

ASSEMBLY, No. 3510

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 5, 2003

Sponsored by:

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

Assemblyman PATRICK DIEGNAN, JR.

District 18 (Middlesex)

Co-Sponsored by:

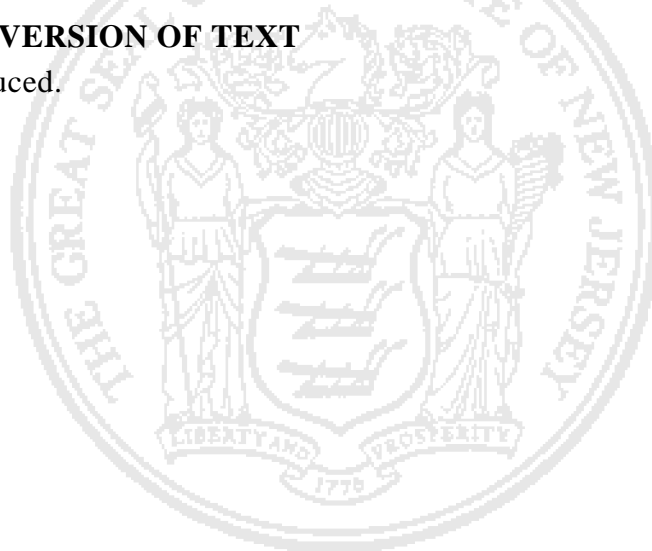
Assemblyman Egan, Assemblywoman Previte, Assemblymen R.Smith, Burzichelli, Fisher, Assemblywoman Friscia, Assemblymen Johnson, Hackett, McKeon, Assemblywomen Greenstein, Heck, Senators Girgenti and Furnari

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)

1 AN ACT requiring certain departments to promulgate regulations
2 addressing unique security concerns posed by sexually violent
3 predators who have been civilly committed and amending
4 P.L.1998,c.71.

5

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

8

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

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

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

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

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

44 (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.

1 2. This act shall take effect immediately.

2

3

4

STATEMENT

5

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

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

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

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