

30:7E-1

LEGISLATIVE HISTORY CHECKLIST
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(County jail--reimbursement)

NJSA: 30:7E-1

LAWS OF: 1995 **CHAPTER:** 254

BILL NO: A2283

SPONSOR(S): Holzapfel and others

DATE INTRODUCED: November 14, 1994

COMMITTEE: **ASSEMBLY** Judiciary
SENATE: ---

AMENDED DURING PASSAGE: Yes Assembly committee substitute
(1R) A2283/90/2924/2532/2807

DATE OF PASSAGE: **ASSEMBLY:** June 29, 1995
SENATE: October 19, 1995

DATE OF APPROVAL: November 1, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: Yes

974.90 New Jersey. Legislature. Senate. Judiciary Committee.
P959 Public hearing on S1751 held 4-19-95. Mays Landing.
1995.

KBG:pp

[FIRST REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2283, 90, 2924, 2532 and 2807

STATE OF NEW JERSEY

ADOPTED JUNE 1, 1995

Sponsored by Assemblymen HOLZAPFEL, BODINE, GIBSON,
GEIST, GAFFNEY, ASSELTA, Assemblywoman TURNER,
Assemblymen YUHAS, DALTON, Gregg and Roma

1 AN ACT permitting the State and the counties to seek
2 reimbursements for certain expenses incurred by State
3 correctional facilities and county jails, amending and
4 supplementing Title 30 of the Revised Statutes and amending
5 N.J.S.2C:44-6.

6

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

9 1. (New section) As used in sections 2 thru 6 of this act:

10 a. "Commissioner" means the Commissioner of the
11 Department of Corrections.

12 b. "County" includes any person acting pursuant to a contract
13 with a county who provides services for which a county is entitled
14 to reimbursement or a nominal fee under the provisions of this
15 act.

16 c. "Covered person" means a person who is covered by a plan
17 for health benefits and expenses but not as an enrollee.

18 d. "Enrollee" means the person who receives a certificate or
19 other proof of coverage from a health insurance plan that covers
20 the person for health benefits and expenses.

21 e. "Health insurance plan" means any hospital and medical
22 expense insurance policy; health, hospital or medical service
23 corporation contract or certificate; or health maintenance
24 organization subscriber contract or certificate or dental or vision
25 plan.

26 f. "Inmate" means a person sentenced to imprisonment, or
27 ordered to pretrial or investigative detention, in a State
28 correctional facility or county jail.

29 g. "State" includes any person acting pursuant to a contract
30 with the State who provides services for which the State is
31 entitled to reimbursement or a nominal fee under the provisions
32 of this act.

33 2. (New section) a. A inmate shall be liable for the cost of,
34 and be charged a nominal fee for, any medical care, surgery,
35 dental care, hospitalization or treatment provided to the inmate
36 during the inmate's term of incarceration or detention by the
37 State or a county. If the inmate is incarcerated or detained in a
38 State correctional facility or State contracted half-way house,
39 the amount due and payable and the nominal fees charged under
40 the provisions of this act shall be determined by the State

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:
Assembly floor amendments adopted June 26, 1995.

1 Treasurer in accordance with guidelines promulgated by the
2 commissioner. If the inmate is incarcerated or detained in a
3 county jail, the amount due and payable and the nominal fees
4 charged under the provisions of this act shall be determined by
5 the county treasurer in accordance with guidelines promulgated
6 by the county adjustor.

7 b. An inmate may be charged either the full cost of or a
8 nominal fee for any prescription or nonprescription drug or
9 medicine provided to the inmate during the inmate's term of
10 incarceration or detention by the State or a county. If the inmate
11 is incarcerated or detained in a State correctional facility or
12 State contracted half-way house, the cost or nominal fees
13 charged under the provisions of this act shall be determined by
14 the State Treasurer in accordance with guidelines promulgated by
15 the commissioner. If the inmate is incarcerated or detained in a
16 county jail, the amount due and payable and the nominal fees
17 charged under the provisions of this act shall be determined by
18 the county treasurer in accordance with guidelines promulgated
19 by the county adjustor.

20 3. (New section) a. Whenever the court shall determine,
21 from its due consideration of the presentence report prepared in
22 accordance with the provisions of N.J.S.2C:44-6 or any pretrial
23 investigation or report, that a person to be sentenced to a term
24 of imprisonment or ordered to detention in a State correctional
25 facility or county jail is an enrollee or a covered person under a
26 health insurance plan, it shall, as part of the disposition imposing
27 the term of imprisonment or order providing for detention, so
28 notify the commissioner or the chief administrative officer of the
29 appropriate county jail.

30 b. The State Treasurer or county treasurer shall file a claim
31 with the health insurance plan for a reimbursement of the costs
32 incurred by the State or the county, in providing any medical
33 care, surgery, hospitalization or treatment to any inmate who is
34 covered under a health insurance plan. The claim shall be filed in
35 accordance with the rules and regulations promulgated pursuant
36 to subsection f. of this section.

37 The reimbursements authorized under this subsection shall be
38 payable to the State Treasurer or the county treasurer and shall
39 be used exclusively for the purpose of defraying the costs
40 incurred by the State or the county in providing medical care,
41 surgery, dental care, hospitalization or treatment to an inmate.

42 c. Nothing in Title 30 of the Revised Statutes concerning the
43 responsibility of the commissioner to provide for the care and
44 custody of the inmates in a State correctional facility under the
45 commissioner's control shall be construed to prohibit, restrict or
46 otherwise hinder the State in seeking reimbursement in
47 accordance with the provisions of this act from an inmate or a
48 health insurance plan for any costs incurred by the State
49 correctional facility in providing medical care, dental care,
50 surgery, hospitalization or treatment to an inmate.

51 d. Nothing in R.S.30:8-17 concerning a sheriff's responsibility
52 to provide for the care and custody of the prisoners or detainees
53 in a jail under his control shall be construed to prohibit, restrict
54 or otherwise hinder the county in seeking reimbursement in

1 accordance with the provisions of this act from an inmate or a
2 health insurance plan for any costs incurred by the county jail in
3 providing medical care, dental care, surgery, hospitalization or
4 treatment to an inmate.

5 e. Nothing in R.S.30:8-19 concerning the county governing
6 body's responsibility to provide for the custody and care of the
7 prisoners or detainees in a jail under its control shall be construed
8 to prohibit, restrict or otherwise hinder the county in seeking
9 reimbursement in accordance with the provisions of this act from
10 an inmate or a health insurance plan for any costs incurred by the
11 county jail in providing medical care, dental care, surgery,
12 hospitalization or treatment to an inmate.

13 f. The Commissioner of the Department of Insurance, in
14 accordance with the provisions of the "Administrative Procedure
15 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules
16 and regulations to effectuate the purposes of this section. Those
17 rules and regulations shall include:

18 (1) Procedures for the filing of the reimbursement claims
19 permitted under this section;

20 (2) Provisions specifying the primary coverage responsibilities
21 of health insurance plans, subject to the provisions of this
22 section; and

23 (3) Such other matters as the Commissioner of the Department
24 of Insurance may deem appropriate and necessary.

25 g. Nothing in this act shall be construed to require or allow an
26 inmate to obtain services from a doctor, dentist, surgeon or other
27 health care practitioner or facility other than the services
28 provided by a State correctional facility or county jail.

29 4. (New section) a. In the event an inmate is not covered
30 under a health insurance plan, or if the inmate's insurance plan
31 does not fully cover the costs of any medical care, dental care,
32 surgery, hospitalization or treatment provided by the State or the
33 county, the State or county may have a lien for any unpaid
34 amounts due and payable under the provisions of section 2 of
35 P.L. , c. (C.)(now pending before the Legislature as
36 this bill) on any and all property and income to which the person
37 shall have or may acquire an interest. If an inmate fails to
38 reimburse the State or county, for the cost of or any fee charged
39 or for the cost of any prescription or nonprescription drug or
40 medicine, as provided pursuant to section 2 of P.L. , c.
41 (C.)(now pending before the Legislature as this bill) the
42 State or county may also have a lien on any or all property or
43 income which the inmate shall have or may acquire an interest.
44 When properly filed as hereinafter provided, the lien shall have
45 priority over all unrecorded encumbrances.

46 b. The lien shall be in a form to be prescribed by the State
47 Treasurer and shall contain the words "State of New Jersey" or
48 the name of the county, the name of the inmate, the date of
49 commitment or detention, the inmate's address on the date of
50 commitment or detention, the inmate's date of birth and the
51 amount due and payable for any medical care, dental care,
52 surgery, hospitalization, treatment, or prescription or
53 nonprescription drugs or medicines rendered therein on the date
54 of the filing of the lien, together with notice of the rate of

1 accumulation, if any, thereafter. The lien shall be signed by the
2 State Treasurer or the county treasurer or his duly constituted
3 agent. Nothing herein shall preclude the State or county from
4 recovering for any medical care, surgery, hospitalization,
5 treatment, or nonprescription drug or medicine furnished but not
6 covered by any lien.

7 c. As an additional remedy, the State Treasurer, county
8 treasurer or commissioner may issue a certificate to the clerk of
9 the Superior Court stating that the person identified in the
10 certificate is indebted under the provisions of this act in such an
11 amount as shall be stated in the certificate. The certificate shall
12 reference the statute under which the indebtedness arises.
13 Thereupon the clerk shall immediately enter upon the record of
14 docketed judgments the name of such inmate as debtor; the State
15 or county as creditor; the address of such inmate if shown in the
16 certificate; the amount of the debt so certified; a reference to
17 the statute under which the debt is assessed; and the date of
18 making such entries. The docketing of the certificate shall have
19 the same force and effect as a civil judgment docketed in the
20 Superior Court and the State or county shall have all the
21 remedies and may take all of the proceedings for the collection
22 thereof which may be had or taken upon the recovery of a
23 judgment in action, but without prejudice to any right to appeal.
24 Upon entry by the clerk of the certificate in the record of
25 docketed judgments in accordance with the provisions of this
26 subsection, interest in the amount specified by court rule for
27 post-judgment interest shall accrue from the date of the
28 docketing of the certificate; provided, however, payment of the
29 interest may be waived by the State Treasurer or county
30 treasurer. In the event that the debt remains unpaid following
31 the issuance of the certificate of debt and either the State
32 Treasurer or county treasurer take any further collections action
33 including referral of the matter to the Attorney General or his
34 designee or in the case of a county, referral of the matter to the
35 county adjustor or his designee, the fee imposed in lieu of the
36 actual cost of collection, may be 20 % of the debt or \$200.00,
37 whichever is greater.

38 d. The clerk of the Superior Court shall provide suitable books
39 in which shall be entered copies of the liens filed pursuant to this
40 section. The entries shall be properly indexed in the name of the
41 inmate.

42 All liens and other papers incidental thereto required for the
43 purposes of this section shall be received and recorded by the
44 clerk of the Superior Court, without payment of fees.

45 e. To discharge any lien or liens filed pursuant to this section,
46 the State treasurer or county treasurer or his duly constituted
47 agent shall file with the clerk of the Superior Court, a duly
48 acknowledged certificate setting forth the fact that the county
49 desires to discharge the lien of record.

50 The State treasurer or county treasurer is authorized to
51 compromise for settlement any lien filed under the provisions of
52 this section for medical care, dental care, surgery,
53 hospitalization or treatment rendered to an inmate. A
54 memorandum of compromise and settlement signed by the State

1 treasurer or county treasurer shall be sufficient authorization for
2 a complete discharge of the lien.

3 f. Any person desiring to secure immediate discharge of any
4 lien may deposit with the court cash in an amount sufficient to
5 cover the amount of the lien, or post a bond in an amount and
6 with sureties approved by the court. Upon proper notice to the
7 State or county of such deposit or bond, a satisfaction of the lien
8 shall be filed forthwith with the clerk of the Superior Court.

9 g. Any person affected in any manner, whether directly or
10 indirectly by any lien filed under the provisions of this subsection,
11 and desiring to examine the validity of the lien or the facts and
12 circumstances surrounding the entry of the lien, may do so in an
13 action brought in the county where the lien was filed. The action
14 shall brought against the State or county institution claiming the
15 lien, and the court may proceed in the action in a summary
16 manner and enter such judgment as it may deem appropriate.

17 5. (New section) Notwithstanding the provisions of subsections
18 2, 3 and 4 this act, no inmate shall be denied medical care,
19 surgery, dental care, hospitalization, treatment or prescription or
20 nonprescription drugs or medicine because he is not covered
21 under a health insurance plan or because that inmate is unable to
22 reimburse the State or county for the costs of those services,
23 drugs or medicines.

24 6. (New section) The commissioner, in accordance with the
25 provisions of the "Administrative Procedure Act," P.L.1968,
26 c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations
27 to effectuate the purposes of this act.

28 7. N.J.S.2C:44-6 is amended to read as follows:

29 2C:44-6. Procedure on Sentence; Presentence Investigation
30 and Report.

31 a. The court shall not impose sentence without first ordering a
32 presentence investigation of the defendant and according due
33 consideration to a written report of such investigation when
34 required by the Rules of Court. The court may order a
35 presentence investigation in any other case.

36 b. The presentence investigation shall include an analysis of
37 the circumstances attending the commission of the offense, the
38 defendant's history of delinquency or criminality, family
39 situation, financial resources, including whether or not the
40 defendant is an enrollee or covered person under a health
41 insurance contract, policy or plan, debts, including any amount
42 owed for a fine, assessment or restitution ordered in accordance
43 to the provisions of Title 2C, employment history, personal
44 habits, the disposition of any charge made against any
45 codefendants and may include a report on his physical and mental
46 condition and any other matters that the probation officer deems
47 relevant or the court directs to be included. In any case involving
48 a conviction of N.J.S.2C:24-4, endangering the welfare of a child;
49 N.J.S.2C:18-3, criminal trespass, where the trespass was
50 committed in a school building or on school property; section 1 of
51 P.L.1993, c.291 (C.2C:13-6), attempting to lure or entice a child
52 with purpose to commit a criminal offense; section 1 of P.L.1992,
53 c.209 (C.2C:12-10), stalking; or N.J.S.2C:13-1, kidnapping, where
54 the victim of the offense is a child under the age of 18, the

1 investigation shall include a report on the defendant's mental
2 condition unless the court directs otherwise.

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

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

25 c. If, after the presentence investigation, the court desires
26 additional information concerning an offender convicted of an
27 offense before imposing sentence, it may order that he be
28 examined as to his medical or mental condition, except that he
29 may not be committed to an institution for such examination.

30 d. Disclosure of any presentence investigation report or
31 psychiatric examination report shall be in accordance with law
32 and the Rules of Court, except that information concerning the
33 defendant's financial resources shall be made available upon
34 request to the Violent Crimes Compensation Board 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,
37 restitution or fine and that information concerning the
38 defendant's coverage under any health insurance contract, policy
39 or plan shall be made available, as appropriate to the
40 Commissioner of the Department of Corrections and to the chief
41 administrative officer of a county jail in accordance with the
42 provisions of P.L. , c. (C.)(now pending before the
43 Legislature as this bill).

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

50 f. (Deleted by amendment, P.L.1986, c.85).

51 (cf: P.L.1994, c.92, s.1)

52 8. R.S.30:4-7 is amended to read as follows:

53 30:4-7. Hospitalization of inmates.

54 [Each board of managers] The Commissioner of the Department

1 of Corrections shall have power to place any inmate in any
2 hospital in the state for such medical or surgical treatment as
3 may be necessary, which cannot properly and adequately be
4 rendered within the institution[, and to pay for the care,
5 maintenance and treatment of such persons, the approval of the
6 commissioner first having been obtained].

7 (cf: R.S.30:4-7)

8 19. Section 4 of P.L.1969, c.22(C.30:4-91.4) is amended to read
9 as follows:

10 4. The commissioner, as a part of any work release program
11 for an inmate, shall require that any wages, salary, earnings and
12 other income of each gainfully employed prisoner be paid, less
13 payroll deductions required or authorized by law, to the
14 superintendent of the institution who shall deposit such sums so
15 received to the credit of such inmate in a trust fund account at
16 such institution. From such trust fund account belonging to any
17 inmate the superintendent of the institution is empowered to
18 withdraw moneys, in an amount not to exceed one-half the total
19 income, as follows:

20 The superintendent shall withdraw up to one-third of that
21 amount in order to collect assessments, restitutions and fines
22 pursuant to the requirements of [N.J.S.2C:46-4] section 3 of
23 P.L.1979, c.396 (C.2C:46-4).

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

26 (a) Such costs of maintenance related to the prisoner's
27 confinement as are determined by the State Board of Control to
28 be appropriate and reasonable, including costs and fees charged
29 or owing pursuant to section 2 of P.L. ,c. (C.)(now pending
30 before the Legislature as section 2 of this bill).

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

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

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

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

38 (f) The balance, if any, shall be paid to the prisoner at the
39 completion of the period of his confinement.¹

40 (cf: P.L.1991, c.329, s.16)

41 ¹10. R.S.30:4-92 is amended to read as follows:

42 30:4-92. The inmates of all correctional and charitable,
43 hospital, relief and training institutions within the jurisdiction of
44 the State Board shall be employed in such productive occupations
45 as are consistent with their health, strength and mental capacity
46 and shall receive such compensation therefor as the State Board
47 shall determine.

48 Compensation for inmates of correctional institutions may be
49 in the form of cash or remission of time from sentence or both.
50 Such remission from the time of sentence shall not exceed one
51 day for each five days of productive occupation, but remission
52 granted under this section shall in no way affect deductions for
53 good behavior or provided by law.

54 From moneys paid to inmates of correctional institutions, the

1 superintendent of the institution shall withdraw sufficient
2 moneys, in an amount not to exceed one-third of the inmate's
3 total income, as may be required to pay any assessment,
4 restitution or fine ordered as part of any sentence, and is
5 authorized to withdraw from the remainder of the inmate's total
6 income an amount not to exceed one-third of the total income as
7 may be required to pay costs and fees charged or owing, pursuant
8 to section 2 of P.L. , c. (C.)(now pending before the
9 Legislature as section 2 of this bill).

10 In addition, all inmates classified as minimum security and who
11 are considered sufficiently trustworthy to be employed in honor
12 camps, farms or details shall receive further remission of time
13 from sentence at the rate of three days per month for the first
14 year of such employment and five days per month for the second
15 and each subsequent year of such employment.¹

16 (cf: P.L.1991, c.329, s.17)

17 ¹[9.] 11.¹ This act shall take effect on the first day of the
18 fourth month following enactment.

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23 Permits State and counties to seek reimbursements from inmates
24 and health insurers for medical services provided in county jails.

1 to prohibit, restrict or otherwise hinder the county from charging
2 a prisoner or detainee a nominal fee, in accordance with the
3 provisions of section 3 of P.L. , c. (C.)(now pending before
4 the Legislature as this bill), for any medical service or
5 nonprescription drugs or medicines provided within the county jail
6 or by county jail medical or dental personnel.

7 5. The Commissioner of Corrections, in accordance with the
8 provisions of the "Administrative Procedure Act," P.L.1968,
9 c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations
10 to effectuate the purposes of this act.

11 6. This act shall take effect on the first day of the third month
12 following enactment.

13
14

15 STATEMENT

16

17 This bill permits the Department of Corrections and the
18 counties of this State to charge inmates and detainees in State
19 and county correctional facilities nominal fees for certain
20 medical services and nonprescription drugs and medicines.

21 Under the provisions of the bill, the department and counties
22 are authorized to charge inmates and detainees a nominal fee,
23 not to exceed \$2, for certain medical services and
24 nonprescription drugs and medicines. The medical services
25 subject to this fee includes medical and dental primary care
26 services which are initiated by the inmate or detainee and which
27 are provided within the correctional facility or by correctional
28 facility medical or dental personnel. The bill prohibits the
29 department and counties from charging a fee for any of the
30 following medical services:

31 (1) Specialty care arranged by correctional facility medical
32 personnel, including psychological and mental health services;

33 (2) The treatment of emergency and life or limb threatening
34 conditions;

35 (3) The treatment of accidental or traumatic injuries occurring
36 while incarcerated; or

37 (4) The treatment of any medical condition, including acute
38 illnesses or chronic conditions, which the treating physician
39 believes will cause significant deterioration of the patient's
40 health or uncontrolled suffering.

41 Finally, the bill specifically provides that no inmate shall be
42 denied any medical service or nonprescription drug or medicine
43 due to an insufficiency of personnel funds, but it does permit the
44 department and county to assess that fee, or a portion of it, at a
45 later date should sufficient personal funds become available.

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50 Permits DOC and counties to charge inmates a nominal fee for
51 certain medical services.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2283, 90, 2924, 2532 and 2807

STATE OF NEW JERSEY

DATED: JUNE 1, 1995

The Assembly Judiciary, Law and Public Safety Committee reports favorably a Assembly Committee Substitute for Assembly Bill Nos. A2283, A90, A2924, A2532 and A2807.

Assembly Committee Substitute for Assembly Bill Nos. A2283, A90, A2924, A2532 and A2807 would permit the State and the counties to seek reimbursement for the costs incurred in providing medical care, dental care, surgery, hospitalization, or treatment to an inmate or detainee in a State correctional facility or county jail. The bill also permits the State and the counties to charge either a nominal fee or the full cost of any prescription or nonprescription drugs or medicines made available to State or county inmates and detainees.

The committee substitute also directs the State or county treasurer to seek reimbursement from insurers for the cost of medical services which are provided to inmates and detainees who are covered by a health insurance plan. At the time of sentencing or the issuing of the detention order, the court is required to notify, as appropriate, the Commissioner of the Department of Corrections or chief administrative officer of a county jail whenever the court determines from its presentence investigation, or any other pretrial investigation or report, that an inmate or detainee has health insurance. All moneys received as reimbursements are to be paid to the State or county treasurer and used exclusively to defray the costs of providing medical services at the State correctional facility or county jail. The Commissioner of Insurance is to adopt rules and regulations regarding the filing of reimbursement claims with health insurance providers and prescribing the primary coverage responsibilities those providers have for providing medical services to inmates and detainees.

In the event the inmate or detainee has no health insurance, or his insurance does not pay the full cost of the medical treatment, the committee substitute authorizes the State or county to place a lien against the property and income of the inmate or detainee. Similarly, the committee substitute also authorizes the State or county to place a lien if the inmate or detainee fails to pay either the fee charged or the full cost of any drug and medicine. The committee substitute prescribes the procedures for the filing and satisfying of such liens.

The committee substitute supplements chapter 8 of Title 30 of the Revised Statutes to clarify that the statutory charge to provide for the care and custody of the persons in a State correctional facility or county jail should not be construed

to prohibit, restrict, or otherwise hinder the State or the counties in seeking reimbursement for medical services from an inmate, a detainee, or a health insurance provider. The committee substitute also amends N.J.S.2C:44-6 to direct the court to include as part of its regular presentence investigation an effort to determine whether the prospective inmate is covered by a health insurance plan.

Finally, the committee substitute clarifies that an inmate or a detainee may not be denied medical treatment on the grounds that he is not covered by a health insurance plan or is unable to reimburse the State or the county.

This substitute is identical to the Senate Committee Substitute for Senate Bill Nos. 1751 and 1908.

ASSEMBLY, No. 2283

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 14, 1994

By Assemblymen HOLZAPFEL, BODINE and Connors

1 AN ACT permitting counties to seek reimbursements for certain
2 expenses incurred by county jails, supplementing chapter 8 of
3 Title 30 of the Revised Statutes and amending N.J.S.2C:44-6.

4
5 BE IT ENACTED *by the Senate and General Assembly of the*
6 *State of New Jersey:*

7 1. (New section) a. A person sentenced to imprisonment, or
8 ordered to pretrial or investigative detention, in a county jail
9 shall be liable for the cost of any medical care, surgery,
10 hospitalization or treatment he is provided by that county jail
11 during his term of incarceration or detention. The amount due
12 and payable shall be determined by the county treasurer in
13 accordance with guidelines promulgated by the Commissioner of
14 Corrections.

15 b. A person sentenced to imprisonment or ordered to pretrial
16 or investigative detention in a county jail may be charged a
17 nominal fee for any nonprescription drugs or medicines provided
18 to him by that county jail. The nominal fees charged under the
19 provisions of this subsection shall be determined by the county
20 treasurer in accordance with guidelines promulgated by the
21 Commissioner of Corrections.

22 2. (New section) a. Whenever the court shall determine,
23 from its due consideration of the presentence report prepared in
24 accordance with the provisions of N.J.S.2C:44-6 or any pretrial
25 investigation or report, that a person to be sentenced to a term
26 of imprisonment or ordered to detention in a county jail is an
27 enrollee or a covered person under a health insurance plan, it
28 shall, as part of the disposition imposing the term of
29 imprisonment or order providing for detention, so notify the chief
30 administrative officer of the appropriate county jail. As used in
31 this act, "health insurance plan" means a hospital and medical
32 expense insurance policy; health service corporation contract; or
33 health maintenance organization subscriber contract.

34 b. The county treasurer shall file a claim with the health
35 insurance plan for a reimbursement of the costs incurred by the
36 county jail in providing any medical care, surgery, hospitalization
37 or treatment to any inmate or detainee who is covered under a
38 health insurance plan. The claim shall be filed in accordance
39 with the rules and regulations promulgated pursuant to subsection
40 e. of this section.

41 The reimbursements authorized under this subsection shall be
42 payable to the county treasurer and shall be used exclusively for
43 the purpose of defraying the costs incurred by the county jail in
44 providing medical care, surgery, hospitalization or treatment to

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

Matter underlined thus is new matter.

1 an inmate or detainee.

2 c. Nothing in chapter R.S.30:8-17 concerning a sheriff's
3 responsibility to provide for the care and custody of the prisoners
4 or detainees in a jail under his control shall be construed to
5 prohibit, restrict or otherwise hinder the county in seeking
6 reimbursement in accordance with P.L. , c. (C.)(now
7 pending before the Legislature as this bill) from an inmate,
8 detainee or a health insurance plan for any costs incurred by the
9 county jail in providing medical care, surgery, hospitalization or
10 treatment to an inmate or detainee.

11 d. Nothing in R.S.30:8-19 concerning the county governing
12 body's responsibility to provide for the custody and care of the
13 prisoners or detainees in a jail under its control shall be construed
14 to prohibit, restrict or otherwise hinder the county in seeking
15 reimbursement in accordance with P.L. , c. (C.)(now
16 pending before the Legislature as this bill) from an inmate,
17 detainee or a health insurance plan for any costs incurred by the
18 county jail in providing medical care, surgery, hospitalization or
19 treatment to an inmate or detainee.

20 e. The Commissioner of Insurance, in accordance with the
21 provisions of the "Administrative Procedure Act," P.L.1968,
22 c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations
23 to effectuate the purposes of this section. Those rules and
24 regulations shall include:

25 (1) Procedures for the filing of the reimbursement claims
26 permitted under this section;

27 (2) Specifying the primary coverage responsibilities of health
28 insurance plans, subject to the provisions of this section; and

29 (3) Such other matters as the commissioner may deem
30 appropriate and necessary.

31 3. (New section) In the event a person sentenced to a term of
32 imprisonment, or ordered to pretrial or investigative detention, in
33 a county jail is not covered under a health insurance plan, or if
34 the person's insurance plan does not fully cover the costs of any
35 medical care, surgery, hospitalization or treatment provided by
36 that county jail, the county shall have a lien against the property
37 and income of that person for any unpaid amounts due and
38 payable under the provisions of section 1 of P.L. , c. (C.)
39 (now pending before the Legislature as this bill). The county also
40 shall have a lien against the property and income of an inmate or
41 detainee who fails to reimburse the county for the cost of any
42 nonprescription drugs or medicines, as provided pursuant to
43 section 1 of P.L. , c. (C.)(now pending before the
44 Legislature as this bill). When properly filed as hereinafter
45 provided, the lien shall have priority over all unrecorded
46 encumbrances.

47 a. The lien shall be in a form to be prescribed by the
48 Department of Corrections and shall contain the name of the
49 person committed to, or detained in, the county jail, the date of
50 commitment or detention, and the amount due and payable for
51 any medical care, surgery, hospitalization, treatment, or
52 nonprescription drugs or medicines rendered therein on the date
53 of the filing of the lien, together with notice of the rate of
54 accumulation, if any, thereafter. The lien shall be signed by the

1 county treasurer or his duly constituted agent. Nothing herein
2 shall preclude the county from recovering for any medical care,
3 surgery, hospitalization, treatment, or nonprescription drugs or
4 medicines furnished but not covered by any lien.

5 b. The lien shall be filed with the clerk of the county or
6 register of deeds, as the case may be, and shall immediately
7 attach to and become binding upon all real property owned by the
8 committed person which is located in the county wherein the lien
9 is filed and shall have the force and effect of a money judgment
10 of the Superior Court.

11 If it is believed that the inmate or detainee is the owner of real
12 property within the State, but the exact location of that real
13 property is not known, then a lien may be filed with the clerk of
14 the Superior Court and shall become binding upon all real
15 property of the inmate or detainee wherever situate within the
16 State.

17 c. If it is found that an inmate or detainee is possessed of any
18 goods, rights, credits, chattels, moneys or effects which are held
19 by any person, firm or corporation for the present or subsequent
20 use of the inmate or detainee, than the lien provided for herein,
21 or a notice of the existence thereof, may be forwarded by
22 registered mail to the person, firm or corporation and shall
23 become binding upon any property rights so held. The person,
24 firm or corporation thereafter shall be precluded from disposing
25 of the property rights until the lien is satisfied or until the holder
26 of the lien consents thereto.

27 Any person, firm or corporation disposing of any such property
28 or moneys after receipt of notice of the lien shall be liable to the
29 State for the value of the property or moneys of which disposition
30 has been made, except that when the corporation upon which
31 service of notice has been served is a banking institution, the lien
32 shall be effective against the banking institution only in the
33 amount of the accumulated delinquency stated in the notice.

34 d. The clerk of the county, register of deeds and mortgages, or
35 clerk of the Superior Court, as the case may be, shall provide
36 suitable books in which shall be entered copies of the liens filed
37 pursuant to this section. The entries shall be properly indexed in
38 the name of the inmate or detainee.

39 All liens and other papers incidental thereto required for the
40 purposes of this section shall be received and recorded by the
41 clerk of the county, the register of deeds and mortgages, or clerk
42 of the Superior Court, as the case may be, without payment of
43 fees.

44 e. To discharge any lien or liens filed pursuant to this section,
45 the county treasurer or his duly constituted agent shall file with
46 the clerk of the county, the register of deeds and mortgages, or
47 clerk of the Superior Court, as the case may be, a duly
48 acknowledged certificate setting forth the fact that the county
49 desires to discharge the lien of record.

50 The county treasurer is authorized to compromise for
51 settlement any lien filed under the provisions of this section for
52 medical care, surgery, hospitalization or treatment rendered to
53 an inmate. A memorandum of compromise and settlement signed
54 by the county treasurer shall be sufficient authorization for a

1 complete discharge of the lien.

2 f. Any person desiring to secure immediate discharge of any
3 lien may deposit with the court cash in an amount sufficient to
4 cover the amount of the lien, or post a bond in an amount and
5 with sureties approved by the court. Upon proper notice to the
6 department of such deposit or bond, a satisfaction of the lien
7 shall be filed forthwith with the clerk of the county, the register
8 of mortgages and deeds, or clerk of the Superior Court, as the case
9 may be.

10 4. (New section) Notwithstanding the provisions of subsections
11 1, 2 and 3 of P.L. , c. (C.) (now pending before the
12 Legislature as this bill), no inmate or detainee of a county jail
13 shall be denied medical care, surgery, hospitalization, treatment
14 or nonprescription drugs or medicine because he is not covered
15 under a health insurance plan or because that inmate is unable to
16 reimburse the county for the costs of those services, drugs or
17 medicines.

18 5. (New section) The Commissioner of Corrections, in
19 accordance with the provisions of the "Administrative Procedure
20 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules
21 and regulations to effectuate the purposes of this act.

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

23 2C:44-6. Procedure on Sentence; Presentence Investigation
24 and Report.

25 a. The court shall not impose sentence without first ordering a
26 presentence investigation of the defendant and according due
27 consideration to a written report of such investigation when
28 required by the Rules of Court. The court may order a
29 presentence investigation in any other case.

30 b. The presentence investigation shall include an analysis of
31 the circumstances attending the commission of the offense, the
32 defendant's history of delinquency or criminality, family
33 situation, financial resources, including whether or not the
34 defendant is an enrollee or covered person under a health
35 insurance contract, policy or plan, debts, including any amount
36 owed for a fine, assessment or restitution ordered in accordance
37 to the provisions of Title 2C, employment history, personal
38 habits, the disposition of any charge made against any
39 codefendants and may include a report on his physical and mental
40 condition and any other matters that the probation officer deems
41 relevant or the court directs to be included. In any case involving
42 a conviction of N.J.S.2C:24-4, endangering the welfare of a child;
43 N.J.S.2C:18-3, criminal trespass, where the trespass was
44 committed in a school building or on school property; section 1 of
45 P.L.1993, c.291 (C.2C:13-6), attempting to lure or entice a child
46 with purpose to commit a criminal offense; section 1 of P.L.1992,
47 c.209 (C.2C:12-10), stalking; or N.J.S.2C:13-1, kidnapping, where
48 the victim of the offense is a child under the age of 18, the
49 investigation shall include a report on the defendant's mental
50 condition unless the court directs otherwise. The presentence
51 report shall also include a report on any compensation paid by the
52 Violent Crimes Compensation Board as a result of the
53 commission of the offense and, in any case where the victim
54 chooses to provide one, a statement by the victim of

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

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

19 c. If, after the presentence investigation, the court desires
20 additional information concerning an offender convicted of an
21 offense before imposing sentence, it may order that he be
22 examined as to his medical or mental condition, except that he
23 may not be committed to an institution for such examination.

24 d. Disclosure of any presentence investigation report or
25 psychiatric examination report shall be in accordance with law
26 and the Rules of Court, except that information concerning the
27 defendant's financial resources shall be made available upon
28 request to the Violent Crimes Compensation Board or to any
29 officer authorized under the provisions of section 3 of P.L.1979,
30 c.396 (C.2C:46-4) to collect payment on an assessment,
31 restitution or fine and that information concerning the
32 defendant's coverage under any health insurance contract, policy
33 or plan shall be made available to the chief administrative officer
34 of a county jail in accordance with the provisions of P.L. , c.
35 (C.)(now pending before the Legislature as this bill).

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

42 f. (Deleted by amendment, P.L.1986, c.85).
43 (cf: P.L.1944, c.92, s. 1)

44 7. This act shall take effect on the first day of the fourth
45 month following enactment.

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48 STATEMENT

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50 This bill would permit counties to seek reimbursement for the
51 costs they incur for providing medical care, surgery,
52 hospitalization, or treatment to an inmate or detainee in a county
53 jail. The bill also permits counties to charge a nominal fee for
54 any nonprescription drugs or medicines they make available to

1 county inmates and detainees.

2 Under the provisions of the bill, county inmates and persons
3 who are ordered to county jails for pretrial or investigative
4 detention would be liable for the cost of any medical treatment
5 and for a nominal fee for any nonprescription drugs or medicines
6 they received while in the county jail.

7 The bill directs county treasurers to seek reimbursement from
8 insurers for the cost of medical services which are provided to
9 inmates and detainees who are covered by a health insurance
10 plan. At the time of sentencing or issuing of the detention order,
11 the court is required to notify the chief administrative officer of
12 a county jail whenever the court determines from its presentence
13 investigation, or any other pretrial investigation or report, that
14 an inmate or detainee has health insurance. All moneys received
15 as reimbursements are to be paid to the county treasurer and
16 used exclusively to defray the costs of providing medical services
17 at the county jail. The Commissioner of Insurance is to adopt
18 rules and regulations regarding the filing of reimbursement
19 claims with health insurance providers and prescribing the
20 primary coverage responsibilities those providers have for
21 providing medical services to inmates and detainees.

22 In the event the inmate or detainee has no health insurance, or
23 his insurance does not pay the full cost of the medical treatment,
24 the bill authorizes the county to place a lien against the property
25 and income of the inmate or detainee. Similarly, the bill also
26 authorizes the county to place a lien if the inmate or detainee
27 fails to pay the nominal fee charged for any nonprescription drugs
28 and medicines. The bill prescribes the procedures for the filing
29 and satisfying of such liens.

30 The bill supplements chapter 8 of Title 30 of the Revised
31 Statutes to clarify that the statutory charge to provide for the
32 care and custody of the persons in a county jail should not be
33 construed to prohibit, restrict, or otherwise hinder the county in
34 seeking reimbursement for medical services from an inmate, a
35 detainee, or a health insurance provider. The bill also amends
36 N.J.S.2C:44-6 to direct the court to include as part of its regular
37 presentence investigation an effort to determine whether the
38 prospective inmate is covered by a health insurance plan.

39 Finally, the bill clarifies that an inmate or a detainee may not
40 be denied medical treatment on the grounds that he is not
41 covered by a health insurance plan or is unable to reimburse the
42 county.

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47 Permits counties to seek reimbursements from inmates and
48 health insurers for medical services provided in county jails.

ASSEMBLY, No. 90
STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1995

By Assemblymen GIBSON, GEIST, DiGaetano,
Zecker, Asselta and Assemblywoman J. Smith

1 AN ACT directing the Department of Correction to assess State
2 inmates a nominal fee for certain medical services,
3 supplementing Title 30 of the Revised Statutes and amending
4 R.S.30:4-92 and P.L.1969, c.22.

5

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

8 1. (New section) As used in this act, "medical services" means
9 medical and dental primary care services and consultations
10 which are initiated by the inmate and which are provided within
11 the correctional facility or by correctional facility medical or
12 dental personnel. It shall not include:

13 a. Psychological and mental health services.

14 b. The treatment of:

15 (1) Emergency and life or limb threatening conditions;

16 (2) Accidental or traumatic injuries occurring while
17 incarcerated;

18 (3) Acute illnesses;

19 (4) Chronic conditions which are considered life threatening or
20 if untreated would likely lead to a significant loss of function; or

21 (5) Any other medical condition which the treating physician
22 believes will cause deterioration of the patient's health or
23 uncontrolled suffering.

24 c. Specialty care arranged by correction facility medical
25 personnel.

26 2. (New section) a. The Department of Corrections shall
27 assess inmates a nominal fee for any medical service which is
28 initiated by that inmate and which is provided within the
29 correctional facility or by correctional facility medical or dental
30 personnel. The amount of the nominal fee assessed under this
31 subsection shall be established by the Commissioner of
32 Corrections pursuant to rule and regulation.

33 b. The department shall assess inmates a nominal fee for any
34 nonprescription drug or medicine provided to that inmate by the
35 correctional facility. The amount of the nominal fee assessed
36 under this subsection shall be established by the commissioner
37 pursuant to rule and regulation.

38 c. Any fee assessed pursuant to subsection a. or b. of this
39 section shall be deducted from the inmate's account by the
40 business manager of the correctional facility and shall be
41 forwarded to the State Treasurer to be deposited in a special
42 account. The amounts deposited in that account, and any interest

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 accruing thereon, shall be utilized exclusively for the purposes of
2 defraying the costs of providing medical services, nonprescription
3 drugs and medicines in State correctional facilities.

4 d. No inmate shall be denied any medical service or any
5 nonprescription drug or medicine due to an insufficiency of funds
6 in his inmate account; provided, however, an inmate who is
7 unable to pay for a medical service or any nonprescription drug or
8 medicine due to an insufficiency of funds in his inmate account
9 may have any such fees, or any portion thereof, deducted from
10 his inmate account when sufficient funds become available.

11 3. (New section) Nothing in section 3 of P.L.1976, c.98
12 (C.30:1B-3) concerning the department's responsibility to provide
13 for the custody, care, discipline, training and treatment of
14 persons committed to State correctional facilities shall be
15 construed to prohibit, restrict or otherwise hinder the
16 Department of Corrections from assessing an inmate a nominal
17 fee, in accordance with the provisions of section 2 of P.L. c.
18 (C.) (now pending before the Legislature as this bill), for
19 medical services provided within the correctional facility or by
20 correctional facility physicians and for nonprescription drugs and
21 medicines provided by the correctional facility.

22 4. R.S.30:4-92 is amended to read as follows:

23 30:4-92. The inmates of all correctional and charitable,
24 hospital, relief and training institutions within the jurisdiction of
25 the State Board shall be employed in such productive occupations
26 as are consistent with their health, strength and mental capacity
27 and shall receive such compensation therefor as the State Board
28 shall determine.

29 Compensation for inmates of correctional institutions may be
30 in the form of cash or remission of time from sentence or both.
31 Such remission from the time of sentence shall not exceed one
32 day for each five days of productive occupation, but remission
33 granted under this section shall in no way affect deductions for
34 good behavior or provided by law.

35 From moneys paid to inmates of correctional institutions, the
36 superintendent of the institution shall withdraw sufficient
37 moneys, in an amount not to exceed one-third of the inmate's
38 total income, as may be required to pay any assessment,
39 restitution or fine ordered as part of any sentence. The
40 superintendent also shall authorize the business manager of the
41 institution to withdraw sufficient moneys from an inmate's
42 account in order to pay any fee, or any portion thereof, assessed
43 against that inmate pursuant to section 2 of P.L. , c. (C.)
44 (now pending before the Legislature as this bill).

45 In addition, all inmates classified as minimum security and who
46 are considered sufficiently trustworthy to be employed in honor
47 camps, farms or details shall receive further remission of time
48 from sentence at the rate of three days per month for the first
49 year of such employment and five days per month for the second
50 and each subsequent year of such employment.

51 (cf: P.L.1991, c.329, s.17)

52 5. Section 4 of P.L.1969, c.22 (C.30:4-91.4) is amended to read
53 as follows:

54 4. The commissioner, as a part of any work release program

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

10 The superintendent shall withdraw up to one-third of that
11 amount in order to collect assessments, restitutions and fines
12 pursuant to the requirements of N.J.S.2C:46-4.

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

15 (a) Such costs of maintenance related to the prisoner's
16 confinement as are determined by the State Board of Control to
17 be appropriate and reasonable, including any fees, or portions
18 thereof, assessed against the inmate pursuant to section 2 of
19 P.L. , c. (C.)(now pending before the Legislature as this
20 bill).

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

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

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

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

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

30 (cf: P.L.1991, c.329, s.16)

31 6. (New section) The Commissioner of Corrections, in
32 accordance with the "Administrative Procedure Act," P.L. 1968,
33 c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations
34 to effectuate the purposes of this act. When promulgating the
35 rules and regulations establishing the nominal fee schedule for
36 the purposes of section 2 of P.L. , c. (C.)(now pending
37 before the Legislature as this bill), the commissioner may
38 authorize:

39 a. A separate fee schedule for each correctional institution;
40 and

41 b. A schedule that provides for proportionate fees based upon
42 the income, wages, salary, earnings or compensation of the
43 inmate being assessed.

44 7. This act shall take effect on the first day of the third month
45 following enactment; provided, however, that section 6 shall take
46 effect immediately.

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STATEMENT

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51 This bill directs the Department of Corrections to assess
52 inmates in State correctional facilities a nominal fee for certain
53 medical services, nonprescription drugs and medicines.

54 The medical services covered by the provisions of this bill are

1 limited to medical and dental primary care services and
2 consultations that are initiated by the inmate and that are
3 provided within the correctional facility or by correctional
4 facility medical or dental personnel. The bill specifically
5 prohibits the department from assessing an inmate a fee for any
6 of the following:

- 7 a. Psychological and mental health services;
- 8 b. The treatment of:
 - 9 (1) Emergency and life or limb threatening conditions;
 - 10 (2) Accidental or traumatic injuries occurring while
11 incarcerated;
 - 12 (3) Acute illnesses;
 - 13 (4) Chronic conditions which are considered life threatening or
14 if untreated would likely lead to a significant loss of function; or
 - 15 (5) Any other medical condition which the treating physician
16 believes will cause deterioration of the patient's health or
17 uncontrolled suffering.
- 18 c. Specialty care arranged by correction facility medical or
19 dental personnel.

20 The Commissioner of Corrections is to establish the necessary
21 fee schedule. The bill provides, however, that the commissioner
22 may adopt different fee schedules for each correctional facility
23 and may adopt a schedule which provides for proportionate fees
24 based upon the income, wages, salary, earnings or compensation
25 of the inmate being assessed.

26 The fees are to be deducted from the moneys earned by the
27 inmate and deposited in his account. All the collected fee
28 moneys are to be forwarded to the State Treasurer and are to be
29 used exclusively for the purpose of defraying the costs of
30 providing medical services in State correctional facilities.

31 The bill specifically provides that no inmate shall be denied any
32 medical service, nonprescription drug or medicines due to an
33 insufficiency of funds in his inmate account. The department is,
34 however, authorized to deduct an amount equal to any
35 outstanding fee assessment, or portion of that unpaid fee
36 assessment, at a later date should sufficient funds become
37 available in the inmate's account.

38 Finally, the bill supplements P.L.1976, c.98 (C.30:1B-1) to
39 clarify that the statutory charge to provide for the care, custody,
40 and treatment of inmates should not be construed to prohibit,
41 restrict, or otherwise hinder the department in assessing inmates
42 nominal fees for certain medical services.

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47 Directs DOC to assess State inmates a nominal fee for certain
48 medical services.

ASSEMBLY, No. 2807

STATE OF NEW JERSEY

INTRODUCED MAY 8, 1995

By Assemblyman DALTON

1 AN ACT concerning medical services in county correctional
2 facilities and supplementing chapter 8 of Title 30 of the
3 Revised Statutes.

4
5 BE IT ENACTED *by the Senate and General Assembly of the*
6 *State of New Jersey:*

7 1. The governing body of any county may, by resolution or
8 ordinance, as appropriate, require a person sentenced to
9 imprisonment, or ordered to pretrial or investigative detention, in
10 the county correctional facility to pay a fee for any medical
11 service initiated by that inmate and which is provided within the
12 correctional facility or by county correctional medical or dental
13 personnel. The fee authorized under the provisions of this section
14 shall be determined by the county treasurer; provided, however,
15 the fee so determined shall not exceed \$25. The ordinance or
16 resolution, as the case may be, also may provide for a
17 proportionate fee schedule under which an inmate is assessed a
18 fee based upon his assets and ability to pay.

19 For the purposes of this section, "medical service" means
20 medical and dental primary care services which are initiated by
21 the inmate and which are provided within the county correctional
22 facility or by county correctional facility medical or dental
23 personnel. It shall not include:

24 a. Specialty care arranged by correctional facility medical or
25 dental personnel, including psychological and mental health
26 services;

27 b. The treatment of emergency and life or limb threatening
28 conditions;

29 c. The treatment of accidental or traumatic injuries occurring
30 while incarcerated; or

31 d. The treatment of any medical condition, including acute
32 illnesses or chronic conditions, which the treating physician
33 believes will cause uncontrolled suffering or significant
34 deterioration of the patient's health.

35 2. The governing body of any county may, by ordinance or
36 resolution, as appropriate, charge a person sentenced to
37 imprisonment, or ordered to pretrial or investigative detention, in
38 a county correctional facility a fee for any nonprescription drug
39 or medicine provided to him by the correctional facility. The fee
40 authorized under the provisions of this section shall be
41 determined by the county treasurer; provided, however, that the
42 fee so determined shall not exceed the actual cost of the
43 particular nonprescription drug or medicine provided by the
44 county correctional facility.

45 3. No person sentenced to imprisonment, or ordered to pretrial
46 or investigative detention, in a county correctional facility shall
47 be denied any medical service or nonprescription drug or

1 medicine due to an insufficiency of personal funds; provided,
2 however, an inmate who is unable to pay the required fee for a
3 medical service or any nonprescription drug or medicine due to an
4 insufficiency of personal funds may be assessed that fee, or any
5 portion thereof, at a later date should sufficient personal funds
6 become available.

7 4. a. Nothing in R.S.30:8-17 concerning a sheriff's
8 responsibility to provide for the care and custody of the prisoners
9 or detainees in a jail under his control shall be construed to
10 prohibit, restrict or otherwise hinder the county from charging a
11 prisoner or detainee a fee, in accordance with the provisions of
12 sections 1 or 2 of P.L. , c. (C.)(now pending before the
13 Legislature as this bill), for any medical service or
14 nonprescription drug or medicine provided within the county jail
15 or by county jail medical or dental personnel.

16 b. Nothing in R.S.30:8-18 concerning the county governing
17 body's responsibility to provided for the custody and care of the
18 prisoners or detainees in a jail under its control shall be construed
19 to prohibit, restrict or otherwise hinder the county from charging
20 a prisoner or detainee a fee, in accordance with the provisions of
21 sections 1 or 2 of P.L. , c. (C.)(now pending before the
22 Legislature as this bill), for any medical service or any
23 nonprescription drug or medicine provided within the county jail
24 or by county jail medical or dental personnel.

25 5. This act shall take effect immediately.

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STATEMENT

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30 This bill authorizes county governments to charge inmates and
31 detainees in county correctional facilities fees for certain
32 medical services and nonprescription drugs and medicines.

33 Under the provisions of the bill, county governing bodies are
34 empowered to adopt ordinances or resolutions, as appropriate to
35 their particular form of government, which would require inmates
36 and detainees to pay a fee for certain medical services and
37 nonprescription drugs and medicines. The medical services
38 subject to this fee include medical and dental primary care
39 services which are initiated by the inmate or detainee and which
40 are provided within the county correctional facility or by
41 correctional facility medical or dental personnel. The bill
42 specifically prohibits the governing bodies from charging inmates
43 a fee for:

44 (1) Specialty care arranged by correctional facility medical or
45 dental personnel, including psychological and mental health
46 services;

47 (2) The treatment of emergency and life or limb threatening
48 conditions;

49 (3) The treatment of accidental or traumatic injuries occurring
50 while incarcerated; or

51 (4) The treatment of any medical condition, including acute
52 illnesses or chronic conditions, which the treating physician
53 believes will cause uncontrolled suffering or significant
54 deterioration of the patient's health.

1 The fees charged are to be set by the county treasurer. The
2 bill provides, however, that the fee set for a chargeable medical
3 service may not exceed \$25 and that the fee set for a
4 nonprescription drug or medicine may not exceed the county's
5 cost of providing that particular drug or medicine. The bill does
6 provide, however, that the governing body may, as part of the
7 authorizing ordinance or resolution, provide for a proportionate
8 fee schedule under which an inmate would be assessed a fee based
9 upon his assets or ability to pay.

10 The bill specifically provides that no inmate may be denied any
11 medical service or nonprescription drug or medicine due to an
12 insufficiency of personnel funds, but it does authorize the county
13 to seek payment of that fee, or any portion of it, at a later date
14 should sufficient personal funds become available.

15

16

17

18

19 _____
20 Authorizes counties to charge inmates fees for certain medical
services.

ASSEMBLY, No. 2532

STATE OF NEW JERSEY

INTRODUCED JANUARY 26, 1995

By Assemblywoman TURNER and Assemblyman YUHAS

1 AN ACT concerning certain medical services in State and county
2 correctional facilities and supplementing Title 30 of the
3 Revised Statutes.

4

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

7 1. a. The Department of Corrections may charge a person
8 sentenced to imprisonment in a State correctional facility a
9 nominal fee, not to exceed \$2, for any medical service which is
10 initiated by that inmate and which is provided within the
11 correctional facility or by correctional facility medical or dental
12 personnel.

13 For the purposes of this subsection, "medical service" means
14 medical and dental primary care services which are initiated by
15 the inmate and which are provided within the State correctional
16 facility or by State correctional facility medical or dental
17 personnel. It shall not include:

18 (1) Specialty care arranged by correctional facility medical
19 personnel, including psychological and mental health services;

20 (2) The treatment of emergency and life or limb threatening
21 conditions;

22 (3) The treatment of accidental or traumatic injuries occurring
23 while incarcerated; or

24 (4) The treatment of any medical condition, including acute
25 illnesses or chronic conditions, which the treating physician
26 believes will cause significant deterioration of the patient's
27 health or uncontrolled suffering.

28 b. The department may charge a person sentenced to
29 imprisonment in a State correctional facility a nominal fee, not
30 to exceed \$2, for any nonprescription drugs or medicines provided
31 to him by that correctional facility.

32 c. No inmate shall be denied any medical service or any
33 nonprescription drugs or medicines due to an insufficiency of
34 funds in his inmate account; provided, however, an inmate who is
35 unable to pay a nominal fee for a medical service or any
36 nonprescription drugs or medicines due to an insufficiency of
37 funds in his inmate account may have any such fees, or any
38 portion thereof, deducted for his inmate account when sufficient
39 funds become available.

40 2. Nothing in section 3 of P.L.1976, c.98 (C.30:1B-3)
41 concerning the Department of Correction's responsibility to
42 provide for the custody, care, discipline, training and treatment
43 of persons committed to State correctional facilities shall be
44 construed to prohibit, restrict or otherwise hinder the department
45 from charging an inmate a nominal fee, in accordance with the
46 provisions of section 1 of P.L. , c. (C.)(now pending before
47 the Legislature as this bill), for any medical service or

1 nonprescription drugs or medicines provided within a State
2 correctional facility or by State correctional facility medical or
3 dental personnel.

4 3. a. A county may charge a person sentenced to
5 imprisonment, or ordered to pretrial or investigative detention, in
6 the county correctional facility a nominal fee, not to exceed \$2,
7 for any medical service initiated by that inmate and which is
8 provided within the correctional facility or by county
9 correctional facility medical personnel. The nominal fee
10 authorized under the provisions of this subsection shall be
11 determined by the county treasurer in accordance with guidelines
12 promulgated by the Commissioner of Corrections.

13 For the purposes of this subsection, "medical service" means
14 medical and dental primary care services which are initiated by
15 the inmate and which are provided with the county correctional
16 facility or by county correctional medical or dental personnel. It
17 shall not include:

18 (1) Specialty care arranged by correctional facility medical
19 personnel, including psychological and mental health services;

20 (2) The treatment of emergency and life of limb threatening
21 conditions;

22 (3) The treatment of accidental or traumatic injuries occurring
23 while incarcerated; or

24 (4) The treatment of any medical condition, including acute
25 illnesses or chronic conditions, which the treating physician
26 believes will cause significant deterioration of the patient's
27 health or uncontrolled suffering.

28 b. A county may charge a person sentenced to imprisonment,
29 or ordered to pretrial or investigative detention, in a county jail a
30 nominal fee, not to exceed \$2, for any nonprescription drugs or
31 medicines provided to him by that county jail. The nominal fee
32 authorized under the provisions of this subsection shall be
33 determined by the county treasurer in accordance with guidelines
34 promulgated by the Commissioner of Corrections.

35 c. No person sentenced to imprisonment, or ordered to pretrial
36 or investigative detention, in a county jail shall be denied any
37 medical service or any nonprescription drug or medicine due to an
38 insufficiency of personal funds; provided, however, an inmate who
39 is unable to pay a nominal fee for a medical service or
40 nonprescription drug or medicine due to an insufficiency of
41 personal funds may be assessed that fee, or any portion thereof,
42 at a later date should sufficient personal funds become available.

43 4. a. Nothing in R.S.30:8-17 concerning a sheriff's
44 responsibility to provide for the care and custody of the prisoners
45 or detainees in a jail under his control shall be construed to
46 prohibit, restrict or otherwise hinder the county from charging a
47 prisoner or detainee a nominal fee, in accordance with the
48 provisions of section 3 of P.L. , c. (C.)(now pending before
49 the Legislature as this bill), for any medical service or
50 nonprescription drugs or medicines provided within the county jail
51 or by county jail medical or dental personnel.

52 b. Nothing in R.S.30:8-18 concerning the county governing
53 body's responsibility to provided for the custody and care of the
54 prisoners or detainees in a jail under its control shall be construed

ASSEMBLY, No. 2924

STATE OF NEW JERSEY

INTRODUCED JUNE 1, 1995

By Assemblymen GAFFNEY, ASSELTA, Gibson and Romano

1 AN ACT permitting the State and the counties to seek
2 reimbursements for certain expenses incurred by State
3 correctional facilities and county jails, amending and
4 supplementing Title 30 of the Revised Statutes and amending
5 N.J.S.2C:44-6.

6

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

9 1. (New section) As used in sections 2 thru 6 of this act:

10 a. "Commissioner" means the Commissioner of the
11 Department of Corrections.

12 b. "County" includes any person acting pursuant to a contract
13 with a county who provides services for which a county is entitled
14 to reimbursement or a nominal fee under the provisions of this
15 act.

16 c. "Covered person" means a person who is covered by a plan
17 for health benefits and expenses but not as an enrollee.

18 d. "Enrollee" means the person who receives a certificate or
19 other proof of coverage from a health insurance plan that covers
20 the person for health benefits and expenses.

21 e. "Health insurance plan" means any hospital and medical
22 expense insurance policy; health, hospital or medical service
23 corporation contract or certificate; or health maintenance
24 organization subscriber contract or certificate or dental or vision
25 plan.

26 f. "Inmate" means a person sentenced to imprisonment, or
27 ordered to pretrial or investigative detention, in a State
28 correctional facility or county jail.

29 g. "State" includes any person acting pursuant to a contract
30 with the State who provides services for which the State is
31 entitled to reimbursement or a nominal fee under the provisions
32 of this act.

33 2. (New section) a. A inmate shall be liable for the cost of,
34 and be charged a nominal fee for, any medical care, surgery,
35 dental care, hospitalization or treatment provided to the inmate
36 during the inmate's term of incarceration or detention by the
37 State or a county. If the inmate is incarcerated or detained in a
38 State correctional facility or State contracted half-way house,
39 the amount due and payable and the nominal fees charged under
40 the provisions of this act shall be determined by the State
41 Treasurer in accordance with guidelines promulgated by the
42 commissioner. If the inmate is incarcerated or detained in 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 county jail, the amount due and payable and the nominal fees
2 charged under the provisions of this act shall be determined by
3 the county treasurer in accordance with guidelines promulgated
4 by the county adjustor.

5 b. An inmate may be charged either the full cost of or a
6 nominal fee for any prescription or nonprescription drug or
7 medicine provided to the inmate during the inmate's term of
8 incarceration or detention by the State or a county. If the inmate
9 is incarcerated or detained in a State correctional facility or
10 State contracted half-way house, the cost or nominal fees
11 charged under the provisions of this act shall be determined by
12 the State Treasurer in accordance with guidelines promulgated by
13 the commissioner. If the inmate is incarcerated or detained in a
14 county jail, the amount due and payable and the nominal fees
15 charged under the provisions of this act shall be determined by
16 the county treasurer in accordance with guidelines promulgated
17 by the county adjustor.

18 3. (New section) a. Whenever the court shall determine,
19 from its due consideration of the presentence report prepared in
20 accordance with the provisions of N.J.S.2C:44-6 or any pretrial
21 investigation or report, that a person to be sentenced to a term
22 of imprisonment or ordered to detention in a State correctional
23 facility or county jail is an enrollee or a covered person under a
24 health insurance plan, it shall, as part of the disposition imposing
25 the term of imprisonment or order providing for detention, so
26 notify the commissioner or the chief administrative officer of the
27 appropriate county jail.

28 b. The State Treasurer or county treasurer shall file a claim
29 with the health insurance plan for a reimbursement of the costs
30 incurred by the State or the county, in providing any medical
31 care, surgery, hospitalization or treatment to any inmate who is
32 covered under a health insurance plan. The claim shall be filed in
33 accordance with the rules and regulations promulgated pursuant
34 to subsection f. of this section.

35 The reimbursements authorized under this subsection shall be
36 payable to the State Treasurer or the county treasurer and shall
37 be used exclusively for the purpose of defraying the costs
38 incurred by the State or the county in providing medical care,
39 surgery, dental care, hospitalization or treatment to an inmate.

40 c. Nothing in Title 30 of the Revised Statutes concerning the
41 responsibility of the commissioner to provide for the care and
42 custody of the inmates in a State correctional facility under the
43 commissioner's control shall be construed to prohibit, restrict or
44 otherwise hinder the State in seeking reimbursement in
45 accordance with the provisions of this act from an inmate or a
46 health insurance plan for any costs incurred by the State
47 correctional facility in providing medical care, dental care,
48 surgery, hospitalization or treatment to an inmate.

49 d. Nothing in R.S.30:8-17 concerning a sheriff's responsibility
50 to provide for the care and custody of the prisoners or detainees
51 in a jail under his control shall be construed to prohibit, restrict
52 or otherwise hinder the county in seeking reimbursement in
53 accordance with the provisions of this act from an inmate or a
54 health insurance plan for any costs incurred by the county jail in

1 providing medical care, dental care, surgery, hospitalization or
2 treatment to an inmate.

3 e. Nothing in R.S.30:8-19 concerning the county governing
4 body's responsibility to provide for the custody and care of the
5 prisoners or detainees in a jail under its control shall be construed
6 to prohibit, restrict or otherwise hinder the county in seeking
7 reimbursement in accordance with the provisions of this act from
8 an inmate or a health insurance plan for any costs incurred by the
9 county jail in providing medical care, dental care, surgery,
10 hospitalization or treatment to an inmate.

11 f. The Commissioner of the Department of Insurance, in
12 accordance with the provisions of the "Administrative Procedure
13 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules
14 and regulations to effectuate the purposes of this section. Those
15 rules and regulations shall include:

16 (1) Procedures for the filing of the reimbursement claims
17 permitted under this section;

18 (2) Provisions specifying the primary coverage responsibilities
19 of health insurance plans, subject to the provisions of this
20 section; and

21 (3) Such other matters as the Commissioner of the Department
22 of Insurance may deem appropriate and necessary.

23 g. Nothing in this act shall be construed to require or allow an
24 inmate to obtain services from a doctor, dentist, surgeon or other
25 health care practitioner or facility other than the services
26 provided by a State correctional facility or county jail.

27 4. (New section) a. In the event an inmate is not covered
28 under a health insurance plan, or if the inmate's insurance plan
29 does not fully cover the costs of any medical care, dental care,
30 surgery, hospitalization or treatment provided by the State or the
31 county, the State or county may have a lien for any unpaid
32 amounts due and payable under the provisions of section 2 of
33 P.L. , c. (C.)(now pending before the Legislature as
34 this bill) on any and all property and income to which the person
35 shall have or may acquire an interest. If an inmate fails to
36 reimburse the State or county for the cost of or any fee charged
37 or for the cost of any prescription or nonprescription drug or
38 medicine, as provided pursuant to section 2 of P.L. , c.
39 (C.)(now pending before the Legislature as this bill) the
40 State or county may also have a lien on any or all property or
41 income which the inmate shall have or may acquire an interest.
42 When properly filed as hereinafter provided, the lien shall have
43 priority over all unrecorded encumbrances.

44 b. The lien shall be in a form to be prescribed by the State
45 Treasurer and shall contain the words "State of New Jersey" or
46 the name of the county, the name of the inmate, the date of
47 commitment or detention, the inmate's address on the date of
48 commitment or detention, the inmate's date of birth and the
49 amount due and payable for any medical care, dental care,
50 surgery, hospitalization, treatment, or prescription or
51 nonprescription drugs or medicines rendered therein on the date
52 of the filing of the lien, together with notice of the rate of
53 accumulation, if any, thereafter. The lien shall be signed by the
54 State Treasurer or the county treasurer or his duly constituted

1 agent. Nothing herein shall preclude the State or county from
2 recovering for any medical care, surgery, hospitalization,
3 treatment, or nonprescription drug or medicine furnished but not
4 covered by any lien.

5 c. As an additional remedy, the State Treasurer, county
6 treasurer or commissioner may issue a certificate to the clerk of
7 the Superior Court stating that the person identified in the
8 certificate is indebted under the provisions of this act in such an
9 amount as shall be stated in the certificate. The certificate shall
10 reference the statute under which the indebtedness arises.
11 Thereupon the clerk shall immediately enter upon the record of
12 docketed judgments the name of such inmate as debtor; the State
13 or county as creditor; the address of such inmate if shown in the
14 certificate; the amount of the debt so certified; a reference to
15 the statute under which the debt is assessed; and the date of
16 making such entries. The docketing of the certificate shall have
17 the same force and effect as a civil judgment docketed in the
18 Superior Court and the State or county shall have all the
19 remedies and may take all of the proceedings for the collection
20 thereof which may be had or taken upon the recovery of a
21 judgment in action, but without prejudice to any right to appeal.
22 Upon entry by the clerk of the certificate in the record of
23 docketed judgments in accordance with the provisions of this
24 subsection, interest in the amount specified by court rule for
25 post-judgment interest shall accrue from the date of the
26 docketing of the certificate; provided, however, payment of the
27 interest may be waived by the State Treasurer or county
28 treasurer. In the event that the debt remains unpaid following
29 the issuance of the certificate of debt and either the State
30 Treasurer or county treasurer take any further collections action
31 including referral of the matter to the Attorney General or his
32 designee or in the case of a county, referral of the matter to the
33 county adjustor or his designee, the fee imposed in lieu of the
34 actual cost of collection, may be 20 % of the debt or \$200.00,
35 whichever is greater.

36 d. The clerk of the Superior Court shall provide suitable books
37 in which shall be entered copies of the liens filed pursuant to this
38 section. The entries shall be properly indexed in the name of the
39 inmate.

40 All liens and other papers incidental thereto required for the
41 purposes of this section shall be received and recorded by the
42 clerk of the Superior Court, without payment of fees.

43 e. To discharge any lien or liens filed pursuant to this section,
44 the State treasurer or county treasurer or his duly constituted
45 agent shall file with the clerk of the Superior Court, a duly
46 acknowledged certificate setting forth the fact that the county
47 desires to discharge the lien of record.

48 The State treasurer or county treasurer is authorized to
49 compromise for settlement any lien filed under the provisions of
50 this section for medical care, dental care, surgery,
51 hospitalization or treatment rendered to an inmate. A
52 memorandum of compromise and settlement signed by the State
53 treasurer or county treasurer shall be sufficient authorization for
54 a complete discharge of the lien.

1 f. Any person desiring to secure immediate discharge of any
2 lien may deposit with the court cash in an amount sufficient to
3 cover the amount of the lien, or post a bond in an amount and
4 with sureties approved by the court. Upon proper notice to the
5 State or county of such deposit or bond, a satisfaction of the lien
6 shall be filed forthwith with the clerk of the Superior Court.

7 g. Any person affected in any manner, whether directly or
8 indirectly by any lien filed under the provisions of this subsection,
9 and desiring to examine the validity of the lien or the facts and
10 circumstances surrounding the entry of the lien, may do so in an
11 action brought in the county where the lien was filed. The action
12 shall be brought against the State or county institution claiming the
13 lien, and the court may proceed in the action in a summary
14 manner and enter such judgment as it may deem appropriate.

15 5. (New section) Notwithstanding the provisions of subsections
16 2, 3 and 4 this act, no inmate shall be denied medical care,
17 surgery, dental care, hospitalization, treatment or prescription or
18 nonprescription drugs or medicine because he is not covered
19 under a health insurance plan or because that inmate is unable to
20 reimburse the State or county for the costs of those services,
21 drugs or medicines.

22 6. (New section) The commissioner, in accordance with the
23 provisions of the "Administrative Procedure Act," P.L.1968,
24 c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations
25 to effectuate the purposes of this act.

26 7. N.J.S.2C:44-6 is amended to read as follows:

27 2C:44-6. Procedure on Sentence; Presentence Investigation
28 and Report.

29 a. The court shall not impose sentence without first ordering a
30 presentence investigation of the defendant and according due
31 consideration to a written report of such investigation when
32 required by the Rules of Court. The court may order a
33 presentence investigation in any other case.

34 b. The presentence investigation shall include an analysis of
35 the circumstances attending the commission of the offense, the
36 defendant's history of delinquency or criminality, family
37 situation, financial resources, including whether or not the
38 defendant is an enrollee or covered person under a health
39 insurance contract, policy or plan, debts, including any amount
40 owed for a fine, assessment or restitution ordered in accordance
41 to the provisions of Title 2C, employment history, personal
42 habits, the disposition of any charge made against any
43 codefendants and may include a report on his physical and mental
44 condition and any other matters that the probation officer deems
45 relevant or the court directs to be included. In any case involving
46 a conviction of N.J.S.2C:24-4, endangering the welfare of a child;
47 N.J.S.2C:18-3, criminal trespass, where the trespass was
48 committed in a school building or on school property; section 1 of
49 P.L.1993, c.291 (C.2C:13-6), attempting to lure or entice a child
50 with purpose to commit a criminal offense; section 1 of P.L.1992,
51 c.209 (C.2C:12-10), stalking; or N.J.S.2C:13-1, kidnapping, where
52 the victim of the offense is a child under the age of 18, the
53 investigation shall include a report on the defendant's mental
54 condition unless the court directs otherwise.

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

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

23 c. If, after the presentence investigation, the court desires
24 additional information concerning an offender convicted of an
25 offense before imposing sentence, it may order that he be
26 examined as to his medical or mental condition, except that he
27 may not be committed to an institution for such examination.

28 d. Disclosure of any presentence investigation report or
29 psychiatric examination report shall be in accordance with law
30 and the Rules of Court, except that information concerning the
31 defendant's financial resources shall be made available upon
32 request to the Violent Crimes Compensation Board or to any
33 officer authorized under the provisions of section 3 of P.L.1979,
34 c.396 (C.2C:46-4) to collect payment on an assessment,
35 restitution or fine and that information concerning the
36 defendant's coverage under any health insurance contract, policy
37 or plan shall be made available, as appropriate, to the
38 Commissioner of the Department of Corrections and to the chief
39 administrative officer of a county jail in accordance with the
40 provisions of P.L. , c. (C.)(now pending before the
41 Legislature as this bill).

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

48 f. (Deleted by amendment, P.L.1986, c.85).

49 (cf: P.L.1994, c.92, s. 1)

50 8. R.S.30:4-7 is amended to read as follows:

51 30:4-7. Hospitalization of inmates.

52 [Each board of managers] The Commissioner of the Department
53 of Corrections shall have power to place any inmate in any
54 hospital in the state for such medical or surgical treatment as

1 may be necessary, which cannot properly and adequately be
2 rendered within the institution[, and to pay for the care,
3 maintenance and treatment of such persons, the approval of the
4 commissioner first having been obtained].

5 (cf: R.S. 30:4-7)

6 9. This act shall take effect on the first day of the fourth
7 month following enactment.

8

9

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STATEMENT

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12 This bill would permit the State and the counties to seek
13 reimbursement for the costs incurred in providing medical care,
14 dental care, surgery, hospitalization, or treatment to an inmate
15 or detainee in a State correctional facility or county jail. The
16 bill also permits the State and the counties to charge either a
17 nominal fee or the full cost of any prescription or nonprescription
18 drugs or medicines made available to State or county inmates and
19 detainees.

20 The bill also directs the State or county treasurer to seek
21 reimbursement from insurers for the cost of medical services
22 which are provided to inmates and detainees who are covered by
23 a health insurance plan. At the time of sentencing or the issuing
24 of the detention order, the court is required to notify, as
25 appropriate, the Commissioner of the Department of Corrections
26 or chief administrative officer of a county jail whenever the
27 court determines from its presentence investigation, or any other
28 pretrial investigation or report, that an inmate or detainee has
29 health insurance. All moneys received as reimbursements are to
30 be paid to the State or county treasurer and used exclusively to
31 defray the costs of providing medical services at the State
32 correctional facility or county jail. The Commissioner of
33 Insurance is to adopt rules and regulations regarding the filing of
34 reimbursement claims with health insurance providers and
35 prescribing the primary coverage responsibilities those providers
36 have for providing medical services to inmates and detainees.

37 In the event the inmate or detainee has no health insurance, or
38 his insurance does not pay the full cost of the medical treatment,
39 the bill authorizes the State or county to place a lien against the
40 property and income of the inmate or detainee. Similarly, the
41 bill also authorizes the State or county to place a lien if the
42 inmate or detainee fails to pay either the fee charged or the full
43 cost of any drug and medicine. The bill prescribes the procedures
44 for the filing and satisfying of such liens.

45 This bill supplements chapter 8 of Title 30 of the Revised
46 Statutes to clarify that the statutory charge to provide for the
47 care and custody of the persons in a State correctional facility or
48 county jail should not be construed to prohibit, restrict, or
49 otherwise hinder the State or the counties in seeking
50 reimbursement for medical services from an inmate, a detainee,
51 or a health insurance provider. The bill also amends N.J.S.
52 2C:44-6 to direct the court to include as part of its regular
53 presentence investigation an effort to determine whether the
54 prospective inmate is covered by a health insurance plan.

1 Finally, the bill clarifies that an inmate or a detainee may not
2 be denied medical treatment on the grounds that he is not
3 covered by a health insurance plan or is unable to reimburse the
4 State or the county.

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9 Permits State and counties to seek reimbursements from inmates
10 and health insurers for medical services provided in county jails.

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: BECKY TAYLOR
ED LAKE
777-2600

TRENTON, N.J. 08625

Release: THURS., NOV. 2, 1995

Gov. Christie Whitman has signed legislation permitting the state and counties to seek reimbursement from inmates and health insurers for medical services provided to inmates in state facilities, halfway houses and county jails.

“This bill has the potential of saving the state and county correctional facilities money by requiring inmates to contribute toward their medical expenses,” Gov. Whitman said.

“The signing of this bill is clearly fiscally responsible and seeks to place more of the responsibility for the cost of healthcare on to inmates where it rightfully belongs, and not on the backs of the taxpayers.”

It will allow the state and counties to seek reimbursement for the costs incurred in providing medical care, dental care, surgery, hospitalization, or treatment to an inmate or detainee in a state correctional facility or county jail. The bill also permits the state and the counties to charge either a nominal fee or the full cost of any prescription or nonprescription drugs or medicines made available to state or county inmates and detainees.

It is estimated that the bill will save nearly \$600,000 per year for the Department of Corrections. The bill is also designed to deter inmates from making false claims of illness, thereby reducing the number of sick calls and prescriptions. This may result in an additional savings of \$300,000.

The sponsors of A-2283, 90, 2924, 2532 and 2807 are Assemblymen James W. Holzapfel (R-Monmouth/Ocean), Francis L. Bodine (R-Atlantic/Burlington/Camden), John C. Gibson (R-Cape May/Atlantic/Cumberland), George F. Geist (R-Camden/Gloucester), John F. Gaffney (R-Atlantic), Nicholas Asselta (R-Cape May/Atlantic/Cumberland), Shirley K. Turner (D-Mercer), Joseph F. Yuhas (D-Mercer) and Sean F. Dalton (D-Camden/Gloucester).

S-1751, sponsored by Sen. William L. Gormley, was substituted for this bill on October 19, 1995.