

SENATE, No. 2095

STATE OF NEW JERSEY

INTRODUCED MAY 15, 1997

By Senators LaROSSA and INVERSO

1 AN ACT concerning certain private correctional facilities and  
2 supplementing chapter 4 of 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. As used in this act:

8 "Escape" means the willful failure of an inmate to remain within the  
9 extended limits of his confinement, or to return within the time  
10 prescribed to the private correctional facility designated by the  
11 Commissioner of Corrections for that inmate's confinement.

12 "Private correctional facility" means a residential center that is  
13 operated by a private entity and, pursuant to a contract with the  
14 Department of Corrections, provides for the care, custody,  
15 subsistence, treatment, education, training or welfare of inmates  
16 sentenced to the custody of the Commissioner of Corrections. The  
17 entity operating the private correctional facility may be organized or  
18 incorporated as either a for profit or nonprofit entity.

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20 2. Upon discovering that an inmate has escaped from a private  
21 correctional facility, the operator of that facility shall, within one hour  
22 of that discovery, notify:

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

25 b. the chief law enforcement officer, or his designee, of the  
26 municipalities adjacent to the municipality in which the facility is  
27 located; and

28 c. the Commissioner of Corrections, or his designee.

29 Failure to provide such notice within the required time period shall  
30 be deemed a breach of contract and the operator shall be subject to, in  
31 addition to such other penalties as may be available, a fine of not more  
32 than \$10,000 and, at the discretion of the commissioner, termination  
33 of the contract.

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35 3. An inmate who escapes from a private correctional facility shall  
36 be subject to the penalties set forth in N.J.S.2C:29-5 and thereafter  
37 shall not be eligible for confinement in any private correctional facility.

1 4. This act shall take effect immediately.

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STATEMENT

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6 This bill requires operators who have contracted with the  
7 Department of Corrections to provide private residential facilities for  
8 the custody, care or treatment of inmates, to give proper notice  
9 whenever they discover an inmate has escaped.

10 Under the provisions of the bill, the operator of one of these private  
11 correctional facilities is required to notify (1) the chief law  
12 enforcement officer of the municipality wherein the facility is located;  
13 (2) the chief law enforcement officers of the adjacent municipalities;  
14 and (3) the Commissioner of Corrections whenever an escape is  
15 discovered. The bill specifies that this notice must be given within one  
16 hour of the discovery of the escape.

17 Failure to provide this notice is deemed a breach of contract and  
18 can result (1) in a fine of not more than \$10,000 for the operator and  
19 (2) at the discretion of the Commissioner of Corrections, a termination  
20 of the contract.

21 Furthermore, the bill clarifies that an inmate who escapes from a  
22 private correctional facility is subject to the statutory penalties set  
23 forth in N.J.S.2C:29-5. Under that section of law, escapees are guilty  
24 of a crime of the third degree. A crime of the third degree is  
25 punishable by a fine of not more than \$7,500, imprisonment for a term  
26 of between three and five years, or both. If the escapee uses force, the  
27 threat of force or a dangerous weapon in making his escape, the  
28 penalty is upgraded to a crime of the second degree. A crime of the  
29 second degree is punishable by a fine of not more than \$100,000, a  
30 imprisonment for a term of between five and ten years, or both.

31 Finally, the bill directs that any inmate who escapes from a private  
32 correctional facility is thereafter ineligible for future placement in such  
33 a facility.

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38 Requires private correctional facilities to give notice to local police of  
39 escapes; establishes penalties.