ASSEMBLY, No. 3510

STATE OF NEW JERSEY

210th LEGISLATURE

INTRODUCED MAY 5, 2003

Sponsored by:
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District 18 (Middlesex)
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SYNOPSIS
Directs DOC and DHS commissioners to develop regulations addressing unique security concerns posed by civilly committed sexually violent predators.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 6/24/2003)
AN ACT requiring certain departments to promulgate regulations addressing unique security concerns posed by sexually violent predators who have been civilly committed and amending P.L.1998,c.71.

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

1. Section 11 of P.L.1998, c.71 (C.30:4-27.34) is amended to read as follows:

   11. a. The Department of Corrections shall be responsible for the operation of any facility designated for the custody, care and treatment of sexually violent predators, and shall provide or arrange for custodial care of persons committed pursuant to this act. Except as may be provided pursuant to subsection c. of section 9 of this act, a person committed pursuant to this act shall be kept in a secure facility and shall be housed and managed separately from offenders in the custody of the Department of Corrections and, except for occasional instances of supervised incidental contact, shall be segregated from such offenders.

   b. The Division of Mental Health Services in the Department of Human Services shall provide or arrange for treatment for a person committed pursuant to this act. Such treatment shall be appropriately tailored to address the specific needs of sexually violent predators.

   c. Appropriate representatives of the Department of Corrections and the Department of Human Services shall participate in an interagency oversight board to facilitate the coordination of the policies and procedures of the facility.

   d. Notwithstanding the provisions of section 10 of P.L.1965, c.59 (C.30:4-24.2) or any other law to the contrary, the rights and rules of conduct applicable to a person subject to involuntary commitment as a sexually violent predator pursuant to P.L.1998, c.71 (C.30:4-27.24 et seq.) shall be established by regulation promulgated jointly by the Commissioner of Human Services and the Commissioner of Corrections, in consultation with the Attorney General. The regulations promulgated under this subsection shall take into consideration the rights of patients as set forth in section 10 of P.L.1965, c.59 (C.30:4-24.2), but shall specifically address the differing needs and specific characteristics of, and treatment protocols related to, sexually violent predators. In developing these regulations, the commissioners shall give due regard to security concerns and safety of the residents, treatment staff, custodial personnel and others in and about the facility.

(cf: P.L.1998, c.71, s.11)

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.
2. This act shall take effect immediately.

STATEMENT

This bill would require the Commissioners of Human Services and Corrections, in consultation with the Attorney General, to promulgate certain regulations concerning involuntarily committed sexually violent predators. These regulations are necessary to ensure the safety of the corrections officers, treatment providers, Department of Human Services staff and resident sexually violent predators from the risks of harm presented by other sexually violent predators.

In 1998, the Legislature enacted the "New Jersey Sexually Violent Predator Act," P.L.1998, c.71 (C.30:4-27.24 et seq.) to establish a civil procedure for the involuntary commitment of sexually violent predators. Recognizing the nature of the mental conditions, abnormalities or personality disorders that make a person likely to engage in acts of sexual violence and the dangers these predators pose to those around them, the law authorized the civil commitment of these individuals in a separate and secure custodial environment.

Having a separate facility for the control, custody and treatment of these predators presents certain unique concerns directly related to the particular needs, specific characteristics and distinct treatment protocols associated with those residents. To provide clear guidance to residents and staff, it is appropriate to specify the rights and rules of conduct applicable to the sexually violent predators committed pursuant to the New Jersey Sexually Violent Predator Act.

This bill requires the Commissioner of Corrections and the Commission of Human Services, in consultation with the Attorney General, to promulgate regulations to delineate these specific rights and rules of conduct. In developing these regulations, the commissioners are to take into consideration the rights afforded all patients under section 10 of P.L.1965, c.59 (C.30:4-24.2), as well as the particular needs, specific characteristics and distinct treatment protocols associated the control, custody and treatment of these predators. In addition, the bill directs the commissioners to give due consideration of the security and safety of the residents, treatment staff, custodial personnel and all others in and about these facilities when promulgating these regulations.