

ASSEMBLY, No. 2789

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1997

By Assemblymen ASSELTA and GIBSON

1 AN ACT concerning certain changes to correctional facilities and
2 supplementing Title 30 of the Revised Statutes.

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

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7 1. a. The Commissioner of Corrections shall not change the
8 security classification of a State correctional facility or discontinue
9 operation of a security perimeter tower at that facility unless the
10 commissioner has complied with the procedures set forth in this
11 section.

12 b. The Department of Corrections shall conduct at least one public
13 hearing in the municipality where the facility is located, or in a central
14 location if more than one facility and municipality are affected by the
15 decision, to provide an opportunity for public testimony on the
16 proposed change in security classification or discontinuance of a
17 security perimeter tower. The hearing shall be conducted at least 90
18 days in advance of the proposed action. The commissioner shall
19 publish a Notice of Intent to hold the public hearing at least 15 days
20 prior to the public hearing. Publication of the Notice of Intent shall be
21 in accordance with subsection c. of this section.

22 c. A Notice of Intent to change the security classification of a State
23 correctional facility or discontinue operation of a security perimeter
24 tower at that facility pursuant to subsection b. of this section shall be
25 mailed, telephoned, sent by telegram or hand delivered to at least three
26 local newspapers for publication. Failure to comply with the
27 requirements of this subsection shall invalidate or delay any change in
28 security classification or discontinuance of operation of a security
29 perimeter tower at that facility.

30 d. The commissioner shall prepare a report setting forth an
31 economic impact analysis in accordance with section 2 of P.L. , c.
32 (C.)(now pending before the Legislature as this bill), policy
33 rationale and summary of the testimony received at any hearing held
34 pursuant to this section.

35 This report shall be submitted to the chairmen of the Legislature's
36 Joint Budget Oversight Committee or its successor within 30 days
37 following the public hearing held pursuant to this section.

1 2. The commissioner shall cause to be prepared an economic
2 impact analysis prior to a public hearing held pursuant to section 1 of
3 P.L. , c. (C.) (now pending before the Legislature as this bill)
4 to include the short and long term economic impact of the change in
5 security classification of a State correctional facility or
6 discontinuance of a security perimeter tower at that facility.

7 The economic impact analysis shall also include a jobs impact
8 statement which may include:

9 a. An assessment of the number of jobs to be generated or lost by
10 the change in security classification or discontinuance of a security
11 perimeter tower; a determination as to how many of these jobs are
12 short-term and temporary in nature, how many are of a long-term and
13 more permanent nature, and the skills which, if developed in the
14 workforce, might further the purpose of the change and increase the
15 permanency of these jobs;

16 b. A cost benefit analysis of the change, which shall compare and
17 examine the cost of the initiative and its impact on the State, county
18 and municipality in which the facility is located, the number of jobs to
19 be generated or lost, the cost of maintaining those jobs and the impact
20 of those jobs generated or lost on the economic climate of the State,
21 county and municipality in which the facility is located.

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23 3. a. The commissioner shall not change the security classification
24 of a State correctional facility or discontinue operation of a security
25 perimeter tower at that facility without the approval of the governing
26 body of the municipality where that correctional facility is located.
27 The governing body of a municipality shall grant approval by
28 ordinance.

29 Whenever the commissioner proposes to change the security
30 classification of a State correctional facility or discontinue a security
31 perimeter tower at that facility, it shall submit to the governing body
32 of the affected municipality:

33 (1) A detailed description of the proposed change in security
34 classification or discontinuance of a security perimeter tower;

35 (2) The maximum number of inmates the department plans to
36 subsequently house in the correctional facility;

37 (3) A profile of the type of inmate to be housed in the correctional
38 facility;

39 (4) A detailed overview of the department's security plans for the
40 correctional facility, including but not limited to, the intended ratio of
41 correctional officers to inmates; the specific measures, electronic and
42 non-electronic, that will be taken to deter inmate escapes; the
43 particular steps to be followed by the department in reacting to any
44 inmate escape; and such other actions, programs or policies the
45 department may initiate in order to assure the safety, well being and
46 tranquility of the residents of the municipality; and

1 (5) Such other information as the department deems necessary so
2 that the governing bodies may make an informed decision concerning
3 the change in security classification or discontinuance of a security
4 perimeter tower .

5 b. The commissioner shall annually prepare and, each January 15,
6 transmit to the governing body of the municipality where there is
7 located a State correctional facility that had a security classification
8 change or discontinuance of a security perimeter tower, a report
9 detailing any escapes, attempted escapes, breaches in internal security,
10 or other such incidents which disrupted, or threatened to disrupt, the
11 tranquility of that correctional facility. The report also shall detail the
12 manner in which the department reacted to each of those incidents; the
13 effectiveness of those responses; and any proposals or programs the
14 department is adopting, or considering for adoption, to prevent such
15 incidents in the future and to preserve and protect the safety and well
16 being of the residents of the municipality where that facility is located.
17 This report shall be in addition to any other report the commissioner
18 is required to submit.

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20 4. This act shall take effect immediately.

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23 STATEMENT

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25 This bill would require (1) a public hearing be held by the
26 Department of Corrections (DOC) prior to its changing the security
27 classification of a State correctional facility or discontinuing the
28 operation of a security perimeter tower at that facility; (2) an
29 economic impact analysis to be prepared prior to the public hearing;
30 and (3) local governmental approval of such changes.

31 The bill would require the public hearing to be held at least 90 days
32 in advance of the proposed action, and would require a Notice of
33 Intent to hold a public hearing to be issued at least 15 days in advance
34 of the public hearing. The DOC would be required to publish the
35 Notice of Intent in at least three local newspapers, and would be
36 required to give all persons the opportunity to provide testimony.
37 Failure to comply with these requirements would prevent DOC from
38 changing the security classification or discontinuing security perimeter
39 tower at a State correctional facility.

40 The bill would require an economic impact statement be prepared
41 prior to the public hearing, which would include the short and long
42 term economic impact of the change in classification or discontinuance
43 of a security perimeter tower of a State correctional facility, as well as
44 a job impact analysis and a cost benefit analysis.

45 This bill would also require the commissioner to secure local
46 governmental approval before undertaking any change in security

1 classification of a State correctional facility or discontinuance of a
2 security perimeter tower at that facility. Under the provisions of the
3 bill, the commissioner would need the approval of the governing body
4 of the municipality where the facility is located. In presenting its
5 proposal for the change in security classification or discontinuance of
6 a security perimeter tower, the commissioner is to provide the
7 governing body with information describing the proposal in detail; the
8 projected number of inmates and a profile of the type of inmates to be
9 housed in the facility; and the security measures the department
10 proposes for the facility. The bill also requires the commissioner to
11 prepare and transmit to its host municipality an annual report on each
12 State correctional facility that had a classification change or
13 discontinuance of a security perimeter tower. The annual report is to
14 detail escapes, attempted escapes, breaches in internal security, and
15 such other incidents that disrupted or threatened to disrupt the
16 tranquility of the facility. The report also is to present a description
17 of the department's reactions to those incidents, the effectiveness of
18 those responses, and any proposals to prevent such incidents in the
19 future.

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24 Requires public hearing, economic impact analysis and local approval
25 to change security classification or discontinue security tower at State
26 correctional facility.