

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4681

STATE OF NEW JERSEY

DATED: JUNE 21, 2021

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 4681 (1R).

As reported by the committee, this bill expands eligibility for certain inmates to participate in a residential community release program (RCRP), modifies Department of Corrections (DOC) reporting requirements concerning capacity RCRPs, and prohibits inmates in RCRPs from being returned to a correctional facility or subjected to punitive measures solely due to a medical condition or illness.

In addition to other eligibility requirements established under current law, inmates in the custody of the DOC are eligible for participation in an RCRP if the inmate is scheduled to be released from custody in less than one year and the DOC determines that the inmate's participation in an RCRP is appropriate; or the inmate is scheduled to be released in greater than 12 months but less than 24 months and the DOC 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 an RCRP if the inmate is scheduled to be released in less than 30 months, and the DOC determines that the inmate's participation in RCRP is appropriate; or the inmate is scheduled to be released in greater than 12 months but less than 30 months and the DOC determines that the inmate's participation in a substance use disorder treatment program is appropriate.

Under current law, the DOC 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 18 to 24 months of release. The provisions of the bill require the DOC also to provide this monthly certification to the Legislature, and require the certification for eligible inmates who are within 30 to 36 months of release.

The provisions of the bill also require the DOC to prioritize the eligibility of inmates for placement in an RCRP prior to release from a State correctional facility. In prioritizing an inmate's eligibility for placement, the DOC 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. The DOC 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 an RCRP solely based on the inmate's custody status. In addition, the bill provides that the administrator of an RCRP may refuse the placement of any inmate who demonstrates an undue risk to public safety.

Finally, under the bill, an inmate incarcerated in an RCRP is not to be returned to a correctional facility, or be subject to restrictive privileges or other punitive measures solely due to a medical condition or illness, including the need for medical treatment or pregnancy.

As reported by the committee, Assembly Bill No. 4681 (1R) is identical to Senate Bill No. 2933, as amended and reported by the committee on this same date.