

30:4-91 to
30:4-91.7

August 25, 1969

Copy 3

Legislative Notes on R.S. 30:4-91 to 30:4-91.7
(Prison work - release)

Similar bills were:

1964 - A592
Introduced April 8th by Fay and others.
Lied in Assembly Committee.
Bill had statement. (Copy enclosed)

L. 1969, Chapter 22 - All3
Introduced Jan. 14, 1969 by Dickey & Fay.
Statement was made. (Copy enclosed)
Not amended.

No hearings or reports were found.

A copy of all clippings located is attached.

- 4/8/68 "Before Assembly - Prisoner Work Bill Pressed" - Newark Evening News.
- 6/13/68 "Assembly Approves Plan Allowing Prisoners to Work" Newark Evening News.
- 6/25/68 "Prisoners Work Bill Approved" - Newark Evening News.
- 6/26/68 "Work By Day, Jail At Night New To N.J., But Not Bucks" - Trenton Evening Times.

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- 9/8/68 "Aiding Convicts" - Newark Evening News.
- 1/8/69 "Counties Able To Release Prisoners For Work, School" -
Trenton Evening Times.
- 2/18/69 "Work-Release Plan Extension Near - Jobs For State
Prisoners?" - Trenton Evening Times.
- 4/3/69 "Work-Release Extension Is Near" - Trenton Evening Times.

JH/fb

COPY

VOTED 9/10/68
ASSEMBLY, No. 786

STATE OF NEW JERSEY

INTRODUCED MAY 27, 1968

By Assemblymen DICKEY, THOMAS, OWENS, A. S. SMITH,
MORAITES, GAVAN and RINALDI -

Referred to Committee on Law, Public Safety and Defense

AN ACT in relation to establishing a work release program for
certain persons in State and county correctional institutions.

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

1 1. Establishment of work release program. The department of
2 criminal justice is authorized and directed to establish a "work
3 release" program under which the limits of the place of confine-
4 ment may be extended that convicted offenders sentenced to an
5 institution under the jurisdiction of said department or in a county
6 jail, penitentiary or work house (for a term not exceeding 2 years)
7 may be granted the privilege of leaving actual confinement during
8 necessary and reasonable hours for the purpose of working at
9 gainful public or private employment in this State under the work
10 release plan as hereinafter authorized. Such program may also
11 include, under appropriate conditions, release for the purpose of
12 seeking such employment.

1 2. Eligibility. (a) No convicted offender shall be eligible to
2 participate in any work release program except upon the recom-
3 mendation of the judge who sentences such offender, which
4 recommendation shall be set forth in the judgment of imprisonment
5 or at any time thereafter upon application to the court therefor,
6 or upon the written authorization of the Division of Rehabilitation
7 in the Department of Criminal Justice.

8 b. No prisoner shall be eligible to participate in any work release
9 program who has been convicted and sentenced for any sexual
10 offense or of any violation of law relating to narcotic drugs, or
11 who has a history of narcotics addiction.

1 3. Application for permission to participate; adoption of work
2 release plan. A convicted offender eligible to participate in the

3 work release program in accordance with the provisions of this act
4 may make application to the warden or superintendent of the in-
5 stitution or officer in charge of the county institution in which he
6 is confined for permission to participate in such program. The
7 application shall include a statement by the offender that he agrees
8 to abide by all terms and conditions of the particular plan adopted
9 for him by the Commissioner of Criminal Justice, hereinafter
10 referred to as the "commissioner," if such application is approved,
11 shall state the name and address of the proposed employer, if any,
12 and shall contain such other information as the department of
13 criminal justice may require. The warden, superintendent or officer
14 in charge of the county institution may, in his discretion, recom-
15 mend such application to the commissioner. The commissioner
16 may approve, disapprove, or defer action on said recommendation.
17 In the event of approval the commissioner shall adopt a work
18 release plan for such prisoner which shall contain such terms and
19 conditions as may be necessary and proper; and such plan shall
20 be signed by the prisoner prior to his participation in the program.
21 At any time after approval has been granted, it may be revoked
22 for any reason by the commissioner.

23 If the offender shall violate any of the conditions prescribed
24 by institution rules and regulations for the administration of the
25 work release plan, then such offender may be withdrawn from
26 work release privileges, and he may be transferred to a prison,
27 jail, penitentiary, work house or other correctional institution to
28 serve out the remainder of his sentence. Rules and regulations for
29 the administration of the work release plan shall be established
30 by the division of rehabilitation with the approval of the
31 commissioner.

1 4. Housing for prisoners granted work release privileges. The
2 Department of Criminal Justice shall designate and adopt facilities
3 in the institutions and facilities under its jurisdiction, and establish
4 standards for county institutions, for the housing of prisoners
5 granted work release privileges. In areas where such facilities
6 are not within reasonable proximity of the place of employment
7 of a prisoner so released, the department may contract with the
8 proper authorities of counties or municipalities of this State for
9 the quartering of such offender in suitable local confinement
10 facilities. In the work release plan of any offender, the commis-
11 sioner shall include as a specific term or condition the place where
12 such prisoner is to be confined when not released for the purposes
13 of the work release program.

6

1 5. Supervision over conditions of employment by Labor Depart-
2 ment. The State Department of Labor and Industry shall exercise
3 the same supervision over conditions of employment for persons
4 working in the free community while serving sentences imposed
5 under this chapter or the penal law as the department does over
6 conditions of employment for free persons.

1 6. When employment prohibited. No employment for any pris-
2 oner shall be approved unless the commissioner finds and deter-
3 mines, after consultation with the representatives of local union
4 central bodies or similar labor union organizations, that (a) such
5 employment will not result in the displacement of employed
6 workers, or be applied in skills, crafts, or trades in which there is
7 a surplus of available gainful labor in the locality, or impair exist-
8 ing contracts for services; and

9 (b) The rates of pay and other conditions of employment will
10 not be less than those paid or provided for work of similar nature
11 in the locality in which the work is to be performed. In no event
12 may any such employment be permitted where there is a labor
13 dispute in the establishment in which the prisoner is, or is to be,
14 employed.

1 7. Disposition of earnings. A prisoner employed in the com-
2 munity under a work release plan shall surrender to the Department
3 of Correction the earnings received from such employment in the case any be-
4 nevolent or other appropriate deduction required by law. The
5 department or county treasurer shall deduct from such earnings,
6 in the following order of priority, an amount determined to be the
7 cost of the State or county of providing food, lodging and clothing
8 for such prisoner; the actual and necessary food, travel and other
9 expenses of such prisoner when released from actual confinement
10 under the program; and such amount as the prisoner may be legally
11 obligated to pay for the support of his dependents, which amount
12 shall be paid to such dependents through the department of welfare
13 in the county or municipality in which such dependents reside.
14 Any balance remaining after such deductions and payments shall
15 be credited to the prisoner's account and shall be paid to him
16 upon release.

1 8. Failure to remain within the extended limits of confinement
2 or to return to place of confinement. Willful failure of the prisoner
3 to remain within the extended limits of his confinement or to return
4 to the place of confinement not later than the expiration of any
5 period during which he is authorized to be away from the place
6 of confinement pursuant to this act shall be deemed to be an escape
7 from confinement and shall be punishable in the same manner and

8 to the same extent as an escape from the institution in which he
9 was confined prior to his release for work under this act.

1 9. Prisoner not agent or employee of the State or of a county.

2 No prisoner employed in the community under the provisions
3 of this act shall be deemed to be an agent, employee or involuntary
4 servant of the Department of Criminal Justice or of a county while
5 released from confinement pursuant to the terms of any work
6 release plan.

1 10. Eligibility for parole, et cetera, not affected. Nothing in this
2 act shall affect eligibility for parole or discretionary reduction of
3 sentence, as provided by law, of any prisoner released under a
4 work release plan under this article.

1 11. This act shall take effect January 1, 1969.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

September 10, 1968

ASSEMBLY BILL NO. 786

to the General Assembly:

I herewith return Assembly Bill No. 786, with my objections, for the following reasons:

Assembly Bill No. 786 would establish for the first time in the State of New Jersey a work release program for certain inmates in State and county penal institutions. This administration is certainly interested in fostering the rehabilitation of persons convicted of crime. Penal authorities throughout the nation have indicated that a sensible work-release program fosters rehabilitation, reduces welfare costs and helps to preserve family contacts so essential to the remolding of the convicted individual. I believe that Assembly Bill No. 592, prepared by this administration and introduced by Assemblyman Fay, provides for a sensible work-release program. Assembly Bill No. 786 does not.

Assembly Bill No. 786 would entrust the administration of a work-release program to a non-existent department of government -- the Department of Criminal Justice. The bill further purports to exercise jurisdiction over county penal institutions when in fact an existing State department has authority to regulate the operation of those institutions.

Under ordinary circumstances it would have perhaps been possible through the exercise of a conditional veto to reconstruct this measure, however, this particular bill departs so widely from what I believe to be a sound and workable program as to defy reconstruction. I therefore invite this Legislature's early attention to and favorable action on Assembly Bill No. 592.

I therefore return Assembly Bill No. 786 without my approval.

[seal]

Respectfully,

/S/ RICHARD J. HUGHES

GOVERNOR

Attest:

S/ ALAN J. KARCHER

Acting Secretary to the Governor

ASSEMBLY, No. 592

STATE OF NEW JERSEY

INTRODUCED APRIL 8, 1968

By Assemblymen FAY, KALTENBACHER, KEAN, DENNIS,
WILSON, CAPUTO and WILENTZ

Referred to Committee on Institutions and Welfare

AN ACT concerning the confinement, transfer and interim release of inmates in the several State correctional institutions, providing parole rehabilitative work opportunities for inmates and supplementing Title 30 of the Revised Statutes.

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

1 1. When a person has been convicted of an offense against the
2 State of New Jersey and has been committed for a term of im-
3 prisonment by a court to an institution defined in section 30:1-7
4 of the Revised Statutes, and when it appears to the satisfaction of
5 the Commissioner of Institutions and Agencies that the inmate
6 should be transferred to an institution more appropriate for his
7 needs and welfare or that of other inmates or for the security of
8 the institution, the commissioner shall be authorized and em-
9 powered to designate the place of confinement to which the inmate
10 shall be transferred to serve his sentence.

1 2. The commissioner may designate as a place of confinement
2 any available, suitable, and appropriate institution or facility
3 whether owned by the State or otherwise, and may at any time
4 transfer a person from one place of confinement to another.

1 3. The commissioner or his duly authorized agent or agents
2 may extend the limits of the place of confinement of a prisoner
3 as to whom there is reasonable cause to believe he will honor his
4 trust, by authorizing him, under prescribed conditions, to

5 (a) Visit a specifically designated place or places for a period
6 not to exceed 30 days and return to the same or another institution
7 or facility. An extension beyond the 30-day limit may be granted
8 to permit a visit to a dying relative, attendance at the funeral of
9 a relative, the obtaining of medical services not otherwise available,

10 the contacting of prospective employers, or for any other com-
11 pelling reason consistent with the public interest; or

12 (b) Work at paid employment or participate in a training or
13 educational program in the community on a voluntary basis while
14 continuing as a prisoner of the institution or facility to which he
15 is committed, provided that:

16 (i) Representatives of local union central bodies or similar
17 labor union organizations are consulted;

18 (ii) Such paid employment will not result in the displace-
19 ment of employed workers, or be applied in skills, crafts, or
20 trades in which there is a surplus of available gainful labor in
21 the locality or impair existing contracts for services; and

22 (iii) The rates of pay and other conditions of employment
23 will not be less than those paid or provided for work of similar
24 nature in the locality in which the work is to be performed.

25 (iv) No prisoner employed in the free community in private
26 enterprise under the provisions of this act shall, while work-
27 ing in such employment or going to and from such employ-
28 ment, be deemed to be an agent, employee or servant of the
29 Department of Institutions and Agencies, the State of New
30 Jersey or any of its subdivisions.

1 4. The commissioner, as a part of any work release program
2 for an inmate, may require that any wages, salary, earnings and
3 other income, of each gainfully employed prisoner shall be paid,
4 less payroll deductions required or authorized by law, to the
5 superintendent of the institution who shall deposit such sums so
6 received to the credit of such inmate in a trust fund account at such
7 institution. From such moneys belonging to any inmate the super-
8 intendent of the institution is authorized and empowered to with-
9 draw sufficient moneys as may be required to pay the following:

10 (a) Such costs of maintenance related to the prisoner's confine-
11 ment as are determined by the State Board of Control to be
12 appropriate and reasonable.

13 (b) Necessary travel expenses to and from work or other busi-
14 ness and incidental expenses of the prisoner.

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

16 (d) Payment of court fines.

17 (e) Payment of either in full or ratably of the prisoner's debts
18 which have been reduced to judgment or which have been acknowl-
19 edged in writing by him.

20 (f) The balance, if any, shall be paid to the prisoner at the
21 completion of the period of his confinement.

1 5. The willful failure of a prisoner to remain within the extended
 2 limits of his confinement, or to return within the time prescribed
 3 to an institution or facility designated by the commissioner, shall
 4 be deemed an escape from confinement and shall be punishable
 5 as provided in section 2A:104-6 of the New Jersey Statutes.

1 6. The commissioner, with the approval of the State Board of
 2 Control of Institutions and Agencies, shall promulgate such rules
 3 and regulations as shall be deemed necessary for the proper ad-
 4 ministration hereof and to give full force and effect hereto.

1 7. Nothing herein contained shall be deemed in any manner to
 2 diminish or affect the authority of the State Parole Board to release
 3 prisoners on parole.

1 8. This act shall take effect immediately.

STATEMENT

This bill is designed to provide a program in New Jersey correctional institutions whereby inmates could be released, for a limited period of time, prior to termination of their sentences, for the following purposes:

1. Provide full-time employment at a normal work opportunity in the community for selected incarcerated offenders who in the judgment of those implementing the correctional program, are likely to respond favorably.

2. Enable selected inmates to engage in vocational training programs in the community such as M.D.T.A. or other suitable approved training programs.

3. Provide for selected inmates to attend educational programs in the community.

4. Maintain and strengthen constructive ties with family, friends, and the free community.

5. Provide an expanded opportunity for prerelease preparation and provide a setting to test readiness for release on parole.

6. Allocate work release earnings (a) to meet part of the cost of incarceration, (b) to meet costs incidental to the prisoner's work release program, (c) to help meet the cost of support of dependents, and (d) to more adequately meet financial problems when paroled or discharged from the institution.

7. Help inmates to retain, develop and expand work skills, techniques and habits and to keep abreast of changing technology, thus lessening the job-finding problem when paroled or discharged.

"Work release," although in greater use today, is not a new concept but an adaptation of programs for incarcerated offenders

which can be traced back for many years. One of the early "work release" laws, known as the Huber Act, was enacted in Wisconsin in 1913. Since then 25 States, the Federal Government, the District of Columbia, and many countries in Western Europe have established "work release" programs.

This bill is patterned after the Federal statute (Public Law 89-176) which established the "work release" program in Federal correctional institutions. There are no cost implications to the State and it is anticipated that the bill will provide some revenue by way of reimbursement of the cost of maintaining inmates in confinement.

ASSEMBLY, No. 148

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1969 SESSION

By Assemblyman Dickey

AN ACT concerning the confinement, transfer and interim release of inmates in the several State correctional institutions, providing preparole rehabilitative work opportunities for inmates and supplementing Title 30 of the Revised Statutes.

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

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1 2. The commissioner may designate as a place of confinement
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