

ASSEMBLY, No. 2034

STATE OF NEW JERSEY

INTRODUCED MAY 22, 1997

By Assemblyman KRAMER and Assemblywoman WRIGHT

1 AN ACT concerning certain private facilities under contract with the
2 Department of Corrections and supplementing chapter 4 of Title 30
3 of the Revised Statutes.

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

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8 1. As used in this act:

9 "Eligible inmate" means an inmate who (1) was not convicted of a
10 violent crime and (2) has less than one year remaining to be served
11 before his parole eligibility date.

12 "Private facility" means a residential center, operated by a private
13 entity, contracted by the Department of Corrections to provide for the
14 care, custody, subsistence, treatment, education, training or welfare of
15 inmates sentenced to the custody of the Commissioner of Corrections.
16 The operator of a private facility may be organized as either a for
17 profit or nonprofit entity.

18 "Violent crime" means a violation of N.J.S.2C:11-3; N.J.S.2C:11-
19 4; N.J.S.2C:13-1; subsection a. or c. of N.J.S.2C:14-2; N.J.S.2C:15-1
20 in which the inmate, while in the course of committing the theft,
21 attempted to kill another, or purposely inflicted or attempted to inflict
22 serious bodily injury, or was armed with or used or threatened the
23 immediate use of a deadly weapon; N.J.S.2C:15-2; subsection a. of
24 N.J.S.2C:17-1; N.J.S.2C:24-4; or an attempt to commit any of these
25 offenses.

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27 2. On and after the effective date of P.L. , c. (C.) (now
28 pending before the Legislature as this bill), the Commissioner of
29 Corrections shall authorize the confinement of eligible inmates in
30 private facilities.

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32 3. Whenever an eligible inmate is authorized for confinement in a
33 private facility, the Commissioner of Corrections shall prepare a
34 summary of all relevant information relating to that inmate's criminal
35 history and background. The summary, along with a picture of the
36 inmate, shall be transmitted to the chief law enforcement officer of the
37 municipality wherein the private facility is located within five working

1 days of the inmate's transfer to that facility.

2 If the private facility is within 2,500 feet of the border of an
3 adjacent municipality, the inmate summary and picture also shall be
4 transmitted to the chief law enforcement officer of that adjacent
5 municipality within five working days of the inmate's transfer to the
6 facility.

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8 4. a. Every contract between the Department of Corrections and
9 the operator of a private facility shall provide for the establishment of
10 a community relations board. The board, except as hereinafter
11 provided, shall include the following members: (1) the chief law
12 enforcement officer of the municipality, or his designee; (2) a member
13 of the governing body of the municipality, or a designee; (3) a
14 representative of the operator of the private facility; (4) a
15 representative of the Department of Corrections; and (5) public
16 members, appointed by the governing body, to represent the
17 community.

18 If the private facility is within 2,500 feet of the border of an
19 adjacent municipality, the board also shall include the chief law
20 enforcement officer of that adjacent municipality, or his designee; a
21 representative of the governing body of that adjacent municipality, or
22 a designee; and public members, appointed by the governing body of
23 the adjacent municipality, to represent the community. In those cases
24 where the board consists of representatives from more than one
25 municipality, the number of public member appointees from each of
26 the participating municipalities shall be the same.

27 b. The board shall monitor the operation of the private facility and
28 shall provide the residents of the municipality with a forum for
29 resolving community concerns relating to the facility's operation.

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31 5. The operator of a private facility shall, upon discovering that an
32 inmate has escaped, notify:

33 a. the chief law enforcement officer of the municipality in which
34 the facility is located, or his designee;

35 b. the Commissioner of Corrections, or his designee; and

36 c. if the private facility is within 2,500 feet of an adjacent
37 municipality, the chief law enforcement officer of that adjacent
38 municipality, or his designee.

39 The notice required under this section shall be given within one
40 hour of the discovery of the escape and shall include a current
41 summary of all relevant information relating to the escapee's criminal
42 history and background.

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44 6. The Commissioner of Corrections, in accordance with the
45 provisions of the "Administrative Procedure Act," P.L.1968, c.410
46 (C.52:14B-1 et seq.), shall promulgate rules and regulations to

1 effectuate the purposes of this act. Those regulations shall include,
2 but not be limited to, guidelines specifying the particular security
3 requirements for individual facilities. The guidelines shall address the
4 appropriate perimeter security requirements for facilities located
5 within urban, suburban and rural residential communities and within
6 nonresidential areas.

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8 7. This act shall take effect immediately.

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11 STATEMENT

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13 This bill establishes a regulatory scheme for private facilities under
14 contract with the Department of Corrections to provide residential
15 care or treatment programs for inmates.

16 Under the provisions of the bill, only inmates who have less than
17 one year left before their parole eligibility date and have not been
18 convicted of a violent crime would be eligible for placement in a
19 private facility. A violent crime, as defined in the bill, includes
20 murder, manslaughter, aggravated sexual assault, sexual assault, armed
21 robbery, kidnaping, car jacking, aggravated arson and endangering the
22 welfare of a child.

23 Whenever an eligible inmate is authorized for transfer to a private
24 facility, the department is to prepare a summary of relevant
25 information relating to that inmate's criminal history and background.
26 Within five working days of the inmate's transfer to the private facility,
27 the department shall transmit the summary to the chief law
28 enforcement officer of the municipality wherein the facility is located.

29 The bill also requires the establishment of community relations
30 boards for every private facility under contract with the Department
31 of Corrections. The membership of these boards is to include: the
32 chief law enforcement officer of the municipality, or his designee; a
33 member of the governing body of the municipality, or a designee; a
34 representative of the private facility; a representative of the
35 Department of Corrections; and public members, appointed by the
36 governing body. If the private facility is within 2,500 feet of an
37 adjacent municipality, the board is to be expanded to include the chief
38 law enforcement officer of that adjacent municipality, or his designee;
39 a representative of the governing body of that adjacent municipality,
40 or a designee; and public members appointed by the governing body
41 of that adjacent municipality. The bill does not specify the number of
42 public members that may be appointed. The only restriction is that in
43 those cases where there are two or more municipalities represented on
44 the board, the number of public members from each municipality must
45 be the same.

46 The board is to monitor the operation of the private facility and

1 provide a forum for resolving community concerns relating to the
2 facility's operation.

3 In developing rules and regulations for the operation of private
4 facilities, the Department of Corrections is directed to establish
5 specific guidelines for the particular security requirements of each
6 facility. The guidelines are to address the appropriate perimeter
7 security requirements for facilities located within urban, suburban and
8 rural residential communities and within nonresidential areas.

9 Finally, the bill requires that the operator of a private facility notify
10 the local law enforcement agency and the Department of Corrections
11 whenever it discovers an inmate has escaped. If the facility is within
12 2,500 feet of an adjacent municipality, the operator is required to
13 notify the chief law enforcement officer of that municipality of the
14 escape.

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19 Establishes regulatory scheme for certain private facilities under
20 contract with DOC.