

[First Reprint]

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

Concerns residential community release programs.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on June 21, 2021, with amendments.



(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:*

6
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.

20

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 (cf: P.L.2009, c.330, s.9)

33

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

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted June 21, 2021.

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

3

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)

35

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.

43

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.

- 1 ¹7. (New section) a. An inmate incarcerated in a residential
2 community release program shall not be returned to a correctional
3 facility solely due to a medical condition or illness, including the need
4 for medical treatment or pregnancy.
- 5 b. An inmate incarcerated in a residential community release
6 program shall not be subject to a restriction of privileges or any other
7 type of punitive measure solely due to a medical condition or illness,
8 including the need for medical treatment or pregnancy.¹
- 9
- 10 ¹[7.] 8.¹ This act shall take effect immediately.