

ASSEMBLY, No. 3505

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED DECEMBER 3, 2012

Sponsored by:

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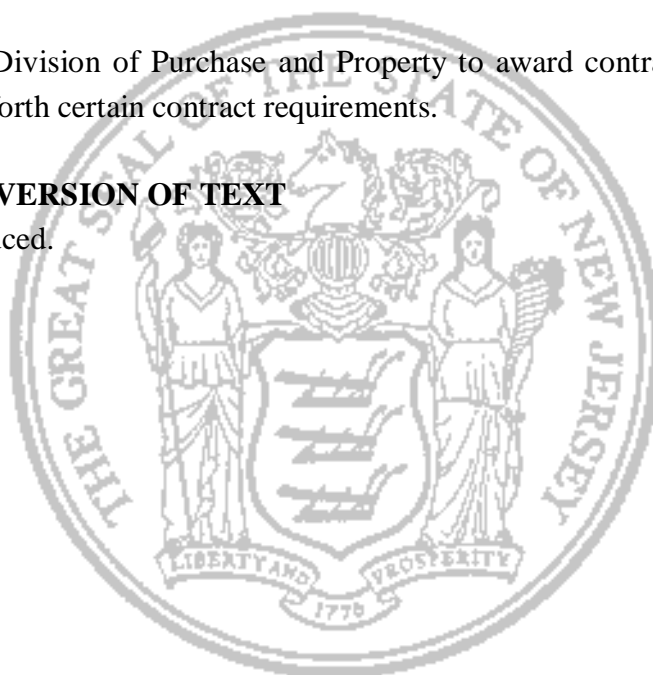
District 33 (Hudson)

SYNOPSIS

Requires Division of Purchase and Property to award contracts to halfway houses; sets forth certain contract requirements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/4/2012)

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2

1 AN ACT concerning contracts awarded relating to inmate facilities,
2 supplementing chapter 34 of Title 52 of the Revised Statutes, and
3 amending P.L.1969, c.22.

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

7
8 1. (New section) Following the effective date of P.L. ,
9 c. (C.) (pending before the Legislature as this bill), all
10 contracts awarded for the provision of services relating to the
11 operation of residential community release programs shall be
12 awarded by the Division of Purchase and Property in the State
13 Department of the Treasury on behalf of the Department of
14 Corrections. Notwithstanding the provisions of sections 2 through
15 4 of P.L.1954, c.48 (C.52:34-7 through 52:34-9), a contract or
16 agreement with a residential community release program provider
17 for the procurement of services relating to the care, custody,
18 subsistence, education, training, and welfare of inmates shall be
19 publicly advertised prior to the solicitation of proposals or
20 expressions of interest from residential community release
21 programs.

22
23 2. (New section) a. Any contracts awarded to a residential
24 community release program pursuant to section 1 of P.L. ,
25 c. (C.) (pending before the Legislature as this bill) for the
26 procurement of services providing for the care, custody,
27 subsistence, education, training, and welfare of inmates shall
28 include, but not be limited to, the following terms and conditions:

29 (1) all staff employed by a residential community release
30 program shall be qualified by education, training and experience
31 and be licensed or certified to provide program services relating to
32 the care, custody, subsistence, education, training, and welfare of
33 inmates;

34 (2) all residential community release programs shall be
35 accredited by the American Correctional Association or a nationally
36 recognized accrediting body which uses certification criteria equal
37 to or greater than that of the American Correctional Association and
38 such accreditation shall be maintained throughout the life of the
39 contract;

40 (3) all per diem rates charged to the Department of Corrections
41 per inmate housed in a residential community release program shall
42 be clearly delineated, and the Division of Purchase and Property
43 shall terminate a contract or otherwise enforce penalty provisions
44 included in the contract if the per diem rates charged are in excess

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 of amounts agreed upon the by the division and residential
2 community release program or facility;

3 (4) all per diem rate budgets submitted to the division in
4 accordance with paragraph (3) of subsection a. of this section shall
5 be verified by an audit conducted on an annual basis by the
6 division;

7 (5) contract extensions shall be contingent upon positive annual
8 evaluations performed by the department and the availability of
9 funding. If the department fails to conduct less than one annual site
10 visit per year during each contract period the division shall
11 terminate the contract; and

12 (6) each residential community release program that is awarded
13 a contract shall operate under the supervision of a board of directors
14 which shall annually identify the specific funding objectives and
15 shall adopt a plan for the expenditure of the resources provided by
16 the department. The plan shall be annually submitted to the
17 division throughout the life of the contract. If the board contracts
18 with a subcontractor or another entity to provide residential
19 community release program services, board members shall be
20 prohibited from simultaneously serving on the board of the
21 subcontractor or other entity and shall be prohibited from receiving
22 a salary from that subcontractor or other entity.

23 b. The division shall reserve the right to terminate any contract
24 awarded to a residential community release program pursuant after
25 the effective date of P.L. , c. (C.)(pending before the
26 Legislature as this bill) for any violation of the terms of that
27 contract.

28
29 3. (New section) a. For the purposes of this section,
30 “aggregate” means the total sums appropriated to the Department of
31 Corrections for residential community release programs service to
32 provide for the care, custody, subsistence, education, training, and
33 welfare of inmates or for any other services provided by a
34 residential community release program provider during a fiscal
35 year.

36 b. Following the expiration of existing contracts awarded prior
37 to the effective date of this act by the department for the provision
38 of services relating to the operation of residential community
39 release programs, no residential community release program or any
40 subcontractor thereof shall be awarded any contract or contracts nor
41 shall any agreement be entered with the division on behalf of the
42 department for the care, custody, subsistence, education, training
43 and welfare of inmates or for any other services that is in excess of
44 20 percent of the aggregate amount expended by the department
45 during the prior fiscal year.

46
47 4. Section 2 of P.L.1969, c.22 (C.30:4-91.2) is amended to read
48 as follows:

1 2. **[The]** a. Except as provided under subsection b. of this
2 section, the commissioner or his duly authorized agent, may
3 designate as a place of confinement any available, suitable, and
4 appropriate institution or facility whether owned by the State or
5 otherwise, and may at any time transfer a person from one place of
6 confinement to another.

7 b. Contracts awarded for the provision of services relating to
8 the operation of residential community release programs shall be
9 awarded by the Division of Purchase and Property in the State
10 Department of the Treasury on behalf of the Department of
11 Corrections pursuant to section 1 of P.L. , c. (C. et seq.)
12 (pending before the Legislature as this bill). In awarding a contract,
13 the Director of the Division of Purchase and Property shall consult
14 with the commissioner with respect to rules and regulations
15 governing the operation of residential community release programs.

16 c. The word "facility" shall include private nonprofit
17 community-based residential treatment centers which **[provided]**
18 provides for the care, custody, subsistence, education, training, and
19 welfare of inmates.

20 Any such private nonprofit community-based residential
21 treatment center must be certified annually by the commissioner as
22 a secure and appropriately supervised place of confinement.

23 (cf: P.L.1976, c. 35, s. 2)

24
25 5. The State Treasurer, in conjunction with the Commissioner of
26 Corrections, shall promulgate regulations pursuant to the
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.),
28 necessary to effectuate the provisions of this act.

29
30 6. This act shall take effect immediately.

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STATEMENT

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35 This bill transfers the authority of the Department of Corrections
36 to award contracts to halfway houses to the Division of Purchase
37 and Property in the State Department of the Treasury. In addition,
38 the bill sets forth certain stipulations that the Division of Purchase
39 and Property is required to include in contracts awarded to halfway
40 houses.

41 The bill requires that contracts awarded by the division are to
42 stipulate that all halfway house staff is to be qualified by education,
43 training and experience, as well as licensed or certified to provide
44 program services. In addition, all halfway houses are to be
45 accredited by the American Correctional Association or a nationally
46 recognized accrediting body which uses certification criteria equal
47 to or greater than the association. The bill further requires that
48 contracts include provisions mandating that per diem rates charged

1 to the department per inmate are to be clearly delineated and all per
2 diem rate budgets are to be verified by an audit conducted on an
3 annual basis by the division.

4 Under the bill, contract awards are to be contingent upon positive
5 annual evaluations performed by the department and the availability
6 of funding. If the department fails to conduct at least one annual
7 site visit per year during each contract period the contract is to be
8 terminated by the division.

9 In addition, the bill requires that contracts awarded to halfway
10 houses stipulate that each halfway house is to operate under the
11 supervision of a board of directors which is required to annually
12 identify the specific funding objectives and adopt a plan for the
13 expenditure of the resources provided by the department. If the
14 board contracts with a subcontractor or another entity, board
15 members are to be prohibited from simultaneously serving on the
16 board of the subcontractor or from receiving a salary from that
17 subcontractor.

18 This bill also requires that the division reserve the right to
19 terminate any contract awarded to halfway houses for any violation
20 of the terms of that contract.

21 Finally, the bill sets a limitation on the amount of funding that a
22 single halfway house or its subcontractor may receive from the total
23 amount of money appropriated to the department for the purpose of
24 contracting with halfway houses during a fiscal year. Under the
25 bill, a single halfway house or its subcontractor is prohibited from
26 receiving an amount in excess of 20 percent of the aggregate
27 amount expended for halfway house service by the department
28 during the prior fiscal year.

29 This bill is in response to testimony heard by the Assembly Law
30 and Public Safety Committee on July 23, 2012 concerning oversight
31 and accountability of this State's halfway houses.