

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2034

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 1997

The Assembly State Government Committee reports favorably and with committee amendments Assembly, No. 2034.

This bill directs the Commissioner of Corrections to authorize the confinement of certain inmates in private facilities, subject to the facilities' acceptance of those persons for such confinement. A "private facility" under the bill is a residential center, operated by a private entity organized on either a profit or nonprofit basis, to provide for the care, custody, subsistence, treatment, education, training or welfare of inmates sentenced to the Commissioner's custody. Eligibility for placement in such facilities would be limited to inmates with less than one year left before parole eligibility who have not been convicted of a violent crime. A "violent crime" under the bill includes murder, manslaughter, aggravated sexual assault, sexual assault, armed robbery, kidnapping, carjacking, aggravated arson and endangering the welfare of a child; it also includes an attempt to commit any of those offenses.

The bill requires each contract with a private facility operator to provide for the establishment of a community relations board. The membership of the board is to include the chief law enforcement officer of the municipality or a designee; a member of the governing body of the municipality or a designee; a representative of the private facility; a representative of the Department of Corrections; and public members appointed by the governing body. If the private facility is within 2,500 feet of an adjacent municipality, the board is to be expanded to include the chief law enforcement officer of the adjacent municipality or a designee; a representative of the governing body of the adjacent municipality or a designee; and public members appointed by the governing body of the adjacent municipality. The bill does not specify the number of public members to be appointed, but requires that when two or more municipalities are represented on the board, the number of public members from each municipality must be the same. The board is to monitor the operation of the private facility and provide a forum for resolving community concerns relating to the facility's operation.

Whenever an eligible inmate is authorized for transfer to a private

facility, the department is to prepare a summary of relevant information relating to that inmate's criminal history and background. Within five working days of the inmate's transfer to the private facility, the department is to transmit the summary to the chief law enforcement officer of the municipality in which the facility is located and to the chief law enforcement officer of any other municipality located within 2,500 feet of the facility.

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

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

COMMITTEE AMENDMENTS

The committee adopted amendments to the bill to make the confinement of an eligible inmate in a private facility conditional upon the facility's acceptance of the inmate for such confinement.