

# ASSEMBLY, No. 4681

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

**Sponsored by:**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblywoman Chaparro**

**SYNOPSIS**

Expands eligibility for certain inmates to participate in residential community release programs; modifies DOC reporting requirements concerning capacity of these programs.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/17/2020)**

1 AN ACT concerning residential community release programs and  
2 amending and supplementing P.L.2009, c.330.

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

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7 1. (New section) In addition to the eligibility requirements  
8 established under current law, an inmate in the custody of the  
9 Department of Corrections is eligible for participation in a  
10 residential community release program if the inmate is otherwise  
11 eligible and is scheduled to be released from the custody of the  
12 Commissioner of Corrections:

13 a. in less than 30 months, and the commissioner or a designee  
14 determines that the inmate's participation in a residential  
15 community release program is appropriate; or

16 b. in greater than 12 months but less than 30 months and the  
17 commissioner or a designee determines that the inmate's  
18 participation in a substance use disorder treatment program is  
19 appropriate.

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21 2. Section 9 of P.L.2009, c.330 (C.30:4-91.19) is amended to  
22 read as follows:

23 9. The Commissioner of Corrections shall certify on a monthly  
24 basis to the Legislature and to the Director of the Division of  
25 Budget and Accounting that all available Residential Community  
26 Release Program beds in the State of New Jersey are filled to  
27 contract capacity with eligible State inmates who are within **[18]**  
28 **30** to **[24]** **36** months of release, pursuant to the eligibility  
29 requirements for community release programs provided under **[the**  
30 **administrative code]** current law, prior to the incarceration of any  
31 inmate in any county penal facility.

32 (cf: P.L.2009, c.330, s.9)

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34 3. (New section) a. The Commissioner of Corrections shall  
35 prioritize the eligibility of inmates for placement in a residential  
36 community release program prior to release from a State  
37 correctional facility. In prioritizing an inmate's eligibility for  
38 placement, the commissioner shall evaluate whether an inmate is  
39 eligible to receive credits awarded pursuant to R.S.30:4-92; section 3  
40 of P.L.2009, c.330 (C.30:4-92a); R.S.30:4-140; or public health  
41 emergency credits that may accelerate the inmate's release from a  
42 State correctional facility.

43 b. The commissioner shall make every effort to fill residential  
44 community release program vacancies as they become available and  
45 shall maximize the provision of services provided by these

**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 programs to assist inmates with the transition and reentry into the  
2 community.

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4 4. Section 1 of P.L.1999, c.243 (30:4-91.9) is amended to read  
5 as follows:

6 1. As used in this act:

7 "Eligible inmate" means an inmate who (1) was not convicted of  
8 a sexual offense as defined in this section or an arson offense, (2)  
9 does not demonstrate an undue risk to public safety and (3) has less  
10 than one year remaining to be served before the inmate's parole  
11 eligibility date, provided, however, that an eligible inmate may  
12 include an inmate who is otherwise eligible but who has more than  
13 one year but less than **【18】** 30 months remaining to be served  
14 before the inmate's parole eligibility date and is determined by the  
15 Commissioner of Corrections or a designee to be appropriate to be  
16 authorized for confinement in a private facility; and further  
17 provided, however, that an eligible inmate may include an inmate  
18 who is otherwise eligible but who has more than one year but less  
19 than **【two years】** 36 months remaining to be served before the  
20 inmate's parole eligibility date and is determined by the  
21 Commissioner of Corrections or a designee to be appropriate to be  
22 authorized for confinement in a private facility for participation in a  
23 substance abuse treatment program.

24 "Private facility" means a residential center, operated by a  
25 private nonprofit entity, contracted by the Department of  
26 Corrections to provide for the care, custody, subsistence, treatment,  
27 education, training or welfare of inmates sentenced to the custody  
28 of the Commissioner of Corrections.

29 "Sexual offense" means a violation of 2C:14-2, 2C:14-3 or  
30 2C:24-4, or of any other substantially equivalent provision  
31 contained in Title 2A of the New Jersey Statutes now repealed,  
32 conspiracy to commit any of these offenses or an attempt to commit  
33 any of these offenses.

34 (cf: P.L.1999, c.243, s.1)

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36 5. (New section) Notwithstanding the provisions of any law,  
37 rule, or regulation to the contrary, an inmate in a State correctional  
38 facility, other than an inmate convicted of a sexual offense as  
39 defined in section 1 of P.L.1999, c.243 (30:4-91.9) or arson or a  
40 related offense as defined in N.J.S.2C:17-1, shall not be deemed  
41 ineligible to participate in a residential community program solely  
42 based on the inmate's custody status.

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44 6. (New Section) The administrator of a residential community  
45 release program may refuse to place in the program any inmate who  
46 demonstrates an undue risk to public safety.

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48 7. This act shall take effect immediately.

STATEMENT

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This bill expands eligibility for certain inmates to participate in a residential community release program (RCRP) and modifies DOC reporting requirements concerning capacity of these programs.

In addition to other eligibility requirements established under current law, an inmate is eligible for participation in a RCRP if the inmate is in the custody of the Department of Corrections, is scheduled to be released from custody in less than one year and the commissioner or a designee determines that the inmate's participation in a RCRP is appropriate, or the inmate is scheduled to be released in greater than 12 months but less than 24 months and the commissioner or a designee determines that the inmate's participation in a substance use disorder treatment program is appropriate.

Under the bill, an inmate who is otherwise eligible under current law is eligible to participate in a RCRP if the inmate is scheduled to be released in less than 30 months, and the commissioner or a designee determines that the inmate's participation in a residential community program is appropriate; or the inmate is scheduled to be released in greater than 12 months but less than 30 months and the commissioner or a designee determines that the inmate's participation in a substance use disorder treatment program is appropriate.

Under current law, the Commissioner of Corrections is required to certify on a monthly basis to the Director of the Division of Budget and Accounting that all available RCRP beds in the State are filled to contract capacity with eligible State inmates who are within 30 to 36 months of release. The provisions of the bill require the commissioner also to provide this monthly certification to the Legislature, and require the certification for eligible inmates who are within 18 to 30 months of release.

The provisions of the bill also require the Commissioner of Corrections to prioritize the eligibility of inmates for placement in a RCRP prior to release from a State correctional facility. In prioritizing an inmate's eligibility for placement, the commissioner is required to evaluate whether an inmate is eligible to receive compliance credits or public health emergency credits that may accelerate the inmate's release from a State correctional facility. The commissioner also is required to make every effort to fill RCRP vacancies as they become available and maximize the provision of services to help inmates with the transition and reentry into the community.

Under the bill, an inmate, other than an inmate convicted of certain sexual offenses or arson or a related offense, who is otherwise eligible for RCRP placement is not to be deemed ineligible for participation in a RCRP solely based on the inmate's custody status.

**A4681 MUKHERJI, VAINIERI HUTTLE**

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1       Finally, the bill provides that the administrator of a RCRP may  
2       refuse the placement of any inmate who demonstrates an undue risk  
3       to public safety.