

[Second Reprint]

SENATE, No. 2521

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MAY 10, 2018

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Co-Sponsored by:

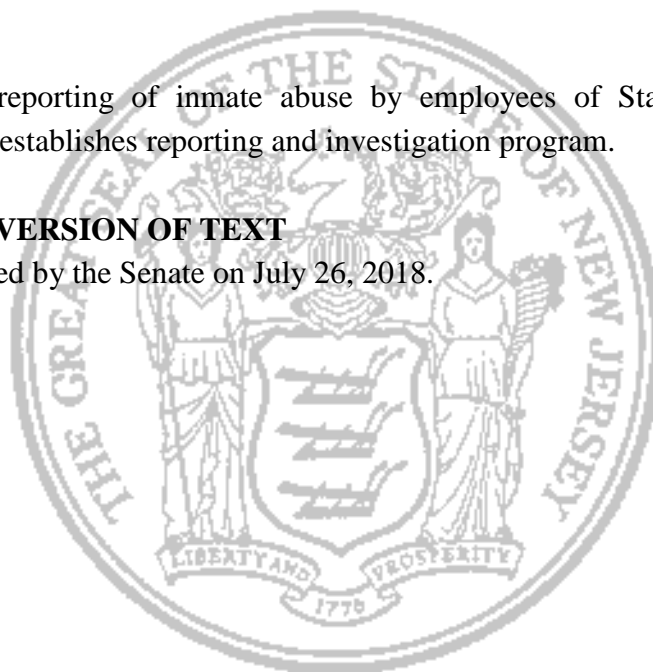
Senator Ruiz, Assemblywomen McKnight, Pinkin and Murphy

SYNOPSIS

Requires reporting of inmate abuse by employees of State correctional facilities and establishes reporting and investigation program.

CURRENT VERSION OF TEXT

As amended by the Senate on July 26, 2018.



(Sponsorship Updated As Of: 1/14/2020)

1 AN ACT concerning inmates and supplementing Title 30 of the
2 Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. For the purposes of this act:

8 “Employee” means a person employed by the State to work at a
9 State correctional facility or a person employed by a private entity
10 under contract with the State to provide contracted services at a
11 State correctional facility.

12 “State correctional facility” means a correctional facility listed in
13 section 8 of P.L.1976, c.98 (C.30:1B-8).

14
15 2. a. Any employee of a State correctional facility, who, as a
16 result of information obtained in the course of his employment, has
17 reasonable cause to suspect or believe that an inmate is being or has
18 been abused by any other employee of the State correctional facility
19 shall report the information in a timely manner to the person
20 designated by the Commissioner of Corrections to receive the report
21 pursuant to subsection b. of section 3 of P.L. , c. (C.)
22 (pending before the Legislature as this bill).

23 b. Any other person having reasonable cause to suspect or
24 believe that an inmate is being or has been abused by an employee
25 of a State correctional facility may report the information to the
26 person designated by the Commissioner of Corrections to receive
27 the report pursuant to subsection b. of section 3 of
28 P.L. , c. (C.) (pending before the Legislature as this bill).

29 c. The report shall contain the name of the inmate; ¹the name
30 of the employee who is suspected of abusing the inmate, if known;¹
31 the name of the correctional facility and the unit in which the
32 inmate is confined, if known; information regarding the nature of
33 the suspected abuse; and any other information which might be
34 helpful in an investigation of the case and the protection of the
35 inmate.

36
37 3. a. The Commissioner of Corrections shall establish an
38 inmate abuse reporting program for State correctional facilities.
39 The program shall provide, at a minimum, that employees of a State
40 correctional facility are:

41 (1) trained in recognizing probable incidents of or behavior that
42 constitutes inmate abuse and other abuse prevention strategies;

43 (2) informed of the duty to report the suspected inmate abuse
44 pursuant to this act; and

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted May 14, 2018.

²Senate floor amendments adopted July 26, 2018.

1 (3) provided with the name and telephone number of the person
2 designated by the Commissioner of Corrections who shall be
3 notified of any suspected inmate abuse.

4 b. The Commissioner of Corrections shall designate one or
5 more employees of the Department of Corrections who are not
6 employees of any State correctional facility to serve as a contact
7 person for an employee of a State correctional facility or any other
8 person to notify if the employee or person has reasonable cause to
9 suspect that an inmate is being or has been abused by any other
10 employee of the correctional facility.

11 c. The designated contact person shall transmit all reported
12 incidents or allegations of inmate abuse to the Commissioner of
13 Corrections or a designee. The commissioner shall cause a prompt
14 investigation of any report of inmate abuse.

15 d. The Commissioner of Corrections ²or a designee² shall
16 promptly report all instances of suspected inmate abuse, as
17 determined by an investigation, to the county prosecutor of the
18 county in which the State correctional facility is located. The report
19 to the county prosecutor shall be in accordance with regulations ²or
20 internal policies² adopted by the commissioner in consultation with
21 the County Prosecutors Association of New Jersey and the Attorney
22 General.

23 e. Upon receipt of a report pursuant to subsection d. of this
24 section, the county prosecutor may conduct a review of the
25 suspected inmate abuse and take any appropriate action.

26 f. Nothing in this section shall preclude the Special
27 Investigations Division in the Department of Corrections from
28 conducting an investigation.

29
30 4. a. The name of any person who reports suspected inmate
31 abuse pursuant to this act shall not be disclosed ²publicly², unless
32 the person who reported the abuse specifically requests the
33 disclosure ²[or] , there is² a judicial proceeding ²[results]
34 resulting² from the report ², or the disclosure is in accordance with
35 the law².

36 b. A person who reports suspected abuse pursuant to this act or
37 who testifies in any administrative or judicial proceeding arising
38 from the report or testimony shall have immunity from any civil or
39 criminal liability ²and shall not be retaliated against² on account of
40 the report or testimony, unless the person has acted in bad faith or
41 with malicious purpose.

42
43 5. ²[Any] a. After all administrative appeals are exhausted and
44 a final adjudication is made, any² person required to report
45 suspected inmate abuse pursuant to this act who fails to make the
46 report shall be liable to a penalty of not more than \$5,000. The
47 penalty shall be collected and enforced ²[pursuant to Title 11A of

1 the New Jersey Statutes] by summary proceedings pursuant to the
2 provisions of the "Penalty Enforcement Law of 1999," P.L.1999,
3 c.274 (C.2A:58-10 et seq.)². Each violation of this act shall
4 constitute a separate offense.

5 ²b. Notwithstanding the penalty imposed pursuant to subsection
6 a. of this section, any person required to report suspected inmate
7 abuse pursuant to this act who fails to make the report shall be
8 subject to internal departmental disciplinary action by the
9 Department of Corrections.²

10
11 6. The Commissioner of Corrections shall adopt rules and
12 regulations pursuant to the "Administrative Procedure Act,"
13 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of
14 this act.

15
16 ²7. An inmate chosen by inmates in a housing unit as the liaison
17 between the correctional facility administration and the inmate
18 population shall be provided with a copy of P.L. , c. (C.)
19 (pending before the Legislature as this bill). The liaison also shall
20 be provided with a summary of the requirements under
21 P.L. , c. (C.) (pending before the Legislature as this bill)
22 for dissemination to the inmates in the housing unit.²

23
24 ²[7.] ²8. This act shall take effect on the first day of the
25 seventh month after enactment, but the Commissioner of
26 Corrections may take any administrative action in advance of the
27 effective date as may be necessary.