

SENATE, No. 2385

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED DECEMBER 17, 2012

Sponsored by:

Senator ROBERT M. GORDON

District 38 (Bergen and Passaic)

SYNOPSIS

Clarifies DOC authority to directly contract with private for-profit entities to provide inmate services in halfway houses.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning residential community release programs and
2 amending P.L.1969, c.22 and P.L.1999, c.243.

3

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

6

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

9 2. The commissioner or his duly authorized agent, may
10 designate as a place of confinement any available, suitable, and
11 appropriate institution or facility whether owned by the State or
12 otherwise, and may at any time transfer a person from one place of
13 confinement to another.

14 The word "facility" shall include private nonprofit or private for-
15 profit community-based residential treatment centers which
16 **[provided]** provide for the care, custody, subsistence, education,
17 training, and welfare of inmates.

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

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

23

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

26 1. As used in this act:

27 "Eligible inmate" means an inmate who (1) was not convicted of
28 a sexual offense as defined in this section or an arson offense, (2)
29 does not demonstrate an undue risk to public safety and (3) has less
30 than one year remaining to be served before the inmate's parole
31 eligibility date, provided, however, that an eligible inmate may
32 include an inmate who is otherwise eligible but who has more than
33 one year but less than 18 months remaining to be served before the
34 inmate's parole eligibility date and is determined by the
35 Commissioner of Corrections or a designee to be appropriate to be
36 authorized for confinement in a private facility; and further
37 provided, however, that an eligible inmate may include an inmate
38 who is otherwise eligible but who has more than one year but less
39 than two years remaining to be served before the inmate's parole
40 eligibility date and is determined by the Commissioner of
41 Corrections or a designee to be appropriate to be authorized for
42 confinement in a private facility for participation in a substance
43 abuse treatment program.

44 "Private facility" means a residential center, operated by a
45 private nonprofit or private for-profit entity, contracted by the

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.

1 Department of Corrections to provide for the care, custody,
2 subsistence, treatment, education, training or welfare of inmates
3 sentenced to the custody of the Commissioner of Corrections.

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

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

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11 3. This act shall take effect immediately.

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STATEMENT

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16 This bill clarifies the authority of the Department of Corrections
17 (DOC) to directly contract with private for-profit entities to provide
18 services to eligible inmates who have been placed in residential
19 community release programs. These programs include assessment
20 and treatment centers, halfway houses, and substance abuse
21 treatment programs. Current law only authorizes the DOC to enter
22 into a contract with a private nonprofit entity to operate the
23 programs.

24 Under the bill, the DOC would be authorized to directly contract
25 with such for-profit entities to provide residential community
26 release services. According to the sponsor, clarifying the law that
27 the DOC is authorized to directly contract with for-profit entities to
28 operate residential community release programs will save taxpayer
29 dollars. First, it will eliminate the expenses associated with
30 maintaining a holding company and second, it will introduce
31 competition to the market to reduce the rate of the services provided
32 to inmates in these programs.