

[First Reprint]
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:11-4;
19 N.J.S.2C:13-1; subsection a. or c. of N.J.S.2C:14-2; N.J.S.2C:15-1 in
20 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 facilities¹, subject to prior acceptance of the inmate for such
31 confinement by the private facility¹.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASG committee amendments adopted June 12, 1997.

1 3. Whenever an eligible inmate is authorized for confinement in a
2 private facility ¹and has been accepted by the private facility¹, the
3 Commissioner of Corrections shall prepare a summary of all relevant
4 information relating to that inmate's criminal history and background.
5 The summary, along with a picture of the inmate, shall be transmitted
6 to the chief law enforcement officer of the municipality wherein the
7 private facility is located within five working days of the inmate's
8 transfer to that facility.

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

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

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

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

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

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

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

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

46 The notice required under this section shall be given within one

1 hour of the discovery of the escape and shall include a current
2 summary of all relevant information relating to the escapee's criminal
3 history and background.

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5 6. The Commissioner of Corrections, in accordance with the
6 provisions of the "Administrative Procedure Act," P.L.1968, c.410
7 (C.52:14B-1 et seq.), shall promulgate rules and regulations to
8 effectuate the purposes of this act. Those regulations shall include,
9 but not be limited to, guidelines specifying the particular security
10 requirements for individual facilities. The guidelines shall address the
11 appropriate perimeter security requirements for facilities located
12 within urban, suburban and rural residential communities and within
13 nonresidential areas.

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15 7. This act shall take effect immediately.

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