

SENATE, No. 224

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator SACCO

1 AN ACT making prisoners in State correctional institutions responsible
2 for the cost of their maintenance and clothing and providing a lien
3 therefore and supplementing Title 30 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. Each adult prisoner of a State correctional institution shall be
9 liable for the cost to the State of his incarceration based on the per
10 capita rate for the maintenance and clothing of each prisoner fixed
11 annually by the Commissioner of the Department of Corrections.

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13 2. The State shall have a lien against the property and income of
14 each prisoner confined in a State correctional institution for the total
15 cost of the care and maintenance of the prisoner in the institution at
16 the per capita cost rate of maintenance fixed in accordance with law.
17 The lien when properly filed as set forth herein shall have priority over
18 all unrecorded encumbrances except for any restitutions, assessments
19 or fines which the adult prisoner is sentenced to pay.

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21 3. The lien shall be in a form to be prescribed by the State
22 Department of Corrections and shall contain the name of the prisoner,
23 date of incarceration, rate of maintenance, and amount of accumulated
24 delinquent maintenance at the date of filing the lien, together with
25 notice of the rate of accumulation thereafter. The lien shall be signed
26 by the Commissioner of the Department of Corrections or his duly
27 constituted agent. Nothing herein contained shall preclude the State
28 from recovering for maintenance furnished but not covered by any lien.

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30 4. The lien shall be filed with the clerk of the county or register of
31 deeds and mortgages, as the case may be, and shall immediately attach
32 to and become binding upon all real property in the ownership of the
33 prisoner in the county wherein the lien is filed and shall have the force
34 and effect of a money judgment of the Superior Court.

35 If it is believed that the prisoner is the owner of real property within

1 the State, but the exact location of same is not known, then the liens
2 may be filed with the clerk of the Superior Court and shall become
3 binding upon all real property of the prisoner wherever situate within
4 the State.

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6 5. If it is found that any prisoner is possessed of any goods, rights,
7 credits, chattels, moneys or effects which are held by any person, firm
8 or corporation for the present or subsequent use of the prisoner, then
9 the lien provided for herein, or a notice of the existence thereof, may
10 be forwarded by registered mail to the person, firm, or corporation and
11 shall become binding upon any property rights so held. The person,
12 firm or corporation shall thereafter be precluded from disposing of the
13 property rights until the lien is satisfied or until the holder of the lien
14 consents thereto.

15 Any person, firm or corporation disposing of any such property or
16 moneys after receipt of notice of the lien shall be liable to the State for
17 the value of the property or moneys of which disposition has been
18 made except that, when the corporation upon which service of notice
19 of the lien has been served is a banking institution, the lien shall be
20 effective against the banking institution only in the amount of the
21 accumulated delinquent maintenance stated in the notice.

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23 6. The clerk of the county or register of deeds and mortgages, or
24 clerk of the Superior Court, as the case may be, shall provide suitable
25 books in which he shall enter the liens filed hereunder properly indexed
26 in the name of the prisoner.

27 All liens and other papers incidental thereto required hereunder
28 shall be received and recorded by the clerk of the county, register of
29 deeds and mortgages, or clerk of the Superior Court, as the case may
30 be, without payment of fees.

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32 7. To discharge any lien or liens filed hereunder, the Commissioner
33 of the Department of Corrections or his duly constituted agent shall
34 file with the clerk of the county, register of deeds and mortgages or
35 clerk of the Superior Court, as the case may be, a duly acknowledged
36 certificate setting forth the fact that the State desires to discharge the
37 lien of record.

38 The Commissioner of the Department of Corrections is authorized
39 to compromise for settlement any lien filed under the provisions of this
40 act for the maintenance of any prisoner. A memorandum of the
41 compromise and settlement signed by the commissioner shall be
42 sufficient authorization for a complete discharge of the lien.

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44 8. Any person desiring to secure immediate discharge of any lien
45 may deposit with the court cash in sufficient amount to cover the
46 amount of the lien or post a bond in an amount and with sureties to be

1 approved by said court. Upon proper notice of this fact being given
2 to the Department of Corrections a satisfaction of said lien shall be
3 filed forthwith with the county clerk or register of deeds and
4 mortgages as the case may be.

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6 9. This act shall take effect 30 days following its enactment.
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9 STATEMENT
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11 This bill would make adult inmates in State correctional institutions
12 responsible for their own support and maintenance. The cost of each
13 prisoner would be fixed annually by the Commissioner of Corrections.

14 In order to ensure that the cost of incarceration is collected by the
15 State, the bill authorized the State to place a lien against the property
16 and income of inmates for the total cost of their care and maintenance.
17 The bill sets forth the procedures for the filing of such liens, which
18 would have priority over all unrecorded encumbrances except for any
19 restitutions, assessments or fines which the adult prisoner is sentenced
20 to pay.

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25 Makes prisoners responsible for their own support and maintenance
26 and provides the State with a lien for the cost thereof.