

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 1823 and 2390**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 16, 1996

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 1823 and 2390.

The committee substitute supplements chapter 8 of Title 30 of the Revised Statutes to permit counties and municipalities to charge inmates and detainees in county correctional facilities and municipal detention centers for the custody, care and maintenance costs associated with their incarceration or detention based on a sliding scale and their ability to pay. In the case of detainees, however, the county or municipality may charge only those detainees who are subsequently convicted of the offense for which they were detained. The substitute also authorizes those counties and municipalities which decide to charge their inmates and detainees for the costs of their incarceration or detention to place a lien on the property and income of those inmates or detainees to ensure payment.

Under the provisions of the substitute, whenever a county or municipality chooses to exercise the authority afforded in under this bill to charge inmates and detainees for the costs of their incarceration or detention, the county treasurer, in the case of county correctional facilities, and the appropriate municipal authority, in the case of municipal detention centers, is to determine the amount each inmate or detainee is to be charged. To make that determination, the treasurer or municipal authority, as the case may be, is to calculate, on a per capita basis, the governmental unit's costs and to establish a graduated schedule setting forth the percentage of that per capita cost each inmate or detainee is to be charged based upon the ability to pay. The substitute specifies, however, that the amount so determined may not exceed the actual certifiable cost the county or municipality incurs in providing for the inmate's or detainee's custody, care and maintenance. These determinations and schedules are to be established with the assistance of the county adjuster. It is the committee's understanding that the county adjuster performs a similar role in determining and assessing the amount of support the legal guardians of patients in local institutions should pay.

To insure that these amounts are collected, the substitute

authorizes the counties and municipalities to place liens against the property and income of the inmates and detainees who are assessed custody, care and maintenance charges. The substitute sets forth the procedures for filing and discharging these liens, including a provision that grants county and municipal governing bodies the authority to agree to compromises for the settlement of any inmate's or detainee's lien. Finally, the substitute provides that these inmate liens have priority over all other unrecorded encumbrances.

There currently is no statutory authorization for counties and municipalities to charge inmates and detainees for the costs associated with their incarceration in a county correction facility or detention in a municipal detention center. However, with the enactment of P.L.1995, c.254 (C.30:7E-1 et seq.), inmates in State and county correctional facilities became liable for the costs of their medical and dental treatments. The provisions of this substitute are patterned after that statute.