

This is an explanation of the proposed Bills. The Bill numbers were not available at this time.

STATEMENT

This bill establishes the “Women and Families Strengthening Act.” The purpose of the act is to enhance the chances of successful reentry into society of formerly incarcerated persons.

First, the bill ends the prohibition in State law against certain formerly incarcerated persons receiving Work First New Jersey and food stamp benefits. By doing so, the State will assist needy individuals who have paid their debt to society and are struggling to re-enter the social and economic mainstream and become productive citizens. The bill would also reverse current policy under section 5 of P.L.1997, c.14 (C.44:10-48), that excludes persons convicted of certain drug offenses from receiving cash assistance benefits that are provided under the Work First New Jersey program, which is the TANF program in this State.

Under the bill, the State would be required to contract with the lowest bidder for telephone service for inmates in State correctional facilities. A bidder would not be authorized to impose a surcharge on inmate telephone calls. The bill would prohibit a State department from accepting or receiving revenue in excess of its actual operating cost for establishing and administering inmate telephone services. The Department of Corrections would be required to make available a prepaid or collect call system, or a combination of the two, for telephone services. The provider of the inmate telephone service, as an additional means of payment, must permit the recipient of inmate collect calls to establish an account with that provider in order to deposit funds for advance payment of those collect calls.

Currently, a private vendor provides telephone services to inmates in this State’s correctional facilities under the terms of a five-year contract with the State. Under that contract, the State

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collects a 40 percent commission, as well as a \$1.75 surcharge, on each inmate call. This revenue is deposited into the State Treasury's General Fund. According to the Campaign to Promote Equitable Telephone Charges, New Jersey has the third highest collect call telephone rates for inmates out of 47 states analyzed. Studies show that inmates who maintain contact with their families and communities while incarcerated are less likely to reoffend, but inflated telephone rates such as those in this State discourage frequent communication. Furthermore, surcharges on these telephone calls amount to an unfair tax on the family members of inmates who often must choose between talking to their loved ones in prison and meeting basic needs, such as food, rent, and heat.

This bill also would allow a defendant's family to provide statements that would be made part of the presentence reports. Currently, the presentence report includes an analysis of the circumstances surrounding the commission of the offense; the defendant's history of delinquency or criminality, family situation and financial resources; whether the defendant owes any amount for a fine, assessment, or restitution; the defendant's employment history and personal habits; the disposition of any charge made against any codefendant; the defendant's history of civil commitment; and any other matters that the probation officer deems relevant or the court directs to be included. The report also includes a medical history and a complete psychological evaluation of the defendant in any case in which the defendant is being sentenced for a first or second degree crime involving violence. The presentence report also includes an impact statement by the victim or his relative. This bill would expand the requirements of a presentence report to include a statement from the defendant's family, if a family member so chooses.

Further, the bill establishes the Commission to Examine Strategies for Strengthening the Familial Bond Between Children and Incarcerated Parents. This commission is to consist of 21 members as follows: two members of the Senate who are of

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different political parties; two members of the General Assembly who are of different political parties; the Commissioners of Corrections, Education, Community Affairs and Human Services; the Chairman of the State Parole Board; the Executive Director of the Juvenile Justice Commission; nine public members appointed by the Governor, including representatives of the Association for Children of New Jersey, Foster and Adoptive Family Services, Legal Services of New Jersey, and the law enforcement community, as well as a child protection services caseworker, a licensed social worker, a parent of a child whose other parent is incarcerated, a person whose parent has been incarcerated and a member of the clergy; and two members of the general public with an interest in children's issues appointed by the President of the Senate and the Speaker of the General Assembly, respectively.

The commission is directed to examine the policies, procedures and operations of the State and county correctional systems in order to develop recommendations regarding the most effective methods of: (1) developing strategies for strengthening the familial bond between children and incarcerated parents; and (2) reducing antisocial behavior and attachment disorders of children of incarcerated parents and the intergenerational cycle of criminality common among families of incarcerated parents. The Juvenile Justice Commission is required to provide staff services and other necessary support to the commission. The commission must present a report of its findings and recommendations to the Governor and the Legislature no later than 12 months after its initial meeting; the commission is to expire 30 days after the report is issued.

The bill requires the Commissioner of Corrections to appoint an assistant commissioner whose primary responsibility is to establish and monitor policies affecting incarcerated mothers with children. Also under the bill, the commissioner is prohibited from housing female inmates in the same correctional facility as male inmates if it results in conditions more oppressive or restrictive than those applicable to male inmates. This provision was prompted by a **EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

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recent incident in which females inmates temporarily housed in New Jersey State Prison to alleviate overcrowding at the State's prison for women, Edna Mahan, were subjected to conditions which they claim were unconstitutional.

Further, the bill requires the Commissioner of Corrections, during initial classification, to make every effort to assign an inmate to a State correctional facility close to where that inmate's family resides.

Finally, the bill would require the commissioner to submit all inmate complaints concerning women to the Division on Women on a semiannual basis.

STATEMENT

This bill would address various concerns which are associated with difficulties in obtaining and maintaining employment following an individual's release from prison.

Under the bill, a person whose driver's license had been suspended for certain motor vehicle violations would be allowed to apply for a restricted use license. The license would be used exclusively for traveling to and from the licensee's place of employment or education. The bill would place restrictions on such licenses and require certain identifying characteristics on the licenses and any vehicle operated by a person with such a license. This provision is intended to mitigate the adverse effects that a suspension of driving privileges has on certain persons who need to drive motor vehicles to maintain their employment or continue their education.

This bill would also grant employers who operate a limousine service or hold a liquor license the discretion to hire a person with a criminal record. Specifically, the bill would remove statutory prohibitions against people, who have previously been convicted of

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certain crimes, from working as a limousine driver, or in an alcohol serving establishment. In addition, the bill would allow a potential employee to affirmatively demonstrate rehabilitation when seeking employment at an airport. It is the sponsor's intent to maintain public safety by preserving the statutory requirement that these potential employees undergo a criminal history background check, while allowing employers to independently determine whether a prior conviction would have any effect on future job performance.

In addition, this bill would prohibit State, county or municipal employers from requiring a person to disclose criminal convictions on an application for employment. The bill would prohibit the employer from inquiring about convictions for crimes under New Jersey law or substantially similar offenses under federal law or the laws of other states. Under the bill, a person would not be exempted from undergoing a criminal history record background check required by law.

Finally, this bill would prohibit all public and private employers from discriminating against ex-convicts. Public and private employers would be prohibited from denying a person a license or employment because the person has previously been convicted of a criminal offense or because the person has been determined to lack "good moral character" based on a previous conviction. The bill applies to current, as well as prospective employees.

Employers would not be subject to this prohibition if: (1) there is a direct relationship between a previous criminal offense and the specific license or employment sought; or (2) issuing the license or hiring the person would involve an unreasonable risk to property or to the safety or welfare of specific persons or the general public. Employers must consider the following factors to determine if either of these exceptions apply: (1) that this State's policy is to encourage licensing and employing persons previously convicted of one or more criminal offenses; (2) the specific duties and responsibilities related to the license or employment sought; (3) the bearing, if any, the criminal offense will have on the person's

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fitness or ability to perform the required duties or responsibilities; (4) how much time has elapsed since the offense was committed; (5) the person's age when the offense was committed; (6) the seriousness of the offense; (7) information provided by the person showing rehabilitation and good conduct; and (8) the legitimate interest of the public agency or private employer in protecting property and the safety and welfare of specific individuals or general public.

Under the bill, the issuance of a certificate of rehabilitation to a person creates a presumption of rehabilitation in regard to the offenses to which the certificate applies. An employer must consider the certificate in determining whether either of the exceptions apply.

The rights of employers with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee are not affected by the provisions of the bill.

STATEMENT

This bill would modify laws concerning inmate income and complaints, require in-service training for corrections officers, and create a uniform identification card for attorneys entering State correctional facilities. These changes would: provide inmates with access to more of their money earned while incarcerated; ensure that corrections officer receive appropriate training; provide for regular reporting of inmate complaints; and create a uniform identification card for attorneys visiting State correctional facilities to expedite attorneys' access to their incarcerated clients.

Specifically, this bill would allow people who are incarcerated in a State or county correctional facility to maintain \$25 of their monthly income earned for labor performed at the facility. Under

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the current administrative code, inmates may only maintain \$15 of their monthly income. Until paid in full, the remaining amount is allocated to pay for any assessment, restitution, penalty, or fee imposed as a result of the inmate's crime. This bill would also allow a one-time outside contribution of up to \$100 per year to be made to inmates' accounts by someone who is not incarcerated, such as a family member. Currently, outside contributions made to inmates' accounts in excess of \$15 per month are allocated to pay any outstanding assessment, restitution, penalty, or fee owed by the inmate, until all payments are made in full.

Second, this bill would require the Commissioner of Corrections to semiannually submit all inmate complaints to the Department of the Public Advocate.

Third, this bill would require the Commissioner of Corrections, in consultation with the Police Training Commission, to develop and implement an in-service training program for adult corrections officers appointed by the State who have satisfactorily completed the basic training course approved by the commission. The program curriculum would be developed by the commissioner based upon a needs assessment and in compliance with the standards of the American Correctional Association. The commissioner is to design the program to accommodate the experience level of individual corrections officers. The in-service training program must include a component on mental health sensitivity and cultural awareness training. Officers would be required to satisfactorily complete the in-service training program.

Finally, this bill would require the Commissioner of Corrections and the Executive Director of the Juvenile Justice Commission to issue a uniform identification card for attorneys who visit State correctional facilities. The cost of the identification card would be borne by the attorney to whom the card is issued. The bill authorizes the commissioner and the executive director to issue guidelines concerning the design, issuance, cost, and use of the identification card and requires that they cooperate to produce an

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identification card that can be used at correctional facilities supervised by both the department and the commission. This bill does not preclude correctional facilities from accepting alternative forms of attorney identification.

STATEMENT

This bill's provisions would enable inmates and formerly incarcerated persons to obtain information and services that would foster rehabilitation and reduce recidivism rates.

The bill would establish the position of a Coordinator for Faith-Based Programs in the Department of Corrections who would compile and disseminate information concerning faith-based organizations and programs, especially those programs which provide assistance and services to inmates reentering society.

This bill would also give newly released inmates a 90-day grace period during which they would not have to make any payments on any outstanding fine, assessment or restitution they were ordered to pay as part of their sentence.

Under the provisions of the bill, each inmate is to receive written notice of all the outstanding court imposed fines, assessments, and restitution charges for which he is responsible. The bill specifies that former inmates would not be required to make any payments on any of their outstanding court imposed fines, assessments or restitution charges during the first 90 days after their release. During this grace period no arrest warrants would be issued for the nonpayment of fines, assessments, or restitution charges.

This bill would also provide that State and county inmates, prior to their release, would have to be provided with various documents, written information, and other items that would enhance their ability to successfully reenter society after serving their term of incarceration.

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Under the bill, State and county inmates would have to be provided with the following:

- a. A copy of their criminal history record and written information on criminal record expungement;
- b. General written information on voting rights;
- c. General written information on the availability of programs that would assist in removing barriers to employment or participation in vocational or educational rehabilitative programs, including the availability of a certificate of rehabilitation;
- d. A detailed written record of an inmate's participation in educational, training, employment, and medical or other treatment programs while the inmate was incarcerated;
- e. A written accounting of the fines, assessments, surcharges, restitution, penalties, child support arrearages and any other obligations due and payable upon release;
- f. Copies of some of the inmate's important government documents;
- g. A bus ticket to the municipality in which they plan to reside;
- h. A one month's supply of prescription medication;
- i. General written information concerning child support; and
- j. General written information on available faith-based programs.

The bill would also require electronic payment via a debit card of an inmate's remaining account balance at the time of his or her release.

This bill would also require the Juvenile Justice Commission or the Department of Corrections, as applicable, to ensure that at least 30 days prior to the scheduled date of release of a juvenile or an inmate from its facility, the appropriate staff at the facility notify the applicable county welfare agency to process the reinstatement of the person in the Medicaid program if the person was enrolled in Medicaid prior to detention or incarceration.

The bill would also establish Mental Health Courts in the in the Criminal Division of the Superior Court. The Mental Health Court would coordinate with governmental and non-governmental

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agencies that provide mental health care to facilitate the provision of voluntary treatment of defendants who have mental health illnesses prior to the defendants entering a plea or during a defendant's probation period.

This bill would also establish an advisory commission in the Department of Corrections to be known as the "Prisoner Re-entry Commission." The commission would offer solutions to the problems facing former incarcerated persons who are re-entering society. The bill would also establish a "Blue Ribbon Panel for Review of Long-Term Prisoners' Parole Eligibility," that would be composed of former judges, prosecutors and public defenders who would consider the cases of prisoners who have served more than 20 years of their sentences. The Blue Ribbon Panel for Review of Long-Term Prisoners' Parole Eligibility would then have the discretion to recommend any prisoners for parole eligibility.

STATEMENT

This bill contains various provisions related to policies concerning the rehabilitation, and education of persons who are currently incarcerated.

The bill would direct the Commissioner of Corrections and the Commissioner of Labor and Workforce Development to inventory and review the various vocational training programs offered to inmates in the State's adult correctional facilities every other year. This would be carried out in order to ensure that workforce training continues to meet current workforce requirements and standards and that the skills are marketable and relevant to employers.

This bill would also require inmates in State correctional facilities who have not achieved functional literacy at an eighth grade literacy level to participate in literacy programs for at least 200 hours or until an eight grade literacy level is achieved. Inmates who are unable to meet this eighth grade functional literacy

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standard due to medical, developmental, or learning disability would be exempt from the provisions of the bill.

Further, the bill would require the Commissioner of Corrections, in consultation with the Commissioner of Education, to make available at the request of an inmate of a State correctional facility any class necessary for that inmate to attain a level of educational achievement comparable to high school graduation and to secure a high school equivalency certificate. These classes are to be made available within a reasonable time after the inmate requests to be enrolled in the class.

The bill also requires that a high school equivalency certificate issued to an inmate be issued by the Department of Education and designated as issued by the department. Currently, it is designated on these certificates that they are issued by the Department of Corrections.

This bill also addresses visitation of person in prisons and would permit certain persons who have been convicted in the past, to obtain a court order that allows them to visit prisons, if they can show that such visits are likely to motivate and assist in the rehabilitation of incarcerated persons. The orders granted under this bill would allow a person to visit any correctional institution in this State.

The provisions of the bill that concern parole would cap, at a maximum of three years, the length of time that the parole board could require an inmate denied release to serve before having another hearing. Currently, the board must develop a schedule of future parole eligibility dates for adult inmates denied release at their eligibility date. The schedule places particular emphasis on the severity of the offense for which the inmate was denied parole and on the characteristics of the offender.

Further, the bill would also provide that inmates and parolees could enter into formal agreements with various institutions which would stipulate individual programs of education, training, or other activities which would result in a specified reduction of the

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parolee's parole term. The inmates' compliance with the agreement would be monitored at least once every twelve months.

This bill would also permit the commissioner to award inmates special credits to provide further remission from their sentence for achievements in education.

STATEMENT

This bill would modify existing law to authorize courts to: revoke fees at the time of sentencing; include mediation as an alternative sentence for both adults and juveniles; consider testimony from a defendant's family as part of the presentence reports; and reduce the waiting period for disorderly persons expungements from five years to two.

Specifically, this bill would allow a person who has been convicted of a crime to petition the sentencing court at any time, including the time of sentencing, for a revocation of any fine, assessment, restitution, penalty or fee imposed. Currently, a court may only exercise its discretion in determining whether a fine may be revoked. This bill allows a court to revoke any other pecuniary assessment, restitution, penalty, or fee that is otherwise mandated by statute when a person is convicted of a crime.

Second, this bill would provide judges with the discretion to order defendants, as a condition of probation, to submit to a non-governmental entity's mediation program in lieu of incarceration. The mediation program would mediate between the defendant and the victim with the purpose of holding the defendant accountable to the victim, including holding the defendant accountable by means of restitution or other agreed upon symbolic means of taking responsibility for the defendant's action. This bill would provide courts in juvenile delinquency cases the same discretion. This would provide the criminal justice system with a means to focus on

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personal accountability in response to community conflict and provide for dialogue as a means of problem-solving.

Third, this bill would allow a defendant's family to provide statements that would be made part of the presentence reports. Currently, the presentence report includes an analysis of the circumstances surrounding the commission of the offense; the defendant's history of delinquency or criminality, family situation and financial resources; whether the defendant owes any amount for a fine, assessment, or restitution; the defendant's employment history and personal habits; the disposition of any charge made against any codefendant; the defendant's history of civil commitment; and any other matters that the probation offer deems relevant or the court directs to be included. The report also includes a medical history and a complete psychological evaluation of the defendant in any case in which the defendant is being sentenced for a first or second degree crime involving violence. The presentence report also includes an impact statement by the victim or his relative. This bill would expand the requirements of a presentence report to include a statement from the defendant's family, if the family member so chooses.

Finally, this bill would reduce the waiting period for an expungement for disorderly persons offenses and petty disorderly persons offenses. Currently, a person may petition for expungement of a record of a disorderly persons or petty disorderly persons offense five years from the date of conviction. This bill would reduce that waiting period to two years from the date of conviction.

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