

ASSEMBLY, No. 4199

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

Sponsored by:

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Assemblywoman BONNIE WATSON COLEMAN

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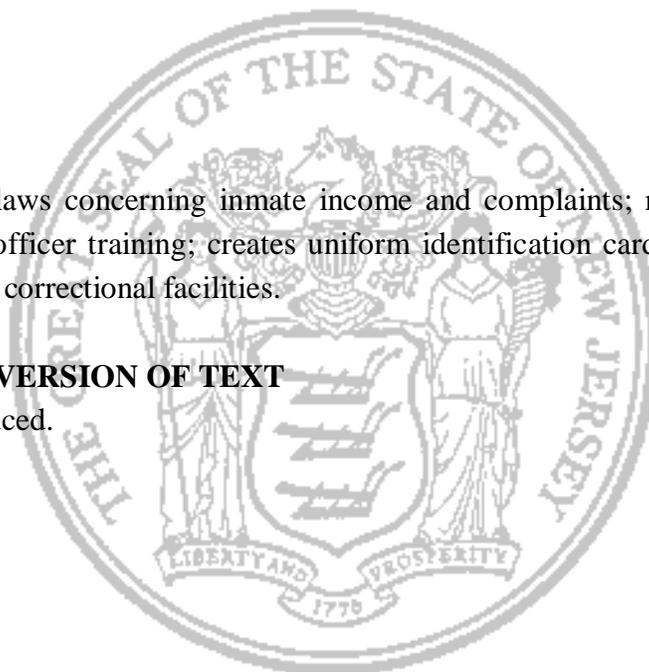
Assemblyman Schaer

SYNOPSIS

Modifies laws concerning inmate income and complaints; requires certain correctional officer training; creates uniform identification cards for attorneys to enter State correctional facilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/24/2009)

1 AN ACT concerning the administration of correctional facilities and
2 supplementing Titles 30 and 52 of the Revised Statutes.

3

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

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7 1. a. Notwithstanding any other provision of law to the
8 contrary, the administrator of a State or county correctional facility,
9 where an inmate is incarcerated, shall deduct a monthly amount of
10 not less than \$25 from any income that the inmate receives as a
11 result of labor performed at the correctional facility for deposit in
12 an inmate account maintained by the State or county correctional
13 facility. Moneys deposited in that account shall be accessible by
14 the inmate as credit for purchases at the prison commissary, or may
15 accrue on a monthly basis as savings for the inmate which shall be
16 accessed as credit for purchases at any time, or paid to the inmate
17 upon release. If an inmate earns less than \$25 on a monthly basis,
18 that full amount shall be deposited in the inmate account for the
19 same purpose.

20 b. Any amount in excess of \$75 shall be used to satisfy any
21 fine or assessment imposed pursuant to section 2 of P.L.1979, c.396
22 (C.2C:43-3.1), or in satisfaction of restitution or fines imposed in
23 accordance with the provisions of Title 2C of the New Jersey
24 Statutes or with the provisions of section 24 of P.L.1982, c.77
25 (C.2A:4A-43), or any other assessment, restitution, penalty, or fee
26 imposed in accordance with the New Jersey Statutes.

27 c. After an inmate has satisfied each assessment, restitution,
28 penalty, or fee imposed in accordance with the New Jersey Statutes,
29 the administrator shall deposit that inmate's full income from labor
30 performed at the correctional facility in the inmate's account for use
31 by that inmate in accordance with subsection a. of this section.

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33 2. The Commissioner of Corrections shall compile and submit
34 all records of inmate complaints submitted to the department on a
35 semiannual basis to the Public Advocate whose office is established
36 pursuant to the "Public Advocate Restoration Act of 2005,"
37 P.L.2005, c.155 (C.52:27EE-1 et seq.)

38

39 3. a. The Commissioner of Corrections, in consultation with
40 the Police Training Commission, shall develop and implement an
41 in-service training program for adult corrections officers appointed
42 by the State who have satisfactorily completed the basic training
43 course approved by the commission. The program curriculum shall
44 be developed by the commissioner based upon a needs assessment
45 and in compliance with standards of the American Correctional
46 Association. The program shall be designed to accommodate the
47 experience level of individual corrections officers.

48 b. The in-service training program required by subsection a. of

1 this section shall include a component on mental health sensitivity
2 and cultural awareness.

3 c. A person appointed by the State as an adult corrections
4 officer who has satisfactorily completed an in-service basic training
5 course pursuant to section 5 of P.L.1988, c.176 (C.52:17B-68.1)
6 shall satisfactorily complete the in-service training program
7 developed by the commissioner pursuant to subsection a. of this
8 section.

9 d. Pursuant to the "Administrative Procedure Act," P.L.1968,
10 c.410 (C.52:14B-1 et seq.), the commissioner may promulgate rules
11 and regulations to effectuate the provisions of this act.

12

13 4. The commissioner shall issue a uniform identification card
14 for attorneys to gain admittance to any correctional facility under
15 the jurisdiction of the commissioner. The cost of the identification
16 card shall be borne by the attorney to whom the card is issued. The
17 commissioner may issue guidelines concerning the design, issuance,
18 cost and use of the identification card. The commissioner shall
19 produce an identification card that can be used at correctional
20 facilities under the supervision of the department. Nothing in this
21 act shall permit a correctional facility to preclude an attorney for
22 failing to obtain or display the uniform identification card. Nothing
23 in this act shall preclude a correctional facility from accepting
24 alternative forms of attorney identification including, but not
25 limited to, identification issued pursuant to section 1 of P.L.2009,
26 c.11 (C.40A:4-22.2) and identification cards issued by any state or
27 county bar association.

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29 5. This act shall take effect on the first day of the seventh
30 month following enactment, except that the commissioner may take
31 such anticipatory administrative action in advance thereof as shall
32 be necessary for the implementation of this act.

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STATEMENT

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37 This bill would modify laws concerning inmate income and
38 complaints, require in-service training for corrections officers, and
39 create a uniform identification card for attorneys entering State
40 correctional facilities. These changes would: provide inmates with
41 access to more of their money earned while incarcerated; ensure
42 that corrections officers receive appropriate training; provide for
43 regular reporting of inmate complaints; and create a uniform
44 identification card for attorneys visiting State correctional facilities
45 to expedite attorneys' access to their incarcerated clients.

46 Specifically, this bill would allow people who are incarcerated in
47 a State or county correctional facility to maintain \$75 of their
48 monthly income earned for labor performed at the facility. Under

1 the current administrative code, inmates may only maintain \$15 of
2 their monthly income. Until paid in full, the remaining amount is
3 allocated to pay for any assessment, restitution, penalty, or fee
4 imposed as a result of the inmate's crime.

5 Second, this bill would require the Commissioner of Corrections
6 to semiannually submit all inmate complaints to the Department of
7 the Public Advocate.

8 Third, this bill would require the Commissioner of Corrections,
9 in consultation with the Police Training Commission, to develop
10 and implement an in-service training program for adult corrections
11 officers appointed by the State who have satisfactorily completed
12 the basic training course approved by the commission. The
13 program curriculum would be developed by the commissioner based
14 upon a needs assessment and in compliance with the standards of
15 the American Correctional Association. The commissioner is to
16 design the program to accommodate the experience level of
17 individual corrections officers. The in-service training program
18 must include a component on mental health sensitivity and cultural
19 awareness training. Officers would be required to satisfactorily
20 complete the in-service training program.

21 Finally, this bill would require the Commissioner of Corrections
22 to issue a uniform identification card for attorneys who visit State
23 correctional facilities. This would ensure that all attorneys have
24 access to all correctional facilities regardless of where the attorney
25 practices. The cost of the identification card would be borne by the
26 attorney to whom the card is issued. The bill authorizes the
27 commissioner to issue guidelines concerning the design, issuance,
28 cost, and use of the identification card and requires that they
29 cooperate to produce an identification card that can be used at
30 correctional facilities supervised by both the department and the
31 commission. This bill does not preclude correctional facilities from
32 accepting alternative forms of attorney identification. The bill also
33 prohibits a facility from denying access to an attorney who does not
34 have the uniform identification card.