

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4681

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 18, 2021

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 4681.

As amended and reported by the committee, Assembly Bill No. 4681 expands eligibility for certain inmates to participate in a residential community release program (RCRP) and modifies Department of Corrections (DOC) reporting requirements concerning the capacity of these programs. The bill also prohibits the return of an inmate from a RCRP to a correctional facility or other punitive measures solely due to a medical condition or illness.

In addition to other eligibility requirements established under current law, an inmate is eligible for participation in a RCRP if the inmate is in the custody of the Department of Corrections, is scheduled to be released from custody in less than one year and the commissioner or a designee determines that the inmate's participation in a RCRP is appropriate, or the inmate is scheduled to be released in greater than 12 months but less than 24 months and the commissioner or a designee determines that the inmate's participation in a substance use disorder treatment program is appropriate.

Under the amended bill, an inmate who is otherwise eligible under current law is eligible to participate in a RCRP if the inmate is scheduled to be released in less than 30 months, and the Commissioner of Corrections or a designee determines that the inmate's participation in a RCRP is appropriate; or the inmate is scheduled to be released in greater than 12 months but less than 30 months and the commissioner or a designee determines that the inmate's participation in a substance use disorder treatment program is appropriate.

Under current law, the commissioner is required to certify on a monthly basis to the Director of the Division of Budget and Accounting that all available RCRP beds in the State are filled to contract capacity with eligible State inmates who are within 18 to 24 months of release. The provisions of the amended bill require the commissioner also to provide this monthly certification to the Legislature, and require the certification for eligible inmates who are within 30 to 36 months of release.

The provisions of the amended bill also require the commissioner to prioritize the eligibility of inmates for placement in a RCRP prior to

release from a State correctional facility. In prioritizing an inmate's eligibility for placement, the commissioner is required to evaluate whether an inmate is eligible to receive compliance credits or public health emergency credits that may accelerate the inmate's release from a State correctional facility. The commissioner also is required to make every effort to fill RCRP vacancies as they become available and maximize the provision of services to help inmates with the transition and reentry into the community.

Under the amended bill, an inmate, other than an inmate convicted of certain sexual offenses or arson or a related offense, who is otherwise eligible for RCRP placement is not to be deemed ineligible for participation in a RCRP solely based on the inmate's custody status. In addition, the amended bill provides that the administrator of a RCRP may refuse the placement of any inmate who demonstrates an undue risk to public safety.

Finally, under the amended bill, an inmate incarcerated in a RCRP is not to be returned to a correctional facility solely due to a medical condition or illness, including the need for medical treatment or pregnancy.

In addition, the amended bill provides that an inmate incarcerated in a RCRP is not to be subject to a restriction of privileges or any other type of punitive measure solely due to a medical condition or illness, including the need for medical treatment or pregnancy.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- 1) provide that an inmate incarcerated in a RCRP is not to be returned to a correctional facility solely due to a medical condition or illness, including the need for medical treatment or pregnancy; and
- 2) provide that an inmate incarcerated in a RCRP is not to be subject to a restriction of privileges or any other type of punitive measure solely due to a medical condition or illness, including the need for medical treatment or pregnancy.