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STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

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District 33 (Hudson)

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Co-Sponsored by:

Assemblywoman Chaparro and Assemblyman Johnson

SYNOPSIS

Concerns residential community release programs.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on May 18, 2021, with amendments.

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

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

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

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

b. 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.

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

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

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

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

b. The commissioner shall make every effort to fill residential community release program vacancies as they become available and shall maximize the provision of services provided by these programs to assist inmates with the transition and reentry into the community.

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

1. As used in this act:

"Eligible inmate" means an inmate who (1) was not convicted of a sexual offense as defined in this section or an arson offense, (2) does not demonstrate an undue risk to public safety and (3) has less than one year remaining to be served before the inmate's parole eligibility date, provided, however, that an eligible inmate may include an inmate who is otherwise eligible but who has more than one year but less than **[18] 30** months remaining to be served before the inmate's parole eligibility date and is determined by the Commissioner of Corrections or a designee to be appropriate to be authorized for

confinement in a private facility; and further provided, however, that an eligible inmate may include an inmate who is otherwise eligible but who has more than one year but less than [two years] 36 months remaining to be served before the inmate's parole eligibility date and is determined by the Commissioner of Corrections or a designee to be appropriate to be authorized for confinement in a private facility for participation in a substance abuse treatment program.

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

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

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

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

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

7. ¹(New section) a. An inmate incarcerated in a residential community release program shall not be returned to a correctional facility solely due to a medical condition or illness, including the need for medical treatment or pregnancy.

b. An inmate incarcerated in a residential community release program shall not 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.¹

¹[7.] 8.¹ This act shall take effect immediately.