

[First Reprint]

**ASSEMBLY, No. 4013**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED MAY 4, 2020

**Sponsored by:**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Co-Sponsored by:**

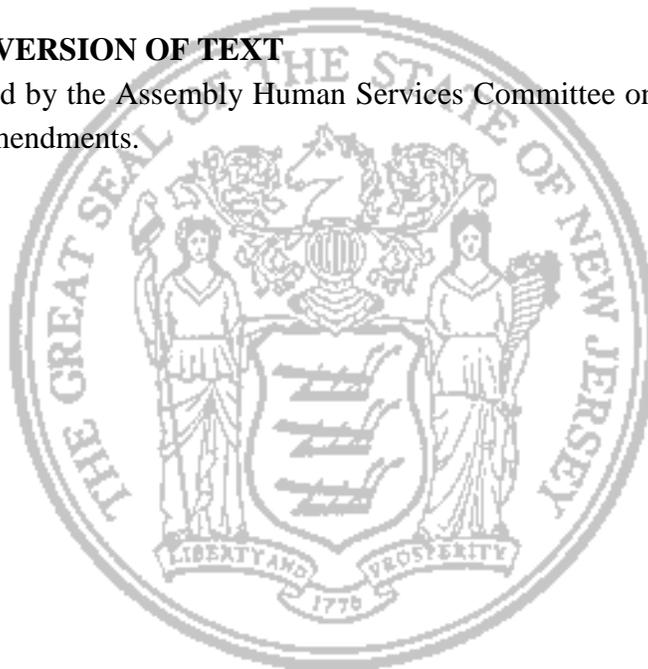
**Assemblyman DePhillips, Assemblyman Rooney, Assemblywoman Stanfield, Assemblymen McGuckin, Catalano and Chiaravalloti**

**SYNOPSIS**

Requires certain group homes to install electronic monitoring devices in common areas, upon request and with uniform resident consent, and to permit consensual use of such devices in private rooms.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Human Services Committee on December 10, 2020, with amendments.



**(Sponsorship Updated As Of: 12/14/2020)**

1 AN ACT concerning the installation and use of electronic  
2 monitoring devices at group homes for individuals with  
3 developmental disabilities, and supplementing Title 30 of the  
4 Revised Statutes.

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

8  
9 1. <sup>1</sup>**[**This act shall be known, and may be cited, as “Billy  
10 Cray’s Law.”**]** The Legislature finds and declares the following:

11 a. Individuals with developmental disabilities are particularly  
12 vulnerable to abuse, neglect, and exploitation by caregivers,  
13 guardians, and other persons.

14 b. Group homes for individuals with developmental disabilities  
15 admirably enable these individuals to live more independently  
16 within a non-institutional setting; however, the lack of institutional  
17 controls and oversight at these homes ultimately makes it harder for  
18 the State, for individual group home operators, and for concerned  
19 family members to promptly identify and respond to wrongdoing  
20 that may be committed by caregivers, guardians, group home  
21 employees, and other persons at the home.

22 c. The safety and quality of life of individuals with  
23 developmental disabilities who receive care from group homes is of  
24 paramount concern, and the use of video monitoring is a reasonable  
25 means by which the State and concerned family members can better  
26 ensure the prevention of, and the institution of a more proactive  
27 response to, the abuse, neglect, and exploitation of group home  
28 residents.

29 d. The rights of individuals with developmental disabilities,  
30 including the right to privacy, should be respected and preserved at  
31 all times, to the greatest extent practicable; however, just as is true  
32 of all citizens, an individual with a developmental disability or the  
33 individual’s authorized representative, as the case may be, may  
34 consent to the waiver or limitation of the individual’s rights,  
35 particularly the individual’s rights to privacy, by knowingly  
36 agreeing to video surveillance, as deemed by the individual or the  
37 authorized representative to be appropriate.

38 e. It is in the public interest for the State to provide for the  
39 enhanced protection of individuals with developmental disabilities  
40 who reside at group homes by enabling group home residents, or  
41 their authorized representatives, to cooperatively and collectively  
42 decide whether to allow for the installation and use of video  
43 monitoring devices in the common areas of the group homes, and to  
44 individually decide whether to allow for the installation and use of

**EXPLANATION** – Matter enclosed in bold-faced brackets **[ thus ]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHU committee amendments adopted December 10, 2020.

1 video monitoring devices in the private residential room of each  
2 such resident, so that the treatment of such residents can be  
3 recorded and instances of abuse, neglect, or exploitation  
4 documented with video evidence.

5 f. The State recognizes that each individual with  
6 developmental disabilities is unique and has differing needs and  
7 preferences, and that, while some group home residents and their  
8 authorized representatives may consent to the use of video  
9 surveillance to better ensure the residents' safety, others may refuse  
10 to consent to such video surveillance.

11 g. Through the enactment of this act, it is the intent of the  
12 Legislature to make video monitoring technology more readily  
13 available in group home settings, while taking great care to strike  
14 the important and delicate balance between protecting the privacy  
15 rights and protecting the overall well-being of group home  
16 residents.

17 h. This act is dedicated to William "Billy" Cray, a 33-year-old  
18 with developmental disabilities who, on a Sunday morning in  
19 January 2017, was inexplicably found dead on the floor of his  
20 bedroom in a West Deptford group home, operated by Devereux  
21 Advanced Behavioral Health New Jersey, where he resided. Billy  
22 Cray, who had suffered from institutional abuse since he was a  
23 child, was the son of Martha Cray, a dedicated and long-time  
24 advocate for persons with developmental disabilities. For many  
25 years, both preceding and following her son's death, Martha Cray  
26 has continued to work tirelessly to advance legislation protecting  
27 the rights and safety of individuals with developmental disabilities,  
28 particularly those residing in group homes. She was particularly  
29 instrumental in facilitating the passage of "Stephen Komninos'  
30 Law," P.L.2017, c.238 (C.30:6D-9.1), which provides for the  
31 heightened scrutiny of group homes by requiring more frequent,  
32 unannounced oversight visits, and which requires group homes to  
33 provide prompt notice of injury to the parent or guardian of an  
34 injured resident.

35 i. Billy Cray's death is yet another reminder of why the State  
36 needs to continue its work both to strengthen oversight of group  
37 homes for individuals with developmental disabilities and to further  
38 facilitate and enhance the ability of group home residents and their  
39 family members or guardians, as the case may be, to take  
40 affirmative steps to protect the rights and safety of residents and  
41 promptly and appropriately respond to resident injuries and other  
42 concerning incidents occurring in the group homes. By enabling  
43 group home residents with developmental disabilities and their  
44 authorized representatives to use video-based electronic monitoring  
45 to protect against, provide documentary evidence of, and ensure a  
46 prompt and adequate response to, any abuse, neglect, and  
47 exploitation occurring in the group home, the Legislature can

1 further preserve the rights and safety of group home residents and  
2 facilitate the proactive prevention of deaths like Billy Cray's.<sup>1</sup>

3

4 2. As used in this act:

5 “Authorized representative” means a group home resident’s  
6 court-appointed guardian of the person or, if there is no guardian of  
7 the person, the person who holds a valid power of attorney or is  
8 otherwise legally authorized to act as the representative of the group  
9 home resident for the purposes of making decisions related to the  
10 resident’s care and living arrangements. “Authorized  
11 representative” does not include a caregiver or any other person  
12 who is employed or contracted, on a paid or unpaid basis, by the  
13 group home licensee.

14 “Common areas” means the living areas, dining areas, entrances,  
15 outdoor areas, stairwells, and any other areas within a group home,  
16 except bathrooms, which are commonly and communally accessible  
17 to all residents, and are not dedicated for private use by a particular  
18 resident.

19 “Division” means the Division of Developmental Disabilities in  
20 the Department of Human Services.

21 “Electronic monitoring device” means a camera or other  
22 electronic device that uses video, but not audio, recording  
23 capabilities to monitor the activities taking place in the area where  
24 the device is installed.

25 “Group home” means a living arrangement that is licensed by the  
26 division, and is operated in a residence or residences leased or  
27 owned by a licensee; which living arrangement either provides the  
28 opportunity for multiple adults with developmental disabilities to  
29 live together in a home, sharing in chores and the overall  
30 management of the residence, or provides the opportunity for a  
31 single adult with developmental disabilities and extreme behavioral  
32 difficulties to live more independently while receiving full-time  
33 care, and in which on-site staff provides supervision, training, or  
34 assistance, in a variety of forms and intensity, as required to assist  
35 the individual or individuals as they move toward independence.  
36 “Group home” does not include a living arrangement that is  
37 dedicated for use by children with developmental disabilities.

38 “Licensee” means an individual, partnership, or corporation that  
39 is licensed by the division, and is responsible for providing services  
40 associated with the operation of a group home.

41 “Private room” means the private bedroom of a group home  
42 resident.

43 “Private single occupancy room” means a private room that is  
44 occupied by only a single group home resident.

45 “Private double occupancy room” means a private room that is  
46 occupied by two or more group home residents.

1       3. a. A group home that does not have electronic monitoring  
2 devices already installed in the group home's common areas shall  
3 be required to install electronic monitoring devices in those  
4 common areas, upon the collective request of the residents and the  
5 residents' authorized representatives, if all of the residents of the  
6 group home and their authorized representatives agree to have such  
7 electronic monitoring devices installed and expressly consent to the  
8 installation and use of such devices. A licensee shall not require  
9 current residents to consent to the installation and use of electronic  
10 monitoring devices in the common areas as a condition of their  
11 continued residency in the group home. Each licensee operating a  
12 group home that does not have electronic monitoring devices  
13 already installed in the common areas shall:

14       (1) within six months after the group home adopts an internal  
15 electronic monitoring policy pursuant to section 5 of this act, take  
16 affirmative action to determine whether the residents of the group  
17 home and their authorized representatives want and consent to have  
18 electronic monitoring devices installed and used in the group  
19 home's common areas pursuant to this section; and

20       (2) annually provide written notice to all residents and their  
21 authorized representatives informing them of their right to request  
22 the installation and use of electronic monitoring devices in the  
23 group home's common areas, as provided by this section.

24       b. A group home that installs and uses electronic monitoring  
25 devices in its common areas pursuant to the agreement, request, and  
26 consent of the residents, as provided by this section, shall:

27       (1) require each person employed by the group home to provide  
28 express written consent to the use of the electronic monitoring  
29 devices in the group home's common areas, as a condition of the  
30 person's employment;

31       (2) ensure that a prominent written notice is posted at the  
32 entrance and exit doors to the home informing visitors that they will  
33 be subject to electronic video monitoring while present in the home;  
34 and

35       (3) ensure that, in the future, the group home only allows  
36 residence by those individuals who consent to the ongoing use of  
37 electronic monitoring devices in the group home's common areas.

38       c. An individual's refusal to agree and consent to the use of  
39 electronic monitoring devices in a group home's common areas  
40 shall not be used as a basis to prevent the timely placement of the  
41 individual in appropriate housing without surveillance.

42       d. <sup>1</sup>(1)<sup>1</sup> Any electronic monitoring devices installed pursuant  
43 to this section shall be unobstructed and recording at all times, and  
44 any recordings produced by the devices shall be retained by the  
45 program for a period of <sup>1</sup>[45] <sup>1</sup>90<sup>1</sup> days. Each licensee shall inspect  
46 the devices, and shall document the results of each inspection, on a  
47 weekly basis.

1 <sup>1</sup>(2) A resident or the resident's authorized representative shall  
2 be authorized, upon request submitted to the licensee, to access and  
3 review any footage that is recorded by an electronic monitoring  
4 device in the common areas of the group home.<sup>1</sup>

5 e. The Department of Human Services shall annually conduct  
6 an on-site device inspection at each group home, in order to ensure  
7 that any electronic monitoring devices installed in the common  
8 areas are functioning properly, as required by subsection d. of this  
9 section. The department may elect to conduct the on-site device  
10 inspection required by this subsection as part of the broader  
11 inspection of each group home that it is required to perform under  
12 section 8 of P.L.2017, c.328 (C.30:11B-4.3).

13 f. Nothing in this section shall be deemed to prohibit a group  
14 home licensee from installing and utilizing electronic monitoring  
15 devices in the group home's common areas, pursuant to the group  
16 home's internal policies, in cases where the group home's residents  
17 have not submitted a collective request for such monitoring.

18  
19 4. a. A group home for individuals with developmental  
20 disabilities shall permit electronic monitoring devices to be  
21 installed and used in a resident's private room, as provided by this  
22 section, for the purposes of monitoring the resident's in-room care,  
23 treatment, and living conditions. Each licensee shall:

24 (1) within six months after the effective date of this act, and  
25 annually thereafter, provide written notice to all residents, and to  
26 their authorized representatives, informing them of their right to  
27 install and use electronic monitoring devices in the residents'  
28 private rooms, as provided by this section, and articulating the  
29 notice requirements that are to be satisfied, pursuant to subsection  
30 b. of this section, before an electronic monitoring device may be  
31 installed and used in a private single occupancy room, and the  
32 consent requirements that are to be satisfied, pursuant to subsection  
33 c. of this section, before an electronic monitoring device may be  
34 installed and used in a private double occupancy room;

35 (2) ensure that reasonable accommodations are made, as  
36 necessary, to enable the authorized use of electronic monitoring  
37 devices in private rooms, as provided by this section; and

38 (3) <sup>1</sup>whenever a resident or the resident's authorized  
39 representative seeks to install an electronic monitoring device in the  
40 resident's private room,<sup>1</sup> provide <sup>1</sup>["written notice to"]<sup>1</sup> the  
41 <sup>1</sup>["relevant"]<sup>1</sup> resident<sup>1</sup>[","]<sup>1</sup> or the resident's authorized  
42 representative, <sup>1</sup>as appropriate, with written notice<sup>1</sup> of any  
43 applicable installation or building construction requirements or  
44 restrictions with which the resident must comply when installing  
45 and using an electronic monitoring device in the private room.  
46 Such notice shall be provided within 10 days after the licensee  
47 receives notice of the resident's intent to install electronic  
48 monitoring devices in a single occupancy room under subsection b.

1 of this section or within 10 days after the licensee receives a  
2 resident's request for electronic monitoring of a double occupancy  
3 room under subsection c. of this section.

4 b. (1) The installation and use of electronic monitoring devices  
5 in a private single occupancy room: (a) shall be noncompulsory;  
6 and (b) may be done by the resident or the resident's authorized  
7 representative, at any time, following the resident's provision of  
8 notice to the licensee pursuant to paragraph (2) of this subsection.

9 (2) Any person who wishes to install and utilize electronic  
10 monitoring devices in a resident's private single occupancy room  
11 shall provide the licensee with a written notice of intent at least 15  
12 days prior to installation of the devices, and shall comply with any  
13 installation or building construction constraints that are identified  
14 by the licensee in the notice that is provided to the resident pursuant  
15 to paragraph (3) of subsection a. of this section.

16 (3) Any resident who provides a notice of intent to install  
17 electronic monitoring devices in a private single occupancy room,  
18 or who so installs such devices, shall be deemed to have implicitly  
19 consented to electronic monitoring in the private room.

20 c. (1) The installation and use of electronic monitoring devices  
21 in a private double occupancy room shall: (a) be noncompulsory;  
22 (b) be conditioned upon the licensee's receipt of written consent to  
23 such monitoring from all roommates of the resident who is  
24 requesting the monitoring, or from the roommates' authorized  
25 representative, as appropriate; and (c) to the extent practicable,  
26 protect the privacy rights of all roommates of the resident who is  
27 requesting the monitoring.

28 (2) The roommate of a resident who requests electronic  
29 monitoring of a double occupancy room, or the roommate's  
30 authorized representative, may place conditions on his or her  
31 consent to the use of electronic monitoring devices within the  
32 private double occupancy room, including conditions that require  
33 the electronic monitoring devices to be pointed away from the  
34 consenting roommate at all times during operation, or at certain  
35 specified times. The roommate's consent to electronic monitoring,  
36 and any conditions on a roommate's consent that are established  
37 pursuant to this paragraph, shall be memorialized in an electronic  
38 monitoring agreement that is executed between the consenting  
39 roommate and the resident who requested the monitoring, or  
40 between their authorized representatives, as appropriate. The  
41 licensee, either through its own activities, or through the activities  
42 of a third party, shall ensure that the conditions established in the  
43 agreement are followed.

44 (3) Each resident, or the authorized representative thereof, who  
45 wishes to install and use an electronic monitoring device in a  
46 double occupancy private room, shall file with the licensee: (a) a  
47 signed form, developed by the division, formally requesting and  
48 giving the resident's express consent for the installation and use of

1 one or more electronic monitoring devices in the double occupancy  
2 room; and (b) a copy of the electronic monitoring agreement that  
3 has been executed between the resident and the resident's roommate  
4 pursuant to paragraph (2) of this subsection, or, if the roommate or  
5 the roommate's authorized representative has refused to consent to  
6 electronic monitoring of the private room, a copy of the consent  
7 declination form that has been signed by the roommate or the  
8 roommate's authorized representative.

9 (4) The installation and use of electronic monitoring devices in a  
10 private double occupancy room shall be done in compliance with  
11 any installation or building construction constraints that are  
12 identified by the licensee in the notice that is provided to the  
13 resident pursuant to paragraph (3) of subsection a. of this section.

14 d. If a resident's roommate or the roommate's authorized  
15 representative, as appropriate, refuses to consent to the installation  
16 and use of an electronic monitoring device in a private double  
17 occupancy room, or if the licensee is unable to ensure compliance  
18 with the conditions on such installation and use that are imposed by  
19 a consenting roommate or the roommate's authorized representative  
20 in the agreement executed pursuant to paragraph (2) of subsection c.  
21 of this section, the licensee shall, within a reasonable period of  
22 time, and to the extent practicable, transfer the resident requesting  
23 the installation of the device to a different private room, in order to  
24 accommodate the resident's request for private monitoring. If a  
25 request for private monitoring cannot be accommodated, the  
26 resident or the resident's authorized representative may notify the  
27 division, in which case, the division shall make every reasonable  
28 attempt to timely transfer the resident to a group home that can  
29 accommodate the request.

30 e. A licensee shall not refuse to admit an individual to a group  
31 home, and shall not transfer or remove an individual from a group  
32 home, except as otherwise provided by subsection d. of this section,  
33 on the basis that the individual, or the individual's authorized  
34 representative, has requested electronic monitoring of the  
35 individual's private room, as authorized by this section.

36 f. A licensee shall ensure that a prominent written notice is  
37 posted on the entry door to any private room wherein electronic  
38 monitoring devices are installed and used pursuant to this section.  
39 The notice shall indicate that an electronic monitoring device has  
40 been installed in the room, and that visitors will be subject to  
41 electronic video monitoring while present therein.

42 g. All of the costs associated with installation and maintenance  
43 of an electronic monitoring device in the private room of a resident  
44 shall be paid by the resident who requested the monitoring, or by  
45 the authorized representative thereof.

46 <sup>1</sup>h. (1) Any recordings produced by an electronic monitoring  
47 device that has been installed in a private room, pursuant to this  
48 section, shall remain the property, and shall be retained in the

1 possession, of the resident or the authorized representative who  
2 installed the electronic monitoring device in the private room.

3 (2) A licensee shall not be authorized to require a resident or the  
4 resident's authorized representative, as a condition of installing or  
5 using an electronic monitoring device in the resident's private  
6 room, to turn over to the licensee, or to otherwise allow the licensee  
7 to access or review, any recordings that are produced by the  
8 electronic monitoring device in the private room.

9 (3) Whenever an electronic monitoring device is proposed to be  
10 installed in a private double occupancy room, pursuant to this  
11 section, the consenting roommate or authorized representative  
12 thereof, as the case may be, may elect to provide that, as a condition  
13 of the installation and ongoing use of the device in the room, the  
14 roommate and the roommate's authorized representative shall have  
15 the right and ability to access and review any recordings that are  
16 produced by the device, upon request submitted to the resident or  
17 authorized representative who owns the device. This condition on  
18 the installation and use of an electronic monitoring device in a  
19 private double occupancy room, if elected by a consenting  
20 roommate or the roommate's authorized representative, shall be  
21 memorialized in the electronic monitoring agreement that is  
22 executed pursuant to paragraph (2) of subsection c. of this section.  
23 Any such electronic monitoring agreement shall also describe the  
24 procedures or protocols that are to be used by the owner of the  
25 device to ensure that the consenting roommate or the authorized  
26 representative thereof, as the case may be, is provided with timely  
27 access to all relevant footage recorded by the device, upon  
28 submission of a request therefor.<sup>1</sup>

29  
30 5. a. (1) Within 90 days after the effective date of this act, the  
31 division, in consultation with the Ombudsman for Individuals with  
32 Intellectual or Developmental Disabilities and Their Families, the  
33 New Jersey Council on Developmental Disabilities, and the group  
34 home provider community, shall establish and publish guidelines  
35 for the development of internal policies pursuant to this section.

36 (2) Within 180 days after the publication of guidelines pursuant  
37 to paragraph (1) of this subsection, each licensee shall develop and  
38 submit to the division a written internal policy specifying the  
39 procedures and protocols that are to be used by facility staff when  
40 installing and utilizing electronic monitoring devices as provided by  
41 this act.

42 b. An internal electronic monitoring policy established  
43 pursuant to this section shall:

44 (1) describe the procedures and protocols that are to be used:  
45 (a) when obtaining consent from residents and facility staff for the  
46 use of electronic monitoring devices in a group home's common  
47 areas, as provided by section 3 of this act; and (b) when obtaining  
48 consent from residents and roommates for the use of electronic

1 monitoring devices in private double occupancy rooms, as provided  
2 by subsection c. of section 4 of this act;

3 (2) describe the procedures and protocols that are to be used in  
4 the review of footage recorded by electronic monitoring devices in  
5 the group home's common areas. The procedures and protocols  
6 adopted pursuant to this paragraph shall, at a minimum, reflect the  
7 requirements of subsection c. of this section; and

8 (3) identify the persons who will have access to footage  
9 recorded by electronic monitoring devices installed in the group  
10 home's common areas and private rooms, and the circumstances  
11 under which recorded footage will be subject to review by such  
12 persons.

13 c. Whenever a licensee receives notice about a complaint,  
14 allegation, or reported incident of abuse, neglect, or exploitation  
15 occurring within the group home, the licensee shall forward to the  
16 division, for appropriate review, any and all potentially relevant  
17 footage recorded by electronic monitoring devices in the group  
18 home's common areas.

19

20 6. a. The division shall:

21 (1) develop, and provide to each licensee, consent forms that are  
22 to be filled out and signed by individuals who consent to, or  
23 request, electronic monitoring under section 3 or subsection c. of  
24 section 4 of this act, and consent declination forms that are to be  
25 filled out and signed by individuals who refuse to consent to such  
26 electronic monitoring; and

27 (2) develop, and post on its Internet website, standardized notice  
28 of intent forms that a group home resident and the resident's  
29 authorized representative may elect to use when providing a  
30 licensee with a notice of intent to engage in electronic monitoring  
31 of a private single occupancy room, as required by subsection b. of  
32 section 4 of this act.

33 b. Consent forms and consent declination forms filed under  
34 section 3 or subsection c. of section 4 of this act, and notices of  
35 intent filed under subsection b. of section 4 of this act, shall be  
36 retained by the licensee for a period of time to be determined by the  
37 division.

38 c. When seeking to obtain consent from residents for electronic  
39 monitoring, as required by this act, a licensee shall comply with  
40 best practices that apply to professional interactions or  
41 communications being undertaken with persons with developmental  
42 disabilities, and particularly, with those persons who have difficulty  
43 with communication or understanding.

44 d. The division may establish additional consent or consent  
45 declination requirements, for the purposes of this act, as deemed by  
46 the division to be necessary.

1       7. Notwithstanding the provisions of this act to the contrary, if,  
2 as of the effective date of this act, a licensee has already installed  
3 and is utilizing electronic monitoring devices in a group home's  
4 common areas or private rooms, the licensee may continue to utilize  
5 the devices so installed, in accordance with the licensee's written  
6 internal policies; shall not be required to remove the devices from  
7 service; and shall not be required to comply with the provisions of  
8 this act in order to continue utilizing the previously-installed  
9 devices. However, to the extent that a group home's common areas  
10 or private rooms do not contain electronic monitoring devices on  
11 the effective date of this act, the licensee shall comply with the  
12 provisions of section 3 and 4 of this act, as applicable, when  
13 installing and utilizing new electronic monitoring devices in such  
14 unmonitored areas.

15

16       8. a. Any licensee that fails to comply with the provisions of  
17 this act shall be subject to a penalty of \$5,000 for the first offense,  
18 and a penalty of \$10,000 for the second or subsequent offense, to be  
19 collected with costs in a summary proceeding, pursuant to the  
20 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
21 et seq.), as well as an appropriate administrative penalty, the  
22 amount of which shall be determined by the division.

23       b. A group home licensee shall not be subject to penalties  
24 under this section, or to any other disciplinary action, for failing to  
25 comply with the requirements of section 3 or 4 of this act, as  
26 applicable, if the group home licensee establishes, through  
27 documentation or otherwise, that electronic monitoring devices  
28 were installed and being utilized in the group home's common areas  
29 or private rooms, or both, as of the effective date of this act, as  
30 provided by section 7 of this act, and that the group home is,  
31 therefore, exempt from compliance with the requirements of section  
32 3 or section 4 of this act, as appropriate.

33

34       9. a. Within five years after the effective date of this act, the  
35 division shall prepare and submit to the Governor, and, pursuant to  
36 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, a  
37 written report that:

38       (1) identifies best practices for the installation and use of  
39 electronic monitoring devices under this act;

40       (2) identifies best practices and provides recommendations  
41 regarding the obtaining of informed consent for electronic  
42 monitoring, as provided by this act; and

43       (3) provides recommendations for the implementation of new  
44 legislation, policies, protocols, and procedures related to the use of  
45 electronic monitoring devices in group homes.

46       b. The Commissioner of Human Services, in consultation with  
47 the assistant commissioner of the division, shall<sup>1</sup>;

1 (1)<sup>1</sup> annually prepare and submit to the Governor, and, pursuant  
2 to section 2 of P.L.1991, c.164 (C.52:14-19.1 et seq.), to the  
3 Legislature, a written report describing how this act has been  
4 implemented in the State. Each annual report shall include, at a  
5 minimum:

6 <sup>1</sup>[(1)] (a)<sup>1</sup> a list of group homes that are currently using  
7 electronic monitoring devices in the common areas;

8 <sup>1</sup>[(2)] (b)<sup>1</sup> a list of group homes that have not installed  
9 electronic monitoring devices in the common areas;

10 <sup>1</sup>[(3)] (c)<sup>1</sup> to the extent known, a list of group homes that have  
11 failed to install and use electronic monitoring devices in the  
12 common areas upon the request of the residents, as provided by  
13 section 3 of this act, despite the licensee's receipt of uniform  
14 resident consent authorizing such monitoring, and an indication of  
15 the penalties that were imposed under section 8 of this act in  
16 response to such failures;

17 <sup>1</sup>[(4)] (d)<sup>1</sup> a list of group homes that are exempt from  
18 compliance with the provisions of section 3 or 4 of this act, as  
19 provided by section 7 of this act;

20 <sup>1</sup>[(5)] (e) a list of group homes that have authorized the use of  
21 electronic monitoring devices in the private rooms of one or more  
22 residents, and<sup>1</sup> an indication of the number and percentage of  
23 private single occupancy rooms <sup>1</sup>and private double occupancy  
24 rooms in each such facility<sup>1</sup> where electronic monitoring devices  
25 are installed and <sup>1</sup>being<sup>1</sup> used, as provided by <sup>1</sup>[(subsection)]  
26 subsections<sup>1</sup> b. <sup>1</sup>and c.<sup>1</sup> of section 4 of this act<sup>1</sup>[(, and the number  
27 and percentage of private double occupancy rooms where electronic  
28 monitoring devices are installed and used, as provided by  
29 subsection c. of section 4 of this act)]<sup>1</sup>; and

30 <sup>1</sup>[(6)] (f)<sup>1</sup> recommendations for legislative, executive, or other  
31 action that can be taken to improve compliance with the act's  
32 provisions, or to otherwise expand the consensual use of electronic  
33 monitoring devices in group homes<sup>1</sup>; and

34 (2) post, at a publicly accessible location on the Department of  
35 Human Services' Internet website, the various lists of group homes  
36 produced under paragraph (1) of this subsection, and annually  
37 update the website to ensure that each list contains the most current  
38 data reported pursuant to this subsection. Each list posted online  
39 shall be searchable by location and by name of group home<sup>1</sup>.

40 c. The Ombudsman for Individuals with Intellectual or  
41 Developmental Disabilities and Their Families shall include, in  
42 each of the ombudsman's annual reports prepared pursuant to  
43 section 3 of P.L.2017, c.269 (C.30:1AA-9.3), a section evaluating  
44 the implementation of this act and providing recommendations for  
45 improvement.

1       10. The Commissioner of Human Services, in consultation with  
2 the assistant commissioner of the division, shall adopt rules and  
3 regulations, pursuant to the “Administrative Procedure Act,”  
4 P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to  
5 effectuate the provisions of this act.

6

7       11. This act shall take effect on the first day of the third month  
8 next following the date of enactment.