

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 1779

# STATE OF NEW JERSEY

DATED: OCTOBER 7, 1996

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 1779.

Assembly Bill No. 1779 supplements chapter 47 of Title 2C of the New Jersey Statutes to prohibit the receipt, distribution and exhibition of "sexually oriented material" in the Adult Diagnostic and Treatment Center, the State's correctional facility for the incarceration and treatment of sex offenders.

"Sexually oriented material" is defined in the bill as: "Any description, narrative account, display, or depiction of sexual activity or associated anatomical area contained in, or consisting of, a picture or other representation, publication, sound recording, live performance, or film." The provisions of the bill provide for the removal and destruction of sexually oriented materials when they are found within the facility.

Currently, the Department of Corrections has the authority under the provisions of the New Jersey Administrative Code (N.J.A.C.10A:18-4.9) to withhold or remove from an inmate's possession publications which fall into numerous categories, including those materials which, based on case law, are deemed "obscene."

The provisions of this bill upgrade the authority and the administrative penalties available to the department. Under the bill, an inmate who receives, distributes or exhibits sexually oriented material is subject to the on-the-spot sanctions now provided under departmental rules for minor violations pursuant to N.J.A.C.10A:4-7.3. These sanctions include: a) verbal reprimand, b) loss of recreation privileges for up to five days, c) up to four hours of extra work duty, d) loss of radio or television privileges for up to five days, e) confiscation, or f) all of the above.

More stringent sanctions are provided for more serious inmate offenses, such as the sale, possession, distribution or exhibition of child pornography (as defined in section 2 of PL.1992, c.7; C.2A:30B-2). These infractions are deemed "prohibited acts" and subject to disciplinary action under the department's Schedule of Sanctions for Prohibited Acts in subsection (b) of N.J.A.C.10A:4-5.1. Some of these sanctions include up to 15 days disciplinary detention, loss of institutional privileges for up to 30 days, up to 60 days loss of commutation time, administrative segregation up to 90 days, and loss of furlough privileges.