

SENATE, No. 2933

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

Senator Diegnan

SYNOPSIS

Expands eligibility for certain inmates to participate in residential community release programs; modifies DOC reporting requirements concerning capacity of these programs.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/21/2020)

1 AN ACT concerning residential community release programs and
2 amending and supplementing P.L.2009, c.330.

3

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

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7 1. (New section) In addition to the eligibility requirements
8 established under current law, an inmate in the custody of the
9 Department of Corrections is eligible for participation in a
10 residential community release program if the inmate is otherwise
11 eligible and is scheduled to be released from the custody of the
12 Commissioner of Corrections:

13 a. in less than 30 months, and the commissioner or a designee
14 determines that the inmate's participation in a residential
15 community release program is appropriate; or

16 b. in greater than 12 months but less than 30 months and the
17 commissioner or a designee determines that the inmate's
18 participation in a substance use disorder treatment program is
19 appropriate.

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21 2. Section 9 of P.L.2009, c.330 (C.30:4-91.19) is amended to
22 read as follows:

23 9. The Commissioner of Corrections shall certify on a monthly
24 basis to the Legislature and to the Director of the Division of
25 Budget and Accounting that all available Residential Community
26 Release Program beds in the State of New Jersey are filled to
27 contract capacity with eligible State inmates who are within **[18]**
28 **30** to **[24]** **36** months of release, pursuant to the eligibility
29 requirements for community release programs provided under **[the**
30 **administrative code]** current law, prior to the incarceration of any
31 inmate in any county penal facility.

32 (P.L.2009, c.330, s.9)

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34 3. (New section) a. The Commissioner of Corrections shall
35 prioritize the eligibility of inmates for placement in a residential
36 community release program prior to release from a State
37 correctional facility. In prioritizing an inmate's eligibility for
38 placement, the commissioner shall evaluate whether an inmate is
39 eligible to receive credits awarded pursuant to R.S.30:4-92; section 3
40 of P.L.2009, c.330 (C.30:4-92a); R.S.30:4-140; or public health
41 emergency credits that may accelerate the inmate's release from a
42 State correctional facility.

43 b. The commissioner shall make every effort to fill residential
44 community release program vacancies as they become available and
45 shall maximize the provision of services provided by these

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.

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1 programs to assist inmates with the transition and reentry into the
2 community.

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4 4. Section 1 of P.L.1999, c.243 (30:4-91.9) is amended to read
5 as follows:

6 1. As used in this act:

7 "Eligible inmate" means an inmate who (1) was not convicted of
8 a sexual offense as defined in this section or an arson offense, (2)
9 does not demonstrate an undue risk to public safety and (3) has less
10 than one year remaining to be served before the inmate's parole
11 eligibility date, provided, however, that an eligible inmate may
12 include an inmate who is otherwise eligible but who has more than
13 one year but less than **【18】** 30 months remaining to be served
14 before the inmate's parole eligibility date and is determined by the
15 Commissioner of Corrections or a designee to be appropriate to be
16 authorized for confinement in a private facility; and further
17 provided, however, that an eligible inmate may include an inmate
18 who is otherwise eligible but who has more than one year but less
19 than **【two years】** 36 months remaining to be served before the
20 inmate's parole eligibility date and is determined by the
21 Commissioner of Corrections or a designee to be appropriate to be
22 authorized for confinement in a private facility for participation in a
23 substance abuse treatment program.

24 "Private facility" means a residential center, operated by a
25 private nonprofit entity, contracted by the Department of
26 Corrections to provide for the care, custody, subsistence, treatment,
27 education, training or welfare of inmates sentenced to the custody
28 of the Commissioner of Corrections.

29 "Sexual offense" means a violation of 2C:14-2, 2C:14-3 or
30 2C:24-4, or of any other substantially equivalent provision
31 contained in Title 2A of the New Jersey Statutes now repealed,
32 conspiracy to commit any of these offenses or an attempt to commit
33 any of these offenses.

34 (cf: P.L.1999, c.243, s.1)

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36 5. (New section) Notwithstanding the provisions of any law,
37 rule, or regulation to the contrary, an inmate in a State correctional
38 facility, other than an inmate convicted of a sexual offense as
39 defined in section 1 of P.L.1999, c.243 (30:4-91.9) or arson or a
40 related offense as defined in N.J.S.2C:17-1, shall not be deemed
41 ineligible to participate in a residential community program solely
42 based on the inmate's custody status.

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44 6. (New Section) The administrator of a residential community
45 release program may refuse to place in the program any inmate who
46 demonstrates an undue risk to public safety.

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48 7. This act shall take effect immediately.

STATEMENT

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This bill expands eligibility for certain inmates to participate in a residential community release program (RCRP) and modifies DOC reporting requirements concerning capacity of these programs.

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 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 or a designee determines that the inmate's participation in a residential community program 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 of Corrections 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 30 to 36 months of release. The provisions of the bill require the commissioner also to provide this monthly certification to the Legislature, and require the certification for eligible inmates who are within 18 to 30 months of release.

The provisions of the bill also require the Commissioner of Corrections 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 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.

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1 Finally, the bill provides that the administrator of a RCRP may
2 refuse the placement of any inmate who demonstrates an undue risk
3 to public safety.