

30:4-8.6

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2009 **CHAPTER:** 328

NJSA: 30:4-8.6 (Establishes "Women and Families Strengthening Act")

BILL NO: A4197 (Substituted for S1347)

SPONSOR(S) Watson Coleman and others

DATE INTRODUCED: November 23, 2009

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

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 11, 2010

SENATE: January 11, 2010

DATE OF APPROVAL: January 18, 2010

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Third reprint enacted)

A4197

SPONSOR'S STATEMENT: (Begins on page 9 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Law 11-23-09
App 12-3-09

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes 1-7-10
1-11-10

LEGISLATIVE FISCAL NOTE: Yes 12-7-09
12-23-09
1-19-10

S1347

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes Law 11-23-09
Budget 1-4-10

(continued)

FLOOR AMENDMENT STATEMENT:

Yes

LEGISLATIVE FISCAL NOTE:

Yes

8-15-08
12-23-09
1-12-10
1-19-10

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

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No

NEWSPAPER ARTICLES:

No

LAW/RWH

[Third Reprint]

ASSEMBLY, No. 4197

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblywoman L. GRACE SPENCER

District 29 (Essex and Union)

Assemblywoman ELEASE EVANS

District 35 (Bergen and Passaic)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblyman ALBERT COUTINHO

District 29 (Essex and Union)

Assemblywoman MILA M. JASEY

District 27 (Essex)

Co-Sponsored by:

Assemblyman Schaer, Assemblywomen Pou, Rodriguez, Riley, Senators

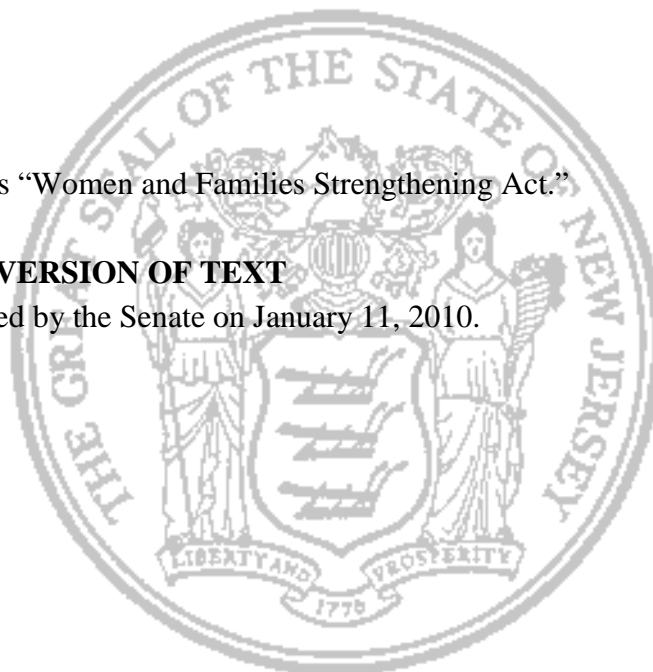
Turner, Cunningham, Lesniak, Ruiz and Girgenti

SYNOPSIS

Establishes "Women and Families Strengthening Act."

CURRENT VERSION OF TEXT

As amended by the Senate on January 11, 2010.



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

1 AN ACT concerning the sentencing and incarceration of convicted
2 offenders, addressing the impact of certain related matters on
3 women and families¹ [;] ¹ amending and supplementing various
4 parts of the statutory law ¹ [;] ¹ and repealing section 3 of
5 P.L.1999, c.427.

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

9
10 ²[1. Section 5 of P.L.1997, c.14 (C.44:10-48) is amended to
11 read as follows:

12 5. a. Only those persons who are United States citizens or
13 eligible aliens shall be eligible for benefits under the Work First
14 New Jersey program. Single adults or couples without dependent
15 children who are legal aliens who meet federal requirements and
16 have applied for citizenship, shall not receive benefits for more than
17 six months unless (1) they attain citizenship, or (2) they have passed
18 the English language and civics components for citizenship, and are
19 awaiting final determination of citizenship by the federal
20 Immigration and Naturalization Service.

21 b. The following persons shall not be eligible for assistance and
22 shall not be considered to be members of an assistance unit:

23 (1) on-needy caretakers, except that the eligibility of a
24 dependent child shall not be affected by the income or resources of
25 a non-needy caretaker;

26 (2) Supplemental Security Income recipients, except for the
27 purposes of receiving emergency assistance benefits pursuant to
28 section 8 of P.L.1997, c.14 (C.44:10-51);

29 (3) illegal aliens;

30 (4) other aliens who are not eligible aliens;

31 (5) a person absent from the home who is incarcerated in a
32 federal, State, county or local corrective facility or under the
33 custody of correctional authorities, except as provided by regulation
34 of the commissioner;

35 (6) a person who: is fleeing to avoid prosecution, custody or
36 confinement after conviction, under the laws of the jurisdiction
37 from which the person has fled, for a crime or an attempt to commit
38 a crime which is a felony or a high misdemeanor under the laws of
39 the jurisdiction from which the person has fled; or is violating a
40 condition of probation or parole imposed under federal or state law;

41 (7) [a person convicted on or after August 22, 1996 under
42 federal or state law of any offense which is classified as a felony or
43 crime, as appropriate, under the laws of the jurisdiction involved

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted December 3, 2009.

²Assembly floor amendments adopted January 7, 2010.

³Senate floor amendments adopted January 11, 2010.

1 and which has as an element the possession, use, or distribution of a
2 controlled substance as defined in section 102(6) of the federal
3 "Controlled Substances Act" (21 U.S.C.s.802 (6)); except that a
4 person convicted of any such offense which has as an element the
5 possession or use only of such a controlled substance may be
6 eligible for Work First New Jersey benefits, and food stamp
7 benefits under the federal "Food Stamp Act of 1977," Pub.L.95-113
8 (7 U.S.C.s.2011 et seq.), if the person enrolls in or has completed a
9 licensed residential drug treatment program. Eligibility for benefits
10 shall commence upon the person's enrollment in the drug treatment
11 program, and shall continue during the person's active participation
12 in, and upon completion of, the drug treatment program, except that
13 during the person's active participation in a drug treatment program
14 and the first 60 days after completion of a drug treatment program,
15 the commissioner shall provide for testing of the person to
16 determine if the person is free of any controlled substance. If the
17 person is determined to not be free of any controlled substance
18 during the 60-day period, the person's eligibility for benefits
19 pursuant to this paragraph shall be terminated; except that this
20 provision shall not apply to the use of methadone by a person who
21 is actively participating in a drug treatment program, as prescribed
22 by the drug treatment program. The commissioner, in consultation
23 with the Commissioner of Health and Senior Services, shall adopt
24 regulations to carry out the provisions of this paragraph, which shall
25 include the criteria for determining active participation in and
26 completion of a drug treatment program.

27 Cash benefits, less a personal needs allowance, for a person
28 receiving benefits under the Work First New Jersey program who is
29 enrolled in and actively participating in a licensed residential drug
30 treatment program shall be issued directly to the drug treatment
31 provider to offset the cost of treatment. Upon completion of the
32 drug treatment program, the cash benefits shall be then issued to the
33 person. In the case of a delay in issuing cash benefits to a person
34 receiving Work First New Jersey benefits who has completed the
35 drug treatment program, the drug treatment provider shall transmit
36 to the person those funds received on behalf of that person after
37 completion of the drug treatment program **】** (Deleted by amendment,
38 P.L. c.) (pending before the Legislature as this bill);

39 (8) a person found to have fraudulently misrepresented his
40 residence in order to obtain means-tested, public benefits in two or
41 more states or jurisdictions, who shall be ineligible for benefits for
42 a period of 10 years from the date of conviction in a federal or state
43 court; or

44 (9) a person who intentionally makes a false or misleading
45 statement or misrepresents, conceals or withholds facts for the
46 purpose of receiving benefits, who shall be ineligible for benefits
47 for a period of six months for the first violation, 12 months for the
48 second violation, and permanently for the third violation.

1 c. A person who makes a false statement with the intent to
2 qualify for benefits and by reason thereof receives benefits for
3 which the person is not eligible is guilty of a crime of the fourth
4 degree.

5 d. Pursuant to the authorization provided to the states under 21
6 U.S.C. s.862a(d)(1), this State elects to exempt all persons
7 domiciled in New Jersey from the application of 21 U.S.C.
8 s.862a(a).

9 (cf: P.L.1999, c.427, s.2)]²

10

11 ²1. Section 5 of P.L.1997, c.14 (C.44:10-48) is amended to read
12 as follows:

13 5. a. Only those persons who are United States citizens or
14 eligible aliens shall be eligible for benefits under the Work First
15 New Jersey program. Single adults or couples without dependent
16 children who are legal aliens who meet federal requirements and
17 have applied for citizenship, shall not receive benefits for more than
18 six months unless (1) they attain citizenship, or (2) they have passed
19 the English language and civics components for citizenship, and are
20 awaiting final determination of citizenship by the federal
21 Immigration and Naturalization Service.

22 b. The following persons shall not be eligible for assistance and
23 shall not be considered to be members of an assistance unit:

24 (1) non-needy caretakers, except that the eligibility of a
25 dependent child shall not be affected by the income or resources of
26 a non-needy caretaker;

27 (2) Supplemental Security Income recipients, except for the
28 purposes of receiving emergency assistance benefits pursuant to
29 section 8 of P.L.1997, c.14 (C.44:10-51);

30 (3) illegal aliens;

31 (4) other aliens who are not eligible aliens;

32 (5) a person absent from the home who is incarcerated in a
33 federal, State, county or local corrective facility or under the
34 custody of correctional authorities, except as provided by regulation
35 of the commissioner;

36 (6) a person who: is fleeing to avoid prosecution, custody or
37 confinement after conviction, under the laws of the jurisdiction
38 from which the person has fled, for a crime or an attempt to commit
39 a crime which is a felony or a high misdemeanor under the laws of
40 the jurisdiction from which the person has fled; or is violating a
41 condition of probation or parole imposed under federal or state law;

42 (7) a person convicted on or after August 22, 1996 under federal
43 or state law of any offense which is classified as a felony or crime,
44 as appropriate, under the laws of the jurisdiction involved and
45 which has as an element the possession, use, or distribution of a
46 controlled substance as defined in section 102(6) of the federal
47 "Controlled Substances Act" (21 U.S.C.s.802 (6)), who would
48 otherwise be eligible for general public assistance pursuant to

1 P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person who
2 is convicted of any such offense which has as an element the
3 possession or use only of such a controlled substance may be
4 eligible for Work First New Jersey general public assistance
5 benefits **【**, and food stamp benefits under the federal "Food Stamp
6 Act of 1977," Pub.L.95-113 (7 U.S.C. s.2011 et seq.),**】** if the person
7 enrolls in or has completed a licensed residential drug treatment
8 program. Eligibility for benefits shall commence upon the person's
9 enrollment in the drug treatment program, and shall continue during
10 the person's active participation in, and upon completion of, the
11 drug treatment program, except that during the person's active
12 participation in a drug treatment program and the first 60 days after
13 completion of a drug treatment program, the commissioner shall
14 provide for testing of the person to determine if the person is free of
15 any controlled substance. If the person is determined to not be free
16 of any controlled substance during the 60-day period, the person's
17 eligibility for benefits pursuant to this paragraph shall be
18 terminated; except that this provision shall not apply to the use of
19 methadone by a person who is actively participating in a drug
20 treatment program, as prescribed by the drug treatment program.
21 The commissioner, in consultation with the Commissioner of Health
22 and Senior Services, shall adopt regulations to carry out the
23 provisions of this paragraph, which shall include the criteria for
24 determining active participation in and completion of a drug
25 treatment program.

26 Cash benefits, less a personal needs allowance, for a person
27 receiving general public assistance benefits under the Work First
28 New Jersey program who is enrolled in and actively participating in
29 a licensed residential drug treatment program shall be issued
30 directly to the drug treatment provider to offset the cost of
31 treatment. Upon completion of the drug treatment program, the
32 cash benefits shall be then issued to the person. In the case of a
33 delay in issuing cash benefits to a person receiving Work First New
34 Jersey general public assistance benefits who has completed the
35 drug treatment program, the drug treatment provider shall transmit
36 to the person those funds received on behalf of that person after
37 completion of the drug treatment program;

38 (8) a person found to have fraudulently misrepresented his
39 residence in order to obtain means-tested, public benefits in two or
40 more states or jurisdictions, who shall be ineligible for benefits for
41 a period of 10 years from the date of conviction in a federal or state
42 court; or

43 (9) a person who intentionally makes a false or misleading
44 statement or misrepresents, conceals or withholds facts for the
45 purpose of receiving benefits, who shall be ineligible for benefits
46 for a period of six months for the first violation, 12 months for the
47 second violation, and permanently for the third violation.

1 c. A person who makes a false statement with the intent to
2 qualify for benefits and by reason thereof receives benefits for
3 which the person is not eligible is guilty of a crime of the fourth
4 degree.

5 d. Pursuant to the authorization provided to the states under 21
6 U.S.C. s.862a(d)(1), this State elects to exempt from the application
7 of 21U.S.C. s.862a(a):

8 (1) needy persons and their dependent children domiciled in
9 New Jersey for the purposes of receiving benefits under the Work
10 First New Jersey program and food assistance under the federal
11 “Food and Nutrition Act of 2008,” Pub.L.110-234 (7U.S.C. s.2011
12 et seq.); and

13 (2) single persons and married couples without dependent
14 children domiciled in New Jersey for the purposes of receiving food
15 assistance under Pub.L.110-234.²

16 (cf: P.L.1999, c.427, s.2)

17

18 ²[2. (New section) a. All telephone service contracts for inmates
19 in State correctional facilities shall be subject to the procurement
20 provisions set forth in chapter 34 of Title 52 of the Revised
21 Statutes; provided, however, the State Treasurer shall contract with
22 the qualified vendor who proposes the lowest per minute rate and
23 does not impose a surcharge for each telephone call.

24 b. A State department shall not accept or receive revenue in
25 excess of its actual operating cost for establishing and administering
26 telephone services as provided in subsection a. of this section.

27 c. The Department of Corrections shall make available either a
28 prepaid or collect call system, or a combination thereof, for
29 telephone services for inmates.

30 d. Under a prepaid system, funds may be deposited into an
31 inmate account in order to pay for telephone calls, provided that
32 nothing in this section shall require the department to provide or
33 administer a prepaid system.

34 e. For the purposes of this section a “collect call system” shall
35 mean a call system pursuant to which recipients are billed for the
36 cost of an accepted telephone call initiated by an inmate.

37 f. The provider of the inmate telephone service, as an
38 additional means of payment, shall permit the recipient of inmate
39 collect calls to establish an account with that provider in order to
40 deposit funds for advance payment of those collect calls.

41 g. The department shall establish rules and regulations or
42 departmental procedures to ensure that any inmate telephone call
43 system established by this act provides reasonable security
44 measures to preserve the safety and security of each State
45 correctional facility, staff member, and person outside a facility
46 who may receive inmate telephone calls.]²

47

48 ²[3.] 2.² N.J.S.2C:44-6 is amended to read as follows:

1 2C:44-6 Procedure on sentence; presentence investigation and
2 report.

3 a. The court shall not impose sentence without first ordering a
4 presentence investigation of the defendant and according due
5 consideration to a written report of such investigation when
6 required by the Rules of Court. The court may order a presentence
7 investigation in any other case.

8 b. The presentence investigation shall include an analysis of
9 the circumstances attending the commission of the offense, the
10 defendant's history of delinquency or criminality, family situation,
11 financial resources, including whether or not the defendant is an
12 enrollee or covered person under a health insurance contract, policy
13 or plan, debts, including any amount owed for a fine, assessment or
14 restitution ordered in accordance with the provisions of Title 2C,
15 any obligation of child support including any child support
16 delinquencies, employment history, personal habits, the disposition
17 of any charge made against any codefendants, the defendant's
18 history of civil commitment, any disposition which arose out of
19 charges suspended pursuant to N.J.S.2C:4-6 including the records
20 of the disposition of those charges and any acquittal by reason of
21 insanity pursuant to N.J.S.2C:4-1, and any other matters that the
22 probation officer deems relevant or the court directs to be included.
23 The defendant shall disclose any information concerning any
24 history of civil commitment. The report shall also include a
25 medical history of the defendant and a complete psychological
26 evaluation of the defendant in any case in which the defendant is
27 being sentenced for a first or second degree crime involving
28 violence and:

29 (1) the defendant has a prior acquittal by reason of insanity
30 pursuant to N.J.S.2C:4-1 or had charges suspended pursuant to
31 N.J.S.2C:4-6; or

32 (2) the defendant has a prior conviction for murder pursuant to
33 N.J.S.2C:11-3, aggravated sexual assault or sexual assault pursuant
34 to N.J.S.2C:14-2, kidnapping pursuant to N.J.S.2C:13-1,
35 endangering the welfare of a child which would constitute a crime
36 of the second degree pursuant to N.J.S.2C:24-4, or stalking which
37 would constitute a crime of the third degree pursuant to P.L.1992,
38 c.209 (C.2C:12-10); or

39 (3) the defendant has a prior diagnosis of psychosis.

40 The court, in its discretion and considering all the appropriate
41 circumstances, may waive the medical history and psychological
42 examination in any case in which a term of imprisonment including
43 a period of parole ineligibility is imposed. In any case involving a
44 conviction of N.J.S.2C:24-4, endangering the welfare of a child;
45 N.J.S.2C:18-3, criminal trespass, where the trespass was committed
46 in a school building or on school property; section 1 of P.L.1993,
47 c.291 (C.2C:13-6), attempting to lure or entice a child with purpose
48 to commit a criminal offense; section 1 of P.L.1992, c.209

1 (C.2C:12-10), stalking; or N.J.S.2C:13-1, kidnapping, where the
2 victim of the offense is a child under the age of 18, the investigation
3 shall include a report on the defendant's mental condition.

4 The presentence report shall also include a report on any
5 compensation paid by the Victims of Crime Compensation **【Board】**
6 Office as a result of the commission of the offense and, in any case
7 where the victim chooses to provide one, a statement by the victim
8 of the offense for which the defendant is being sentenced. The
9 statement may include the nature and extent of any physical harm or
10 psychological or emotional harm or trauma suffered by the victim,
11 the extent of any loss to include loss of earnings or ability to work
12 suffered by the victim and the effect of the crime upon the victim's
13 family. The probation department shall notify the victim or nearest
14 relative of a homicide victim of his right to make a statement for
15 inclusion in the presentence report if the victim or relative so
16 desires. Any such statement shall be made within 20 days of
17 notification by the probation department.

18 The presentence report shall specifically include an assessment
19 of the gravity and seriousness of harm inflicted on the victim,
20 including whether or not the defendant knew or reasonably should
21 have known that the victim of the offense was particularly
22 vulnerable or incapable of resistance due to advanced age,
23 disability, ill-health, or extreme youth, or was for any other reason
24 substantially incapable of exercising normal physical or mental
25 power of resistance.

26 c. If, after the presentence investigation, the court desires
27 additional information concerning an offender convicted of an
28 offense before imposing sentence, it may order any additional
29 psychological or medical testing of the defendant.

30 d. Disclosure of any presentence investigation report or
31 psychiatric examination report shall be in accordance with law and
32 the Rules of Court, except that information concerning the
33 defendant's financial resources shall be made available upon request
34 to the Victims of Crime Compensation **【Board】** Office or to any
35 officer authorized under the provisions of section 3 of P.L.1979,
36 c.396 (C.2C:46-4) to collect payment on an assessment, restitution
37 or fine and that information concerning the defendant's coverage
38 under any health insurance contract, policy or plan shall be made
39 available, as appropriate to the Commissioner of **【the Department**
40 **of】** Corrections and to the chief administrative officer of a county
41 jail in accordance with the provisions of P.L.1995, c.254 (C.30:7E-
42 1 et al.).

43 e. The court shall not impose a sentence of imprisonment for
44 an extended term unless the ground therefor has been established at
45 a hearing after the conviction of the defendant and on written notice
46 to him of the ground proposed. The defendant shall have the right
47 to hear and controvert the evidence against him and to offer
48 evidence upon the issue.

1 f. (Deleted by amendment, P.L.1986, c.85).
2 (cf: P.L.1997, c.216, s.2)

3

4 ²**[4.]** ³3.² (New section) a. There is established a Commission
5 to Examine Strategies for Strengthening the Familial Bond Between
6 Children and Incarcerated Parents.

7 The commission shall consist of 21 members as follows:

8 (1) two members of the Senate to be appointed by the President
9 of the Senate who shall each be of different political parties;

10 (2) two members of the General Assembly to be appointed by
11 the Speaker of the General Assembly who shall each be of different
12 political parties;

13 (3) the Commissioners of Corrections, Education, Community
14 Affairs, Human Services, and Children and Families, the Chairman
15 of the State Parole Board, and the Executive Director of the
16 Juvenile Justice Commission, or their designees, who shall serve
17 ex-officio;

18 (4) eight public members appointed by the Governor who shall
19 include a representative of the Association for Children of New
20 Jersey, a representative of Legal Services of New Jersey, a
21 representative of the law enforcement community, a child
22 protection services caseworker with experience in working with
23 children of incarcerated parents, a licensed social worker with
24 experience or expertise in working with incarcerated parents and
25 their families, a parent of a child whose other parent is incarcerated,
26 a person whose parent has been incarcerated, and a member of the
27 clergy; and

28 (5) two public members with an interest in children's issues, one
29 of whom ¹**[one]**¹ shall be appointed by the President of the Senate
30 and one of whom shall be appointed by the Speaker of the General
31 Assembly.

32 b. Vacancies in the membership of the commission shall be
33 filled in the same manner provided for in the original appointments.
34 The public members of the commission shall serve without
35 compensation but may be reimbursed for travel and other
36 miscellaneous expenses necessary to perform their duties, within
37 the limits of funds made available to the commission for its
38 purposes.

39 c. The commission shall organize as soon as practicable but no
40 later than 60 days following the appointment of its members and
41 shall select a chairperson and vice-chairperson from among the
42 members. The chairperson shall appoint a secretary who need not
43 be a member of the commission.

44 d. The commission may meet at the call of its chair and hold
45 hearings at the times and in the places it may deem appropriate and
46 necessary to fulfill its charge. The commission shall be entitled to
47 call to its assistance and avail itself of the services of the employees
48 of any State, county or municipal department, board, bureau,

1 commission or agency as it may require and as may be available to
2 it for its purposes.

3 e. The commission may seek the advice of experts, such as
4 persons specializing in the fields of psychology, education, criminal
5 or family law or other related fields as deemed appropriate by the
6 membership of the commission.

7 f. The Office of Legislative Services shall provide staff services
8 and other necessary support to the commission.

9 g. The commission shall examine the policies, procedures and
10 operations of the State and county correctional systems in order to
11 develop recommendations regarding the most effective methods of:

12 (1) developing strategies for strengthening the familial bond
13 between children and incarcerated parents, when strengthening the
14 familial bond is in the best interests of the child; and

15 (2) reducing antisocial behavior and attachment disorders of
16 children of incarcerated parents and the intergenerational cycle of
17 criminality common among families of incarcerated parents.

18 h. The commission shall present a report of its findings and
19 recommendations to the Governor and the Legislature no later than
20 12 months after the date of its initial meeting. The commission
21 shall expire 30 days after the filing of the report.

22

23 ²[5.]⁴ Section 5 of P.L.1976, c.98 (C.30:1B-5) is amended
24 to read as follows:

25 5. a. The commissioner may appoint one deputy and such
26 assistant commissioners as he shall deem necessary to serve at the
27 pleasure of the commissioner. Each deputy or assistant
28 commissioner shall exercise such powers and perform such duties
29 as the commissioner shall prescribe. The commissioner shall
30 designate one department official to exercise the powers and
31 perform the duties of the commissioner during his disability or
32 absence. Notwithstanding the provisions of this subsection, the
33 commissioner shall designate an assistant commissioner who shall
34 be responsible for establishing and monitoring ¹[policies]¹
35 ²policies² affecting incarcerated mothers with children. ¹The
36 assistant commissioner may be chosen by the commissioner from
37 among the current employees of the department and may continue
38 the duties and responsibilities of his regular employment in addition
39 to the duties and responsibilities of the assistant commissioner
40 position as provided in this subsection.¹

41 b. The commissioner shall have the authority to establish,
42 organize and maintain in the department such administrative
43 divisions to perform all necessary personnel, planning, budget and
44 finance, facilities and equipment services for the department and to
45 assign such personnel thereto as he shall deem necessary.

46 (cf: P.L.1976, c.98, s.5)

1 ²**[6.] 5.**² (New section) During initial classification, the
2 commissioner shall make every effort to assign an inmate to a State
3 correctional facility in close proximity to the residence of the
4 inmate's family.

5
6 ²**[7.] 6.**² (New section) The commissioner shall not confine a
7 female inmate in the same correctional facility as a male inmate if
8 that confinement subjects the female inmate to conditions more
9 oppressive or restrictive than conditions to which ³**[¹similarly**
10 **situated¹]**³ male inmates are subjected.

11
12 ²**[8.] 7.**² (New section) The commissioner shall semiannually
13 submit all inmate complaints submitted to the department
14 concerning female inmates to the Director of the Division on
15 Women in the Department of Community Affairs established
16 pursuant to the "Division on Women Act of 1974," P.L.1974, c.87
17 (C.52:27D-43.8 et seq.). This shall be in addition to the
18 requirement that the commissioner semiannually compile and
19 submit all records of all inmate complaints to the Public Advocate
20 pursuant to ¹**[section 3 of P.L. , c. (C.) (pending before the**
21 **Legislature as section 3 of Assembly Bill No. 4199)]** section 2 of
22 P.L. , c. (C.) (pending before the Legislature as section 2 of
23 Assembly Bill No. 4199 or Senate Bill No. 531)¹.

24
25 ²8. (New section) The Department of Corrections, through the
26 Office of Transitional Services, shall, in addition to any other
27 information provided during the intake process to a defendant
28 sentenced to a period of incarceration, advise the defendant about
29 any child support orders and judgments entered against him by the
30 New Jersey Superior Court, and provide information on how he
31 may petition the court for a temporary modification of these
32 financial obligations. The Administrative Office of the Courts shall
33 provide sample forms and instructions for the self-represented
34 modification of child support orders to the Department of
35 Corrections.²

36
37 ²**[9. (New section) Disclosure of the contents of a presentence**
38 **report to a defendant sentenced to a period of incarceration shall**
39 **include the provision of information as to the enforcement of child**
40 **support orders and judgments ¹**[;** ¹ and procedures for the**
41 **prospective modification of orders.**

42 The Probation Division of the court, or, upon transfer of the
43 defendant, the Department of Corrections through its Office of
44 Transitional Services, shall assist inmates in processing an
45 application for child support modification.**]**²

1 ²**[10.] 9.**² (New section) a. Whenever there is a change in the
2 status of an inmate incarcerated in a State correctional facility
3 which affects the visitation privileges of that inmate, the
4 correctional facility shall immediately post that change of status on
5 its website. This information shall remain on the website until
6 those visitation rights have been restored.

7 b. If the change in status in visitation is due to the relocation of
8 the inmate to another facility, the change shall be noted on the
9 website of the facility from which the inmate has been transferred
10 and shall remain on the website for two weeks. The posting shall
11 include the name, address, telephone number, and website address
12 of the facility to which the inmate has been transferred.

13

14 ²**[11.] 10.**² Section 3 of P.L.1999, c.427 (C.44:10-48.1) is
15 repealed.

16

17 ²**[12.] 11.**² This act shall take effect on the first day of the
18 fourth month after enactment, except that ²**[section 2 shall take**
19 effect on April 1, 2010 and shall apply to any new or renewal
20 contract for inmate telephone services entered into on or after April
21 10, 2010; ¹**and**¹² section 4 shall expire on the 30th day after the
22 commission presents its report to the Governor and the Legislature.

ASSEMBLY, No. 4197

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblywoman L. GRACE SPENCER

District 29 (Essex and Union)

Assemblywoman ELEASE EVANS

District 35 (Bergen and Passaic)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblyman ALBERT COUTINHO

District 29 (Essex and Union)

Assemblywoman MILA M. JASEY

District 27 (Essex)

Co-Sponsored by:

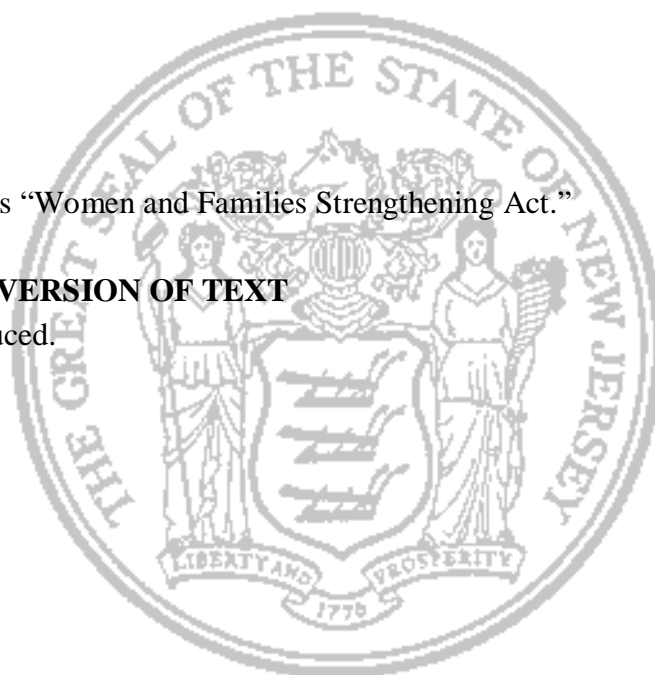
Assemblyman Schaer, Assemblywomen Pou and Rodriguez

SYNOPSIS

Establishes "Women and Families Strengthening Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/4/2009)

1 AN ACT concerning the sentencing and incarceration of convicted
2 offenders, addressing the impact of certain related matters on
3 women and families; amending and supplementing various parts
4 of the statutory law; and repealing section 3 of P.L.1999, c.427.

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

8
9 1. Section 5 of P.L.1997, c.14 (C.44:10-48) is amended to read
10 as follows:

11 5. a. Only those persons who are United States citizens or
12 eligible aliens shall be eligible for benefits under the Work First
13 New Jersey program. Single adults or couples without dependent
14 children who are legal aliens who meet federal requirements and
15 have applied for citizenship, shall not receive benefits for more than
16 six months unless (1) they attain citizenship, or (2) they have passed
17 the English language and civics components for citizenship, and are
18 awaiting final determination of citizenship by the federal
19 Immigration and Naturalization Service.

20 b. The following persons shall not be eligible for assistance and
21 shall not be considered to be members of an assistance unit:

22 (1) non-needy caretakers, except that the eligibility of a
23 dependent child shall not be affected by the income or resources of
24 a non-needy caretaker;

25 (2) Supplemental Security Income recipients, except for the
26 purposes of receiving emergency assistance benefits pursuant to
27 section 8 of P.L.1997, c.14 (C.44:10-51);

28 (3) illegal aliens;

29 (4) other aliens who are not eligible aliens;

30 (5) a person absent from the home who is incarcerated in a
31 federal, State, county or local corrective facility or under the
32 custody of correctional authorities, except as provided by regulation
33 of the commissioner;

34 (6) a person who: is fleeing to avoid prosecution, custody or
35 confinement after conviction, under the laws of the jurisdiction
36 from which the person has fled, for a crime or an attempt to commit
37 a crime which is a felony or a high misdemeanor under the laws of
38 the jurisdiction from which the person has fled; or is violating a
39 condition of probation or parole imposed under federal or state law;

40 (7) **[a person convicted on or after August 22, 1996 under**
41 **federal or state law of any offense which is classified as a felony or**
42 **crime, as appropriate, under the laws of the jurisdiction involved**
43 **and which has as an element the possession, use, or distribution of a**
44 **controlled substance as defined in section 102(6) of the federal**
45 **"Controlled Substances Act" (21 U.S.C.s.802 (6)); except that a**

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

Matter underlined thus is new matter.

1 person convicted of any such offense which has as an element the
2 possession or use only of such a controlled substance may be
3 eligible for Work First New Jersey benefits, and food stamp
4 benefits under the federal "Food Stamp Act of 1977," Pub.L.95-113
5 (7 U.S.C.s.2011 et seq.), if the person enrolls in or has completed a
6 licensed residential drug treatment program. Eligibility for benefits
7 shall commence upon the person's enrollment in the drug treatment
8 program, and shall continue during the person's active participation
9 in, and upon completion of, the drug treatment program, except that
10 during the person's active participation in a drug treatment program
11 and the first 60 days after completion of a drug treatment program,
12 the commissioner shall provide for testing of the person to
13 determine if the person is free of any controlled substance. If the
14 person is determined to not be free of any controlled substance
15 during the 60-day period, the person's eligibility for benefits
16 pursuant to this paragraph shall be terminated; except that this
17 provision shall not apply to the use of methadone by a person who
18 is actively participating in a drug treatment program, as prescribed
19 by the drug treatment program. The commissioner, in consultation
20 with the Commissioner of Health and Senior Services, shall adopt
21 regulations to carry out the provisions of this paragraph, which shall
22 include the criteria for determining active participation in and
23 completion of a drug treatment program.

24 Cash benefits, less a personal needs allowance, for a person
25 receiving benefits under the Work First New Jersey program who is
26 enrolled in and actively participating in a licensed residential drug
27 treatment program shall be issued directly to the drug treatment
28 provider to offset the cost of treatment. Upon completion of the
29 drug treatment program, the cash benefits shall be then issued to the
30 person. In the case of a delay in issuing cash benefits to a person
31 receiving Work First New Jersey benefits who has completed the
32 drug treatment program, the drug treatment provider shall transmit
33 to the person those funds received on behalf of that person after
34 completion of the drug treatment program] (Deleted by amendment,
35 P.L. c.) (pending before the Legislature as this bill);

36 (8) a person found to have fraudulently misrepresented his
37 residence in order to obtain means-tested, public benefits in two or
38 more states or jurisdictions, who shall be ineligible for benefits for
39 a period of 10 years from the date of conviction in a federal or state
40 court; or

41 (9) a person who intentionally makes a false or misleading
42 statement or misrepresents, conceals or withholds facts for the
43 purpose of receiving benefits, who shall be ineligible for benefits
44 for a period of six months for the first violation, 12 months for the
45 second violation, and permanently for the third violation.

46 c. A person who makes a false statement with the intent to
47 qualify for benefits and by reason thereof receives benefits for

1 which the person is not eligible is guilty of a crime of the fourth
2 degree.

3 d. Pursuant to the authorization provided to the states under 21
4 U.S.C. s.862a(d)(1), this State elects to exempt all persons
5 domiciled in New Jersey from the application of 21 U.S.C.
6 s.862a(a).
7 (cf: P.L.1999, c.427, s.2)

8
9 2. (New section) a. All telephone service contracts for inmates
10 in State correctional facilities shall be subject to the procurement
11 provisions set forth in chapter 34 of Title 52 of the Revised
12 Statutes; provided, however, the State Treasurer shall contract with
13 the qualified vendor who proposes the lowest per minute rate and
14 does not impose a surcharge for each telephone call.

15 b. A State department shall not accept or receive revenue in
16 excess of its actual operating cost for establishing and administering
17 telephone services as provided in subsection a. of this section.

18 c. The Department of Corrections shall make available either a
19 prepaid or collect call system, or a combination thereof, for
20 telephone services for inmates.

21 d. Under a prepaid system, funds may be deposited into an
22 inmate account in order to pay for telephone calls, provided that
23 nothing in this section shall require the department to provide or
24 administer a prepaid system.

25 e. For the purposes of this section a "collect call system" shall
26 mean a call system pursuant to which recipients are billed for the
27 cost of an accepted telephone call initiated by an inmate.

28 f. The provider of the inmate telephone service, as an additional
29 means of payment, shall permit the recipient of inmate collect calls
30 to establish an account with that provider in order to deposit funds
31 for advance payment of those collect calls.

32 g. The department shall establish rules and regulations or
33 departmental procedures to ensure that any inmate telephone call
34 system established by this act provides reasonable security
35 measures to preserve the safety and security of each State
36 correctional facility, staff member, and person outside a facility
37 who may receive inmate telephone calls.

38
39 3. N.J.S.2C:44-6 is amended to read as follows:

40 2C:44-6 Procedure on sentence; presentence investigation and
41 report.

42 a. The court shall not impose sentence without first ordering a
43 presentence investigation of the defendant and according due
44 consideration to a written report of such investigation when
45 required by the Rules of Court. The court may order a presentence
46 investigation in any other case.

47 b. The presentence investigation shall include an analysis of the
48 circumstances attending the commission of the offense, the

1 defendant's history of delinquency or criminality, family situation,
2 financial resources, including whether or not the defendant is an
3 enrollee or covered person under a health insurance contract, policy
4 or plan, debts, including any amount owed for a fine, assessment or
5 restitution ordered in accordance with the provisions of Title 2C,
6 any obligation of child support including any child support
7 delinquencies, employment history, personal habits, the disposition
8 of any charge made against any codefendants, the defendant's
9 history of civil commitment, any disposition which arose out of
10 charges suspended pursuant to N.J.S.2C:4-6 including the records
11 of the disposition of those charges and any acquittal by reason of
12 insanity pursuant to N.J.S.2C:4-1, and any other matters that the
13 probation officer deems relevant or the court directs to be included.
14 The defendant shall disclose any information concerning any
15 history of civil commitment. The report shall also include a
16 medical history of the defendant and a complete psychological
17 evaluation of the defendant in any case in which the defendant is
18 being sentenced for a first or second degree crime involving
19 violence and:

20 (1) the defendant has a prior acquittal by reason of insanity
21 pursuant to N.J.S.2C:4-1 or had charges suspended pursuant to
22 N.J.S.2C:4-6; or

23 (2) the defendant has a prior conviction for murder pursuant to
24 N.J.S.2C:11-3, aggravated sexual assault or sexual assault pursuant
25 to N.J.S.2C:14-2, kidnapping pursuant to N.J.S.2C:13-1,
26 endangering the welfare of a child which would constitute a crime
27 of the second degree pursuant to N.J.S.2C:24-4, or stalking which
28 would constitute a crime of the third degree pursuant to P.L.1992,
29 c.209 (C.2C:12-10); or

30 (3) the defendant has a prior diagnosis of psychosis.

31 The court, in its discretion and considering all the appropriate
32 circumstances, may waive the medical history and psychological
33 examination in any case in which a term of imprisonment including
34 a period of parole ineligibility is imposed. In any case involving a
35 conviction of N.J.S.2C:24-4, endangering the welfare of a child;
36 N.J.S.2C:18-3, criminal trespass, where the trespass was committed
37 in a school building or on school property; section 1 of P.L.1993,
38 c.291 (C.2C:13-6), attempting to lure or entice a child with purpose
39 to commit a criminal offense; section 1 of P.L.1992, c.209
40 (C.2C:12-10), stalking; or N.J.S.2C:13-1, kidnapping, where the
41 victim of the offense is a child under the age of 18, the investigation
42 shall include a report on the defendant's mental condition.

43 The presentence report shall also include a report on any
44 compensation paid by the Victims of Crime Compensation **[Board]**
45 Office as a result of the commission of the offense and, in any case
46 where the victim chooses to provide one, a statement by the victim
47 of the offense for which the defendant is being sentenced. The
48 statement may include the nature and extent of any physical harm or

1 psychological or emotional harm or trauma suffered by the victim,
2 the extent of any loss to include loss of earnings or ability to work
3 suffered by the victim and the effect of the crime upon the victim's
4 family. The probation department shall notify the victim or nearest
5 relative of a homicide victim of his right to make a statement for
6 inclusion in the presentence report if the victim or relative so
7 desires. Any such statement shall be made within 20 days of
8 notification by the probation department.

9 The presentence report shall specifically include an assessment
10 of the gravity and seriousness of harm inflicted on the victim,
11 including whether or not the defendant knew or reasonably should
12 have known that the victim of the offense was particularly
13 vulnerable or incapable of resistance due to advanced age,
14 disability, ill-health, or extreme youth, or was for any other reason
15 substantially incapable of exercising normal physical or mental
16 power of resistance.

17 c. If, after the presentence investigation, the court desires
18 additional information concerning an offender convicted of an
19 offense before imposing sentence, it may order any additional
20 psychological or medical testing of the defendant.

21 d. Disclosure of any presentence investigation report or
22 psychiatric examination report shall be in accordance with law and
23 the Rules of Court, except that information concerning the
24 defendant's financial resources shall be made available upon request
25 to the Victims of Crime Compensation **[Board]** Office or to any
26 officer authorized under the provisions of section 3 of P.L.1979,
27 c.396 (C.2C:46-4) to collect payment on an assessment, restitution
28 or fine and that information concerning the defendant's coverage
29 under any health insurance contract, policy or plan shall be made
30 available, as appropriate to the Commissioner of **[the Department**
31 **of]** Corrections and to the chief administrative officer of a county
32 jail in accordance with the provisions of P.L.1995, c.254 (C.30:7E-
33 1 et al.).

34 e. The court shall not impose a sentence of imprisonment for an
35 extended term unless the ground therefor has been established at a
36 hearing after the conviction of the defendant and on written notice
37 to him of the ground proposed. The defendant shall have the right
38 to hear and controvert the evidence against him and to offer
39 evidence upon the issue.

40 f. (Deleted by amendment, P.L.1986, c.85).
41 (cf: P.L.1997, c.216, s.2)

42

43 4. (New section) a. There is established a Commission to
44 Examine Strategies for Strengthening the Familial Bond Between
45 Children and Incarcerated Parents.

46 The commission shall consist of 21 members as follows:

47 (1) two members of the Senate to be appointed by the President
48 of the Senate who shall each be of different political parties;

- 1 (2) two members of the General Assembly to be appointed by the
2 Speaker of the General Assembly who shall each be of different
3 political parties;
- 4 (3) the Commissioners of Corrections, Education, Community
5 Affairs, Human Services, and Children and Families, the Chairman
6 of the State Parole Board, and the Executive Director of the
7 Juvenile Justice Commission, or their designees, who shall serve
8 ex-officio;
- 9 (4) eight public members appointed by the Governor who shall
10 include a representative of the Association for Children of New
11 Jersey, a representative of Legal Services of New Jersey, a
12 representative of the law enforcement community, a child
13 protection services caseworker with experience in working with
14 children of incarcerated parents, a licensed social worker with
15 experience or expertise in working with incarcerated parents and
16 their families, a parent of a child whose other parent is incarcerated,
17 a person whose parent has been incarcerated, and a member of the
18 clergy; and
- 19 (5) two public members with an interest in children's issues, one
20 of whom one shall be appointed by the President of the Senate and
21 one of whom shall be appointed by the Speaker of the General
22 Assembly.
- 23 b. Vacancies in the membership of the commission shall be filled
24 in the same manner provided for in the original appointments. The
25 public members of the commission shall serve without
26 compensation but may be reimbursed for travel and other
27 miscellaneous expenses necessary to perform their duties, within
28 the limits of funds made available to the commission for its
29 purposes.
- 30 c. The commission shall organize as soon as practicable but no
31 later than 60 days following the appointment of its members and
32 shall select a chairperson and vice-chairperson from among the
33 members. The chairperson shall appoint a secretary who need not
34 be a member of the commission.
- 35 d. The commission may meet at the call of its chair and hold
36 hearings at the times and in the places it may deem appropriate and
37 necessary to fulfill its charge. The commission shall be entitled to
38 call to its assistance and avail itself of the services of the employees
39 of any State, county or municipal department, board, bureau,
40 commission or agency as it may require and as may be available to
41 it for its purposes.
- 42 e. The commission may seek the advice of experts, such as
43 persons specializing in the fields of psychology, education, criminal
44 or family law or other related fields as deemed appropriate by the
45 membership of the commission.
- 46 f. The Office of Legislative Services shall provide staff services
47 and other necessary support to the commission.
- 48 g. The commission shall examine the policies, procedures and

1 operations of the State and county correctional systems in order to
2 develop recommendations regarding the most effective methods of:

3 (1) developing strategies for strengthening the familial bond
4 between children and incarcerated parents, when strengthening the
5 familial bond is in the best interests of the child; and

6 (2) reducing antisocial behavior and attachment disorders of
7 children of incarcerated parents and the intergenerational cycle of
8 criminality common among families of incarcerated parents.

9 h. The commission shall present a report of its findings and
10 recommendations to the Governor and the Legislature no later than
11 12 months after the date of its initial meeting. The commission
12 shall expire 30 days after the filing of the report.

13

14 5. Section 5 of P.L.1976, c.98 (C.30:1B-5) is amended to read as
15 follows:

16 5. a. The commissioner may appoint one deputy and such
17 assistant commissioners as he shall deem necessary to serve at the
18 pleasure of the commissioner. Each deputy or assistant
19 commissioner shall exercise such powers and perform such duties
20 as the commissioner shall prescribe. The commissioner shall
21 designate one department official to exercise the powers and
22 perform the duties of the commissioner during his disability or
23 absence. Notwithstanding the provisions of this subsection, the
24 commissioner shall designate an assistant commissioner who shall
25 be responsible for establishing and monitoring polices affecting
26 incarcerated mothers with children.

27 b. The commissioner shall have the authority to establish,
28 organize and maintain in the department such administrative
29 divisions to perform all necessary personnel, planning, budget and
30 finance, facilities and equipment services for the department and to
31 assign such personnel thereto as he shall deem necessary.

32 (cf: P.L.1976, c.98, s.5)

33

34 6. (New section) During initial classification, the commissioner
35 shall make every effort to assign an inmate to a State correctional
36 facility in close proximity to the residence of the inmate's family.

37

38 7. (New section) The commissioner shall not confine a female
39 inmate in the same correctional facility as a male inmate if that
40 confinement subjects the female inmate to conditions more
41 oppressive or restrictive than conditions to which male inmates are
42 subjected.

43

44 8. (New section) The commissioner shall semiannually submit
45 all inmate complaints submitted to the department concerning
46 female inmates to the Director of the Division on Women in the
47 Department of Community Affairs established pursuant to the
48 "Division on Women Act of 1974," P.L.1974, c.87 (C.52:27D-43.8

1 et seq.). This shall be in addition to the requirement that the
2 commissioner semiannually compile and submit all records of all
3 inmate complaints to the Public Advocate pursuant to section 3 of
4 P.L. , c. (C.) (pending before the Legislature as section 3
5 of Assembly Bill No. 4199).

6
7 9. (New section) Disclosure of the contents of a presentence
8 report to a defendant sentenced to a period of incarceration shall
9 include the provision of information as to the enforcement of child
10 support orders and judgments; and procedures for the prospective
11 modification of orders.

12 The Probation Division of the court, or, upon transfer of the
13 defendant, the Department of Corrections through its Office of
14 Transitional Services, shall assist inmates in processing an
15 application for child support modification.

16
17 10. (New section) a. Whenever there is a change in the status
18 of an inmate incarcerated in a State correctional facility which
19 affects the visitation privileges of that inmate, the correctional
20 facility shall immediately post that change of status on its website.
21 This information shall remain on the website until those visitation
22 rights have been restored.

23 b. If the change in status in visitation is due to the relocation of
24 the inmate to another facility, the change shall be noted on the
25 website of the facility from which the inmate has been transferred
26 and shall remain on the website for two weeks. The posting shall
27 include the name, address, telephone number, and website address
28 of the facility to which the inmate has been transferred.

29
30 11. Section 3 of P.L.1999, c.427 (C.44:10-48.1) is repealed.

31
32 12. This act shall take effect on the first day of the fourth month
33 after enactment, except that section 2 shall take effect on April 1,
34 2010 and shall apply to any new or renewal contract for inmate
35 telephone services entered into on or after April 10, 2010; section 4
36 shall expire on the 30th day after the commission presents its report
37 to the Governor and the Legislature.

38
39
40 STATEMENT

41
42 This bill establishes the “Women and Families Strengthening
43 Act.” The purpose of the act is to enhance the chances of
44 successful reentry into society of formerly incarcerated persons.

45 First, the bill ends the prohibition in State law against certain
46 formerly incarcerated persons receiving Work First New Jersey and
47 food stamp benefits. By doing so, the State will assist needy
48 individuals who have paid their debt to society and are struggling to

1 re-enter the social and economic mainstream and become
2 productive citizens. The bill would also reverse current policy
3 under section 5 of P.L.1997, c.14 (C.44:10-48), that excludes
4 persons convicted of certain drug offenses from receiving cash
5 assistance benefits that are provided under the Work First New
6 Jersey program, which is the Temporary Assistance for Needy
7 Families (TANF) program in this State.

8 Under the bill, the State would be required to contract with the
9 lowest bidder for telephone service for inmates in State correctional
10 facilities. A bidder would not be authorized to impose a surcharge
11 on inmate telephone calls. The bill would prohibit a State
12 department from accepting or receiving revenue in excess of its
13 actual operating cost for establishing and administering inmate
14 telephone services. The Department of Corrections would be
15 required to make available a prepaid or collect call system, or a
16 combination of the two, for telephone services. The provider of the
17 inmate telephone service, as an additional means of payment, must
18 permit the recipient of inmate collect calls to establish an account
19 with that provider in order to deposit funds for advance payment of
20 those collect calls.

21 Currently, a private vendor provides telephone services to
22 inmates in this State's correctional facilities under the terms of a
23 five-year contract with the State. Under that contract, the State
24 collects a 40 percent commission, as well as a \$1.75 surcharge, on
25 each inmate call. This revenue is deposited into the State
26 Treasury's General Fund. According to the Campaign to Promote
27 Equitable Telephone Charges, New Jersey has the third highest
28 collect call telephone rates for inmates out of 47 states analyzed.
29 Studies show that inmates who maintain contact with their families
30 and communities while incarcerated are less likely to reoffend, but
31 inflated telephone rates such as those in this State discourage
32 frequent communication. Furthermore, surcharges on these
33 telephone calls amount to an unfair tax on the family members of
34 inmates who often must choose between talking to their loved ones
35 in prison and meeting basic needs, such as food, rent, and heat.

36 Further, the bill establishes the Commission to Examine
37 Strategies for Strengthening the Familial Bond Between Children
38 and Incarcerated Parents. This commission is to consist of 21
39 members as follows: two members of the Senate who are of
40 different political parties; two members of the General Assembly
41 who are of different political parties; the Commissioners of
42 Corrections, Education, Community Affairs, Human Services, and
43 Children and Families; the Chairman of the State Parole Board; the
44 Executive Director of the Juvenile Justice Commission; eight public
45 members appointed by the Governor, including representatives of
46 the Association for Children of New Jersey, Legal Services of New
47 Jersey, and the law enforcement community, as well as a child
48 protection services caseworker, a licensed social worker, a parent of

1 a child whose other parent is incarcerated, a person whose parent
2 has been incarcerated and a member of the clergy; and two
3 members of the general public with an interest in children's issues
4 appointed by the President of the Senate and the Speaker of the
5 General Assembly, respectively.

6 The commission is directed to examine the policies, procedures
7 and operations of the State and county correctional systems in order
8 to develop recommendations regarding the most effective methods
9 of: (1) developing strategies for strengthening the familial bond
10 between children and incarcerated parents; and (2) reducing
11 antisocial behavior and attachment disorders of children of
12 incarcerated parents and the intergenerational cycle of criminality
13 common among families of incarcerated parents. The Office of
14 Legislative Services is required to provide staff services and other
15 necessary support to the commission. The commission must
16 present a report of its findings and recommendations to the
17 Governor and the Legislature no later than 12 months after its initial
18 meeting; the commission is to expire 30 days after the report is
19 issued.

20 The bill requires the Commissioner of Corrections to designate
21 an assistant commissioner to be responsible for establishing and
22 monitoring policies affecting incarcerated mothers with children.
23 Also under the bill, the commissioner is prohibited from housing
24 female inmates in the same correctional facility as male inmates if it
25 results in conditions more oppressive or restrictive than those
26 applicable to male inmates. This provision was prompted by a
27 recent incident in which female inmates temporarily housed in New
28 Jersey State Prison to alleviate overcrowding at the State's prison
29 for women, Edna Mahan, were subjected to conditions which they
30 claim were unconstitutional.

31 Further, the bill requires the Commissioner of Corrections,
32 during initial classification, to make every effort to assign an inmate
33 to a State correctional facility close to where that inmate's family
34 resides.

35 The bill requires the commissioner to submit all inmate
36 complaints concerning women to the Division on Women on a
37 semiannual basis.

38 Under the bill, a defendant's presentence report would have to
39 include information on enforcement of child support orders.

40 Finally, the bill establishes that whenever there is a change in the
41 status of an inmate incarcerated in a State correctional facility
42 which affects the visitation privileges of that inmate, the
43 correctional facility shall immediately post that change of status on
44 its website. This information shall remain on the website until
45 those visitation rights have been restored. If the change in status in
46 visitation is due to the relocation of the inmate to another facility,
47 the change shall be noted on the website of the facility from which
48 the inmate has been transferred and shall remain on the website for

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12

1 two weeks. The posting shall include the name, address, telephone
2 number, and website address of the facility to which the inmate has
3 been transferred. The purpose of these provisions is to provide
4 visitors with advance notice of the suspension of an inmate's
5 visitation privileges so that the visitors do not make an unnecessary
6 trip to the correctional facility.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4197

STATE OF NEW JERSEY

DATED: NOVEMBER 23, 2009

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 4197.

This bill establishes the “Women and Families Strengthening Act.” The purpose of the act is to enhance the chances of successful reentry into society of formerly incarcerated persons.

First, the bill ends the prohibition in State law against certain formerly incarcerated persons receiving Work First New Jersey and food stamp benefits. By doing so, the State will assist needy individuals who have paid their debt to society and are struggling to re-enter the social and economic mainstream and become productive citizens. The bill would also reverse current policy under section 5 of P.L.1997, c.14 (C.44:10-48), that excludes persons convicted of certain drug offenses from receiving cash assistance benefits that are provided under the Work First New Jersey program, which is the Temporary Assistance for Needy Families (TANF) program in this State.

Under the bill, the State would be required to contract with the lowest bidder for telephone service for inmates in State correctional facilities. A bidder would not be authorized to impose a surcharge on inmate telephone calls. The bill would prohibit a State department from accepting or receiving revenue in excess of its actual operating cost for establishing and administering inmate telephone services. The Department of Corrections would be required to make available a prepaid or collect call system, or a combination of the two, for telephone services. The provider of the inmate telephone service, as an additional means of payment, must permit the recipient of inmate collect calls to establish an account with that provider in order to deposit funds for advance payment of those collect calls.

Currently, a private vendor provides telephone services to inmates in this State’s correctional facilities under the terms of a five-year contract with the State. Under that contract, the State collects a 40 percent commission, as well as a \$1.75 surcharge, on each inmate call. This revenue is deposited into the State Treasury’s General Fund. According to the Campaign to Promote Equitable Telephone Charges, New Jersey has the third highest collect call telephone rates for inmates out of 47 states analyzed. Studies show that inmates who maintain contact with their families and communities while

incarcerated are less likely to reoffend, but inflated telephone rates such as those in this State discourage frequent communication. Furthermore, surcharges on these telephone calls amount to an unfair tax on the family members of inmates who often must choose between talking to their loved ones in prison and meeting basic needs, such as food, rent, and heat.

Further, the bill establishes the Commission to Examine Strategies for Strengthening the Familial Bond Between Children and Incarcerated Parents. This commission is to consist of 21 members as follows: two members of the Senate who are of different political parties; two members of the General Assembly who are of different political parties; the Commissioners of Corrections, Education, Community Affairs, Human Services, and Children and Families; the Chairman of the State Parole Board; the Executive Director of the Juvenile Justice Commission; eight public members appointed by the Governor, including representatives of the Association for Children of New Jersey, Legal Services of New Jersey, and the law enforcement community, as well as a child protection services caseworker, a licensed social worker, a parent of a child whose other parent is incarcerated, a person whose parent has been incarcerated and a member of the clergy; and two members of the general public with an interest in children's issues appointed by the President of the Senate and the Speaker of the General Assembly, respectively.

The commission is directed to examine the policies, procedures and operations of the State and county correctional systems in order to develop recommendations regarding the most effective methods of: (1) developing strategies for strengthening the familial bond between children and incarcerated parents; and (2) reducing antisocial behavior and attachment disorders of children of incarcerated parents and the intergenerational cycle of criminality common among families of incarcerated parents. The Office of Legislative Services is required to provide staff services and other necessary support to the commission. The commission must present a report of its findings and recommendations to the Governor and the Legislature no later than 12 months after its initial meeting; the commission is to expire 30 days after the report is issued.

The bill requires the Commissioner of Corrections to designate an assistant commissioner to be responsible for establishing and monitoring policies affecting incarcerated mothers with children. Also under the bill, the commissioner is prohibited from housing female inmates in the same correctional facility as male inmates if it results in conditions more oppressive or restrictive than those applicable to male inmates. This provision was prompted by a recent incident in which female inmates temporarily housed in New Jersey State Prison to alleviate overcrowding at the State's prison for women, Edna Mahan, were subjected to conditions which they claim were unconstitutional.

Further, the bill requires the Commissioner of Corrections, during initial classification, to make every effort to assign an inmate to a State

correctional facility close to where that inmate's family resides.

The bill requires the commissioner to submit all inmate complaints concerning women to the Division on Women on a semiannual basis.

Under the bill, a defendant's presentence report would have to include information on enforcement of child support orders.

Finally, the bill establishes that whenever there is a change in the status of an inmate incarcerated in a State correctional facility which affects the visitation privileges of that inmate, the correctional facility shall immediately post that change of status on its website. This information shall remain on the website until those visitation rights have been restored. If the change in status in visitation is due to the relocation of the inmate to another facility, the change shall be noted on the website of the facility from which the inmate has been transferred and shall remain on the website for two weeks. The posting shall include the name, address, telephone number, and website address of the facility to which the inmate has been transferred. The purpose of these provisions is to provide visitors with advance notice of the suspension of an inmate's visitation privileges so that the visitors do not make an unnecessary trip to the correctional facility.

ASSEMBLY, No. 4197

MINORITY STATEMENT

By Assemblyman Bramnick and Assemblyman Rible

While we appreciate the sponsor's worthwhile goal of strengthening familial ties and reducing criminal recidivism rates in New Jersey, we do not believe that this bill, which will have an impact on the state budget, is the appropriate avenue for doing so at this time.

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

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

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4197

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2009

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4197, with committee amendments.

The bill, as amended, establishes the “Women and Families Strengthening Act.” The purpose of the act is to enhance the chances of formerly incarcerated persons to successfully re-enter into society.

The bill ends the State law prohibition against certain formerly incarcerated persons receiving food stamp benefits. By ending this ban the State will assist needy individuals who have paid their debt to society and are struggling to re-enter the social and economic mainstream and become productive citizens. The bill also reverses the current policy under section 5 of P.L.1997, c.14 (C.44:10-48) that excludes persons convicted of certain drug offenses from receiving cash assistance benefits that are provided under the Work First New Jersey program, which implements the federal Temporary Assistance for Needy Families (TANF) program in this State.

The bill requires the State to contract for telephone service for inmates in State correctional facilities with the bidder with the lowest per minute rate that does not impose a surcharge on telephone calls. The bill prohibits a State department from accepting or receiving revenue in excess of its actual operating cost for establishing and administering inmate telephone services. The bill requires the Department of Corrections to make available either a prepaid or collect call system, or a combination of the two, for telephone services. The bill requires that the provider of the inmate telephone service, as an additional means of payment, to permit the recipient of inmate collect calls to establish an account with that provider in order to deposit funds for advance payment of those collect calls.

Studies show that inmates who maintain contact with their families and communities while incarcerated are less likely to reoffend, but inflated telephone rates discourage frequent communication. Surcharges on these telephone calls amount to an unfair tax on the family members of inmates who often must choose between talking to their loved ones in prison and meeting basic needs, such as food, rent, and heat.

The bill establishes the Commission to Examine Strategies for Strengthening the Familial Bond Between Children and Incarcerated Parents. This commission is to consist of 21 members as follows: two members of the Senate who are of different political parties; two members of the General Assembly who are of different political parties; the Commissioners of Corrections, Education, Community Affairs, Human Services, and Children and Families; the Chairman of the State Parole Board; the Executive Director of the Juvenile Justice Commission; eight public members appointed by the Governor, including representatives of the Association for Children of New Jersey, Legal Services of New Jersey, and the law enforcement community, as well as a child protection services caseworker, a licensed social worker, a parent of a child whose other parent is incarcerated, a person whose parent has been incarcerated and a member of the clergy; and two members of the general public with an interest in children's issues appointed by the President of the Senate and the Speaker of the General Assembly, respectively.

The bill directs the commission to examine the policies, procedures and operations of the State and county correctional systems in order to develop recommendations regarding the most effective methods of: (1) developing strategies for strengthening the familial bond between children and incarcerated parents; and (2) reducing antisocial behavior and attachment disorders of children of incarcerated parents and the intergenerational cycle of criminality common among families of incarcerated parents. The bill requires the Office of Legislative Services to provide staff services and other necessary support to the commission. The bill requires the commission to present a report of its findings and recommendations to the Governor and the Legislature no later than 12 months after its initial meeting; the commission will 30 days after the report is issued.

The bill requires the Commissioner of Corrections to designate an assistant commissioner to be responsible for establishing and monitoring policies affecting incarcerated mothers with children.

The bill also prohibits the commissioner from housing female inmates in the same correctional facility as male inmates if it results in conditions more oppressive or restrictive than those applicable to male inmates. This provision was prompted by a recent incident in which female inmates temporarily housed in New Jersey State Prison to alleviate overcrowding at the State's prison for women, Edna Mahan, were subjected to conditions which they claim were unconstitutional.

Further, the bill requires the Commissioner of Corrections, during initial classification, to make every effort to assign an inmate to a State correctional facility close to where that inmate's family resides.

The bill requires the commissioner to submit all inmate complaints concerning women to the Division on Women in the Department of Community Affairs on a semiannual basis.

The bill requires a defendant's presentence report to include information on enforcement of child support orders.

Finally, the bill establishes that whenever there is a change in the status of an inmate incarcerated in a State correctional facility which affects the visitation privileges of that inmate, the correctional facility shall immediately post that change of status on its website. This information shall remain on the website until those visitation rights have been restored. If the change in status in visitation is due to the relocation of the inmate to another facility, the change shall be noted on the website of the facility from which the inmate has been transferred and shall remain on the website for two weeks. The posting shall include the name, address, telephone number, and website address of the facility to which the inmate has been transferred. The purpose of these provisions is to provide visitors with advance notice of the suspension of an inmate's visitation privileges so that the visitors do not make an unnecessary trip to the correctional facility.

FISCAL IMPACT:

This bill reverses the current law that denies Work First New Jersey benefits to certain persons convicted of crimes that have as an element the possession, use or distribution of a controlled substance. The Office of Legislative Services is not able to determine the cost of this provision as information on the number of persons qualified to receive benefits but denied benefits due to a conviction is not available. Persons who qualify for assistance receive either \$140 per month if classified employable or \$210 per month if classified as unemployable, so for every 1,000 persons affected by the bill, between \$1.7 and \$2.5 million in assistance would be provided on an annual basis.

Currently, a private vendor provides telephone services to inmates in this State's correctional facilities under a five-year contract with the State. Under that contract, the State collects a 40 percent commission, as well as a \$1.75 surcharge, on each inmate call. This revenue is deposited into the State Treasury's General Fund. Information obtained from the Department of Corrections indicates that the provisions of the bill requiring the State to contract with lowest bidder for telephone services for inmates, without any surcharges, and prohibiting the State from accepting or receiving revenue in excess of its actual operating cost for establishing and administering inmate telephone services in State Correctional facilities would result in a loss of \$4.8 million in General Fund revenue.

It appears that other administrative provisions of the bill::

- requiring the appointment of an uncompensated Commission to Examine Strategies for Strengthening the Familial Bond Between Children and Incarcerated Parents,
- requiring the designation of an assistant commissioner to establish and monitor policies affecting incarcerated mothers with children,

- mandating an effort to assign inmates to facilities in proximity to the residence of the inmate's family,
 - requiring the commissioner to submit all inmate complaints concerning women to the Division on Women in the Department of Community Affairs on a semiannual basis,
 - requiring a defendant's presentence report to include information on enforcement of child support orders,
 - prohibiting the commissioner from housing female inmates in the same correctional facility as male inmates if it results in conditions more oppressive or restrictive than those applicable to male inmates,
 - requiring a defendant's presentence report to include information on enforcement of child support orders, and
 - requiring that if there is a change in the status of an inmate incarcerated in a State correctional facility that affects the visitation privileges of that inmate, the correctional facility immediately post that change of status on its website
- can be accomplished with current staff and resources.

COMMITTEE AMENDMENTS:

The amendments:

- clarify that the provision prohibiting the commissioner from housing female inmates in the same correctional facility as male inmates if it results in conditions more oppressive or restrictive than those applicable to male inmates refers to *similarly situated* male inmates; and

- clarify that the assistant commissioner responsible for establishing and monitoring policies affecting incarcerated mothers with children may be chosen from among the current employees of the Department of Corrections.

The other amendments are technical in nature, consisting of corrections to legal references and other nonsubstantive corrections.

**MINORITY STATEMENT TO
ASSEMBLY BILL NO. 4197**

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

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

While we appreciate the sponsor's worthwhile goal of strengthening familial ties and reducing criminal recidivism rates in New Jersey, we do not believe that this bill, which will have an impact on the State budget, is the appropriate avenue for doing so at this time.

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

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

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 4197

with Assembly Floor Amendments
(Proposed by Assemblywoman WATSON COLEMAN)

ADOPTED: JANUARY 7, 2010

Assembly Bill No. 4197 (1R) ended the current State prohibition against certain formerly incarcerated defendants receiving cash assistance benefits under the Temporary Assistance for Needy Families (TANF) component of the Work First New Jersey program and federal food assistance benefits under Pub.L.110-234 (formerly known as food stamp benefits). These Assembly amendments narrow the scope of this change by precluding formerly incarcerated single persons and married couples without dependent children from receiving such cash assistance benefits under the general public assistance (GA) of the Work First New Jersey program.

Assembly Bill No. 4197(1R) also required the State to contract with the lowest bidder to provide for telephone services for inmates in State correctional facilities, prohibited the contractor from imposing a surcharge on these calls, and prohibited any State department from accepting or receiving revenue in excess of its actual operating costs in establishing and administering inmate telephone services. These Assembly amendments remove these provisions.

Further, Assembly Bill No. 4197 required that child support information be included in the presentence report and that the probation division assist inmates in processing child support modification petitions. At the request of the Administrative Office of the Courts, these Assembly amendments modify this provision by instead directing the Department of Corrections, through its Office of Transitional Services, to provide defendants with information concerning outstanding child support orders and judgments, and how to petition for modifications of those obligations.

Finally, these Assembly amendments revise the effective date to reflect the amendatory changes.

As amended, this bill is identical to Senate Bill No. 1347 (1R), also amended by the Senate on this same date.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 4197

with Senate Floor Amendments
(Proposed by Senators TURNER, CUNNINGHAM and LESNIAK)

ADOPTED: JANUARY 11, 2010

Assembly Bill No. 4197 (2R) establishes the “Women and Families Strengthening Act.” Under section 6 of the bill, female inmates are not to be confined in the same correctional facility as a male inmate if the confinement subjects the female to conditions more oppressive or restrictive than conditions to which similarly situated male inmates are subjected.

These Senate amendments amend section 6 of the bill to make the language identical to section 6 of Senate Committee Substitute for Senate Bill No. 1347 (2R).

FISCAL NOTE
ASSEMBLY, No. 4197
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: DECEMBER 7, 2009

SUMMARY

Synopsis: Establishes “Women and Families Strengthening Act.”

Type of Impact: General Fund expenditure, General Fund revenue loss.

Agencies Affected: Department of Corrections, Department of the Treasury

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	\$281,000	\$288,400	\$297,052
State Revenue Loss	(\$4,800,000)	(\$4,800,000)	(\$4,800,000)

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate and adds that information obtained from the Department of Corrections indicates that provision requiring the State to contract with lowest bidder for telephone services for inmates in State Correctional facilities would result in a loss of \$4.8 million in General Fund revenue. Under the program, the Department of Treasury’s Purchase Bureau awards a statewide contract for pay telephone service and negotiates rates and commissions. A portion of the amounts charged by the provider is transmitted by the vendor to the State of New Jersey Department of Treasury.
- The bill establishes the “Women and Families Strengthening Act.”
- The Department of Corrections (DOC) states that enactment of the bill would generate costs of approximately \$215,000, with an additional \$66,000 for fringe benefits for a total of \$281,000 during the first full year after implementation. Using a 3 percent inflation rate, second and third year costs would total \$294,580 and \$303,417

BILL DESCRIPTION

Assembly Bill No. 4197 of 2009 establishes the “Women and Families Strengthening Act.”

The bill would end the prohibition in State law against certain formerly incarcerated persons receiving Work First New Jersey and food stamp benefits. The bill would also reverse current

policy under section 5 of P.L.1997, c.14 (C.44:10-48), that excludes persons convicted of certain drug offenses from receiving cash assistance benefits that are provided under the Work First New Jersey program, which is the Temporary Assistance for Needy Families (TANF) program in this State.

Under the bill, the State would be required to contract with the lowest bidder for telephone service for inmates in State correctional facilities. A bidder would not be authorized to impose a surcharge on inmate telephone calls. The bill would prohibit a State department from accepting or receiving revenue in excess of its actual operating cost for establishing and administering inmate telephone services. The DOC would be required to make available a prepaid or collect call system, or a combination of the two, for telephone services. The provider of the inmate telephone service, as an additional means of payment, must permit the recipient of inmate collect calls to establish an account with that provider in order to deposit funds for advance payment of those collect calls.

Currently, a private vendor provides telephone services to inmates in this State's correctional facilities under the terms of a five-year contract with the State. Under that contract, the State collects a 40 percent commission, as well as a \$1.75 surcharge, on each inmate call. This revenue is deposited into the State Treasury's General Fund.

Further, the bill establishes the Commission to Examine Strategies for Strengthening the Familial Bond Between Children and Incarcerated Parents. This commission is to consist of 21 members. The commission is directed to examine the policies, procedures and operations of the State and county correctional systems in order to develop recommendations regarding the most effective methods of: (1) developing strategies for strengthening the familial bond between children and incarcerated parents; and (2) reducing antisocial behavior and attachment disorders of children of incarcerated parents and the intergenerational cycle of criminality common among families of incarcerated parents. The OLS is required to provide staff services and other necessary support to the commission. The commission must present a report of its findings and recommendations to the Governor and the Legislature no later than 12 months after its initial meeting; the commission is to expire 30 days after the report is issued.

The bill requires the Commissioner of Corrections to designate an assistant commissioner to be responsible for establishing and monitoring policies affecting incarcerated mothers with children. Also under the bill, the commissioner is prohibited from housing female inmates in the same correctional facility as male inmates if it results in conditions more oppressive or restrictive than those applicable to male inmates.

The bill requires the Commissioner of Corrections, during initial classification, to make every effort to assign an inmate to a State correctional facility close to where that inmate's family resides.

The bill requires the commissioner to submit all inmate complaints concerning women to the Division on Women on a semiannual basis.

Under the bill, a defendant's presentence report would have to include information on enforcement of child support orders.

Finally, the bill establishes that whenever there is a change in the status of an inmate incarcerated in a State correctional facility which affects the visitation privileges of that inmate, the correctional facility shall immediately post that change of status on its website. This information shall remain on the website until those visitation rights have been restored. If the change in status in visitation is due to the relocation of the inmate to another facility, the change shall be noted on the website of the facility from which the inmate has been transferred and shall remain on the website for two weeks. The posting shall include the name, address, telephone number, and website address of the facility to which the inmate has been transferred.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Department of Corrections (DOC) states that this bill contains ten (10) areas impacting on the DOC.

1. This bill would reverse current the policy that excludes persons convicted of certain drug offenses from receiving cash assistance benefits under Temporary Assistance for Needy Families (TANF) program in this State. There is no fiscal impact on the DOC.

2. Requires the State to contract with lowest bidder for telephone services for inmates in State Correctional facilities. The Department of Treasury's Purchase Bureau awards a statewide contract for pay telephone service and negotiates rates and commissions. A portion of the amounts charged by the provider is transmitted by the vendor to the State of New Jersey Department of Treasury, not to the Department of Corrections, as a commission. Consequently, while the enactment of this bill would have no DOC fiscal impact on the department, it would impact anticipated State revenue.

3. Presentence Investigation shall add any obligation of child support including any child support delinquencies to the list of required information. This has no fiscal impact on the DOC.

4. Establishes Commission to Examine Strategies for Strengthening the Familial Bond between Children and Incarcerated Parents.: There would be incidental costs for travel and miscellaneous expenses. The bill does not indicate who would be responsible for the reimbursements.

5. Requires the Commissioner of Corrections to appoint an assistant commissioner whose primary responsibility is to establish and monitor policies affecting incarcerated mothers with children. The average salary for an Assistant Commissioner is \$120,000 and the secretarial support is approximately \$58,000. In addition, office space and equipment would be required, at an approximate cost of \$10,000. If a vehicle is required, an additional \$32,000 purchase price plus annual maintenance and gasoline costs of \$4,800 would be incurred. The total fiscal impact would be approximately \$214,800 in direct DOC costs and an additional \$66,000 for fringe benefits which is paid by Treasury.

6. Requires Commissioner of Corrections during initial classification to make every effort to assign an inmate to a State correctional facility close to where that inmate's family resides. There is no fiscal impact.

7. This bill prohibits housing female inmates in same institutions as males if it results in conditions more oppressive or restrictive than those applicable to male inmates. Currently only a small number of females are housed outside of the female facility due to administrative segregation needs. This would not increase costs as sufficient bed space is available at the DOC's female facility.

8. The bill requires the commissioner to submit all inmate complaints concerning women to the Division of Women on a semiannual basis: This would not create a fiscal impact.

9. The bill adds the requirement to the disclosure of contents of a presentence report to include child support orders and judgments; and procedures for the prospective modification of orders. There is no fiscal impact on the DOC.

10. The bill adds the requirement that if there is a change in status of an incarcerated inmate that affects the visitation privileges of that inmate, the correctional facility shall immediately post that change of status on its website. The same requirement would apply when an inmate is transferred. There is no fiscal impact on the DOC.

To summarize, the direct fiscal impact of the bill establishing the “Women and Families Strengthening Act”, would total approximately \$215,000, with an additional \$66,000 for fringe benefits for a total of \$281,000.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate and adds that information obtained from the Department of Corrections indicates that a provision requiring the State to contract with lowest bidder for telephone services for inmates in State Correctional facilities would result in a loss of \$4.8 million in General Fund revenue. Under the program, the Department of Treasury’s Purchase Bureau awards a statewide contract for pay telephone service and negotiates rates and commissions. A portion of the amounts charged by the provider is transmitted by the vendor to the State of New Jersey Department of Treasury.

Section: Judiciary

Analyst: Anne Raughley
Principal Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

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

FISCAL NOTE
 [First Reprint]
ASSEMBLY, No. 4197
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: DECEMBER 23, 2009

SUMMARY

Synopsis: Establishes “Women and Families Strengthening Act.”

Type of Impact: General Fund expenditure, General Fund revenue loss.

Agencies Affected: Department of Corrections (DOC), Department of the Treasury

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate - See comments below		
State Revenue Loss	(\$4,800,000)	(\$4,800,000)	(\$4,800,000)

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate and adds that information obtained from the Department of Corrections indicates that provision requiring the State to contract with lowest bidder for telephone services for inmates in State Correctional facilities would result in a loss of \$4.8 million in General Fund revenue. Under the program, the Department of Treasury’s Purchase Bureau awards a statewide contract for pay telephone service and negotiates rates and commissions. A portion of the amounts charged by the provider is transmitted by the vendor to the State of New Jersey Department of Treasury.
- The OLS also notes that the provision reversing the policy excluding persons convicted of certain drug offenses from receiving cash assistance benefits under Temporary Assistance for Needy Families (TANF) program in this State would generate additional unknown costs under the TANF program. The OLS is not able to determine the cost of this provision as information on the number of persons qualified to receive benefits but denied benefits due to a conviction is not available.
- The OLS also notes that the bill permits the commissioner to appoint current employees whose primary responsibility is to establish and monitor policies affecting incarcerated mothers with children rather than hire additional staff. Therefore additional costs would not be incurred as a result of this provision.

- The committee substitute establishes the “Women and Families Strengthening Act.”
- The DOC states that if it becomes necessary to hire an assistant commissioner, enactment of the committee substitute would generate costs of approximately \$215,000, with an additional \$66,000 for fringe benefits for a total of \$281,000 during the first full year after implementation. Using a 3 percent inflation rate, second and third year costs would total \$294,580 and \$303,417

BILL DESCRIPTION

Assembly Bill No. 4197 (1R) of 2009 establishes the “Women and Families Strengthening Act.”

The committee substitute would end the prohibition in State law against certain formerly incarcerated persons receiving Work First New Jersey and food stamp benefits. The committee substitute would also reverse current policy under section 5 of P.L.1997, c.14 (C.44:10-48), that excludes persons convicted of certain drug offenses from receiving cash assistance benefits that are provided under the Work First New Jersey program, which is the TANF program in this State.

Under the committee substitute, the State would be required to contract with the lowest bidder for telephone service for inmates in State correctional facilities. A bidder would not be authorized to impose a surcharge on inmate telephone calls. The committee substitute would prohibit a State department from accepting or receiving revenue in excess of its actual operating cost for establishing and administering inmate telephone services. The DOC would be required to make available a prepaid or collect call system, or a combination of the two, for telephone services. The provider of the inmate telephone service, as an additional means of payment, must permit the recipient of inmate collect calls to establish an account with that provider in order to deposit funds for advance payment of those collect calls.

Currently, a private vendor provides telephone services to inmates in this State’s correctional facilities under the terms of a five-year contract with the State. Under that contract, the State collects a 40 percent commission, as well as a \$1.75 surcharge, on each inmate call. This revenue is deposited into the State Treasury’s General Fund.

Further, the committee substitute establishes the Commission to Examine Strategies for Strengthening the Familial Bond Between Children and Incarcerated Parents. This commission is to consist of 21 members. The commission is directed to examine the policies, procedures and operations of the State and county correctional systems in order to develop recommendations regarding the most effective methods of: (1) developing strategies for strengthening the familial bond between children and incarcerated parents; and (2) reducing antisocial behavior and attachment disorders of children of incarcerated parents and the intergenerational cycle of criminality common among families of incarcerated parents. The OLS is required to provide staff services and other necessary support to the commission. The commission must present a report of its findings and recommendations to the Governor and the Legislature no later than 12 months after its initial meeting; the commission is to expire 30 days after the report is issued.

The committee substitute requires the Commissioner of Corrections to designate an assistant commissioner to be responsible for establishing and monitoring policies affecting incarcerated mothers with children. Also under the committee substitute, the commissioner is prohibited from housing female inmates in the same correctional facility as male inmates if it results in conditions more oppressive or restrictive than those applicable to male inmates.

The committee substitute requires the Commissioner of Corrections, during initial classification, to make every effort to assign an inmate to a State correctional facility close to where that inmate's family resides.

The committee substitute requires the commissioner to submit all inmate complaints concerning women to the Division on Women on a semiannual basis.

Under the committee substitute, a defendant's presentence report would have to include information on enforcement of child support orders.

Finally, the committee substitute establishes that whenever there is a change in the status of an inmate incarcerated in a State correctional facility which affects the visitation privileges of that inmate, the correctional facility shall immediately post that change of status on its website. This information shall remain on the website until those visitation rights have been restored. If the change in status in visitation is due to the relocation of the inmate to another facility, the change shall be noted on the website of the facility from which the inmate has been transferred and shall remain on the website for two weeks. The posting shall include the name, address, telephone number, and website address of the facility to which the inmate has been transferred.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The DOC states that this bill contains ten (10) areas impacting on the DOC.

1. This bill would reverse the current policy that excludes persons convicted of certain drug offenses from receiving cash assistance benefits under Temporary Assistance for Needy Families (TANF) program in this State. There is no fiscal impact on the DOC.

2. Requires the State to contract with lowest bidder for telephone services for inmates in State Correctional facilities. The Department of Treasury's Purchase Bureau awards a statewide contract for pay telephone service and negotiates rates and commissions. A portion of the amounts charged by the provider is transmitted by the vendor to the State of New Jersey Department of Treasury, not to the Department of Corrections, as a commission. Consequently, while the enactment of this bill would have no DOC fiscal impact on the department, it would impact anticipated State revenue.

3. Presentence Investigation shall add any obligation of child support including any child support delinquencies to the list of required information. This has no fiscal impact on the DOC.

4. Establishes Commission to Examine Strategies for Strengthening the Familial Bond between Children and Incarcerated Parents.: There would be incidental costs for travel and miscellaneous expenses. The bill does not indicate who would be responsible for the reimbursements.

5. Requires the Commissioner of Corrections to appoint an assistant commissioner whose primary responsibility is to establish and monitor policies affecting incarcerated mothers with children. The department notes that if it becomes necessary to hire an assistant commissioner to perform the duties enumerated above, the department would incur a cost of approximately. Secretarial support would total an additional \$58,000. In addition, office space and equipment would be required, at an approximate cost of \$10,000. If a vehicle is required, an additional \$32,000 purchase price plus annual maintenance and gasoline costs of \$4,800 would be incurred. The total fiscal impact would be approximately \$214,800 in direct DOC costs and an additional \$66,000 for fringe benefits which is paid by Treasury.

6. Requires Commissioner of Corrections during initial classification to make every effort to assign an inmate to a State correctional facility close to where that inmate's family resides. There is no fiscal impact.

7. This bill prohibits housing female inmates in same institutions as males if it results in conditions more oppressive or restrictive than those applicable to male inmates. Currently only a small number of females are housed outside of the female facility due to administrative segregation needs. This would not increase costs as sufficient bed space is available at the DOC's female facility.

8. The bill requires the commissioner to submit all inmate complaints concerning women to the Division of Women on a semiannual basis: This would not create a fiscal impact.

9. The bill adds the requirement to the disclosure of contents of a presentence report to include child support orders and judgments; and procedures for the prospective modification of orders. There is no fiscal impact on the DOC.

10. The bill adds the requirement that if there is a change in status of an incarcerated inmate that affects the visitation privileges of that inmate, the correctional facility shall immediately post that change of status on its website. The same requirement would apply when an inmate is transferred. There is no fiscal impact on the DOC.

To summarize, the direct fiscal impact of the bill establishing the "Women and Families Strengthening Act", would total approximately \$215,000, with an additional \$66,000 for fringe benefits for a total of \$281,000.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate and adds that information obtained from the Department of Corrections indicates that a provision requiring the State to contract with lowest bidder for telephone services for inmates in State Correctional facilities would result in a loss of \$4.8 million in General Fund revenue. Under the program, the Department of Treasury's Purchase Bureau awards a statewide contract for pay telephone service and negotiates rates and commissions. A portion of the amounts charged by the provider is transmitted by the vendor to the State of New Jersey Department of Treasury.

The OLS also notes that the provision reversing the current policy excluding persons convicted of certain drug offenses from receiving cash assistance benefits under TANF program in this State would generate additional unknown costs under the TANF program. The OLS is not able to determine the cost of this provision as information on the number of persons qualified to receive benefits but denied benefits due to a conviction is not available.

The OLS also notes that the bill permits the commissioner to appoint a current employee whose primary responsibility is to establish and monitor policies affecting incarcerated mothers with children rather than hire additional staff. Therefore additional costs would not be incurred as a result of this provision.

Section: *Judiciary*
Analyst: *Anne Raughley*
 Principal Fiscal Analyst
Approved: *David J. Rosen*
 Legislative Budget and Finance Officer

FISCAL NOTE
 [Second Reprint]
ASSEMBLY, No. 4197
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: JANUARY 19, 2010

SUMMARY

Synopsis: Establishes “Women and Families Strengthening Act.”

Type of Impact: General Fund expenditure, General Fund revenue loss.

Agencies Affected: Department of Corrections (DOC), Department of the Treasury.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost			
Department of Corrections Cost	Indeterminate – See comments below		
Temporary Assistance for Needy Families Cost	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate and notes that the provision reversing the policy excluding persons convicted of certain drug offenses from receiving cash assistance benefits under Temporary Assistance for Needy Families (TANF) program in this State would generate additional unknown costs under the TANF program. The OLS is not able to determine the cost of this provision as information on the number of persons qualified to receive benefits but denied benefits due to a conviction is not available.
- The bill establishes the “Women and Families Strengthening Act.”
- The Department of Corrections (DOC) states that if it becomes necessary to hire an assistant commissioner, enactment of the bill would generate costs of approximately \$225,000, with an additional \$66,000 for fringe benefits for a total of \$291,000 during the first full year after implementation. Using a 3 percent inflation rate, second and third year costs would total \$300,000 and \$309,000.
- The DOC states that the provision establishing the Commission to Examine Strategies for Strengthening the Familial Bond between Children and Incarcerated Parents would generate

incidental costs for travel and miscellaneous expenses. The bill does not indicate who would be responsible for the reimbursements.

BILL DESCRIPTION

Assembly Bill No. 4197 (2R) of 2009 establishes the “Women and Families Strengthening Act.

The bill ends the prohibition in State law against certain formerly incarcerated persons receiving cash assistance benefits under the TANF component of the Work First New Jersey program, and federal food assistance benefits pursuant to Pub.L.110-234 (formerly known as food stamp benefits). The bill retains the current prohibition which keeps certain formerly incarcerated single persons and married couples without dependent children from receiving cash assistance benefits under the general public assistance (GA) component of the Work First New Jersey program.

The bill establishes the Commission to Examine Strategies for Strengthening the Familial Bond Between Children and Incarcerated Parents. This commission is to consist of 21 members. The commission is directed to examine the policies, procedures and operations of the State and county correctional systems in order to develop recommendations regarding the most effective methods of: (1) developing strategies for strengthening the familial bond between children and incarcerated parents; and (2) reducing antisocial behavior and attachment disorders of children of incarcerated parents and the intergenerational cycle of criminality common among families of incarcerated parents. The Office of Legislative Services is required to provide staff services and other necessary support to the commission.

The commission must present a report of its findings and recommendations to the Governor and the Legislature no later than 12 months after its initial meeting; the commission is to expire 30 days after the report is issued. Further, the bill requires the Commissioner of Corrections to designate an assistant commissioner to be responsible for establishing and monitoring policies affecting incarcerated mothers with children. Under the bill the assistant commissioner may be chosen by the commissioner from among the current employees of the department and may continue the duties and responsibilities of his regular employment in addition to the duties and responsibilities of the assistant commissioner.

Also under the bill, the commissioner is prohibited from housing female inmates in the same correctional facility as male inmates if it results in conditions more oppressive or restrictive than those applicable to male inmates.

In addition, the bill requires the Commissioner of Corrections, during initial classification, to make every effort to assign an inmate to a State correctional facility close to where that inmate’s family resides.

The bill requires the commissioner to submit all inmate complaints concerning women to the Division on Women on a semiannual basis.

The bill requires the DOC, through its Office of Transitional Services, to provide the defendant with information concerning child support orders and judgments against him and how to petition for a modification of those obligations.

Finally, the bill establishes that whenever there is a change in the status of an inmate incarcerated in a State correctional facility which affects the visitation privileges of that inmate, the correctional facility shall immediately post that change of status on its website. This information shall remain on the website until those visitation rights have been restored. If the change in status in visitation is due to the relocation of the inmate to another facility, the change shall be noted on the website of the facility from which the inmate has been transferred and shall

remain on the website for two weeks. The posting shall include the name, address, telephone number, and website address of the facility to which the inmate has been transferred.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The DOC states that the following items would impact DOC operations:

1. This bill would reverse the current policy that excludes persons convicted of certain drug offenses from receiving cash assistance benefits under TANF program in this State. There is no fiscal impact on the DOC.

2. The bill establishes the Commission to Examine Strategies for Strengthening the Familial Bond between Children and Incarcerated Parents.: There would be incidental costs for travel and miscellaneous expenses. The bill does not indicate who would be responsible for the reimbursements.

3. The bill requires the Commissioner of Corrections to appoint an assistant commissioner whose primary responsibility is to establish and monitor policies affecting incarcerated mothers with children. The department notes that if it becomes necessary to hire an assistant commissioner to perform the duties enumerated above, the DOC would incur a salary cost of \$120,000. Secretarial support would total an additional \$58,000. In addition, office space and equipment would be required, at an approximate cost of \$10,000. If a vehicle is required, an additional \$32,000 purchase price plus annual maintenance and gasoline costs of \$4,800 would be incurred. The total fiscal impact would be approximately \$224,800 in direct DOC costs and an additional \$66,000 for fringe benefits which is paid by Treasury.

4. The bill requires the Commissioner of Corrections, during initial classification, to make every effort to assign an inmate to a State correctional facility close to where that inmate's family resides. There is no fiscal impact.

5. The bill prohibits housing female inmates in same institutions as males if it results in conditions more oppressive or restrictive than those applicable to male inmates. The DOC notes that currently only a small number of females are housed outside of the female facility due to administrative segregation needs. This would not increase costs as sufficient bed space is available at the DOC's female facility.

6. The bill requires the commissioner to submit all inmate complaints concerning women to the Division of Women on a semiannual basis: This would not create a fiscal impact.

7. The bill adds the requirement that if there is a change in status of an incarcerated inmate that affects the visitation privileges of that inmate, the correctional facility shall immediately post that change of status on its website. The same requirement would apply when an inmate is transferred. There is no fiscal impact on the DOC.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate and notes that the provision reversing the current policy excluding persons convicted of certain drug offenses from receiving cash assistance benefits under TANF program in this State would generate additional unknown costs under the TANF program. The OLS is not able to determine the cost of this provision as information on the number of persons qualified to receive benefits but denied benefits due to a conviction is not available.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

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

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

SENATE, No. 1347

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 26, 2008

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Mercer)

SYNOPSIS

Requires correctional institutions to consider cost to users of inmates' telephone services.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the provision of telephone services to inmates
2 and supplementing chapter 4 of Title 30 of the Revised Statutes
3 (C.30:4-1 et seq.).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

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

9 "County correctional facility" means a county jail, penitentiary,
10 prison or workhouse.

11 "Municipal jail" means a municipal jail, lockup, police station or
12 other place maintained by a municipality for the detention of
13 suspects or offenders.

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

16 "Correctional institution" means a county correctional facility, a
17 municipal jail or a State correctional facility.

18 b. Subject to guidelines promulgated by the Commissioner of
19 Corrections, every correctional institution that provides inmates
20 with access to the use of telephones shall ensure, through the
21 competitive bidding process required pursuant to law, that
22 telephone services are provided at the lowest cost to the person
23 charged with the costs of using the telephone services.
24

25 2. This act shall take effect immediately and apply to contracts
26 for which bids are solicited and advertised after the effective date.
27
28

29 STATEMENT
30

31 This bill would require correctional institutions to provide
32 telephone services based on the costs charged to persons using the
33 service. Awarding contracts for provision of telephone services to
34 inmates based on criteria other than the price charged for the
35 services often results in imposition of excessive rates that are
36 burdensome to inmates' families. This bill would require
37 correctional institutions to base a contract award for provision of
38 telephone services on the costs charged to the user of the telephone
39 service.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE No. 1347

STATE OF NEW JERSEY

DATED: NOVEMBER 23, 2009

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1347.

This substitute establishes the "Women and Families Strengthening Act." The purpose of the act is to enhance the chances of successful reentry into society of formerly incarcerated persons.

First, the substitute bill ends the prohibition in State law against certain formerly incarcerated persons receiving Work First New Jersey and food stamp benefits. By doing so, the State will assist needy individuals who have paid their debt to society and are struggling to re-enter the social and economic mainstream and become productive citizens. The substitute would also reverse current policy under section 5 of P.L.1997, c.14 (C.44:10-48), that excludes persons convicted of certain drug offenses from receiving cash assistance benefits that are provided under the Work First New Jersey program, which is the Temporary Assistance for Needy Families (TANF) program in this State.

Under the substitute, the State would be required to contract with the lowest bidder for telephone service for inmates in State correctional facilities. A bidder would not be authorized to impose a surcharge on inmate telephone calls. The substitute would prohibit a State department from accepting or receiving revenue in excess of its actual operating cost for establishing and administering inmate telephone services. The Department of Corrections would be required to make available a prepaid or collect call system, or a combination of the two, for telephone services. The provider of the inmate telephone service, as an additional means of payment, must permit the recipient of inmate collect calls to establish an account with that provider in order to deposit funds for advance payment of those collect calls.

Currently, a private vendor provides telephone services to inmates in this State's correctional facilities under the terms of a five-year contract with the State. Under that contract, the State collects a 40 percent commission, as well as a \$1.75 surcharge, on each inmate call. This revenue is deposited into the State Treasury's General Fund.

According to the Campaign to Promote Equitable Telephone Charges, New Jersey has the third highest collect call telephone rates for inmates out of 47 states analyzed. Studies show that inmates who maintain contact with their families and communities while incarcerated are less likely to reoffend, but inflated telephone rates such as those in this State discourage frequent communication. Furthermore, surcharges on these telephone calls amount to an unfair tax on the family members of inmates who often must choose between talking to their loved ones in prison and meeting basic needs, such as food, rent, and heat.

Further, the substitute establishes the Commission to Examine Strategies for Strengthening the Familial Bond Between Children and Incarcerated Parents. This commission is to consist of 21 members as follows: two members of the Senate who are of different political parties; two members of the General Assembly who are of different political parties; the Commissioners of Corrections, Education, Community Affairs, Human Services, and Children and Families; the Chairman of the State Parole Board; the Executive Director of the Juvenile Justice Commission; eight public members appointed by the Governor, including representatives of the Association for Children of New Jersey, Legal Services of New Jersey, and the law enforcement community, as well as a child protection services caseworker, a licensed social worker, a parent of a child whose other parent is incarcerated, a person whose parent has been incarcerated and a member of the clergy; and two members of the general public with an interest in children's issues appointed by the President of the Senate and the Speaker of the General Assembly, respectively.

The commission is directed to examine the policies, procedures and operations of the State and county correctional systems in order to develop recommendations regarding the most effective methods of: (1) developing strategies for strengthening the familial bond between children and incarcerated parents; and (2) reducing antisocial behavior and attachment disorders of children of incarcerated parents and the intergenerational cycle of criminality common among families of incarcerated parents. The Office of Legislative Services is required to provide staff services and other necessary support to the commission. The commission must present a report of its findings and recommendations to the Governor and the Legislature no later than 12 months after its initial meeting; the commission is to expire 30 days after the report is issued.

The substitute requires the Commissioner of Corrections to designate an assistant commissioner to be responsible for establishing and monitoring policies affecting incarcerated mothers with children. Also under the substitute, the commissioner is prohibited from housing female inmates in the same correctional facility as male inmates if it results in conditions more oppressive or restrictive than those applicable to male inmates. This provision was prompted by a recent incident in which female inmates temporarily housed in New Jersey

State Prison to alleviate overcrowding at the State's prison for women, Edna Mahan, were subjected to conditions which they claim were unconstitutional.

Further, the substitute requires the Commissioner of Corrections, during initial classification, to make every effort to assign an inmate to a State correctional facility close to where that inmate's family resides.

The substitute requires the commissioner to submit all inmate complaints concerning women to the Division on Women on a semiannual basis.

Under the substitute, a defendant's presentence report would have to include information on enforcement of child support orders.

Finally, the substitute establishes that whenever there is a change in the status of an inmate incarcerated in a State correctional facility which affects the visitation privileges of that inmate, the correctional facility shall immediately post that change of status on its website. This information shall remain on the website until those visitation rights have been restored. If the change in status in visitation is due to the relocation of the inmate to another facility, the change shall be noted on the website of the facility from which the inmate has been transferred and shall remain on the website for two weeks. The posting shall include the name, address, telephone number, and website address of the facility to which the inmate has been transferred. The purpose of these provisions is to provide visitors with advance notice of the suspension of an inmate's visitation privileges so that the visitors do not make an unnecessary trip to the correctional facility.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1347**

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 4, 2010

The Senate Budget and Appropriations Committee reports favorably, Senate No. 1347 (SCS), with committee amendments.

The Senate Committee Substitute for Senate Bill No. 1347 establishes the “Women and Families Strengthening Act.” The purpose of the act is to enhance the chances of successful reentry into society of formerly incarcerated persons.

The substitute ends the prohibition in State law against certain formerly incarcerated persons receiving cash assistance benefits under the Temporary Assistance for Needy Families (TANF) component of the Work First New Jersey program, and federal food assistance benefits pursuant to Pub.L.110-234 (formerly known as food stamp benefits). By doing so, the State will assist needy individuals who have paid their debt to society and are struggling to re-enter the social and economic mainstream and become productive citizens.

The committee amended the substitute to retain the current prohibition which keeps certain formerly incarcerated single persons and married couples without dependent children from receiving cash assistance benefits under the general public assistance (GA) component of the Work First New Jersey program.

The substitute establishes the Commission to Examine Strategies for Strengthening the Familial Bond Between Children and Incarcerated Parents. This commission is to consist of 21 members as follows: two members of the Senate who are of different political parties; two members of the General Assembly who are of different political parties; the Commissioners of Corrections, Education, Community Affairs, Human Services, and Children and Families; the Chairman of the State Parole Board; the Executive Director of the Juvenile Justice Commission; eight public members appointed by the Governor, including representatives of the Association for Children of New Jersey, Legal Services of New Jersey, and the law enforcement community, as well as a child protection services caseworker, a licensed social worker, a parent of a child whose other parent is incarcerated, a person whose parent has been incarcerated and a member of the clergy; and two members of the general public with an

interest in children's issues appointed by the President of the Senate and the Speaker of the General Assembly, respectively. The commission is directed to examine the policies, procedures and operations of the State and county correctional systems in order to develop recommendations regarding the most effective methods of: (1) developing strategies for strengthening the familial bond between children and incarcerated parents; and (2) reducing antisocial behavior and attachment disorders in children of incarcerated parents and the intergenerational cycle of criminality common among families of incarcerated parents. The Office of Legislative Services is required to provide staff services and other necessary support to the commission.

The commission must present a report of its findings and recommendations to the Governor and the Legislature no later than 12 months after its initial meeting; the commission is to expire 30 days after the report is issued. Further, the substitute requires the Commissioner of Corrections to designate an assistant commissioner to be responsible for establishing and monitoring policies affecting incarcerated mothers with children.

Also under the substitute, the commissioner is prohibited from housing female inmates in the same correctional facility as male inmates if it results in conditions more oppressive or restrictive than those applicable to male inmates. This provision was prompted by a recent incident in which female inmates temporarily housed in New Jersey State Prison to alleviate overcrowding at the State's prison for women, Edna Mahan, were subjected to conditions which they claim were unconstitutional.

In addition, the substitute requires the Commissioner of Corrections, during initial classification, to make every effort to assign an inmate to a State correctional facility close to where that inmate's family resides.

The substitute requires the commissioner to submit all inmate complaints concerning women to the Division on Women on a semiannual basis.

The committee also amended the substitute, at the request of the Administrative Office of the Courts, to require the Department of Corrections, through its Office of Transitional Services, to provide the defendant with information concerning child support orders and judgments against him and how to petition for a modification of those obligations. The amendments remove the bill's requirements that child support information be included in the presentence report and that the probation division is to assist inmates in processing child support modification petitions.

Finally, the substitute establishes that whenever there is a change in the status of an inmate incarcerated in a State correctional facility which affects the visitation privileges of that inmate, the correctional facility shall immediately post that change of status on its website. This information shall remain on the website until those visitation

rights have been restored. If the change in status in visitation is due to the relocation of the inmate to another facility, the change shall be noted on the website of the facility from which the inmate has been transferred and shall remain on the website for two weeks. The posting shall include the name, address, telephone number, and website address of the facility to which the inmate has been transferred. The purpose of these provisions is to provide visitors with advance notice of the suspension of an inmate's visitation privileges so that the visitors do not make an unnecessary trip to the correctional facility.

COMMITTEE AMENDMENTS

1. The substitute ended the current State prohibition against certain formerly incarcerated defendants receiving cash assistance benefits under the Temporary Assistance for Needy Families (TANF) component of the Work First New Jersey program and federal food assistance benefits under Pub.L.110-234 (formerly known as food stamp benefits).

The committee amended the substitute to narrow the scope of this change by precluding formerly incarcerated single persons and married couples without dependent children from receiving such cash assistance benefits under the general public assistance (GA) of the Work First New Jersey program.

2. The committee amended the substitute to remove the provision which would have required the State to contract with the lowest bidder when contracting for inmate telephone services in State correctional facilities. The amendment also removed the prohibition against a State department accepting or receiving revenue in excess of its actual operating costs in establishing and administering inmate telephone services.

3. The committee amended the substitute to direct the Department of Corrections, through its Office of Transitional Services, to provide defendants with information concerning outstanding child support orders and judgments, and how to petition for modifications of those obligations. The amendment removes a provision which would have required that child support information be included in the presentence report and that the probation division assist inmates in processing child support modification petitions. The Administrative Office of the Courts requested this amendment.

4. The effective date has been revised to reflect the amendatory changes.

FISCAL IMPACT:

According to the Department of Corrections enactment of the committee substitute would generate costs of approximately \$215,000, with an additional \$66,000 for fringe benefits for a total of \$281,000 during the first full year after implementation to fund the cost of an

Assistant Commissioner to be responsible for establishing and monitoring policies affecting incarcerated mothers with children. Using a 3 percent inflation rate, second and third year costs would total \$294,580 and \$303,417. Incidental costs would also be incurred to provide for the operations of the newly formed Commission to Examine Strategies for Strengthening the Familial Bond between Children and Incarcerated Parents.

The Office of Legislative Services (OLS) also notes that the provision modifying the policy excluding persons convicted of certain drug offenses from receiving cash assistance benefits under Temporary Assistance for Needy Families (TANF) program in this State would generate additional unknown costs under the TANF program. The OLS is not able to determine the cost of this provision as information on the number of persons qualified to receive benefits but denied benefits due to a conviction is not available.

STATEMENT TO

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR **SENATE No. 1347**

with Senate Floor Amendments
(Proposed by Senators TURNER, CUNNINGHAM and LESNIAK)

ADOPTED: JANUARY 7, 2010

Senate Bill No. 1347 (1R) focuses on the sentencing and incarceration of certain offenders, female inmates, and the impact of incarceration on the families of inmates.

These Senate amendments (1) clarify that responsibility for monitoring prison policies concerning incarcerated mothers may be assigned to, and added to the duties of, an existing assistant commissioner and, therefore, should not be construed to necessitate the creation of a new assistant commissioner position, and (2) make technical changes to bring the bill into conformance with the provisions of A-4197, as amended.

As amended, this bill is identical to Assembly Bill No. 4197 (1R), also amended by the General Assembly on this same date.

FISCAL NOTE
SENATE, No. 1347
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: AUGUST 15, 2008

SUMMARY

Synopsis: Requires correctional institutions to consider cost to users of inmates' telephone services.

Type of Impact: General Fund revenue loss

Agencies Affected: Department of Corrections, Treasury

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State			
Revenue Loss	\$4,800,000	\$4,800,000	\$4,800,000

- The Office of Legislative Services **concurs** with the Executive estimate.
- The bill would require correctional institutions to provide telephone services based on the costs charged to persons using the service.
- The Office of Management and Budget (OMB) states that a portion of the amounts charged by the provider is transmitted by the vendor to the State of New Jersey, Department of Treasury. The OMB notes that in Fiscal Year 2007 the revenue totaled \$4.8 million and in fiscal 2008 revenue received thru April 2008 is \$4.0 million. Enactment of the bill would eliminate this revenue source.

BILL DESCRIPTION

Senate Bill No. 1347 of 2008 would require correctional institutions to provide telephone services based on the costs charged to persons using the service.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Department of Corrections

The Department of Corrections states that the Department of Treasury's Purchase Bureau awards a statewide contract for pay telephone service and negotiates rates and commissions. A portion of the amounts charged by the provider is transmitted by the vendor to the State of New Jersey, Department of Treasury, not to the Department of Corrections. Consequently, while the enactment of the bill would have no fiscal impact on the department, it will impact anticipated State revenue.

Office of Management and Budget

The OMB states that a portion of the amounts charged by the provider is transmitted by the vendor to the State of New Jersey, Department of Treasury. Revenue from this source comes from inmate usage in the Department of Corrections (all institutions) and Law and Public Safety Juvenile Justice Commission (incarcerated juvenile, all institutions). In Fiscal Year 2007 the revenue totaled \$4.8 million and in fiscal 2008 revenue received thru April 2008 is \$4.0 million. Enactment of the bill would eliminate this revenue source.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive estimate.

Section: Judiciary
Analyst: Anne Raughley
Principal Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C. 52:13B-1 et seq.).

FISCAL NOTE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1347
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: DECEMBER 23, 2009

SUMMARY

Synopsis: Establishes “Women and Families Strengthening Act.”

Type of Impact: General Fund expenditure, General Fund revenue loss.

Agencies Affected: Department of Corrections (DOC), Department of the Treasury

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost			
Department of Corrections Cost	\$281,000	\$288,400	\$297,052
Temporary Assistance for Needy Families Cost	Indeterminate - See comments below		
State Revenue Loss	(\$4,800,000)	(\$4,800,000)	(\$4,800,000)

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate and adds that information obtained from the DOC indicates that provision requiring the State to contract with lowest bidder for telephone services for inmates in State Correctional facilities would result in a loss of \$4.8 million in General Fund revenue. Under the program, the Department of Treasury’s Purchase Bureau awards a statewide contract for pay telephone service and negotiates rates and commissions. A portion of the amounts charged by the provider is transmitted by the vendor to the State of New Jersey Department of Treasury.
- The OLS also notes that the provision reversing the policy excluding persons convicted of certain drug offenses from receiving cash assistance benefits under Temporary Assistance for Needy Families (TANF) program in this State would generate additional unknown costs under the TANF program. The OLS is not able to determine the cost of this provision as information on the number of persons qualified to receive benefits but denied benefits due to a conviction is not available.
- The committee substitute establishes the “Women and Families Strengthening Act.”

- The DOC states that enactment of the committee substitute would generate costs of approximately \$215,000, with an additional \$66,000 for fringe benefits for a total of \$281,000 during the first full year after implementation. Using a 3 percent inflation rate, second and third year costs would total \$294,580 and \$303,417

BILL DESCRIPTION

Senate Committee Substitute for Senate Bill No. 1347 of 2009 establishes the “Women and Families Strengthening Act.”

The committee substitute would end the prohibition in State law against certain formerly incarcerated persons receiving Work First New Jersey and food stamp benefits. The committee substitute would also reverse current policy under section 5 of P.L.1997, c.14 (C.44:10-48), that excludes persons convicted of certain drug offenses from receiving cash assistance benefits that are provided under the Work First New Jersey program, which is the TANF program in this State.

Under the committee substitute, the State would be required to contract with the lowest bidder for telephone service for inmates in State correctional facilities. A bidder would not be authorized to impose a surcharge on inmate telephone calls. The committee substitute would prohibit a State department from accepting or receiving revenue in excess of its actual operating cost for establishing and administering inmate telephone services. The DOC would be required to make available a prepaid or collect call system, or a combination of the two, for telephone services. The provider of the inmate telephone service, as an additional means of payment, must permit the recipient of inmate collect calls to establish an account with that provider in order to deposit funds for advance payment of those collect calls.

Currently, a private vendor provides telephone services to inmates in this State’s correctional facilities under the terms of a five-year contract with the State. Under that contract, the State collects a 40 percent commission, as well as a \$1.75 surcharge, on each inmate call. This revenue is deposited into the State Treasury’s General Fund.

Further, the committee substitute establishes the Commission to Examine Strategies for Strengthening the Familial Bond Between Children and Incarcerated Parents. This commission is to consist of 21 members. The commission is directed to examine the policies, procedures and operations of the State and county correctional systems in order to develop recommendations regarding the most effective methods of: (1) developing strategies for strengthening the familial bond between children and incarcerated parents; and (2) reducing antisocial behavior and attachment disorders of children of incarcerated parents and the intergenerational cycle of criminality common among families of incarcerated parents. The OLS is required to provide staff services and other necessary support to the commission. The commission must present a report of its findings and recommendations to the Governor and the Legislature no later than 12 months after its initial meeting; the commission is to expire 30 days after the report is issued.

The committee substitute requires the Commissioner of Corrections to designate an assistant commissioner to be responsible for establishing and monitoring policies affecting incarcerated mothers with children. Also under the committee substitute, the commissioner is prohibited from housing female inmates in the same correctional facility as male inmates if it results in conditions more oppressive or restrictive than those applicable to male inmates.

The committee substitute requires the Commissioner of Corrections, during initial classification, to make every effort to assign an inmate to a State correctional facility close to where that inmate’s family resides.

The committee substitute requires the commissioner to submit all inmate complaints concerning women to the Division on Women on a semiannual basis.

Under the committee substitute, a defendant's presentence report would have to include information on enforcement of child support orders.

Finally, the committee substitute establishes that whenever there is a change in the status of an inmate incarcerated in a State correctional facility which affects the visitation privileges of that inmate, the correctional facility shall immediately post that change of status on its website. This information shall remain on the website until those visitation rights have been restored. If the change in status in visitation is due to the relocation of the inmate to another facility, the change shall be noted on the website of the facility from which the inmate has been transferred and shall remain on the website for two weeks. The posting shall include the name, address, telephone number, and website address of the facility to which the inmate has been transferred.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The DOC states that this bill contains ten (10) areas impacting on the DOC.

1. This bill would reverse the current policy that excludes persons convicted of certain drug offenses from receiving cash assistance benefits under TANF program in this State. There is no fiscal impact on the DOC.

2. Requires the State to contract with lowest bidder for telephone services for inmates in State Correctional facilities. The Department of Treasury's Purchase Bureau awards a statewide contract for pay telephone service and negotiates rates and commissions. A portion of the amounts charged by the provider is transmitted by the vendor to the State of New Jersey Department of Treasury, not to the DOC, as a commission. Consequently, while the enactment of this bill would have no DOC fiscal impact on the department, it would impact anticipated State revenue.

3. Presentence Investigation shall add any obligation of child support including any child support delinquencies to the list of required information. This has no fiscal impact on the DOC.

4. Establishes Commission to Examine Strategies for Strengthening the Familial Bond between Children and Incarcerated Parents.: There would be incidental costs for travel and miscellaneous expenses. The bill does not indicate who would be responsible for the reimbursements.

5. Requires the Commissioner of Corrections to appoint an assistant commissioner whose primary responsibility is to establish and monitor policies affecting incarcerated mothers with children. The average salary for an Assistant Commissioner is \$120,000 and the secretarial support is approximately \$58,000. In addition, office space and equipment would be required, at an approximate cost of \$10,000. If a vehicle is required, an additional \$32,000 purchase price plus annual maintenance and gasoline costs of \$4,800 would be incurred. The total fiscal impact would be approximately \$214,800 in direct DOC costs and an additional \$66,000 for fringe benefits which is paid by Treasury.

6. Requires Commissioner of Corrections during initial classification to make every effort to assign an inmate to a State correctional facility close to where that inmate's family resides. There is no fiscal impact.

7. This bill prohibits housing female inmates in same institutions as males if it results in conditions more oppressive or restrictive than those applicable to male inmates. Currently only a small number of females are housed outside of the female facility due to administrative

segregation needs. This would not increase costs as sufficient bed space is available at the DOC's female facility.

8. The bill requires the commissioner to submit all inmate complaints concerning women to the Division of Women on a semiannual basis: This would not create a fiscal impact.

9. The bill adds the requirement to the disclosure of contents of a presentence report to include child support orders and judgments; and procedures for the prospective modification of orders. There is no fiscal impact on the DOC.

10. The bill adds the requirement that if there is a change in status of an incarcerated inmate that affects the visitation privileges of that inmate, the correctional facility shall immediately post that change of status on its website. The same requirement would apply when an inmate is transferred. There is no fiscal impact on the DOC.

To summarize, the direct fiscal impact of the bill establishing the "Women and Families Strengthening Act", would total approximately \$215,000, with an additional \$66,000 for fringe benefits for a total of \$281,000.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate and adds that information obtained from the Department of Corrections indicates that a provision requiring the State to contract with lowest bidder for telephone services for inmates in State Correctional facilities would result in a loss of \$4.8 million in General Fund revenue. Under the program, the Department of Treasury's Purchase Bureau awards a statewide contract for pay telephone service and negotiates rates and commissions. A portion of the amounts charged by the provider is transmitted by the vendor to the State of New Jersey Department of Treasury.

The OLS also notes that the provision reversing the current policy excluding persons convicted of certain drug offenses from receiving cash assistance benefits under TANF program in this State would generate additional unknown costs under the TANF program. The OLS is not able to determine the cost of this provision as information on the number of persons qualified to receive benefits but denied benefits due to a conviction is not available.

Section: Judiciary

Analyst: Anne Raughley
Principal Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

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

FISCAL NOTE
 [First Reprint]
 SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1347
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: JANUARY 12, 2010

SUMMARY

Synopsis: Establishes “Women and Families Strengthening Act.”

Type of Impact: General Fund expenditure, General Fund revenue loss.

Agencies Affected: Department of Corrections (DOC), Department of the Treasury

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost			
Department of Corrections Cost	\$281,000	\$288,400	\$297,052
Temporary Assistance for Needy Families Cost	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate and notes that the provision reversing the policy excluding persons convicted of certain drug offenses from receiving cash assistance benefits under Temporary Assistance for Needy Families (TANF) program in this State would generate additional unknown costs under the TANF program. The OLS is not able to determine the cost of this provision as information on the number of persons qualified to receive benefits but denied benefits due to a conviction is not available.
- The committee substitute establishes the “Women and Families Strengthening Act.”
- The Department of Corrections (DOC) states that enactment of the committee substitute would generate costs of approximately \$215,000, with an additional \$66,000 for fringe benefits for a total of \$281,000 during the first full year after implementation. Using a 3 percent inflation rate, second and third year costs would total \$294,580 and \$303,417.

- The DOC states that the provision establishing the Commission to Examine Strategies for Strengthening the Familial Bond between Children and Incarcerated Parents would generate incidental costs for travel and miscellaneous expenses. The bill does not indicate who would be responsible for the reimbursements.

BILL DESCRIPTION

The First Reprint of Senate Committee Substitute for Senate Bill No. 1347 of 2009 establishes the “Women and Families Strengthening Act.

The substitute ends the prohibition in State law against certain formerly incarcerated persons receiving cash assistance benefits under the TANF component of the Work First New Jersey program, and federal food assistance benefits pursuant to Pub.L.110-234 (formerly known as food stamp benefits). The substitute retains the current prohibition which keeps certain formerly incarcerated single persons and married couples without dependent children from receiving cash assistance benefits under the general public assistance component of the Work First New Jersey program.

The substitute establishes the Commission to Examine Strategies for Strengthening the Familial Bond Between Children and Incarcerated Parents. This commission is to consist of 21 members. The commission is directed to examine the policies, procedures and operations of the State and county correctional systems in order to develop recommendations regarding the most effective methods of: (1) developing strategies for strengthening the familial bond between children and incarcerated parents; and (2) reducing antisocial behavior and attachment disorders of children of incarcerated parents and the intergenerational cycle of criminality common among families of incarcerated parents. The Office of Legislative Services is required to provide staff services and other necessary support to the commission.

The commission must present a report of its findings and recommendations to the Governor and the Legislature no later than 12 months after its initial meeting; the commission is to expire 30 days after the report is issued. Further, the substitute requires the Commissioner of Corrections to designate an assistant commissioner to be responsible for establishing and monitoring policies affecting incarcerated mothers with children.

Also under the substitute, the commissioner is prohibited from housing female inmates in the same correctional facility as male inmates if it results in conditions more oppressive or restrictive than those applicable to male inmates.

In addition, the substitute requires the Commissioner of Corrections, during initial classification, to make every effort to assign an inmate to a State correctional facility close to where that inmate’s family resides.

The substitute requires the commissioner to submit all inmate complaints concerning women to the Division on Women on a semiannual basis.

The substitute requires the DOC, through its Office of Transitional Services, to provide the defendant with information concerning child support orders and judgments against him and how to petition for a modification of those obligations.

Finally, the substitute establishes that whenever there is a change in the status of an inmate incarcerated in a State correctional facility which affects the visitation privileges of that inmate, the correctional facility shall immediately post that change of status on its website. This information shall remain on the website until those visitation rights have been restored. If the change in status in visitation is due to the relocation of the inmate to another facility, the change shall be noted on the website of the facility from which the inmate has been transferred and shall remain on the website for two weeks. The posting shall include the name, address, telephone number, and website address of the facility to which the inmate has been transferred. The

purpose of these provisions is to provide visitors with advance notice of the suspension of an inmate's visitation privileges so that the visitors do not make an unnecessary trip to the correctional facility.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The DOC states that the following items would impact DOC operations:

1. This bill would reverse the current policy that excludes persons convicted of certain drug offenses from receiving cash assistance benefits under TANF program in this State. There is no fiscal impact on the DOC.

2. The bill establishes the Commission to Examine Strategies for Strengthening the Familial Bond between Children and Incarcerated Parents.: There would be incidental costs for travel and miscellaneous expenses. The bill does not indicate who would be responsible for the reimbursements.

3. Requires the Commissioner of Corrections to appoint an assistant commissioner whose primary responsibility is to establish and monitor policies affecting incarcerated mothers with children. The average salary for an Assistant Commissioner is \$120,000 and the secretarial support is approximately \$58,000. In addition, office space and equipment would be required, at an approximate cost of \$10,000. If a vehicle is required, an additional \$32,000 purchase price plus annual maintenance and gasoline costs of \$4,800 would be incurred. The total fiscal impact would be approximately \$214,800 in direct DOC costs and an additional \$66,000 for fringe benefits which is paid by Treasury.

4. The bill requires the Commissioner of Corrections, during initial classification, to make every effort to assign an inmate to a State correctional facility close to where that inmate's family resides. There is no fiscal impact.

5. The bill prohibits housing female inmates in same institutions as males if it results in conditions more oppressive or restrictive than those applicable to male inmates. The DOC notes that currently only a small number of females are housed outside of the female facility due to administrative segregation needs. This would not increase costs as sufficient bed space is available at the DOC's female facility.

6. The bill requires the commissioner to submit all inmate complaints concerning women to the Division of Women on a semiannual basis: This would not create a fiscal impact.

7. The bill adds the requirement that if there is a change in status of an incarcerated inmate that affects the visitation privileges of that inmate, the correctional facility shall immediately post that change of status on its website. The same requirement would apply when an inmate is transferred. There is no fiscal impact on the DOC.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate and notes that the provision reversing the current policy excluding persons convicted of certain drug offenses from receiving cash assistance benefits under TANF program in this State would generate additional unknown costs under the TANF program. The OLS is not able to determine the cost of this provision as information on the number of persons qualified to receive benefits but denied benefits due to a conviction is not available.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

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

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

FISCAL NOTE
 [Second Reprint]
 SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1347
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: JANUARY 19, 2010

SUMMARY

Synopsis: Establishes “Women and Families Strengthening Act.”

Type of Impact: General Fund expenditure, General Fund revenue loss.

Agencies Affected: Department of Corrections (DOC), Department of the Treasury.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost			
Department of Corrections Cost	Indeterminate – See comments below		
Temporary Assistance for Needy Families Cost	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate and notes that the provision reversing the policy excluding persons convicted of certain drug offenses from receiving cash assistance benefits under Temporary Assistance for Needy Families (TANF) program in this State would generate additional unknown costs under the TANF program. The OLS is not able to determine the cost of this provision as information on the number of persons qualified to receive benefits but denied benefits due to a conviction is not available.
- The committee substitute establishes the “Women and Families Strengthening Act.”
- The Department of Corrections (DOC) states that if it becomes necessary to hire an assistant commissioner, enactment of the committee substitute would generate costs of approximately \$225,000, with an additional \$66,000 for fringe benefits for a total of \$291,000 during the first full year after implementation. Using a 3 percent inflation rate, second and third year costs would total \$300,000 and \$309,000.

- The DOC states that the provision establishing the Commission to Examine Strategies for Strengthening the Familial Bond between Children and Incarcerated Parents would generate incidental costs for travel and miscellaneous expenses. The committee substitute does not indicate who would be responsible for the reimbursements.

BILL DESCRIPTION

The second reprint of the Senate Committee Substitute for Senate Bill No. 1347 of 2009 establishes the “Women and Families Strengthening Act.

The committee substitute ends the prohibition in State law against certain formerly incarcerated persons receiving cash assistance benefits under the TANF component of the Work First New Jersey program, and federal food assistance benefits pursuant to Pub.L.110-234 (formerly known as food stamp benefits). The committee substitute retains the current prohibition which keeps certain formerly incarcerated single persons and married couples without dependent children from receiving cash assistance benefits under the general public assistance (GA) component of the Work First New Jersey program.

The committee substitute establishes the Commission to Examine Strategies for Strengthening the Familial Bond Between Children and Incarcerated Parents. This commission is to consist of 21 members. The commission is directed to examine the policies, procedures and operations of the State and county correctional systems in order to develop recommendations regarding the most effective methods of: (1) developing strategies for strengthening the familial bond between children and incarcerated parents; and (2) reducing antisocial behavior and attachment disorders of children of incarcerated parents and the intergenerational cycle of criminality common among families of incarcerated parents. The Office of Legislative Services is required to provide staff services and other necessary support to the commission.

The commission must present a report of its findings and recommendations to the Governor and the Legislature no later than 12 months after its initial meeting; the commission is to expire 30 days after the report is issued. Further, the committee substitute requires the Commissioner of Corrections to designate an assistant commissioner to be responsible for establishing and monitoring policies affecting incarcerated mothers with children. Under the committee substitute the assistant commissioner may be chosen by the commissioner from among the current employees of the department and may continue the duties and responsibilities of his regular employment in addition to the duties and responsibilities of the assistant commissioner.

Also under the committee substitute, the commissioner is prohibited from housing female inmates in the same correctional facility as male inmates if it results in conditions more oppressive or restrictive than those applicable to male inmates.

In addition, the committee substitute requires the Commissioner of Corrections, during initial classification, to make every effort to assign an inmate to a State correctional facility close to where that inmate’s family resides.

The committee substitute requires the commissioner to submit all inmate complaints concerning women to the Division on Women on a semiannual basis.

The committee substitute requires the DOC, through its Office of Transitional Services, to provide the defendant with information concerning child support orders and judgments against him and how to petition for a modification of those obligations.

Finally, the committee substitute establishes that whenever there is a change in the status of an inmate incarcerated in a State correctional facility which affects the visitation privileges of that inmate, the correctional facility shall immediately post that change of status on its website. This information shall remain on the website until those visitation rights have been restored. If the change in status in visitation is due to the relocation of the inmate to another facility, the

change shall be noted on the website of the facility from which the inmate has been transferred and shall remain on the website for two weeks. The posting shall include the name, address, telephone number, and website address of the facility to which the inmate has been transferred.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The DOC states that the following items would impact DOC operations:

1. This committee substitute would reverse the current policy that excludes persons convicted of certain drug offenses from receiving cash assistance benefits under TANF program in this State. There is no fiscal impact on the DOC.

2. The committee substitute establishes the Commission to Examine Strategies for Strengthening the Familial Bond between Children and Incarcerated Parents.: There would be incidental costs for travel and miscellaneous expenses. The committee substitute does not indicate who would be responsible for the reimbursements.

3. The committee substitute requires the Commissioner of Corrections to appoint an assistant commissioner whose primary responsibility is to establish and monitor policies affecting incarcerated mothers with children. The department notes that if it becomes necessary to hire an assistant commissioner to perform the duties enumerated above, the DOC would incur a salary cost of \$120,000. Secretarial support would total an additional \$58,000. In addition, office space and equipment would be required, at an approximate cost of \$10,000. If a vehicle is required, an additional \$32,000 purchase price plus annual maintenance and gasoline costs of \$4,800 would be incurred. The total fiscal impact would be approximately \$224,800 in direct DOC costs and an additional \$66,000 for fringe benefits which is paid by Treasury.

4. The committee substitute requires the Commissioner of Corrections, during initial classification, to make every effort to assign an inmate to a State correctional facility close to where that inmate's family resides. There is no fiscal impact.

5. The committee substitute prohibits housing female inmates in same institutions as males if it results in conditions more oppressive or restrictive than those applicable to male inmates. The DOC notes that currently only a small number of females are housed outside of the female facility due to administrative segregation needs. This would not increase costs as sufficient bed space is available at the DOC's female facility.

6. The committee substitute requires the commissioner to submit all inmate complaints concerning women to the Division of Women on a semiannual basis: This would not create a fiscal impact.

7. The committee substitute adds the requirement that if there is a change in status of an incarcerated inmate that affects the visitation privileges of that inmate, the correctional facility shall immediately post that change of status on its website. The same requirement would apply when an inmate is transferred. There is no fiscal impact on the DOC.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate and notes that the provision reversing the current policy excluding persons convicted of certain drug offenses from receiving cash assistance benefits under TANF program in this State would generate additional unknown costs under the TANF program. The OLS is not able to determine the cost of this provision as information on the number of persons qualified to receive benefits but denied benefits due to a conviction is not available.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

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

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