

30: 8-16.3 to 30: 8-16.12

LEGISLATIVE HISTORY CHECKLIST

(County correctional facilities-- establishes State financial assistance fund)

NJSA 30:8-16.3 - 30:8-16.12

LAWS 1981

CHAPTER 498

Bill No. S3190

Sponsor(s) Hamilton and others

Date Introduced April 27, 1981

Committee: Assembly -----

Senate State Gov't, Federal & Interstate Relations & Veterans Affairs

Amended during passage Yes

~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly January 11, 1982

Senate December 14, 1981

Date of approval January 12, 1982

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Also attached: Senate amendments adopted 12-10-81 (with statement

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~~

See newspaper clipping file in New Jersey Reference Department, "New Jersey - Prisons and prisoners- 1981 & 1982".

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SENATE, No. 3190

STATE OF NEW JERSEY

INTRODUCED APRIL 27, 1981

By Senators HAMILTON, WEISS, FORAN, DUMONT and A. RUSSO

Referred to Committee on State Government, Federal and  
Interstate Relations and Veterans Affairs

AN ACT concerning the establishment of a State financial assistance  
program for counties for the renovation and construction of  
county correctional facilities.

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 "County  
2 Correctional Policy Act of **\*\*\*[1981]\*\*\* \*\*\*1982\*\*\*"**.

1 2. The Legislature finds and declares that in order to more  
2 effectively protect society and promote efficiency and economy in  
3 the delivery of correctional services, there is a need for coordina-  
4 tion between State and county correctional programs. The coordi-  
5 nation which would be enhanced by a financial assistance program  
6 for the construction and renovation of county correctional facili-  
7 ties, would provide maximum-security incarceration at the State  
8 level of those offenders whose demonstrated propensity to violence  
9 requires their separation from society while at the same time de-  
10 veloping viable alternatives to State confinement for those offenders  
11 who can be dealt with more effectively in county correctional  
12 facilities and programs.

1 3. a. There is established in the Department of Corrections a  
2 long-term, financial assistance program to provide State grants  
3 to participating counties to renovate and construct county correc-  
4 tional facilities so that county correctional services may be de-  
5 veloped, implemented, operated and improved.

6 b. The Commissioner of the Department of Corrections is au-  
7 thorized to provide financial assistance, in the form of State grants,  
8 to participating counties in order to upgrade county correctional

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

9 facilities so that county correctional programs may be developed  
 10 and implemented and the placement of certain State prisoners in  
 11 medium and minimum-security facilities at the county level effectuated.  
 12 No State **\*\*\*[prisoner having a sentence]\*\*\*** **\*[balance]\***  
 13 **\*\*\*[of more than 5 years]\*\*\*** **\*\*\*who is anticipated to have an**  
 13A **actual period of confinement in excess of 24 months\*\*\*** or convicted  
 13B of the offense of aggravated sexual assault, sexual assault, aggravated  
 14 criminal sexual contact, or an attempt to commit any of these  
 15 offenses shall be eligible for placement in any county correctional  
 16 facility under this act.

16A *\*c. With the agreement of the county, prisoners sentenced to*  
 16B *terms **\*\*\*[of more than 5 years]\*\*\*** **\*\*\*which may result in an***  
 16C *actual period of confinement in excess of 24 months\*\*\* may be*  
 16D *housed in county facilities on a pre-release basis for the last 6 to 9*  
 16E *months of their sentences in order to facilitate the reintegration*  
 16F *of offenders in the community.\**

17 **\*[c.]\* \*d.\*** The program established pursuant to this act shall be  
 18 funded through bond moneys appropriated to the Department of  
 19 Corrections from the "Public Purpose Buildings Construction  
 20 Fund," created pursuant to the "New Jersey Public Purpose Buildings  
 21 Construction Bond Act of 1980," P. L. 1980, c. 119, and from  
 22 any other bond moneys **\*\*and capital budget appropriations\*\***  
 23 that may be issued for these purposes subsequent to the enactment  
 24 of this act.

1 4. a. **\*[Subject to other provisions of this act, any county responsible for the commitment of prisoners to State correctional**  
 2 **facilities equal to or more than 5% of the total number of prisoners**  
 3 **within the State correctional system as of the effective date of this**  
 4 **act shall participate in the financial assistance program as developed and administered by the commissioner]\*** *\*Any county responsible for the commitment of prisoners to State correctional facilities*  
 6A *may participate in the financial assistance program as developed*  
 6B *and administered by the commissioner\*.*

7 **\*\*[Subject to the availability of funds and the need for space at**  
 8 **the county level, as determined by the commissioner, each county**  
 9 **participating under this subsection shall]\*\*** **\*\*The following are**  
 9A **set as placement goals for counties participating in the financial**  
 9B **assistance program\*\*** :

10 (1) By January 1, **\*[1986]\* \*1987\***, provide placement in county  
 11 correctional facilities for at least 15% of those prisoners committed  
 12 by the county to State correctional facilities as of the effective date  
 13 of this act;

14 (2) By January 1, \*~~1991~~\* \*1992\*, provide placement in county  
 15 correctional facilities for at least 30% of those prisoners committed  
 16 by the county to State correctional facilities as of the effective date  
 17 of this act.

18 b. \*~~Subject to other provisions of this act, any county which~~  
 19 ~~commits less than 5% of the prisoners within the State correctional~~  
 20 ~~system as of the effective date of this act may participate in the~~  
 21 ~~financial assistance program either on its own or in cooperation~~  
 22 ~~with no more than two other geographically contiguous counties,~~  
 23 ~~subject to the approval of the commissioner. The commissioner~~  
 24 ~~shall determine the specific number of placements to be reserved~~  
 25 ~~in county correctional facilities for prisoners remanded by the~~  
 26 ~~State.~~

27 c. The counties participating in the financial assistance program  
 28 shall adhere to rules and regulations concerning prisoner place-  
 29 ment as developed by the commissioner in accordance with limita-  
 30 tions established pursuant to subsection b. of section 3 of this act.]\*

31 *\*Subject to the other provisions of this act, the commissioner shall*  
 32 *issue rules and regulations which assure that any county responsible*  
 33 *for the commitment of prisoners to State correctional facilities*  
 34 *equal to more than 5% of the total number of prisoners within the*  
 35 *State correctional system as of the effective date of this act shall*  
 36 *have preference in participating in the financial assistance program*  
 37 *as developed and administered by the commissioner.*

38 *c. Subject to the other provisions of this act, any county which*  
 39 *commits less than 5% of the prisoners within the State correctional*  
 40 *system as of the effective date of this act may participate in the*  
 41 *financial assistance program either on its own or in cooperation*  
 42 *with no more than two other geographically contiguous counties*  
 43 *counties, subject to the approval of the commissioner.*

44 *b. Subject to the other provisions of this act, the number of State*  
 45 *prisoners to be placed in county correctional facilities shall be*  
 46 *established by the commissioner and agreed to by the participating*  
 47 *county.*

48 *e. The counties participating in the financial assistance program*  
 49 *shall adhere to rules and regulations concerning prisoner place-*  
 50 *ment as developed by the commissioner in accordance with limita-*  
 51 *tions established pursuant to subsection b. of section 3 of this act.\**

1 5. a. The governing body of each county participating in the  
 2 financial assistance program under this act shall establish a 12  
 3 member county corrections advisory board. The membership of  
 4 the board, appointed by the governing body of the county, shall  
 5 be representative of the areas of \*\*~~law enforcement~~\*\* \*\*criminal

6 *justice\*\**, the judiciary, corrections, education, social services,  
 7 ethnic minorities and the general public. The board shall be respon-  
 8 sible for the development of a comprehensive plan for developing,  
 9 implementing, operating and improving county correctional ser-  
 10 vices, which shall be submitted to the governing body of the county  
 11 for its approval. The board, at least annually, shall make a formal  
 12 recommendation to the governing body of the county concerning  
 13 the implementation and operation of the plan for the forthcoming  
 13A year.

14 b. In addition to such matters as are prescribed by rules and  
 15 regulations promulgated by the commissioner, the comprehensive  
 16 plan of each county shall provide for:

17 (1) The availability and use of a specific amount of bed space  
 18 to be reserved for prisoners remanded by the State;

19 (2) The location and description of facilities that will be used  
 20 by the county pursuant to the purposes of this act including, but  
 21 not limited to, county jails, penitentiaries, houses of detention,  
 22 workhouses, work release centers and halfway houses;

23 (3) Per-diem reimbursement rates favorable to the State in  
 24 recognition of its contribution to the construction or renovation  
 25 costs of the county correctional facilities *\*\*\*but which take into*  
 25A *consideration the additional cost of State mandated programs\*\*\*.*

26 (4) The centralized administration and control of county correc-  
 27 tional services, *\*\*[including the manner in which probation and*  
 28 *parole will be administered]\*\* *\*\*taking into account established**  
 28A *provisions for probation and parole services\*\*;*

29 (5) The manner in which counties that jointly apply for par-  
 30 ticipation under this act will operate a coordinated regional county  
 31 corrections program; and

32 (6) A schedule of specific expenditures and priorities for the  
 33 use of the grant moneys.

34 c. Any county applying for financial assistance made available  
 35 under this act shall apply in a form and manner prescribed by the  
 36 commissioner.

37 d. Prior to receiving a grant of financial assistance under this  
 38 act, the governing body of each participating county shall submit  
 39 a comprehensive plan for the development, implementation, opera-  
 40 tion and improvement of county correctional services to the com-  
 41 missioner for his approval.

1 6. Subject to the requirements of centralized administration and  
 2 control of county correctional services under subsection b. (4) of  
 3 section 5, and the provisions of agreements between cooperating  
 4 counties permitted pursuant to subsection b. of section 4, the gov-

5 erning body of a participating county shall retain all authority  
6 for the expenditure of funds, including grants of financial assist-  
7 ance received from the State under this act, and for the imple-  
8 mentation and operation of county correctional facilities according  
9 to the comprehensive plan approved by the commissioner.

1 7. In order to assist a county or cooperating counties which have  
2 established a county corrections advisory board but which do not  
3 have a comprehensive plan, and which require financial assistance  
4 to defray expenses necessary to develop such a plan the commis-  
5 sioner, upon receipt of resolutions from the governing body of the  
6 county or counties certifying the inability to pay the expenses, may  
7 provide a planning grant to the county or counties.

1 8. If a county or counties applying for financial assistance under  
2 this act meet all the requirements for receiving such assistance,  
3 as determined by the commissioner, the commissioner shall provide  
4 a State financial assistance grant for:

5 a. The full cost of capital construction and renovation for county  
6 correctional facilities providing placement space for prisoners re-  
7 manded by the State; and

8 b. The partial cost of capital construction and renovation for  
9 county correctional facilities for housing county prisoners.

1 9. The commissioner shall review annually the comprehensive  
2 plans submitted by a county or group of counties and the facilities  
3 and programs developed, implemented and operated under those  
4 plans. The commissioner **\*[is authorized]\*** *\*shall have a reasonable*  
5 *opportunity\** to examine county books, records, facilities and pro-  
6 grams for the purposes of recommending needed changes and  
7 improvements in those plans.

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

1 11. This act shall take effect immediately.

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SENATE AMENDMENTS TO  
**SENATE, No. 3190**  
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**STATE OF NEW JERSEY**

ADOPTED DECEMBER 10, 1981

Amend page 2, section 3, line 22, after "moneys", insert "and capital budget appropriations".

Amend page 2, section 4, lines 7-9, omit all of lines 7 and 8 and on line 9, omit "participating under this subsection shall" and insert "The following are set as placement goals for counties participating in the financial assistance program".

Amend page 3, section 5, line 5, omit "law enforcement" and insert "criminal justice".

Amend page 3, section 5, lines 27-28, omit "including the manner in which probation and parole will be administered" and insert "taking into account established provisions for probation and parole services".

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STATEMENT

These amendments

1. Permit the use of capital budget appropriations in funding the program established by the act.
2. Establish goals for the placement of prisoners rather than mandating an absolute requirement for prisoner placement.
3. Substitute the more general term of "criminal justice" for "law enforcement" in the designation of those persons who will be members of the county corrections advisory board.
4. Modify the language with respect to probation and parole in the development of county plans.

SENATE STATE GOVERNMENT, FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS AFFAIRS  
COMMITTEE

STATEMENT TO

**SENATE, No. 3190**

with Senate committee amendment

**STATE OF NEW JERSEY**

DATED: DECEMBER 7, 1981

This bill establishes a long-term financial assistance program in the Department of Corrections to provide State grants to participating counties to renovate and construct county correctional facilities in exchange for housing certain State prisoners at the county level. The program would be funded by bond moneys from the "New Jersey Public Purpose Buildings Construction Bond Act of 1980," P. L. 1980, c. 119. No State prisoner with a sentence balance of more than 5 years or who has been convicted of certain sex offenses shall be placed at the county level.

As originally drafted the bill made participation in the program mandatory for any county whose prisoner commitment rate is equal to or greater than 5% of the total number of prisoners in the State system. A committee amendment makes participation in the program optional for these counties. The program also has long-term goals for counties for housing State prisoners at the county level.

Any county committing less than 5% of the prisoners within the State correctional system may participate, either singly or jointly with other counties, in this program, subject to the discretion of the Commissioner of Corrections.

The governing body of each participating county shall set up a 12-member county corrections advisory board which shall develop a comprehensive plan for county correctional services. The comprehensive plan must be approved by the Commissioner of Corrections prior to the granting of financial assistance to any county.

If a county applying for assistance meets all requirements for receipt of such assistance, the Commissioner of Corrections shall provide a State grant for the full cost of capital construction and renovation for county correctional facilities providing placement space for prisoners remanded by the State. Partial cost shall be given for those facilities housing county prisoners.

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## COMMITTEE AMENDMENTS

With the sponsor's approval, the committee amended the bill to provide that any county with a prisoner commitment rate equal to or greater than 5% of the total number of prisoners in the State system "shall have preference in participating in the financial assistance program." The original language of the bill made such participation mandatory for these counties.

3 section 5, and the provisions of agreements between cooperating  
 4 counties permitted pursuant to subsection b. of section 4, the gov-  
 5 erning body of a participating county shall retain all authority  
 6 for the expenditure of funds, including grants of financial assist-  
 7 ance received from the State under this act, and for the imple-  
 8 mentation and operation of county correctional facilities according  
 9 to the comprehensive plan approved by the commissioner.

1 7. In order to assist a county or cooperating counties which have  
 2 established a county corrections advisory board but which do not  
 3 have a comprehensive plan, and which require financial assistance  
 4 to defray expenses necessary to develop such a plan the commis-  
 5 sioner, upon receipt of resolutions from the governing body of the  
 6 county or counties certifying the inability to pay the expenses, may  
 7 provide a planning grant to the county or counties.

1 8. If a county or counties applying for financial assistance under  
 2 this act meet all the requirements for receiving such assistance,  
 3 as determined by the commissioner, the commissioner shall provide  
 4 a State financial assistance grant for:

5 a. The full cost of capital construction and renovation for county  
 6 correctional facilities providing placement space for prisoners re-  
 7 manded by the State; and

8 b. The partial cost of capital construction and renovation for  
 9 county correctional facilities for housing county prisoners.

1 9. The commissioner shall review annually the comprehensive  
 2 plans submitted by a county or group of counties and the facilities  
 3 and programs developed, implemented and operated under those  
 4 plans. The commissioner is authorized to examine county books,  
 5 records, facilities and programs for the purposes of recommending  
 6 needed changes and improvements in those plans.

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

1 11. This act shall take effect immediately.

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#### STATEMENT

This bill establishes a long-term financial assistance program in  
 the Department of Corrections to provide State grants to partici-  
 pating counties to renovate and construct county correctional  
 facilities in exchange for housing certain State prisoners at the  
 county level. The program would be funded by bond moneys from

53190 (1981)

the "New Jersey Public Purpose Buildings Construction Bond Act of 1980," P. L. 1980, c. 119. No State prisoner with a sentence balance of more than 5 years or who has been convicted of certain sex offenses shall be placed at the county level.

Participation in the program is mandatory for any county whose prisoner commitment rate is equal to or greater than 5% of the total number of prisoners in the State system. The program also has long-term goals for these counties for housing State prisoners at the county level.

Any county committing less than 5% of the prisoners within the State correctional system may participate, either singly or jointly with other counties, in this program, subject to the discretion of the Commissioner of Corrections.

The governing body of each participating county shall set up a 12-member county corrections advisory board which shall develop a comprehensive plan for county correctional services. The comprehensive plan must be approved by the Commissioner of Corrections prior to the granting of financial assistance to any county.

If a county applying for assistance meets all requirements for receipt of such assistance, the Commissioner of Corrections shall provide a State grant for the full cost of capital construction and renovation for county correctional facilities providing placement space for prisoners remanded by the State. Partial cost shall be given for those facilities housing county prisoners.

This plan will provide for greater coordination of State and county correctional programs in order to more effectively protect society and promote efficiency and economy in the delivery of correctional services.

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