

ASSEMBLY, No. 4201

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

Sponsored by:

Assemblyman ALBERT COUTINHO

District 29 (Essex and Union)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblywoman ELEASE EVANS

District 35 (Bergen and Passaic)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblywoman MILA M. JASEY

District 27 (Essex)

Assemblywoman L. GRACE SPENCER

District 29 (Essex and Union)

Co-Sponsored by:

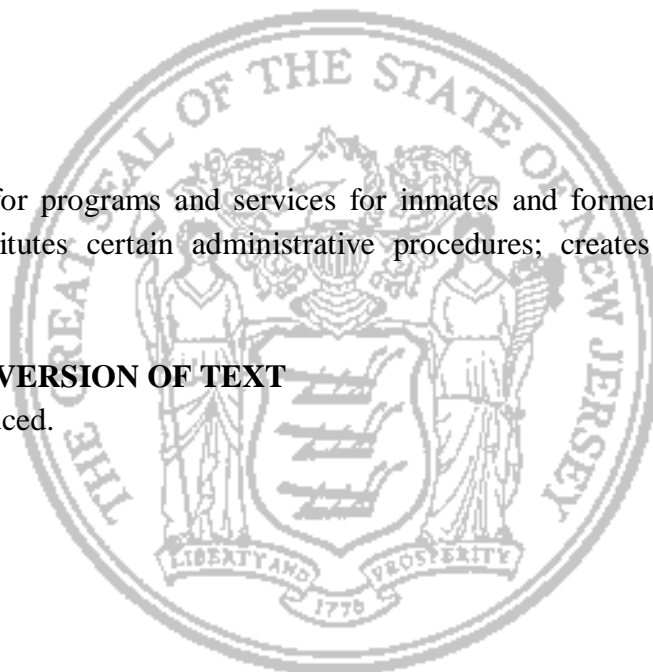
Assemblyman Schaer and Assemblywoman Pou

SYNOPSIS

Provides for programs and services for inmates and formerly incarcerated persons; institutes certain administrative procedures; creates mental health court.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/1/2009)

1 AN ACT concerning inmates and formerly incarcerated persons,
2 amending P.L.1969, c.22; and supplementing Titles 30 and 52 of
3 the Revised Statutes.

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

7
8 1. (New section) Sections 1 through 3 of this act may be known
9 and shall be cited as the “Fair Release and Reentry Act of 2009.”

10
11 2. (New section) The Commissioner of Corrections shall
12 provide to each inmate at least ten days prior to release from a State
13 correctional facility:

14 a. A copy of the inmate’s criminal history record and written
15 information on the inmate’s right to have his criminal records
16 expunged under chapter 52 of Title 2C of the New Jersey Statutes;

17 b. General written information on the inmate’s right to vote
18 under R.S.19:4-1;

19 c. General written information on the availability of programs,
20 including faith-based and secular programs, that would assist in
21 removing barriers to the inmate’s employment or participation in
22 vocational or educational rehabilitative programs, including, but not
23 limited to information concerning the “Rehabilitated Convicted
24 Offenders Act,” P.L.1968, c.282 (C.2A:168A-1 et seq.) and the
25 certificate of rehabilitation under P.L.2007, c.327 (C.2A:168A-7 et
26 seq.);

27 d. A detailed written record of the inmate’s participation in
28 educational, training, employment, and medical or other treatment
29 programs while the inmate was incarcerated;

30 e. A written accounting of the fines, assessments, surcharges,
31 restitution, penalties, child support arrearages, and any other
32 obligations due and payable by the inmate upon release;

33 f. A non-driver identification card, which shall be issued by
34 the New Jersey Motor Vehicle Commission and for which the
35 Motor Vehicle Commission shall accept a former inmate’s
36 Department of Corrections identification card to have a four-point
37 value in applying for the non-driver identification card;

38 g. A copy of the inmate’s birth certificate if the inmate was
39 born in New Jersey;

40 h. Assistance in obtaining a Social Security card;

41 i. A one-day New Jersey bus or rail pass;

42 j. A one-month supply of prescription medication;

43 k. General written information concerning child support,
44 including child support payments owed by the inmate, information
45 on how to seek child support payments and information on where 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 seek services regarding child support, child custody, and
2 establishing parentage; and

3 l. A copy of the inmate's full medical record at no charge to
4 the inmate made available to the inmate in a safe and secure
5 manner.

6
7 3. (New section) The superintendent of each county
8 correctional facility shall provide to each inmate at least ten days
9 prior to release from that facility:

10 a. A copy of the inmate's criminal history record and written
11 information on the inmate's right to have his criminal records
12 expunged under chapter 52 of Title 2C of the New Jersey Statutes,
13 eligibility requirements for expungement and the procedural process
14 for seeking expungement;

15 b. General written information on the inmate's right to vote
16 under R.S.19:4-1;

17 c. General written information on the availability of programs,
18 including faith-based and secular programs, that would assist in
19 removing barriers to the inmate's employment or participation in
20 vocational or educational rehabilitative programs, including, but not
21 limited to information concerning the "Rehabilitated Convicted
22 Offenders Act," P.L.1968, c.282 (C.2A:168A-1 et seq.) and the
23 certificate of rehabilitation under P.L.2007, c.327 (C.2A:168A-7 et
24 seq.);

25 d. A detailed written record of the inmate's participation in
26 educational, training, employment, and medical or other treatment
27 programs while the inmate was incarcerated;

28 e. A written accounting of the fines, assessments, surcharges,
29 restitution, penalties, child support arrearages, and any other
30 obligations due and payable by the inmate upon release;

31 f. A non-driver identification card, which shall be issued by
32 the New Jersey Motor Vehicle Commission and for which the
33 Motor Vehicle Commission shall accept a former inmate's
34 Department of Corrections identification card to have a four-point
35 value in applying for the non-driver identification card;

36 g. A copy of the inmate's birth certificate if the inmate was
37 born in New Jersey;

38 h. Assistance in obtaining a Social Security card;

39 i. A one-day New Jersey bus or rail pass; the county may
40 apply for reimbursement of the cost of the pass from the
41 Department of Treasury to the extent resources are made available
42 for this purpose;

43 j. A one-month supply of prescription medication, for which
44 the county may apply for reimbursement for the cost from the
45 Department of Treasury to the extent resources are made available
46 for this purpose;

47 k. General written information concerning child support,
48 including child support payments owed by the inmate, information

1 on how to seek child support payments and information on where to
2 seek services regarding child support, child custody, and
3 establishing parentage; and

4 1. A copy of the inmate's full medical record at no charge to
5 the inmate made available to the inmate in a safe and secure
6 manner.

7
8 4. (New section) a. The Commissioner of Corrections, in
9 conjunction with the Juvenile Justice Commission and the State
10 Parole Board, shall establish a program to record and analyze the
11 recidivism of all inmates and juveniles adjudicated delinquent who
12 are released from a State correctional facility or a training school
13 for juveniles, whether on parole or upon the completion of their
14 maximum sentences. The purpose of this program shall be to assist
15 in measuring the effectiveness of the State's reentry initiatives and
16 programs.

17 b. The program shall record the arrests for all offenses
18 committed by releasees within three years following their release
19 and any convictions resulting from these arrests. These data shall
20 be analyzed to determine whether the rates and nature of rearrests
21 and convictions differ according to the criminal histories and
22 personal characteristics of releasees, the treatment they received
23 while confined, length of sentence, conditions of parole,
24 participation and involvement in reentry initiatives and programs,
25 and such other factors as may be relevant to the purposes of this
26 section, including, but not limited to, race, gender, ethnicity, and
27 age.

28 c. The commissioner shall prepare and disseminate semi-
29 annual reports summarizing the recidivism rates, patterns, and other
30 findings and analyses resultant of the information gathered pursuant
31 to this section. These reports shall be available to the general
32 public. To facilitate the accessibility of these reports to the general
33 public, the commissioner shall, to the greatest extent possible,
34 utilize the Internet.

35 d. The commissioner shall annually prepare and transmit to the
36 Governor and the Legislature a summary of the recommendations
37 set forth in the reports prepared pursuant to subsection c. of this
38 section, along with any recommendations the department, Juvenile
39 Justice Commission or the State Parole Board may have for
40 legislation to improve the effectiveness of the State's reentry
41 initiatives and programs.

42
43 5. (New section) a. The Commissioner of Corrections shall
44 designate a staff member as Coordinator for Reentry and
45 Rehabilitative Services. The coordinator shall be qualified by
46 training and experience to perform the duties of this position.

47 b. The coordinator shall compile and disseminate to inmates
48 information concerning organizations and programs, whether faith-

1 based or secular programs, which provide assistance and services to
2 inmates reentering society after a period of incarceration. In
3 compiling this information, the coordinator shall consult with non-
4 profit entities, including but not limited to the New Jersey Institute
5 for Social Justice, that provide informational services concerning
6 reentry, the Executive Director of the Office of Faith-based
7 Initiatives in the Department of State, and the Public Advocate.

8 c. The coordinator shall ensure that inmates are made aware of
9 and referred to organizations which provide services in the county
10 where the inmate is to reside after being released from
11 incarceration. The coordinator shall assist inmates in gaining
12 access to programs and procuring the appropriate services.

13 d. The coordinator may employ professional and clerical staff
14 as necessary within the limits of available appropriations.
15

16 6. (New section) At the time of release, every inmate shall be
17 notified in writing of all outstanding fines, assessments, and
18 restitution charges ordered as part of that inmate's sentence, as well
19 as any outstanding warrants or detainers.

20 To assist in an inmate's transition and reentry into the
21 community, no inmate shall be required to pay any portion of any
22 outstanding fine, assessment, or restitution ordered as part of that
23 inmate's sentence during the first 90 days following his release.
24 During that 90-day period no warrant shall be issued against the
25 inmate for any nonpayment of any such fine, assessment, or
26 restitution. Nothing in this section shall be construed to diminish or
27 in any way impair the inmate's responsibility for paying all such
28 outstanding fines, assessments, and restitutions ordered by the
29 court.
30

31 7. Section 4 of P.L.1969, c.22 (C.30:4-91.4) is amended to read
32 as follows:

33 4. The commissioner, as a part of any work release program for
34 an inmate, shall require that any wages, salary, earnings and other
35 income of each gainfully employed prisoner be paid, less payroll
36 deductions required or authorized by law, to the superintendent of
37 the institution who shall deposit such sums so received to the credit
38 of such inmate in a trust fund account at such institution. From
39 such trust fund account belonging to any inmate the superintendent
40 of the institution is empowered to withdraw moneys, in an amount
41 not to exceed one-half the total income, as follows:

42 The superintendent shall withdraw up to one-third of that amount
43 in order to collect assessments, restitutions and fines pursuant to the
44 requirements of section 3 of P.L.1979, c.396 (C.2C:46-4).

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

47 (a) Such costs of maintenance related to the prisoner's
48 confinement as are determined by the State Board of Control to be

1 appropriate and reasonable, including costs and fees charged or
2 owing pursuant to section 2 of P.L.1995, c.254 (C.30:7E-2).

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

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

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

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

10 (f) The balance, if any, shall be paid to the prisoner in
11 accordance with section 8 of P.L. , c. (C.) (pending before
12 the Legislature as this bill) at the completion of the period of his
13 confinement.

14 (cf: P.L.1995, c.254, s.9)

15

16 8. (New section) a. The commissioner shall, at least 30 days
17 prior to an inmate's release from confinement, assist the inmate in
18 establishing a consumer checking account pursuant to the
19 provisions of P.L.1991, c.210 (C. 17:16N-1 et seq.). The inmate
20 shall be issued a basic debit card by the bank. For the purposes of
21 this section, "debit card" means any instrument or device, whether
22 known as a debit card, automated teller machine card, or by any other
23 name, issued with or without fee by an issuer for the use of the debit
24 card holder in obtaining money, goods, services or anything else of
25 value through the electronic authorization of a financial institution to
26 debit the debit card holder's account. "Debit card holder" means a
27 consumer named on the face of a debit card to whom or for whose
28 benefit the debit card is issued by an issuer.

29 b. Upon an inmate's release, the balance remaining in the inmate
30 account administered by the correctional facility, following all
31 payments and withdrawals pursuant to section 4 of P.L.1969, c.22
32 (C.30:4-91.4), shall be transferred into the consumer checking
33 account established pursuant to this section.

34 c. Nothing in this section shall be construed to require an inmate
35 to establish a consumer checking account. The commissioner shall
36 not be required to establish a consumer checking account if the
37 inmate chooses not to establish an account pursuant to this section.

38 d. The commissioner, in consultation with the Commissioner of
39 Banking and Insurance, and pursuant to the provisions of the
40 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
41 seq.), shall promulgate rules and regulations necessary to
42 implement and effectuate the purposes of P.L. , c. (C.)
43 (pending before the Legislature as this bill).

44

45 9. (New section) The Juvenile Justice Commission shall
46 ensure that prior to the scheduled date of release of a juvenile from
47 a detention facility or a facility in which the juvenile was
48 incarcerated, the appropriate staff at the facility notify the

1 applicable county welfare agency to process the reinstatement of the
2 juvenile in the Medicaid program if the juvenile was enrolled in
3 Medicaid prior to detention or incarceration and continues to meet
4 eligibility requirements for the program.

5 As used in this act, "Medicaid" means the Medicaid program
6 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

7
8 10. (New section) a. There shall be established in the Criminal
9 Division of the Superior Court a Special Mental Health Court Part.
10 The Mental Health Court shall have jurisdiction over criminal
11 matters in which the defendant waives the right to a speedy trial to
12 allow for a delay in criminal trial proceedings for a period during
13 which the defendant will receive mental health care.

14 b. The Mental Health Court shall coordinate with government
15 agencies and non-governmental entities to facilitate the provision of
16 voluntary treatment of defendants who have mental health illnesses
17 prior to the defendants entering a plea or during a defendants
18 probation period.

19 c. The Supreme Court of New Jersey may adopt court rules
20 appropriate or necessary to effectuate the purposes of this act.

21
22 11. (New section) The Commissioner of Corrections shall
23 ensure that at least 30 days prior to the scheduled date of release of
24 an inmate from a correctional institution in the State, the
25 appropriate staff at the institution notify the applicable county
26 welfare agency to process the reinstatement of the inmate in the
27 Medicaid program if the inmate was enrolled in Medicaid prior to
28 incarceration and continues to meet eligibility requirements for the
29 program.

30 As used in this act, "Medicaid" means the Medicaid program
31 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

32
33 12. (New section) a. To assist and advise in issues pertaining to
34 prisoner reentry, there is established in the Department of
35 Corrections an advisory commission to be known as the "Prisoner
36 Reentry Commission." The purpose of the commission shall be to
37 review, study, and offer solutions to problems facing prisoners re-
38 entering society, including, but not limited to determining whether:

39 (1) New Jersey should seek a federal waiver under Section 1115
40 of the Social Security Act to expand Medicaid eligibility to non-
41 disabled adults, to leverage additional federal funds in order to
42 target high risk populations;

43 (2) Health care and treatment resources for former prisoners are
44 adequate and if not, methods by which they can be improved;

45 (3) The prison population can be incorporated fully into New
46 Jersey's workforce development strategy; and

47 (4) Sources of funding intended for the same populations and
48 communities could be tapped, coordinated and leveraged effectively.

- 1 b. In addition, the commission shall:
- 2 (1) Evaluate and provide recommendations for special issues
- 3 concerning juvenile reentry;
- 4 (2) Evaluate and make recommendations concerning current law
- 5 on juvenile waiver; and
- 6 (3) Evaluate and provide recommendations for inter-agency
- 7 communication, information sharing, and problem solving.
- 8 c. (1) The advisory commission shall consist of 18 members as
- 9 follows:
- 10 (a) The Attorney General or his designee, who shall serve ex
- 11 officio;
- 12 (b) The Secretary of State or his designee, who shall serve ex
- 13 officio;
- 14 (c) The Commissioner of Corrections or his designee, who shall
- 15 serve ex officio;
- 16 (d) The Commissioner of Human Services or his designee, who
- 17 shall serve ex officio;
- 18 (e) The Commissioner of Labor and Workforce Development or
- 19 his designee, who shall serve ex officio;
- 20 (f) The Commissioner of Community Affairs or his designee,
- 21 who shall serve ex officio;
- 22 (g) The Commissioner of Education or his designee, who shall
- 23 serve ex officio;
- 24 (h) Two members of the Senate, to be appointed by the President
- 25 of the Senate, who shall each be of different political parties;
- 26 (i) Two members of the General Assembly, to be appointed by
- 27 the Speaker of the General Assembly, who shall each be of different
- 28 political parties;
- 29 (j) The Chairman of the State Parole Board or his designee, who
- 30 shall serve ex officio;
- 31 (k) The Executive Director of the Juvenile Justice Commission
- 32 or his designee, who shall serve ex officio;
- 33 (l) The Executive Director of the Housing and Mortgage Finance
- 34 Agency or his designee, who shall serve ex officio;
- 35 (m) The New Jersey Public Defender or his designee, who shall
- 36 serve ex officio;
- 37 (n) One representative from the New Jersey Institute for Social
- 38 Justice; and
- 39 (o) Two public members, who by experience or training have
- 40 expertise in issues facing former prisoners, to be appointed by the
- 41 Governor.
- 42 (2) The Governor shall designate one member as chairman and
- 43 two members as vice-chairmen of the commission from among the
- 44 members listed in this subsection.
- 45 (3) The public members shall be appointed for a five year term.
- 46 Vacancies in the membership of the advisory commission shall be
- 47 filled in the same manner provided for in the original appointments.
- 48 The members of the advisory commission shall serve without

1 compensation but may be reimbursed for travel and other
2 miscellaneous expenses necessary to perform their duties, within
3 the limits of funds made available to the advisory commission for
4 its purposes.

5 (4) A member of the commission may be removed for good
6 cause.

7 d. The commission may meet at the call of its chair and hold
8 hearings at the times and in the places it may deem appropriate and
9 necessary to fulfill its charge. The advisory commission shall be
10 entitled to call to its assistance, and avail itself of the services of,
11 the employees of any State, county or municipal department, board,
12 bureau, commission or agency as it may require and as may be
13 available to it for its purposes.

14 e. The commission shall annually submit a report to the
15 Governor and the Legislature pursuant to section 2 of P.L.1991,
16 c.164 (C.52:14-19.1) along with any recommendations it deems
17 appropriate, including any legislative proposals it may wish to
18 make.

19

20 13. (New section) a. (1) There is hereby created in the State
21 Parole Board a committee known as the "Blue Ribbon Panel for
22 Review of Long-Term Prisoners' Parole Eligibility." The
23 committee shall be comprised of six members who are residents of
24 this State, who shall have served as judges, prosecutors or public
25 defenders but are not currently serving as judges, prosecutors or
26 public defenders. The members of the committee shall be
27 appointed by the Governor, without regard to the appointees'
28 political affiliations and shall be subject to removal by the Governor
29 at any time for good and sufficient cause. The chairperson of the
30 committee shall be designated by the Governor.

31 (2) The members appointed by the Governor pursuant to this
32 section shall be appointed for terms of six years. All appointed
33 members shall serve after the expiration of their terms until their
34 respective successors are appointed and shall qualify. Vacancies
35 shall be filled for the unexpired term.

36 (3) Members of the committee shall receive no compensation
37 for services, but shall be reimbursed for actual expenditures
38 incurred in the performance of their duties.

39 b. It shall be the duty of the committee to consider if prisoners
40 who have been incarcerated and served more than 20 years of their
41 sentences should be eligible for parole and submit any
42 recommendations for parole to the appropriate parole board panel
43 with a written recommendation regarding the case. The committee
44 shall have discretion to determine whether to consider a prisoner's
45 case and the committee shall also have the discretion to make
46 recommendations regarding any case that the committee has
47 considered.

1 14. This act shall take effect the first day of the fourth month
2 following enactment; provided that the Commissioner of
3 Corrections, the county correctional facility superintendents, the
4 Executive Director of the Juvenile Justice Commission, and the
5 Chairman of the State Parole Board may take any anticipatory
6 action prior to the effective date necessary to implement the
7 provisions of this act.

8

9

10

STATEMENT

11

12 This bill's provisions would enable inmates and formerly
13 incarcerated persons to obtain information and services that would
14 foster rehabilitation and reduce recidivism rates.

15 The bill would require the Commissioner of Corrections to
16 designate a staff member as Coordinator for Reentry and
17 Rehabilitative Services. The coordinator would compile and
18 disseminate information concerning organizations and programs,
19 whether faith-based or secular, which provide assistance and
20 services to inmates reentering society.

21 Under the provisions of the bill, each inmate is to receive written
22 notice of all the outstanding court imposed fines, assessments, and
23 restitution charges for which he is responsible, as well as
24 outstanding warrants or detainers applicable to the inmate. The bill
25 specifies that former inmates would not be required to make any
26 payments on any of their outstanding court imposed fines,
27 assessments or restitution charges during the first 90 days after their
28 release. During this grace period no arrest warrants would be
29 issued for the nonpayment of fines, assessments, or restitution
30 charges.

31 The bill would also establish Mental Health Courts in the in the
32 Criminal Division of the Superior Court. The Mental Health Court
33 would coordinate with governmental and non-governmental
34 agencies that provide mental health care to facilitate the provision
35 of voluntary treatment of defendants who have mental health
36 illnesses prior to the defendants entering a plea or during a
37 defendant's probation period.

38 This bill would also provide that State and county inmates, prior
39 to their release, would have to be provided with various documents,
40 written information, and other items that would enhance their
41 ability to successfully reenter society after serving their term of
42 incarceration.

43 Under the bill, State and county inmates would have to be
44 provided with the following:

45 a. A copy of their criminal history record and written
46 information on criminal record expungement;

47

b. General written information on voting rights;

- 1 c. General written information on the availability of programs,
2 including faith-based programs as well as secular programs, that
3 would assist in removing barriers to employment or participation in
4 vocational or educational rehabilitative programs, including the
5 availability of a certificate of rehabilitation;
- 6 d. A detailed written record of an inmate's participation in
7 educational, training, employment, and medical or other treatment
8 programs while the inmate was incarcerated;
- 9 e. A written accounting of the fines, assessments, surcharges,
10 restitution, penalties, child support arrearages, and any other
11 obligations due and payable upon release;
- 12 f. A non-driver identification card issued by the New Jersey
13 Motor Vehicle Commission;
- 14 g. A copy of the inmate's birth certificate if the inmate was
15 born in New Jersey;
- 16 h. Assistance in securing a Social Security card;
- 17 i. A one-day New Jersey bus or rail pass;
- 18 j. A one-month supply of prescription medication;
- 19 k. General written information concerning child support; and
- 20 l. A copy of the inmate's full medical record.

21 The bill would also require the commissioner to establish a
22 consumer checking account for an inmate who wants such an
23 account. Any balance left in the inmate's account held by the
24 correctional facility would be transferred to this checking account
25 upon the inmate's release and the inmate would be issued a debit
26 card to access that balance.

27 This bill would also require the Juvenile Justice Commission or
28 the Department of Corrections, as applicable, prior to the scheduled
29 date of release of a juvenile or an inmate from its facility, to arrange
30 for the appropriate staff at the facility to notify the applicable
31 county welfare agency to process the reinstatement of the person in
32 the Medicaid program if the person was enrolled in Medicaid prior
33 to detention or incarceration.

34 This bill would also establish an advisory commission in the
35 Department of Corrections to be known as the "Prisoner Reentry
36 Commission." The commission would offer solutions to the
37 problems facing formerly incarcerated adults and juveniles who are
38 re-entering society. The bill would also establish a "Blue Ribbon
39 Panel for Review of Long-Term Prisoners' Parole Eligibility" that
40 would be composed of former judges, prosecutors and public
41 defenders who would consider the cases of prisoners who have
42 served more than 20 years of their sentences. The Blue Ribbon
43 Panel for Review of Long-Term Prisoners' Parole Eligibility would
44 then have the discretion to recommend those prisoners for parole
45 eligibility.

46 Finally, the bill requires the Commissioner of Corrections to
47 work with the Juvenile Justice Commission and the State Parole
48 Board to establish a program to record and analyze recidivism rates

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- 1 for adult and juvenile inmates released from incarceration. The
- 2 purpose of this provision is to measure the effectiveness of the
- 3 State's reentry initiatives and programs.