

SENATE, No. 804

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senators BUBBA and O'CONNOR

1 AN ACT to extend emergency powers with regard to prison
2 overcrowding.

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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. The Legislature finds and declares that State prisons and other
8 penal and correctional institutions of the New Jersey Department of
9 Corrections continue to house populations of inmates in excess of their
10 capacities and remain seriously overcrowded. These conditions
11 continue to endanger the safety, welfare, and resources of the State
12 and cannot be handled effectively through regular State and municipal
13 corrections operations. The Legislature therefore declares that the
14 state of emergency in the State prisons and other penal and
15 correctional institutions of the New Jersey Department of Corrections,
16 which was declared pursuant to P.L.1994, c.12, continues. The
17 purpose of this act is to extend the Governor's authority to issue
18 executive orders to alleviate the state of emergency existing in the
19 penal and correctional institutions of the New Jersey Department of
20 Corrections.

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22 2. There is hereby declared a continuing state of emergency in
23 connection with the overcrowding in State prisons and other penal and
24 correctional institutions of the New Jersey Department of Corrections.

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26 3. In order to address the effects of the continuing state of
27 emergency declared herein, the Governor is authorized to issue such
28 executive orders pursuant to this act as the Governor deems necessary
29 and appropriate to respond to the overcrowding problem in the State
30 prisons and other penal and correctional institutions of the New Jersey
31 Department of Corrections to ensure the safety, welfare and resources
32 of the residents of the State for such period or periods designated by
33 the Governor, but not to extend beyond the date the Legislature
34 determines the state of emergency no longer exists.

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36 4. This act shall take effect immediately, and shall remain in effect
37 for a period of time not to exceed two years from the date of

1 enactment, at which time the Legislature may continue the state of
2 emergency for prison crowding by subsequent legislative action.

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STATEMENT

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7 This bill declares a continuing state of emergency in the State
8 prisons and other penal and correctional institutions of the New Jersey
9 Department of Corrections in order to address the overcrowding
10 dilemma. Also, the bill extends the Governor's authority pursuant to
11 P.L.1994, c.12, to issue executive orders to combat the state of
12 emergency existing in the penal and correctional institutions of the
13 New Jersey Department of Corrections.

14 State prisons and other penal and correctional institutions of the
15 New Jersey Department of Corrections continue to house populations
16 of inmates in excess of their capacities and remain seriously
17 overcrowded. These conditions tax available State correctional
18 facilities and endanger the safety, welfare, and resources of the State.
19 Prison overcrowding remains a problem despite best efforts to provide
20 greater inmate housing capacities by expansion and construction of
21 new corrections facilities.

22 This legislation stems from the New Jersey Supreme Court's
23 decision in County of Gloucester v. State, 132 N.J. 141 (1993),
24 wherein the Supreme Court determined that after April 22, 1994, the
25 Governor could no longer issue executive orders pursuant to the
26 Disaster Control Act, P.L.1942, c.251 (C. App. A:9-33 et al.) to
27 address prison overcrowding.

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32 Extends Governor's emergency powers to address prison
33 overcrowding.