

**ASSEMBLY, No. 111**

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**STATE OF NEW JERSEY**

**217th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Assemblyman PARKER SPACE**

**District 24 (Morris, Sussex and Warren)**

**Assemblywoman GAIL PHOEBUS**

**District 24 (Morris, Sussex and Warren)**

**SYNOPSIS**

Requires women incarcerated in county correctional facilities to cover full cost of abortion.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



A111 SPACE, PHOEBUS

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1 AN ACT concerning abortions and certain incarcerated women,  
2 amending and supplementing P.L.1995, c.254 (C.30:7E-1 et  
3 seq.).  
4

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

7  
8 1. Section 2 of P.L.1995, c.254 (C.30:7E-2) is amended to read  
9 as follows:

10 2. a. An inmate shall be liable for the cost of, and be charged a  
11 nominal fee for, any medical care, surgery, dental care,  
12 hospitalization or treatment provided to the inmate during the  
13 inmate's term of incarceration or detention by the State or a county.  
14 If the inmate is incarcerated or detained in a State correctional  
15 facility or State contracted half-way house, the amount due and  
16 payable and the nominal fees charged under the provisions of this  
17 act shall be determined by the State Treasurer in accordance with  
18 guidelines promulgated by the commissioner. If the inmate is  
19 incarcerated or detained in a county jail, the amount due and  
20 payable and the nominal fees charged under the provisions of this  
21 act shall be determined by the county treasurer in accordance with  
22 guidelines promulgated by the county adjustor; provided, however,  
23 if the county in which the inmate is detained has enacted an  
24 ordinance or resolution pursuant to section 2 of P.L. , c. (C. )  
25 (pending before the Legislature as this bill) then the inmate shall  
26 pay all lawful costs associated with any abortion that is not deemed  
27 by the treating physician or gynecologist to be necessary to save the  
28 life of the woman whose life is endangered by a physical disorder,  
29 illness, or injury during the inmate's term of incarceration or  
30 detention by the county. As used in this section, "abortion" means  
31 the act of using or prescribing any instrument, medicine, drug, or  
32 any other substance, device, or means with the intent to terminate  
33 the life of an unborn child or with the knowledge that the act is  
34 reasonably likely to cause the death of an unborn child.

35 b. An inmate may be charged either the full cost of or a  
36 nominal fee for any prescription or nonprescription drug or  
37 medicine provided to the inmate during the inmate's term of  
38 incarceration or detention by the State or a county. If the inmate is  
39 incarcerated or detained in a State correctional facility or State  
40 contracted half-way house, the cost or nominal fees charged under  
41 the provisions of this act shall be determined by the State Treasurer  
42 in accordance with guidelines promulgated by the commissioner. If  
43 the inmate is incarcerated or detained in a county jail, the amount  
44 due and payable and the nominal fees charged under the provisions

**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.**

A111 SPACE, PHOEBUS

1 of this act shall be determined by the county treasurer in accordance  
2 with guidelines promulgated by the county adjustor.  
3 (cf: P.L.1995, c.254, s.2)

4  
5 2. (New section) Notwithstanding the provisions of any other  
6 law to the contrary, the governing body of each county may by  
7 ordinance or resolution, as appropriate, require an inmate of the  
8 county correctional facility to pay all of the lawful costs associated  
9 with any abortion that is not deemed by the treating physician or  
10 gynecologist to be necessary to save the life of the woman whose  
11 life is endangered by a physical disorder, illness, or injury during  
12 the inmate's term of incarceration or detention by the county. As  
13 used in this section, "abortion" means the act of using or prescribing  
14 any instrument, medicine, drug, or any other substance, device, or  
15 means with the intent to terminate the life of an unborn child or  
16 with the knowledge that the act is reasonably likely to cause the  
17 death of an unborn child.

18  
19 3. This act shall take effect immediately.

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22 STATEMENT

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24 This bill would permit a county to enact an ordinance or  
25 resolution requiring an inmate to cover all lawful costs associated  
26 with any abortion not deemed necessary to save the life of the  
27 woman. Inmates are currently only assessed a nominal fee for  
28 medical care and procedures, including abortions.

29 As used in the bill, abortion is the act of using or prescribing any  
30 instrument, medicine, drug, or any other substance, device, or  
31 means with the intent to terminate the life of an unborn child or  
32 with the knowledge that the act is reasonably likely to cause the  
33 death of an unborn child.