available and to become
2 available to any department, division, bureau, board or other
3 agency, the functions, powers and duties of which have been as-
4 signed or transferred herein, are hereby transferred to the Depart-
5 ment of Corrections established hereunder, and shall be available
6 for the objects and purposes for which appropriated, subject to
7 any terms, restrictions, limitations or other requirements imposed
8 by State or Federal law.

1 12. Such employees of any department, division, bureau, board
2 or other agency, the functions, powers and duties of which have
3 been herein assigned or transferred to the Department of Correc-
4 tions or to any agency designated continued or constituted here-
5 under as the Commissioner of Corrections may determine are

6 needed for the proper performance of the functions and duties
7 imposed upon the Department of Corrections, or agency therein,
8 are hereby transferred to the department or agency to which such
9 functions, powers and duties have been herein assigned or trans-
10 ferred.

1 13. Nothing in this act shall be construed to deprive any person
2 of any tenure rights or of any right or protection provided him
3 by Title 11 of the Revised Statutes, Civil Service, or under any
4 pension law or retirement system.

1 14. Any employee not appointed or transferred pursuant to this
2 act may exercise any special reemployment rights and may also
3 exercise within all departments of the Executive Branch all other
4 layoff rights which would have been available to said employee in
5 the Department of Institutions and Agencies if the Department
6 of Corrections had not been established.

1 15. All files, books, papers, records, equipment and other property
2 of any department, division, bureau, board or other agency, the
3 functions, powers and duties of which have been herein assigned
4 or transferred to the Department of Corrections or to any agency
5 designated, continued or constituted hereunder, shall upon the
6 effective date of this act be transferred to the department or agency
7 to which such assignment or transfer has been made hereunder.

1 16. This act shall not affect the orders, rules and regulations
2 heretofore made or promulgated by any department, division,
3 bureau, board or other agency, the functions, powers and duties
4 of which have been herein assigned or transferred to the Depart-
5 ment of Corrections or to any agency designated, continued or
6 constituted hereunder; but such orders, rules and regulations shall
7 continue with full force and effect until amended or repealed pur-
8 suant to law.

1 17. This act shall not affect actions or proceedings, civil or crim-
2 inal, brought by or against any department, division, bureau, board
3 or other agency, the functions, powers and duties of which have
4 been herein assigned or transferred to the Department of Correc-
5 tions or to any agency designated, continued or constituted here-
6 under, and pending on the effective date of this act, but such actions
7 or proceedings may be prosecuted or defended in the same manner
8 and to the same effect by the department or agency to which such
9 assignment or transfer has been made hereunder, as if the fore-
10 going provisions had not taken effect, nor shall any of the foregoing
11 provisions affect any order or recommendation made by, or other
12 matters or proceedings before, any department, division, bureau,
13 board or other agency, the functions, powers and duties of which

14 have been herein assigned or transferred to the Department of
15 Corrections or to any agency designated, continued or constituted
16 hereunder, and all such matters or proceedings pending before
17 such department, division, bureau, board or other agency on the
18 effective date of this act shall be continued by the department or
19 agency to which such assignment or transfer has been made here-
20 under, as if the foregoing provisions had not taken effect.

1 18. Unless specifically otherwise provided in this act or by any
2 operative law, whenever, pursuant to existing law, reports, certifi-
3 cations, applications or requests are required or permitted to be
4 made to the department, division, bureau, board or other agency,
5 whose powers and duties are herein assigned or transferred, such
6 reports and certifications shall hereafter be required to be filed
7 with, and such applications or requests shall hereafter be made to,
8 the department or agency to which such assignment or transfer
9 has been made hereunder.

1 19. With respect to the functions, powers and duties hereby
2 transferred to the Department of Corrections, whenever in any law,
3 rule, regulation, judicial or administrative proceeding or otherwise,
4 reference is made to the Division of Correction and Parole within
5 the Department of Institutions and Agencies or to the Department
6 of Institutions and Agencies with respect to correctional institu-
7 tions as defined herein, or to the Commissioner of Institutions and
8 Agencies with respect to correctional institutions as defined herein,
9 the same shall mean and refer to the Department of Corrections
10 and the Commissioner of Corrections, respectively.

1 20. All the powers, functions and duties heretofore exercised by
2 the State Board of Institutional Trustees pursuant to Title 30 of
3 the New Jersey Statutes with respect to correctional institutions
4 as defined herein are hereby transferred to and vested in the Com-
5 missioner of Corrections.

1 21. The State Parole Board in the Department of Institutions
2 and Agencies, together with all of its functions, powers and duties,
3 is continued but such board is hereby transferred to the Depart-
4 ment of Corrections established hereunder. All personnel, appro-
5 priations, books, papers, records and property necessary to the
6 operation of the existing State Parole Board are likewise trans-
7 ferred. All rules, regulations, acts, determinations and decisions
8 in force at the time of such transfer proceedings or other such
9 matters undertaken or commenced by the State Parole Board shall
10 continue in force.

1 22. The State School District for Institutions within the Depart-
2 ment of Institutions and Agencies, together with all of its functions,
3 powers and duties, is continued but such State School District is
4 hereby transferred to the Department of Education. All personnel,
5 appropriations, books, papers and property necessary to the op-
6 eration of the existing State School District are likewise trans-
7 ferred. All rules, regulations, acts, determinations and decisions
8 in force at the time of such transfer proceedings or other such
9 matters undertaken or commenced by the State School District
10 shall continue in force.

1 23. a. There is hereby created within the Department of Correc-
2 tions an Advisory Council on Corrections to consult with and ad-
3 vise the commissioner. The Advisory Council shall consist of seven
4 citizen members who shall be residents of this State to be appointed
5 by the Governor with the advice and consent of the Senate. The
6 Governor or his designee; the Commissioner of Institutions and
7 Agencies, the Commissioner of Labor and Industry, the Commis-
8 sioner of Education and the Commissioner of Corrections, or their
9 designees, shall serve as ex-officio members during their terms of
10 office.

11 The members appointed by the Governor pursuant to this act
12 shall be appointed for terms of 4 years; provided, however, of the
13 members first appointed, two shall be appointed for a term of 4
14 years; two for a term of 3 years; two for a term of 2 years; and
15 one for a term of 1 year. All appointed members shall continue
16 to serve after the expiration of their terms until their successors
17 are appointed and shall qualify. In the case of a vacancy, a new
18 member shall be appointed for the remainder of the unexpired
19 term. Members of the advisory council shall receive no compensa-
20 tion for services but shall be reimbursed for actual necessary and
21 reasonable expenditures incurred in the performance of their du-
22 ties. The members shall annually elect a chairperson from among
23 their membership.

24 The department shall provide the advisory council with reason-
25 able administrative and clerical support services, subject to the
26 availability of funds.

27 b. The advisory council shall:

28 (1) Conduct research on institutional needs;

29 (2) Review and make recommendations to the commissioner
30 with respect to budget requests from the institutions;

31 (3) Encourage cooperation between public and private institu-
32 tions;

33 (4) Periodically review existing programs of care, training, re-
34 habilitation, research, and public service in the public institutions
35 of this and other states and new developments in the various fields
36 of the department's responsibility and advise the commissioner
37 on desirable change;

38 (5) Consult with and make recommendations to the commissioner
39 as it deems necessary with regard to services, lands, buildings and
40 equipment to be furnished by the department and its institutions;

41 (6) Visit the institutions under the supervision or control of the
42 department to examine into their manner of operation and to ad-
43 vise the commissioner on their observations;

44 (7) Review and make recommendations to the commissioner with
45 respect to budget requests to be submitted by the commissioner;
46 and

47 (8) Make an annual report to the commissioner and the Governor
48 and such other reports as it may deem proper from time to time or
49 as may be requested by the commissioner.

1 24. All the functions, powers and duties of the existing Depart-
2 ment of Institutions and Agencies and the commissioner thereof
3 not herein transferred to the Department of Corrections are con-
4 tinued; provided, however, that the Department of Institutions
5 and Agencies continued hereunder shall hereinafter be known and
6 referred to as the Department of Human Services. With respect
7 to the functions, powers and duties of the Department of Institu-
8 tions and Agencies not herein transferred to the Department of
9 Corrections, whenever in any law, rule, regulation, judicial or ad-
10 ministrative proceeding or otherwise, reference is made to the
11 Department of Institutions and Agencies, or to the Commissioner
12 of Institutions and Agencies, the same shall mean and refer to the
13 Department of Human Services and the Commissioner of Human
14 Services, respectively.

1 25. The transfers directed by this act shall be effected pursuant
2 to the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1
3 et seq.).

1 26. The commissioner may, in accordance with the Administra-
2 tive Procedure Act, P. L. 1968, c. 410 (C. 52:14B-1 et seq.), promul-
3 gate such rules and regulations as are necessary to effectuate the
4 purposes of this act.

1 27. The salary of the commissioner which by the provisions of
2 this act is to be fixed by law, shall be at the annual rate of \$43,000.00.

1 28. There is hereby appropriated to the Department of Correc-
2 tions the sum of \$500,000.00 for the purposes of this act.

1 29. All acts and parts of acts inconsistent with any of the pro-
2 visions of this act are, to the extent of such inconsistency, super-
3 seded and repealed.

1 30. If any clause, sentence, paragraph, section or part of this
2 act shall be adjudged by any court of competent jurisdiction to be
3 invalid, such judgment shall not affect, impair or invalidate the
4 remainder thereof, but shall be confined in its operation to the
5 clause, sentence, paragraph, section or part thereof directly in-
6 volved in the controversy in which such judgment shall have been
7 rendered.

1 31. The provisions of this act shall become effective September
2 1, 1976. Anticipatory actions appropriate and necessary to effect
3 the establishment of the department are authorized to be accom-
4 plished as promptly as possible in advance thereof including the
5 making of authorized appointments and confirmation or approval
6 thereof, and, within the limits of appropriations to the department,
7 the expenditure of funds for payment of salaries and expenses
8 incident thereto.

STATEMENT

This bill creates a Department of Corrections as a principal department in the Executive Branch of State Government. The department will be headed by a Commissioner of Corrections to be appointed by the Governor with the advice and consent of the Senate.

The new department shall have jurisdiction over all the State adult and juvenile correctional facilities including the State prison complexes at Leesburg, Rahway and Trenton and their satellites. The powers, duties and responsibilities for these institutions are transferred from the Department of Institutions and Agencies to the new department together with such personnel, records and appropriations as are necessary.

The existing powers of the Commissioner of Institutions and Agencies with respect to county correctional institutions, county work release and county vocational training release programs are transferred to the new department and continued. The Bureau of Parole and the Parole Board are likewise transferred and continued.

The bill also creates an Advisory Council of seven citizen members to be appointed by the Governor with the advice and consent of the Senate. The Commissioners of Institutions and Agencies, Education, Labor and Industry, and Corrections serve as ex-officio members. The members of the council shall research institutional operations and needs and advise the commissioner on desirable

change. They shall also visit the institutions and make recommendations to the commissioner with respect to budget requests.

The bill also transfers the State School District for Institutions to the Department of Education. Finally, those divisions remaining in the Department of Institutions and Agencies are renamed the Department of Human Services and their powers, functions and duties are continued.

ASSEMBLY INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1912
with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 27, 1976

The sponsor's statement appended to the bill adequately explains its provisions.

The committee amended this bill to include a legislative intent section to explain the purpose of the new Department of Corrections. The purpose shall be to "protect the public and to provide for the custody, care, discipline, training and treatment of persons committed to State correctional institutions or on parole; to supervise and assist in the treatment and training of persons in local correctional and detention facilities, so that such persons may be prepared for release and reintegration into the community; and to cooperate with the other law enforcement agencies of this State to encourage a more unified system of criminal justice."

The committee further declared in the intent section that maximum security confinement was needed for certain dangerous offenders, but that other less restrictive alternatives were needed for less dangerous offenders. Furthermore, the committee felt that separate programs and services for juveniles were necessary and included a statement of intent for separation of juveniles from adults in the new department. Lastly the intent section stated that the environment for offenders should encourage possibilities of rehabilitation and reintegration into the community and minimize possibilities for victimization of offenders within institutions.

The bill was also amended to add two additional members to the Advisory Council on Corrections. The Attorney General and the Director of the Administrative Office of the Courts or their designees would also serve as ex-officio members of the council, as a result of the committee's amendments.

There was considerable discussion about the inclusion of juvenile correctional facilities in the new Department of Corrections. Interest groups opposed such inclusion, stressing the need for treating rather than punishing juveniles and keeping juvenile correctional programs

in the newly-named Department of Human Services. The committee, however, expressed its confidence in a new department with a commissioner whose single purpose would be to provide correctional services and programs appropriate to the needs of both adults and juveniles, as expressed in the Legislative intent section added by amendment.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 1912

STATE OF NEW JERSEY

ADOPTED MAY 27, 1976

Amend page 1, section 2, after line 5, insert new section 3 as follows:

“3. The Legislature hereby finds and declares that the purpose of the department shall be to protect the public and to provide for the custody, care, discipline, training and treatment of persons committed to State correctional institutions or on parole; to supervise and assist in the treatment and training of persons in local correctional and detention facilities, so that such persons may be prepared for release and reintegration into the community; and to cooperate with the other law enforcement agencies of this State to encourage a more unified system of criminal justice.

The Legislature further finds and declares that:

a. There is a need to:

(1) Provide maximum-security confinement of those offenders whose demonstrated propensity to acts of violence requires their separation from the community;

(2) Develop alternatives to conventional incarceration for those offenders who can be dealt with more effectively in less restrictive, community-based facilities and programs; and

(3) Separate juvenile offenders from the adult offender population and develop programs and services for juvenile offenders which recognize their special needs;

b. The environment for incarcerated persons should encourage the possibilities of rehabilitation and reintegration into the community; and,

c. The incarcerated offender should be protected from victimization within the institution.”

Amend pages 1-9, section 3-31, line 1, renumber sections 3 through 31, as 4 through 32.

Amend page 7, section 23, lines 6-7, delete “Institutions and Agencies”, and insert “Human Services”.

Amend page 7, section 23, line 8, after “Education”, insert “, the Attorney General, the Director of the Administrative Office of the Courts”.

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1912

STATE OF NEW JERSEY

INTRODUCED MAY 17, 1976

By Assemblymen DEVERIN, HAMILTON, OTLOWSKI, KARCHER,
BORNHEIMER, GREGORIO, SNEDEKER, VISOTCKY and
SAXTON

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning the organization and reorganization of the State Government, establishing a Department of Corrections as a principal department in the Executive Branch, changing the name of the Department of Institutions and Agencies to the Department of Human Services and continuing it as a principal department in the Executive Branch, transferring the State School District for Institutions to the Department of Education, and making an appropriation.

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

1 1. This act shall be known and may be cited as the "Department
2 of Corrections Act of 1976."

1 2. There is hereby established in the Executive Branch of the
2 State Government a principal department which shall be known as
3 the Department of Corrections.

4 As used in this act, unless the context clearly indicates otherwise,
5 "department" means the Department of Corrections.

1 *3. *The Legislature hereby finds and declares that the purpose*
2 *of the department shall be to protect the public and to provide for*
3 *the custody, care, discipline, training and treatment of persons*
4 *committed to State correctional institutions or on parole; to super-*
5 *vise and assist in the treatment and training of persons in local*
6 *correctional and detention facilities, so that such persons may be*
7 *prepared for release and reintegration into the community; and*
8 *to cooperate with the other law enforcement agencies of this State*
9 *to encourage a more unified system of criminal justice.*

10 *The Legislature further finds and declares that:*

11 *a. There is a need 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.

12 (1) Provide maximum-security confinement of those offenders
 13 whose demonstrated propensity to acts of violence requires their
 14 separation from the community;

15 (2) Develop alternatives to conventional incarceration for those
 16 offenders who can be dealt with more effectively in less restrictive,
 17 community-based facilities and programs; and

18 (3) Separate juvenile offenders from the adult offender popu-
 19 lation and develop programs and services for juvenile offenders
 20 which recognize their special needs;

21 b. The environment for incarcerated persons should encourage
 22 the possibilities of rehabilitation and reintegration into the com-
 23 munity; and,

24 c. The incarcerated offender should be protected from victimiza-
 25 tion within the Institution.*

1 ***[3.]*** *4.* The head and chief executive officer of the department
 2 shall be a commissioner, who shall be known as the Commissioner of
 3 Corrections. The commissioner shall be appointed by the Governor,
 4 with the advice and consent of the Senate, and shall serve at the
 5 pleasure of the Governor during the Governor's term of office and
 6 until the appointment and qualification of his successor. The com-
 7 missioner shall receive such salary as shall be provided by law.

8 He shall devote his entire time to the performance of his duties.

1 ***[4.]*** *5.* a. The commissioner may appoint one deputy and
 2 such assistant commissioners as he shall deem necessary to serve at
 3 the pleasure of the commissioner. Each deputy or assistant com-
 4 missioner shall exercise such powers and perform such duties as
 5 the commissioner shall prescribe. The commissioner shall desig-
 6 nate one department official to exercise the powers and perform
 7 the duties of the commissioner during his disability or absence.

8 b. The commissioner shall have the authority to establish, organize
 9 and maintain in the department such administrative divisions to
 10 perform all necessary personnel, planning, budget and finance,
 11 facilities and equipment services for the department and to assign
 12 such personnel thereto as he shall deem necessary.

1 ***[5.]*** *6.* The commissioner, as administrator and chief execu-
 2 tive officer of the department, shall:

3 a. Administer the work of the department;

4 b. Appoint and remove officers and other personnel employed
 5 within the department, subject to the provisions of Title 11 of the
 6 Revised Statutes, Civil Service, and other applicable statutes, ex-
 7 cept as herein otherwise specifically provided;

8 c. Perform, exercise and discharge the functions, powers and
9 duties of the department through such divisions as may be estab-
10 lished by this act or otherwise by law;

11 d. Organize the work of the department in such divisions, not
12 inconsistent with the provision of this act, and in such bureaus and
13 other organizational units as he may determine to be necessary for
14 efficient and effective operation;

15 e. Formulate, adopt, issue and promulgate, in the name of the
16 department such rules and regulations for the efficient conduct of
17 the work and general administration of the department, the institu-
18 tions or noninstitutional agencies within its jurisdiction, its officers
19 and employees as may be authorized by law;

20 f. Determine all matters relating to the unified and continuous
21 development of the institutions and noninstitutional agencies within
22 his jurisdiction;

23 g. Determine all matters of policy and regulate the administra-
24 tion of the institutions or noninstitutional agencies within his
25 jurisdiction, correct and adjust the same so that each shall function
26 as an integral part of a general system. The rules, regulations,
27 orders and directions promulgated by the commissioner for this
28 purpose shall be accepted and enforced by the executive having
29 charge of any institution or group of institutions or noninstitutional
30 agencies or any phase of the work within the jurisdiction of the
31 department;

32 h. Institute or cause to be instituted such legal proceedings or
33 processes as may be necessary to enforce properly and give effect
34 to any of his powers or duties; for the purpose of any such investi-
35 gation, he may cause to be examined under oath any and all persons
36 whatsoever and compel by subpoena the attendance of witnesses
37 and the production of such books, records, accounts, papers and
38 other documents as are appropriate. If a witness fails without
39 good cause to attend, testify or produce such records or documents
40 as are directed in the subpoena, he shall be punished in the manner
41 provided for the punishment of any witness who disobeys a sum-
42 mons or subpoena issued from a court of record in this State;

43 i. Make a report in each year to the Governor and to the Legis-
44 lature of the department's operations for the preceding fiscal year,
45 and render such other reports as the Governor shall from time to
46 time request or as may be required by law;

47 j. Appoint such advisory committees as may be desirable to advise
48 and assist the department or a division in carrying out its functions
49 and duties;

50 k. Maintain suitable headquarters for the department and such
 51 other quarters as he shall deem necessary to the proper functioning
 52 of the department; and

53 l. Perform such other functions as may be prescribed in this
 54 act or by any other law.

1 ***[6.]*** *7.* The commissioner shall arrange for personal contact
 2 with each of the institutions and the work of the noninstitutional
 3 agencies by visitations and by such other means as he may deter-
 4 mine to be necessary and proper, so that he may be as nearly as
 5 is practicable continually in touch with and informed concerning
 6 the general conditions and progress of the several institutions and
 7 noninstitutional agencies and the general results of the manage-
 8 ment thereof and the condition and welfare of the inmates and
 9 other persons committed or admitted. The commissioner shall visit
 10 and inspect each institution at least semiannually, at periods which
 11 shall not be fixed in advance.

1 ***[7.]*** *8.* The following correctional institutions of this State
 2 are hereby transferred from the Department of Institutions and
 3 Agencies to the Department of Corrections established hereunder:

4 State Prison, Trenton
 5 State Prison, Rahway
 6 State Prison, Leesburg
 7 Youth Reception and Correction Center, Yardville
 8 Youth Correctional Institution, Bordentown
 9 Correctional Institution for Women, Clinton
 10 Youth Correctional Institution, Annandale
 11 Training School for Boys, Jamesburg
 12 Training School for Girls, Trenton
 13 Training School for Boys, Skillman
 14 Adult Diagnostic and Treatment Center, Avenel

15 Any State institution and satellite facilities heretofore or here-
 16 after established for any purpose similar to the above institutions
 17 and agencies shall be assigned to and maintained and operated
 18 by the Department of Corrections.

1 ***[8.]*** *9.* All functions, powers and duties of the existing Divi-
 2 sion of Correction and Parole, the Department of Institutions and
 3 Agencies, and the Commissioner of Institutions and Agencies with
 4 respect to all matters affecting State correctional institutions as
 5 defined herein, are hereby transferred to the Department of Cor-
 6 rections and Commissioner of Corrections established hereunder.

1 ***[9.]*** *10.* All functions, powers and duties of the Commis-
 2 sioner of Institutions and Agencies and the Department of Insti-

3 tutions and Agencies with respect to all county and city jails or
4 places of detention, county or city workhouses, county peniten-
5 tiaries, county and municipal schools of detention, privately main-
6 tained institutions and noninstitutional agencies and juvenile
7 detention facilities for the care, treatment, government and dis-
8 cipline of inmates are hereby transferred to the Department of
9 Corrections established hereunder. The commissioner may, in
10 accordance with the Administrative Procedure Act, P. L. 1968,
11 c. 410 (C. 52:14B-1 et seq.), promulgate such rules and regulations
12 as he shall deem necessary to establish minimum standards for
13 such care, treatment, government and discipline.

1 ***[10.]*** *11.* All functions, powers and duties of the Department
2 of Institutions and Agencies with respect to county work release
3 and vocational training release programs are hereby transferred
4 to the Department of Corrections established hereunder.

1 ***[11.]*** *12.* All appropriations and other moneys available and
2 to become available to any department, division, bureau, board or
3 other agency, the functions, powers and duties of which have been
4 assigned or transferred herein, are hereby transferred to the De-
5 partment of Corrections established hereunder, and shall be avail-
6 able for the objects and purposes for which appropriated, subject
7 to any terms, restrictions, limitations or other requirements im-
8 posed by State or Federal law.

1 ***[12.]*** *13.* Such employees of any department, division,
2 bureau, board or other agency, the functions, powers and duties of
3 which have been herein assigned or transferred to the Department
4 of Corrections or to any agency designated continued or constituted
5 hereunder as the Commissioner of Corrections may determine are
6 needed for the proper performance of the functions and duties
7 imposed upon the Department of Corrections, or agency therein,
8 are hereby transferred to the department or agency to which such
9 functions, powers and duties have been herein assigned or trans-
10 ferred.

1 ***[13.]*** *14.* Nothing in this act shall be construed to deprive
2 any person of any tenure rights or of any right or protection pro-
3 vided him by Title 11 of the Revised Statutes, Civil Service, or
4 under any pension law or retirement system.

1 ***[14.]*** *15.* Any employee not appointed or transferred pur-
2 suant to this act may exercise any special reemployment rights and
3 may also exercise within all departments of the Executive Branch
4 all other layoff rights which would have been available to said
5 employee in the Department of Institutions and Agencies if the
6 Department of Corrections had not been established.

1 ***[15.]*** *16.* All files, books, papers, records, equipment and
2 other property of any department, division, bureau, board or other
3 agency, the functions, powers and duties of which have been herein
4 assigned or transferred to the Department of Corrections or to any
5 agency designated, continued or constituted hereunder, shall upon
6 the effective date of this act be transferred to the department or
7 agency to which such assignment or transfer has been made here-
8 under.

1 ***[16.]*** *17.* This act shall not affect the orders, rules and regu-
2 lations heretofore made or promulgated by any department, divi-
3 sion, bureau, board or other agency, the functions, powers and
4 duties of which have been herein assigned or transferred to the
5 Department of Corrections or to any agency designated, continued
6 or constituted hereunder; but such orders, rules and regulations
7 shall continue with full force and effect until amended or repealed
8 pursuant to law.

1 ***[17.]*** *18.* This act shall not affect actions or proceedings,
2 civil or criminal, brought by or against any department, division,
3 bureau, board or other agency, the functions, powers and duties of
4 which have been herein assigned or transferred to the Department
5 of Corrections or to any agency designated, continued or consti-
6 tuted hereunder, and pending on the effective date of this act, but
7 such actions or proceedings may be prosecuted or defended in the
8 same manner and to the same effect by the department or agency
9 to which such assignment or transfer has been made hereunder, as
10 if the foregoing provisions had not taken effect, nor shall any of
11 the foregoing provisions affect any order or recommendation made
12 by, or other matters or proceedings before, any department, divi-
13 sion, bureau, board or other agency, the functions, powers and
14 duties of which have been herein assigned or transferred to the
15 Department of Corrections or to any agency designated, continued
16 or constituted hereunder, and all such matters or proceedings pend-
17 ing before such department, division, bureau, board or other agency
18 on the effective date of this act shall be continued by the depart-
19 ment or agency to which such assignment or transfer has been made
20 hereunder, as if the foregoing provisions had not taken effect.

1 ***[18.]*** *19.* Unless specifically otherwise provided in this act
2 or by any operative law, whenever, pursuant to existing law, re-
3 ports, certifications, applications or requests are required or per-
4 mitted to be made to the department, division, bureau, board or
5 other agency, whose powers and duties are herein assigned or
6 transferred, such reports and certifications shall hereafter be re-

7 quired to be filed with, and such applications or requests shall
8 hereafter be made to, the department or agency to which such
9 assignment or transfer has been made hereunder.

1 ***[19.]*** *20.* With respect to the functions, powers and duties
2 hereby transferred to the Department of Corrections, whenever in
3 any law, rule, regulation, judicial or administrative proceeding or
4 otherwise, reference is made to the Division of Correction and
5 Parole within the Department of Institutions and Agencies or to
6 the Department of Institutions and Agencies with respect to cor-
7 rectional institutions as defined herein, or to the Commissioner of
8 Institutions and Agencies with respect to correctional institutions
9 as defined herein, the same shall mean and refer to the Department
10 of Corrections and the Commissioner of Corrections, respectively.

1 ***[20.]*** *21.* All the powers, functions and duties heretofore
2 exercised by the State Board of Institutional Trustees pursuant to
3 Title 30 of the New Jersey Statutes with respect to correctional
4 institutions as defined herein are hereby transferred to and vested
5 in the Commissioner of Corrections.

1 ***[21.]*** *22.* The State Parole Board in the Department of In-
2 stitutions and Agencies, together with all of its functions, powers
3 and duties, is continued but such board is hereby transferred to the
4 Department of Corrections established hereunder. All personnel,
5 appropriations, books, papers, records and property necessary to
6 the operation of the existing State Parole Board are likewise trans-
7 ferred. All rules, regulations, acts, determinations and decisions
8 in force at the time of such transfer proceedings or other such
9 matters undertaken or commenced by the State Parole Board shall
10 continue in force.

1 ***[22.]*** *23.* The State School District for Institutions within
2 the Department of Institutions and Agencies, together with all of
3 its functions, powers and duties, is continued but such State School
4 District is hereby transferred to the Department of Education. All
5 personnel, appropriations, books, papers and property necessary
6 to the operation of the existing State School District are likewise
7 transferred. All rules, regulations, acts, determinations and de-
8 cisions in force at the time of such transfer proceedings or other
9 such matters undertaken or commenced by the State School Dis-
10 trict shall continue in force.

1 ***[23.]*** *24.* a. There is hereby created within the Department
2 of Corrections an Advisory Council on Corrections to consult with
3 and advise the commissioner. The Advisory Council shall consist
4 of seven citizen members who shall be residents of this State to be

5 appointed by the Governor with the advice and consent of the
6 Senate. The Governor or his designee; the Commissioner of ***[In-**
7 **stitutions and Agencies]*** **Human Services**, the Commissioner
8 of Labor and Industry, the Commissioner of Education *, *the*
9 *Attorney General, the Director of the Administrative Office of the*
10 *Courts** and the Commissioner of Corrections, or their designees,
10A shall serve as ex-officio members during their terms of office.

11 The members appointed by the Governor pursuant to this act
12 shall be appointed for terms of 4 years; provided, however, of the
13 members first appointed, two shall be appointed for a term of 4
14 years; two for a term of 3 years; two for a term of 2 years; and
15 one for a term of 1 year. All appointed members shall continue
16 to serve after the expiration of their terms until their successors
17 are appointed and shall qualify. In the case of a vacancy, a new
18 member shall be appointed for the remainder of the unexpired
19 term. Members of the advisory council shall receive no compensa-
20 tion for services but shall be reimbursed for actual necessary and
21 reasonable expenditures incurred in the performance of their du-
22 ties. The members shall annually elect a chairperson from among
23 their membership.

24 The department shall provide the advisory council with reason-
25 able administrative and clerical support services, subject to the
26 availability of funds.

27 b. The advisory council shall:

28 (1) Conduct research on institutional needs;

29 (2) Review and make recommendations to the commissioner
30 with respect to budget requests from the institutions;

31 (3) Encourage cooperation between public and private institu-
32 tions;

33 (4) Periodically review existing programs of care, training, re-
34 habilitation, research, and public service in the public institutions
35 of this and other states and new developments in the various fields
36 of the department's responsibility and advise the commissioner
37 on desirable change;

38 (5) Consult with and make recommendations to the commissioner
39 as it deems necessary with regard to services, lands, buildings and
40 equipment to be furnished by the department and its institutions;

41 (6) Visit the institutions under the supervision or control of the
42 department to examine into their manner of operation and to ad-
43 vise the commissioner on their observations;

44 (7) Review and make recommendations to the commissioner with
45 respect to budget requests to be submitted by the commissioner;
46 and

47 (8) Make an annual report to the commissioner and the Governor
 48 and such other reports as it may deem proper from time to time or
 49 as may be requested by the commissioner.

1 ***[24.]*** *25.* All the functions, powers and duties of the existing
 2 Department of Institutions and Agencies and the commissioner
 3 thereof not herein transferred to the Department of Corrections are
 4 continued; provided, however, that the Department of Institutions
 5 and Agencies continued hereunder shall hereinafter be known and
 6 referred to as the Department of Human Services. With respect
 7 to the functions, powers and duties of the Department of Institu-
 8 tions and Agencies not herein transferred to the Department of
 9 Corrections, whenever in any law, rule, regulation, judicial or ad-
 10 ministrative proceeding or otherwise, reference is made to the
 11 Department of Institutions and Agencies, or to the Commissioner
 12 of Institutions and Agencies, the same shall mean and refer to the
 13 Department of Human Services and the Commissioner of Human
 14 Services, respectively.

1 ***[25.]*** *26.* The transfers directed by this act shall be effected
 2 pursuant to the "State Agency Transfer Act," P. L. 1971, c. 375
 3 (C. 52:14D-1 et seq.).

1 ***[26.]*** *27.* The commissioner may, in accordance with the
 2 Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B-1 et
 3 seq.), promulgate such rules and regulations as are necessary to
 4 effectuate the purposes of this act.

1 ***[27.]*** *28.* The salary of the commissioner which by the pro-
 2 visions of this act is to be fixed by law, shall be at the annual rate
 3 of \$43,000.00.

1 ***[28.]*** *29.* There is hereby appropriated to the Department
 2 of Corrections the sum of \$500,000.00 for the purposes of this act.

1 ***[29.]*** *30.* All acts and parts of acts inconsistent with any of
 2 the provisions of this act are, to the extent of such inconsistency,
 3 superseded and repealed.

1 ***[30.]*** *31.* If any clause, sentence, paragraph, section or part
 2 of this act shall be adjudged by any court of competent jurisdiction
 3 to be invalid, such judgment shall not affect, impair or invalidate
 4 the remainder thereof, but shall be confined in its operation to the
 5 clause, sentence, paragraph, section or part thereof directly in-
 6 volved in the controversy in which such judgment shall have been
 7 rendered.

1 ***[31.]*** *32.* The provisions of this act shall become effective
 2 September 1, 1976. Anticipatory actions appropriate and necessary
 3 to effect the establishment of the department are authorized to be

4 accomplished as promptly as possible in advance thereof including
5 the making of authorized appointments and confirmation or ap-
6 proval thereof, and, within the limits of appropriations to the
7 department, the expenditure of funds for payment of salaries and
8 expenses incident thereto.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1912

[OFFICIAL COPY REPRINT]
with Senate committee amendments

STATE OF NEW JERSEY

DATED: JULY 22, 1976

This bill creates a Department of Corrections as a principal department in the Executive Branch of State government. The department would be headed by a Commissioner of Corrections to be appointed by the Governor with the advice and consent of the Senate.

The new department would have jurisdiction over all the State adult and juvenile correctional facilities, including the State prison complexes at Leesburg, Rahway and Trenton and their satellites. The powers, duties and responsibilities for these institutions would be transferred from the Department of Institutions and Agencies to the new department together with such personnel, records and appropriations as are necessary.

The existing powers of the Commissioner of Institutions and Agencies with respect to county correctional institutions, county work release and county vocational training release programs would be transferred to the new department and continued. The Bureau of Parole and the Parole Board would be likewise transferred and continued.

The bill also creates an Advisory Council of seven citizen members to be appointed by the Governor with the advice and consent of the Senate. The Commissioners of Institutions and Agencies, Education, Labor and Industry, and Corrections would serve as ex-officio members. The members of the council would research institutional operations and needs and advise the commissioner on desirable changes. They would also visit the institutions and make recommendations to the Commissioner with respect to budget requests.

The bill also would transfer the State School District for Institutions to the Department of Education. Finally, the Department of Institutions and Agencies would be renamed the Department of Human Services and its powers, functions and duties with respect to those divisions remaining in it, would be continued.

The Senate committee concurred with amendments made by the Assembly Committee on Institutions, Health and Welfare.

The Senate committee also amended the bill in several respects. First, it added five paragraphs to the section of the bill which prescribes the responsibilities of a new Commissioner of Corrections. In addition to responsibilities already set out in the bill, the commissioner would be required to: 1) develop and from time to time revise and maintain a comprehensive master plan for the correctional system; 2) promote alternatives to conventional incarceration for certain offenders; 3) ensure that juveniles are separated from adult offenders and treated in accordance with their special needs; 4) promote a unified criminal justice system; and 5) provide for the timely and efficient collection and analysis of data regarding the correctional system.

The committee also amended the bill to ensure that a Commissioner of Corrections would make appointments to institutional boards of trustees only after considering recommendations of the Advisory Council on Corrections concerning such appointments.

Finally, the committee changed the effective date of the act from September 1, 1976 to October 1, 1976 so as to allow more time to prepare administratively for the creation of a new Department of Corrections.

SENATE COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 1912
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED JULY 22, 1976

Amend page 2, section 5, line 1, omit "dpeuty", and insert "deputy".

Amend page 4, section 6, line 52, omit "and"; insert new paragraphs as follows:

l. Develop and from time to time revise and maintain a comprehensive master plan for the State's correctional system which shall indicate, among other things, the department's goals, objectives, resources and needs;

m. Promote the development of alternatives to conventional incarceration for those offenders who can be dealt with more effectively in less restrictive, community-based facilities;

n. Provide for the separation of juvenile offenders from the adult offender population and the development of programs and services for juveniles which promote their rehabilitation and recognize their special needs;

o. Promote a unified criminal justice system, including the intergration of State and local correctional programs and probation and parole services;

p. Provide for the timely and efficient collection and analysis of data regarding the correctional system to insure the continuing review and evaluation of correctional services, policies and procedures; and".

Amend page 4, section 6, line 53, reletter paragraph "l.", as paragraph "q."

Amend page 9, section 24, after line 49, insert new subsection (9) as follows:

"(9) Make recommendations for the consideration of the commissioner with regard to the appointment of members of the boards of trustees of the various correctional institutions."

Amend page 9, section 32, line 2, omit "September", insert "October".

[SENATE REPRINT]

ASSEMBLY, No. 1912

[OFFICIAL COPY REPRINT]

with Senate committee amendments adopted July 22, 1976

STATE OF NEW JERSEY

INTRODUCED MAY 17, 1976

By Assemblymen DEVERIN, HAMILTON, OTLOWSKI, KARCHER,
BORNHEIMER, GREGORIO, SNEDEKER, VISOTCKY and
SAXTON

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning the organization and reorganization of the State Government, establishing a Department of Corrections as a principal department in the Executive Branch, changing the name of the Department of Institutions and Agencies to the Department of Human Services and continuing it as a principal department in the Executive Branch, transferring the State School District for Institutions to the Department of Education, and making an appropriation.

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

1 1. This act shall be known and may be cited as the "Department
2 of Corrections Act of 1976."

1 2. There is hereby established in the Executive Branch of the
2 State Government a principal department which shall be known as
3 the Department of Corrections.

4 As used in this act, unless the context clearly indicates otherwise,
5 "department" means the Department of Corrections.

1 *3. *The Legislature hereby finds and declares that the purpose*
2 *of the department shall be to protect the public and to provide for*
3 *the custody, care, discipline, training and treatment of persons*
4 *committed to State correctional institutions or on parole; to super-*
5 *vise and assist in the treatment and training of persons in local*
6 *correctional and detention facilities, so that such persons may be*
7 *prepared for release and reintegration into the community; and*
8 *to cooperate with the other law enforcement agencies of this State*
9 *to encourage a more unified system of criminal justice.*

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

10 *The Legislature further finds and declares that:*

11 *a. There is a need to:*

12 *(1) Provide maximum-security confinement of those offenders*
 13 *whose demonstrated propensity to acts of violence requires their*
 14 *separation from the community;*

15 *(2) Develop alternatives to conventional incarceration for those*
 16 *offenders who can be dealt with more effectively in less restrictive,*
 17 *community-based facilities and programs; and*

18 *(3) Separate juvenile offenders from the adult offender popu-*
 19 *lation and develop programs and services for juvenile offenders*
 20 *which recognize their special needs;*

21 *b. The environment for incarcerated persons should encourage*
 22 *the possibilities of rehabilitation and reintegration into the com-*
 23 *munity; and,*

24 *c. The incarcerated offender should be protected from victimiza-*
 25 *tion within the Institution.**

1 ***[3.]* *4.*** The head and chief executive officer of the department
 2 shall be a commissioner, who shall be known as the Commissioner of
 3 Corrections. The commissioner shall be appointed by the Governor,
 4 with the advice and consent of the Senate, and shall serve at the
 5 pleasure of the Governor during the Governor's term of office and
 6 until the appointment and qualification of his successor. The com-
 7 missioner shall receive such salary as shall be provided by law.
 8 He shall devote his entire time to the performance of his duties.

1 ***[4.]* *5.*** a. The commissioner may appoint one ****[deputy]****
 2 ****deputy**** and such assistant commissioners as he shall deem
 3 necessary to serve at the pleasure of the commissioner. Each
 4 deputy or assistant commissioner shall exercise such powers and
 5 perform such duties as the commissioner shall prescribe. The com-
 6 missioner shall designate one department official to exercise the
 7 powers and perform the duties of the commissioner during his
 7a disability or absence.

8 b. The commissioner shall have the authority to establish, organize
 9 and maintain in the department such administrative divisions to
 10 perform all necessary personnel, planning, budget and finance,
 11 facilities and equipment services for the department and to assign
 12 such personnel thereto as he shall deem necessary.

1 ***[5.]* *6.*** The commissioner, as administrator and chief execu-
 2 tive officer of the department, shall:

3 a. Administer the work of the department;

4 b. Appoint and remove officers and other personnel employed
 5 within the department, subject to the provisions of Title 11 of the

6 Revised Statutes, Civil Service, and other applicable statutes, ex-
7 cept as herein otherwise specifically provided;

8 c. Perform, exercise and discharge the functions, powers and
9 duties of the department through such divisions as may be estab-
10 lished by this act or otherwise by law;

11 d. Organize the work of the department in such divisions, not
12 inconsistent with the provision of this act, and in such bureaus and
13 other organizational units as he may determine to be necessary for
14 efficient and effective operation;

15 e. Formulate, adopt, issue and promulgate, in the name of the
16 department such rules and regulations for the efficient conduct of
17 the work and general administration of the department, the institu-
18 tions or noninstitutional agencies within its jurisdiction, its officers
19 and employees as may be authorized by law;

20 f. Determine all matters relating to the unified and continuous
21 development of the institutions and noninstitutional agencies within
22 his jurisdiction;

23 g. Determine all matters of policy and regulate the administra-
24 tion of the institutions or noninstitutional agencies within his
25 jurisdiction, correct and adjust the same so that each shall function
26 as an integral part of a general system. The rules, regulations,
27 orders and directions promulgated by the commissioner for this
28 purpose shall be accepted and enforced by the executive having
29 charge of any institution or group of institutions or noninstitutional
30 agencies or any phase of the work within the jurisdiction of the
31 department;

32 h. Institute or cause to be instituted such legal proceedings or
33 processes as may be necessary to enforce properly and give effect
34 to any of his powers or duties; for the purpose of any such investi-
35 gation, he may cause to be examined under oath any and all persons
36 whatsoever and compel by subpena the attendance of witnesses
37 and the production of such books, records, accounts, papers and
38 other documents as are appropriate. If a witness fails without
39 good cause to attend, testify or produce such records or documents
40 as are directed in the subpena, he shall be punished in the manner
41 provided for the punishment of any witness who disobeys a sum-
42 mons or subpena issued from a court of record in this State;

43 i. Make a report in each year to the Governor and to the Legis-
44 lature of the department's operations for the preceding fiscal year,
45 and render such other reports as the Governor shall from time to
46 time request or as may be required by law;

47 j. Appoint such advisory committees as may be desirable to advise
48 and assist the department or a division in carrying out its functions
49 and duties;

50 k. Maintain suitable headquarters for the department and such
 51 other quarters as he shall deem necessary to the proper functioning
 52 of the department; ****[and]****

53 ***l. Develop and from time to time revise and maintain a com-*
 54 *prehensive master plan for the State's correctional system which*
 55 *shall indicate, among other things, the department's goals, objec-*
 56 *tives, resources and needs;*

57 *m. Promote the development of alternatives to conventional in-*
 58 *carceration for those offenders who can be dealt with more effec-*
 59 *tively in less restrictive, community-based facilities;*

60 *n. Provide for the separation of juvenile offenders from the*
 61 *adult offender population and the development of programs and*
 62 *services for juveniles which promote their rehabilitation and rec-*
 63 *ognize their special needs;*

64 *o. Promote a unified criminal justice system, including the in-*
 65 *tegration of State and local correctional programs and probation*
 66 *and parole services;*

67 *p. Provide for the timely and efficient collection and analysis*
 68 *of data regarding the correctional system to insure the continuing*
 69 *review and evaluation of correctional services, policies and pro-*
 70 *cedures; and***

71 ****[l.]**** ***q.*** Perform such other functions as may be pre-
 72 scribed in this act or by any other law.

1 ***[6.]*** **7.** The commissioner shall arrange for personal contact
 2 with each of the institutions and the work of the noninstitutional
 3 agencies by visitations and by such other means as he may deter-
 4 mine to be necessary and proper, so that he may be as nearly as
 5 is practicable continually in touch with and informed concerning
 6 the general conditions and progress of the several institutions and
 7 noninstitutional agencies and the general results of the manage-
 8 ment thereof and the condition and welfare of the inmates and
 9 other persons committed or admitted. The commissioner shall visit
 10 and inspect each institution at least semiannually, at periods which
 11 shall not be fixed in advance.

1 ***[7.]*** **8.** The following correctional institutions of this State
 2 are hereby transferred from the Department of Institutions and
 3 Agencies to the Department of Corrections established hereunder:

- 4 State Prison, Trenton
- 5 State Prison, Rahway
- 6 State Prison, Leesburg
- 7 Youth Reception and Correction Center, Yardville
- 8 Youth Correctional Institution, Bordentown
- 9 Correctional Institution for Women, Clinton

10 Youth Correctional Institution, Annandale

11 Training School for Boys, Jamesburg

12 Training School for Girls, Trenton

13 Training School for Boys, Skillman

14 Adult Diagnostic and Treatment Center, Avenel

15 Any State institution and satellite facilities heretofore or here-
16 after established for any purpose similar to the above institutions
17 and agencies shall be assigned to and maintained and operated
18 by the Department of Corrections.

1 ***[8.]*** *9.* All functions, powers and duties of the existing Divi-
2 sion of Correction and Parole, the Department of Institutions and
3 Agencies, and the Commissioner of Institutions and Agencies with
4 respect to all matters affecting State correctional institutions as
5 defined herein, are hereby transferred to the Department of Cor-
6 rections and Commissioner of Corrections established hereunder.

1 ***[9.]*** *10.* All functions, powers and duties of the Commis-
2 sioner of Institutions and Agencies and the Department of Insti-
3 tutions and Agencies with respect to all county and city jails or
4 places of detention, county or city workhouses, county peniten-
5 tiaries, county and municipal schools of detention, privately main-
6 tained institutions and noninstitutional agencies and juvenile
7 detention facilities for the care, treatment, government and dis-
8 cipline of inmates are hereby transferred to the Department of
9 Corrections established hereunder. The commissioner may, in
10 accordance with the Administrative Procedure Act, P. L. 1968,
11 c. 410 (C. 52:14B-1 et seq.), promulgate such rules and regulations
12 as he shall deem necessary to establish minimum standards for
13 such care, treatment, government and discipline.

1 ***[10.]*** *11.* All functions, powers and duties of the Department
2 of Institutions and Agencies with respect to county work release
3 and vocational training release programs are hereby transferred
4 to the Department of Corrections established hereunder.

1 ***[11.]*** *12.* All appropriations and other moneys available and
2 to become available to any department, division, bureau, board or
3 other agency, the functions, powers and duties of which have been
4 assigned or transferred herein, are hereby transferred to the De-
5 partment of Corrections established hereunder, and shall be avail-
6 able for the objects and purposes for which appropriated, subject
7 to any terms, restrictions, limitations or other requirements im-
8 posed by State or Federal law.

1 ***[12.]*** *13.* Such employees of any department, division,
2 bureau, board or other agency, the functions, powers and duties of
3 which have been herein assigned or transferred to the Department

4 of Corrections or to any agency designated continued or constituted
5 hereunder as the Commissioner of Corrections may determine are
6 needed for the proper performance of the functions and duties
7 imposed upon the Department of Corrections, or agency therein,
8 are hereby transferred to the department or agency to which such
9 functions, powers and duties have been herein assigned or trans-
10 ferred.

1 ***[13.]*** *14.* Nothing in this act shall be construed to deprive
2 any person of any tenure rights or of any right or protection pro-
3 vided him by Title 11 of the Revised Statutes, Civil Service, or
4 under any pension law or retirement system.

1 ***[14.]*** *15.* Any employee not appointed or transferred pur-
2 suant to this act may exercise any special reemployment rights and
3 may also exercise within all departments of the Executive Branch
4 all other layoff rights which would have been available to said
5 employee in the Department of Institutions and Agencies if the
6 Department of Corrections had not been established.

1 ***[15.]*** *16.* All files, books, papers, records, equipment and
2 other property of any department, division, bureau, board or other
3 agency, the functions, powers and duties of which have been herein
4 assigned or transferred to the Department of Corrections or to any
5 agency designated, continued or constituted hereunder, shall upon
6 the effective date of this act be transferred to the department or
7 agency to which such assignment or transfer has been made here-
8 under.

1 ***[16.]*** *17.* This act shall not affect the orders, rules and regu-
2 lations heretofore made or promulgated by any department, divi-
3 sion, bureau, board or other agency, the functions, powers and
4 duties of which have been herein assigned or transferred to the
5 Department of Corrections or to any agency designated, continued
6 or constituted hereunder; but such orders, rules and regulations
7 shall continue with full force and effect until amended or repealed
8 pursuant to law.

1 ***[17.]*** *18.* This act shall not affect actions or proceedings,
2 civil or criminal, brought by or against any department, division,
3 bureau, board or other agency, the functions, powers and duties of
4 which have been herein assigned or transferred to the Department
5 of Corrections or to any agency designated, continued or consti-
6 tuted hereunder, and pending on the effective date of this act, but
7 such actions or proceedings may be prosecuted or defended in the
8 same manner and to the same effect by the department or agency
9 to which such assignment or transfer has been made hereunder, as

10 if the foregoing provisions had not taken effect, nor shall any of
11 the foregoing provisions affect any order or recommendation made
12 by, or other matters or proceedings before, any department, divi-
13 sion, bureau, board or other agency, the functions, powers and
14 duties of which have been herein assigned or transferred to the
15 Department of Corrections or to any agency designated, continued
16 or constituted hereunder, and all such matters or proceedings pend-
17 ing before such department, division, bureau, board or other agency
18 on the effective date of this act shall be continued by the depart-
19 ment or agency to which such assignment or transfer has been made
20 hereunder, as if the foregoing provisions had not taken effect.

1 ***[18.]*** *19.* Unless specifically otherwise provided in this act
2 or by any operative law, whenever, pursuant to existing law, re-
3 ports, certifications, applications or requests are required or per-
4 mitted to be made to the department, division, bureau, board or
5 other agency, whose powers and duties are herein assigned or
6 transferred, such reports and certifications shall hereafter be re-
7 quired to be filed with, and such applications or requests shall
8 hereafter be made to, the department or agency to which such
9 assignment or transfer has been made hereunder.

1 ***[19.]*** *20.* With respect to the functions, powers and duties
2 hereby transferred to the Department of Corrections, whenever in
3 any law, rule, regulation, judicial or administrative proceeding or
4 otherwise, reference is made to the Division of Correction and
5 Parole within the Department of Institutions and Agencies or to
6 the Department of Institutions and Agencies with respect to cor-
7 rectional institutions as defined herein, or to the Commissioner of
8 Institutions and Agencies with respect to correctional institutions
9 as defined herein, the same shall mean and refer to the Department
10 of Corrections and the Commissioner of Corrections, respectively.

1 ***[20.]*** *21.* All the powers, functions and duties heretofore
2 exercised by the State Board of Institutional Trustees pursuant to
3 Title 30 of the New Jersey Statutes with respect to correctional
4 institutions as defined herein are hereby transferred to and vested
5 in the Commissioner of Corrections.

1 ***[21.]*** *22.* The State Parole Board in the Department of In-
2 stitutions and Agencies, together with all of its functions, powers
3 and duties, is continued but such board is hereby transferred to the
4 Department of Corrections established hereunder. All personnel,
5 appropriations, books, papers, records and property necessary to
6 the operation of the existing State Parole Board are likewise trans-
7 ferred. All rules, regulations, acts, determinations and decisions

8 in force at the time of such transfer proceedings or other such
9 matters undertaken or commenced by the State Parole Board shall
10 continue in force.

1 ***[22.]*** *23.* The State School District for Institutions within
2 the Department of Institutions and Agencies, together with all of
3 its functions, powers and duties, is continued but such State School
4 District is hereby transferred to the Department of Education. All
5 personnel, appropriations, books, papers and property necessary
6 to the operation of the existing State School District are likewise
7 transferred. All rules, regulations, acts, determinations and de-
8 cisions in force at the time of such transfer proceedings or other
9 such matters undertaken or commenced by the State School Dis-
10 trict shall continue in force.

1 ***[23.]*** *24.* a. There is hereby created within the Department
2 of Corrections an Advisory Council on Corrections to consult with
3 and advise the commissioner. The Advisory Council shall consist
4 of seven citizen members who shall be residents of this State to be
5 appointed by the Governor with the advice and consent of the
6 Senate. The Governor or his designee; the Commissioner of ***[In-**
7 **stitutions and Agencies]*** *Human Services*, the Commissioner
8 of Labor and Industry, the Commissioner of Education *, *the*
9 *Attorney General, the Director of the Administrative Office of the*
10 *Courts** and the Commissioner of Corrections, or their designees,
10a shall serve as ex-officio members during their terms of office.

11 The members appointed by the Governor pursuant to this act
12 shall be appointed for terms of 4 years; provided, however, of the
13 members first appointed, two shall be appointed for a term of 4
14 years; two for a term of 3 years; two for a term of 2 years; and
15 one for a term of 1 year. All appointed members shall continue
16 to serve after the expiration of their terms until their successors
17 are appointed and shall qualify. In the case of a vacancy, a new
18 member shall be appointed for the remainder of the unexpired
19 term. Members of the advisory council shall receive no compensa-
20 tion for services but shall be reimbursed for actual necessary and
21 reasonable expenditures incurred in the performance of their du-
22 ties. The members shall annually elect a chairperson from among
23 their membership.

24 The department shall provide the advisory council with reason-
25 able administrative and clerical support services, subject to the
26 availability of funds.

27 b. The advisory council shall:

28 (1) Conduct research on institutional needs;

29 (2) Review and make recommendations to the commissioner
30 with respect to budget requests from the institutions;

31 (3) Encourage cooperation between public and private institu-
32 tions;

33 (4) Periodically review existing programs of care, training, re-
34 habilitation, research, and public service in the public institutions
35 of this and other states and new developments in the various fields
36 of the department's responsibility and advise the commissioner
37 on desirable change;

38 (5) Consult with and make recommendations to the commissioner
39 as it deems necessary with regard to services, lands, buildings and
40 equipment to be furnished by the department and its institutions;

41 (6) Visit the institutions under the supervision or control of the
42 department to examine into their manner of operation and to ad-
43 vise the commissioner on their observations;

44 (7) Review and make recommendations to the commissioner with
45 respect to budget requests to be submitted by the commissioner;
46 and

47 (8) Make an annual report to the commissioner and the Governor
48 and such other reports as it may deem proper from time to time or
49 as may be requested by the commissioner.

50 *** (9) Make recommendations for the consideration of the com-
51 missioner with regard to the appointment of members of the boards
52 of trustees of the various correctional institutions.***

1 **[24.]* *25.** All the functions, powers and duties of the existing
2 Department of Institutions and Agencies and the commissioner
3 thereof not herein transferred to the Department of Corrections are
4 continued; provided, however, that the Department of Institutions
5 and Agencies continued hereunder shall hereinafter be known and
6 referred to as the Department of Human Services. With respect
7 to the functions, powers and duties of the Department of Institu-
8 tions and Agencies not herein transferred to the Department of
9 Corrections, whenever in any law, rule, regulation, judicial or ad-
10 ministrative proceeding or otherwise, reference is made to the
11 Department of Institutions and Agencies, or to the Commissioner
12 of Institutions and Agencies, the same shall mean and refer to the
13 Department of Human Services and the Commissioner of Human
14 Services, respectively.

1 **[25.]* *26.** The transfers directed by this act shall be effected
2 pursuant to the "State Agency Transfer Act," P. L. 1971, c. 375
3 (C. 52:14D-1 et seq.).

1 ***[26.]*** *27.* The commissioner may, in accordance with the
2 Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B-1 et
3 seq.), promulgate such rules and regulations as are necessary to
4 effectuate the purposes of this act.

1 ***[27.]*** *28.* The salary of the commissioner which by the pro-
2 visions of this act is to be fixed by law, shall be at the annual rate
3 of \$43,000.00.

1 ***[28.]*** *29.* There is hereby appropriated to the Department
2 of Corrections the sum of \$500,000.00 for the purposes of this act.

1 ***[29.]*** *30.* All acts and parts of acts inconsistent with any of
2 the provisions of this act are, to the extent of such inconsistency,
3 superseded and repealed.

1 ***[30.]*** *31.* If any clause, sentence, paragraph, section or part
2 of this act shall be adjudged by any court of competent jurisdiction
3 to be invalid, such judgment shall not affect, impair or invalidate
4 the remainder thereof, but shall be confined in its operation to the
5 clause, sentence, paragraph, section or part thereof directly in-
6 volved in the controversy in which such judgment shall have been
7 rendered.

1 ***[31.]*** *32.* The provisions of this act shall become effective
2 ~~**[September]**~~ ****October**** 1, 1976. Anticipatory actions ap-
3 propriate and necessary to effect the establishment of the depart-
4 ment are authorized to be accomplished as promptly as possible
5 in advance thereof including the making of authorized appoint-
6 ments and confirmation or approval thereof, and, within the limits
7 of appropriations to the department, the expenditure of funds for
8 payment of salaries and expenses incident thereto.

SENATE AMENDMENTS TO
ASSEMBLY, No. 1912

[SENATE REPRINT]

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED AUGUST 12, 1976

Amend page 1, title, lines 7-8, delete “, and making an appropriation”.

Amend page 10, section 29, lines 1-2, delete entirely.

Amend page 10, section 30, line 1, delete “30”, insert “29”.

Amend page 10, section 31, line 1, delete “31”, insert “30”.

Amend page 10, section 32, line 1, delete “32”, insert “31”.

Amend page 10, section 32, line 2, delete “October”, insert
“November”.

[SECOND SENATE REPRINT]
ASSEMBLY, No. 1912
[OFFICIAL COPY REPRINT]

with Senate committee amendments adopted July 22, 1976 and
Senate amendments adopted August 12, 1976

STATE OF NEW JERSEY

INTRODUCED MAY 17, 1976

By Assemblymen DEVERIN, HAMILTON, OTLOWSKI, KARCHER,
BORNHEIMER, GREGORIO, SNEDEKER, VISOTCKY and
SAXTON

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning the organization and reorganization of the State Government, establishing a Department of Corrections as a principal department in the Executive Branch, changing the name of the Department of Institutions and Agencies to the Department of Human Services and continuing it as a principal department in the Executive Branch, transferring the State School District for Institutions to the Department of Education**[, and making an appropriation]**

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

1 1. This act shall be known and may be cited as the "Department
2 of Corrections Act of 1976."

1 2. There is hereby established in the Executive Branch of the
2 State Government a principal department which shall be known as
3 the Department of Corrections.

4 As used in this act, unless the context clearly indicates otherwise,
5 "department" means the Department of Corrections.

1 *3. *The Legislature hereby finds and declares that the purpose*
2 *of the department shall be to protect the public and to provide for*
3 *the custody, care, discipline, training and treatment of persons*
4 *committed to State correctional institutions or on parole; to super-*
5 *vise and assist in the treatment and training of persons in local*
6 *correctional and detention facilities, so that such persons may be*
7 *prepared for release and reintegration into the community; and*
8 *to cooperate with the other law enforcement agencies of this State*
9 *to encourage a more unified system of criminal justice.*

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

10 *The Legislature further finds and declares that:*

11 *a. There is a need to:*

12 *(1) Provide maximum-security confinement of those offenders*
 13 *whose demonstrated propensity to acts of violence requires their*
 14 *separation from the community;*

15 *(2) Develop alternatives to conventional incarceration for those*
 16 *offenders who can be dealt with more effectively in less restrictive,*
 17 *community-based facilities and programs; and*

18 *(3) Separate juvenile offenders from the adult offender popu-*
 19 *lation and develop programs and services for juvenile offenders*
 20 *which recognize their special needs;*

21 *b. The environment for incarcerated persons should encourage*
 22 *the possibilities of rehabilitation and reintegration into the com-*
 23 *munity; and,*

24 *c. The incarcerated offender should be protected from victimiza-*
 25 *tion within the Institution.**

1 **[3.]* *4.** The head and chief executive officer of the department
 2 shall be a commissioner, who shall be known as the Commissioner of
 3 Corrections. The commissioner shall be appointed by the Governor,
 4 with the advice and consent of the Senate, and shall serve at the
 5 pleasure of the Governor during the Governor's term of office and
 6 until the appointment and qualification of his successor. The com-
 7 missioner shall receive such salary as shall be provided by law.
 8 He shall devote his entire time to the performance of his duties.

1 **[4.]* *5.** a. The commissioner may appoint one ***[deputy]***
 2 ***deputy*** and such assistant commissioners as he shall deem
 3 necessary to serve at the pleasure of the commissioner. Each
 4 deputy or assistant commissioner shall exercise such powers and
 5 perform such duties as the commissioner shall prescribe. The com-
 6 missioner shall designate one department official to exercise the
 7 powers and perform the duties of the commissioner during his
 7A disability or absence.

8 b. The commissioner shall have the authority to establish, organize
 9 and maintain in the department such administrative divisions to
 10 perform all necessary personnel, planning, budget and finance,
 11 facilities and equipment services for the department and to assign
 12 such personnel thereto as he shall deem necessary.

1 **[5.]* *6.** The commissioner, as administrator and chief execu-
 2 tive officer of the department, shall:

3 a. Administer the work of the department;

4 b. Appoint and remove officers and other personnel employed
 5 within the department, subject to the provisions of Title 11 of the

6 Revised Statutes, Civil Service, and other applicable statutes, ex-
7 cept as herein otherwise specifically provided;

8 c. Perform, exercise and discharge the functions, powers and
9 duties of the department through such divisions as may be estab-
10 lished by this act or otherwise by law;

11 d. Organize the work of the department in such divisions, not
12 inconsistent with the provision of this act, and in such bureaus and
13 other organizational units as he may determine to be necessary for
14 efficient and effective operation;

15 e. Formulate, adopt, issue and promulgate, in the name of the
16 department such rules and regulations for the efficient conduct of
17 the work and general administration of the department, the institu-
18 tions or noninstitutional agencies within its jurisdiction, its officers
19 and employees as may be authorized by law;

20 f. Determine all matters relating to the unified and continuous
21 development of the institutions and noninstitutional agencies within
22 his jurisdiction;

23 g. Determine all matters of policy and regulate the administra-
24 tion of the institutions or noninstitutional agencies within his
25 jurisdiction, correct and adjust the same so that each shall function
26 as an integral part of a general system. The rules, regulations,
27 orders and directions promulgated by the commissioner for this
28 purpose shall be accepted and enforced by the executive having
29 charge of any institution or group of institutions or noninstitutional
30 agencies or any phase of the work within the jurisdiction of the
31 department;

32 h. Institute or cause to be instituted such legal proceedings or
33 processes as may be necessary to enforce properly and give effect
34 to any of his powers or duties; for the purpose of any such investi-
35 gation, he may cause to be examined under oath any and all persons
36 whatsoever and compel by subpena the attendance of witnesses
37 and the production of such books, records, accounts, papers and
38 other documents as are appropriate. If a witness fails without
39 good cause to attend, testify or produce such records or documents
40 as are directed in the subpena, he shall be punished in the manner
41 provided for the punishment of any witness who disobeys a sum-
42 mons or subpena issued from a court of record in this State;

43 i. Make a report in each year to the Governor and to the Legis-
44 lature of the department's operations for the preceding fiscal year,
45 and render such other reports as the Governor shall from time to
46 time request or as may be required by law;

47 j. Appoint such advisory committees as may be desirable to advise
48 and assist the department or a division in carrying out its functions
49 and duties;

50 k. Maintain suitable headquarters for the department and such
 51 other quarters as he shall deem necessary to the proper functioning
 52 of the department; ****[and]****

53 ***l. Develop and from time to time revise and maintain a com-*
 54 *prehensive master plan for the State's correctional system which*
 55 *shall indicate, among other things, the department's goals, objec-*
 56 *tives, resources and needs;*

57 *m. Promote the development of alternatives to conventional in-*
 58 *carceration for those offenders who can be dealt with more effec-*
 59 *tively in less restrictive, community-based facilities;*

60 *n. Provide for the separation of juvenile offenders from the*
 61 *adult offender population and the development of programs and*
 62 *services for juveniles which promote their rehabilitation and rec-*
 63 *ognize their special needs;*

64 *o. Promote a unified criminal justice system, including the in-*
 65 *tegration of State and local correctional programs and probation*
 66 *and parole services;*

67 *p. Provide for the timely and efficient collection and analysis*
 68 *of data regarding the correctional system to insure the continuing*
 69 *review and evaluation of correctional services, policies and pro-*
 70 *cedures; and***

71 ****[l.]**** ***q.*** Perform such other functions as may be pre-
 72 scribed in this act or by any other law.

1 ***[6.]*** **7.** The commissioner shall arrange for personal contact
 2 with each of the institutions and the work of the noninstitutional
 3 agencies by visitations and by such other means as he may deter-
 4 mine to be necessary and proper, so that he may be as nearly as
 5 is practicable continually in touch with and informed concerning
 6 the general conditions and progress of the several institutions and
 7 noninstitutional agencies and the general results of the manage-
 8 ment thereof and the condition and welfare of the inmates and
 9 other persons committed or admitted. The commissioner shall visit
 10 and inspect each institution at least semiannually, at periods which
 11 shall not be fixed in advance.

1 ***[7.]*** **8.** The following correctional institutions of this State
 2 are hereby transferred from the Department of Institutions and
 3 Agencies to the Department of Corrections established hereunder:

4 State Prison, Trenton
 5 State Prison, Rahway
 6 State Prison, Leesburg
 7 Youth Reception and Correction Center, Yardville
 8 Youth Correctional Institution, Bordentown
 9 Correctional Institution for Women, Clinton

10 Youth Correctional Institution, Annandale
 11 Training School for Boys, Jamesburg
 12 Training School for Girls, Trenton
 13 Training School for Boys, Skillman
 14 Adult Diagnostic and Treatment Center, Avenel

15 Any State institution and satellite facilities heretofore or here-
 16 after established for any purpose similar to the above institutions
 17 and agencies shall be assigned to and maintained and operated
 18 by the Department of Corrections.

1 ***[8.]*** *9.* All functions, powers and duties of the existing Divi-
 2 sion of Correction and Parole, the Department of Institutions and
 3 Agencies, and the Commissioner of Institutions and Agencies with
 4 respect to all matters affecting State correctional institutions as
 5 defined herein, are hereby transferred to the Department of Cor-
 6 rections and Commissioner of Corrections established hereunder.

1 ***[9.]*** *10.* All functions, powers and duties of the Commis-
 2 sioner of Institutions and Agencies and the Department of Insti-
 3 tutions and Agencies with respect to all county and city jails or
 4 places of detention, county or city workhouses, county peniten-
 5 tiaries, county and municipal schools of detention, privately main-
 6 tained institutions and noninstitutional agencies and juvenile
 7 detention facilities for the care, treatment, government and dis-
 8 cipline of inmates are hereby transferred to the Department of
 9 Corrections established hereunder. The commissioner may, in
 10 accordance with the Administrative Procedure Act, P. L. 1968,
 11 c. 410 (C. 52:14B-1 et seq.), promulgate such rules and regulations
 12 as he shall deem necessary to establish minimum standards for
 13 such care, treatment, government and discipline.

1 ***[10.]*** *11.* All functions, powers and duties of the Department
 2 of Institutions and Agencies with respect to county work release
 3 and vocational training release programs are hereby transferred
 4 to the Department of Corrections established hereunder.

1 ***[11.]*** *12.* All appropriations and other moneys available and
 2 to become available to any department, division, bureau, board or
 3 other agency, the functions, powers and duties of which have been
 4 assigned or transferred herein, are hereby transferred to the De-
 5 partment of Corrections established hereunder, and shall be avail-
 6 able for the objects and purposes for which appropriated, subject
 7 to any terms, restrictions, limitations or other requirements im-
 8 posed by State or Federal law.

1 ***[12.]*** *13.* Such employees of any department, division,
 2 bureau, board or other agency, the functions, powers and duties of
 3 which have been herein assigned or transferred to the Department

4 of Corrections or to any agency designated continued or constituted
5 hereunder as the Commissioner of Corrections may determine are
6 needed for the proper performance of the functions and duties
7 imposed upon the Department of Corrections, or agency therein,
8 are hereby transferred to the department or agency to which such
9 functions, powers and duties have been herein assigned or trans-
10 ferred.

1 ***[13.]*** *14.* Nothing in this act shall be construed to deprive
2 any person of any tenure rights or of any right or protection pro-
3 vided him by Title 11 of the Revised Statutes, Civil Service, or
4 under any pension law or retirement system.

1 ***[14.]*** *15.* Any employee not appointed or transferred pur-
2 suant to this act may exercise any special reemployment rights and
3 may also exercise within all departments of the Executive Branch
4 all other layoff rights which would have been available to said
5 employee in the Department of Institutions and Agencies if the
6 Department of Corrections had not been established.

1 ***[15.]*** *16.* All files, books, papers, records, equipment and
2 other property of any department, division, bureau, board or other
3 agency, the functions, powers and duties of which have been herein
4 assigned or transferred to the Department of Corrections or to any
5 agency designated, continued or constituted hereunder, shall upon
6 the effective date of this act be transferred to the department or
7 agency to which such assignment or transfer has been made here-
8 under.

1 ***[16.]*** *17.* This act shall not affect the orders, rules and regu-
2 lations heretofore made or promulgated by any department, divi-
3 sion, bureau, board or other agency, the functions, powers and
4 duties of which have been herein assigned or transferred to the
5 Department of Corrections or to any agency designated, continued
6 or constituted hereunder; but such orders, rules and regulations
7 shall continue with full force and effect until amended or repealed
8 pursuant to law.

1 ***[17.]*** *18.* This act shall not affect actions or proceedings,
2 civil or criminal, brought by or against any department, division,
3 bureau, board or other agency, the functions, powers and duties of
4 which have been herein assigned or transferred to the Department
5 of Corrections or to any agency designated, continued or consti-
6 tuted hereunder, and pending on the effective date of this act, but
7 such actions or proceedings may be prosecuted or defended in the
8 same manner and to the same effect by the department or agency
9 to which such assignment or transfer has been made hereunder, as

10 if the foregoing provisions had not taken effect, nor shall any of
11 the foregoing provisions affect any order or recommendation made
12 by, or other matters or proceedings before, any department, divi-
13 sion, bureau, board or other agency, the functions, powers and
14 duties of which have been herein assigned or transferred to the
15 Department of Corrections or to any agency designated, continued
16 or constituted hereunder, and all such matters or proceedings pend-
17 ing before such department, division, bureau, board or other agency
18 on the effective date of this act shall be continued by the depart-
19 ment or agency to which such assignment or transfer has been made
20 hereunder, as if the foregoing provisions had not taken effect.

1 ***[18.]*** *19.* Unless specifically otherwise provided in this act
2 or by any operative law, whenever, pursuant to existing law, re-
3 ports, certifications, applications or requests are required or per-
4 mitted to be made to the department, division, bureau, board or
5 other agency, whose powers and duties are herein assigned or
6 transferred, such reports and certifications shall hereafter be re-
7 quired to be filed with, and such applications or requests shall
8 hereafter be made to, the department or agency to which such
9 assignment or transfer has been made hereunder.

1 ***[19.]*** *20.* With respect to the functions, powers and duties
2 hereby transferred to the Department of Corrections, whenever in
3 any law, rule, regulation, judicial or administrative proceeding or
4 otherwise, reference is made to the Division of Correction and
5 Parole within the Department of Institutions and Agencies or to
6 the Department of Institutions and Agencies with respect to cor-
7 rectional institutions as defined herein, or to the Commissioner of
8 Institutions and Agencies with respect to correctional institutions
9 as defined herein, the same shall mean and refer to the Department
10 of Corrections and the Commissioner of Corrections, respectively.

1 ***[20.]*** *21.* All the powers, functions and duties heretofore
2 exercised by the State Board of Institutional Trustees pursuant to
3 Title 30 of the New Jersey Statutes with respect to correctional
4 institutions as defined herein are hereby transferred to and vested
5 in the Commissioner of Corrections.

1 ***[21.]*** *22.* The State Parole Board in the Department of In-
2 stitutions and Agencies, together with all of its functions, powers
3 and duties, is continued but such board is hereby transferred to the
4 Department of Corrections established hereunder. All personnel,
5 appropriations, books, papers, records and property necessary to
6 the operation of the existing State Parole Board are likewise trans-
7 ferred. All rules, regulations, acts, determinations and decisions

8 in force at the time of such transfer proceedings or other such
9 matters undertaken or commenced by the State Parole Board shall
10 continue in force.

1 ***[22.]*** *23.* The State School District for Institutions within
2 the Department of Institutions and Agencies, together with all of
3 its functions, powers and duties, is continued but such State School
4 District is hereby transferred to the Department of Education. All
5 personnel, appropriations, books, papers and property necessary
6 to the operation of the existing State School District are likewise
7 transferred. All rules, regulations, acts, determinations and de-
8 cisions in force at the time of such transfer proceedings or other
9 such matters undertaken or commenced by the State School Dis-
10 trict shall continue in force.

1 ***[23.]*** *24.* a. There is hereby created within the Department
2 of Corrections an Advisory Council on Corrections to consult with
3 and advise the commissioner. The Advisory Council shall consist
4 of seven citizen members who shall be residents of this State to be
5 appointed by the Governor with the advice and consent of the
6 Senate. The Governor or his designee; the Commissioner of ***[In-**
7 **stitutions and Agencies]*** *Human Services*, the Commissioner
8 of Labor and Industry, the Commissioner of Education *, *the*
9 *Attorney General, the Director of the Administrative Office of the*
10 *Courts** and the Commissioner of Corrections, or their designees,
10A shall serve as ex-officio members during their terms of office.

11 The members appointed by the Governor pursuant to this act
12 shall be appointed for terms of 4 years; provided, however, of the
13 members first appointed, two shall be appointed for a term of 4
14 years; two for a term of 3 years; two for a term of 2 years; and
15 one for a term of 1 year. All appointed members shall continue
16 to serve after the expiration of their terms until their successors
17 are appointed and shall qualify. In the case of a vacancy, a new
18 member shall be appointed for the remainder of the unexpired
19 term. Members of the advisory council shall receive no compensa-
20 tion for services but shall be reimbursed for actual necessary and
21 reasonable expenditures incurred in the performance of their du-
22 ties. The members shall annually elect a chairperson from among
23 their membership.

24 The department shall provide the advisory council with reason-
25 able administrative and clerical support services, subject to the
26 availability of funds.

27 b. The advisory council shall:

28 (1) Conduct research on institutional needs;

29 (2) Review and make recommendations to the commissioner
30 with respect to budget requests from the institutions;

31 (3) Encourage cooperation between public and private institu-
32 tions;

33 (4) Periodically review existing programs of care, training, re-
34 habilitation, research, and public service in the public institutions
35 of this and other states and new developments in the various fields
36 of the department's responsibility and advise the commissioner
37 on desirable change;

38 (5) Consult with and make recommendations to the commissioner
39 as it deems necessary with regard to services, lands, buildings and
40 equipment to be furnished by the department and its institutions;

41 (6) Visit the institutions under the supervision or control of the
42 department to examine into their manner of operation and to ad-
43 vise the commissioner on their observations;

44 (7) Review and make recommendations to the commissioner with
45 respect to budget requests to be submitted by the commissioner;
46 and

47 (8) Make an annual report to the commissioner and the Governor
48 and such other reports as it may deem proper from time to time or
49 as may be requested by the commissioner.

50 *** (9) Make recommendations for the consideration of the com-
51 missioner with regard to the appointment of members of the boards
52 of trustees of the various correctional institutions.***

1 ***[24.]* *25.*** All the functions, powers and duties of the existing
2 Department of Institutions and Agencies and the commissioner
3 thereof not herein transferred to the Department of Corrections are
4 continued; provided, however, that the Department of Institutions
5 and Agencies continued hereunder shall hereinafter be known and
6 referred to as the Department of Human Services. With respect
7 to the functions, powers and duties of the Department of Institu-
8 tions and Agencies not herein transferred to the Department of
9 Corrections, whenever in any law, rule, regulation, judicial or ad-
10 ministrative proceeding or otherwise, reference is made to the
11 Department of Institutions and Agencies, or to the Commissioner
12 of Institutions and Agencies, the same shall mean and refer to the
13 Department of Human Services and the Commissioner of Human
14 Services, respectively.

1 ***[25.]* *26.*** The transfers directed by this act shall be effected
2 pursuant to the "State Agency Transfer Act," P. L. 1971, c. 375
3 (C. 52:14D-1 et seq.).

1 *~~[26.]~~* *27.* The commissioner may, in accordance with the
 2 Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B-1 et
 3 seq.), promulgate such rules and regulations as are necessary to
 4 effectuate the purposes of this act.

1 *~~[27.]~~* *28.* The salary of the commissioner which by the pro-
 2 visions of this act is to be fixed by law, shall be at the annual rate
 3 of \$43,000.00.

1 *~~[28.]~~* **~~[29.]~~* There is hereby appropriated to the Department
 2 of Corrections the sum of \$500,000.00 for the purposes of this
 3 act.**

1 *~~[29.]~~* **~~[30.]~~** *29.* All acts and parts of acts inconsistent
 2 with any of the provisions of this act are, to the extent of such
 3 inconsistency, superseded and repealed.

1 *~~[30.]~~* **~~[31.]~~** *30.* If any clause, sentence, paragraph,
 2 section or part of this act shall be adjudged by any court of compe-
 3 tent jurisdiction to be invalid, such judgment shall not affect,
 4 impair or invalidate the remainder thereof, but shall be confined
 5 in its operation to the clause, sentence, paragraph, section or part
 6 thereof directly involved in the controversy in which such judg-
 7 ment shall have been rendered.

1 *~~[31.]~~* **~~[32.]~~** *31.* The provisions of this act shall
 2 become effective **September** **~~[**October**]~~** **November**
 3 1, 1976. Anticipatory actions appropriate and necessary to effect
 4 the establishment of the department are authorized to be accom-
 5 plished as promptly as possible in advance thereof including the
 6 making of authorized appointments and confirmation or approval
 7 thereof, and, within the limits of appropriations to the department,
 8 the expenditure of funds for payment of salaries and expenses
 9 incident thereto.

ASSEMBLY BILL 1912
FROM THE OFFICE OF THE GOVERNOR

OCTOBER 5, 1976

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

KATHY FORSYTH

Governor Brendan Byrne announced Tuesday that he would nominate Robert E. Mulcahy, III, of Mendham, to head the new Department of Corrections.

The Governor made the announcement in his office while signing A-1912, the bill creating the new department.

Mulcahy has served as Deputy Commissioner of Institutions and Agencies since March, 1974. He was recently appointed by the Governor to coordinate the state's efforts in organizing local public works project applications to be submitted for funding by the federal Public Works Act of 1976.

"Bob Mulcahy has taken on some of the toughest tasks in this administration and has handled them all with distinction," said the Governor.

"He is a gifted administrator with a solid background in the problems that will be facing this new department," he said.

Under the bill, all functions, powers and duties of the existing Division of Correction and Parole and the State Parole Board will be transferred from the Department of Institutions and Agencies to the new department.

The name of the Department of Institutions and Agencies will be changed to the Department of Human Services.

In addition to overseeing the state's prison system, the Department of Corrections will: develop alternatives to conventional incarceration for certain offenders through less restrictive, community based facilities; separate juvenile offenders and develop special programs to meet their needs; and encourage the possibilities of rehabilitation and reintegration for offenders.

The bill also creates an Advisory Council on Corrections within the new department. The Council will consist of the Governor, the Commissioner of Human Services, the Commissioner of Corrections, the Commissioner of Labor and Industry, the Commissioner of Education, the Attorney General and the Director of the Administrative Office of the Courts. There will also be seven citizen members appointed by the Governor with the advice and consent of the Senate.