

## Appendix

The proposed modifications, shown with underlining and ~~strike through~~, are as follows:

### **N.J.S. 2A:12-5.3. Identifying information on inmates; electronic transmission to Department of Labor and Workforce Development and Department of Human Services**

The Administrative Office of the Courts shall compile and provide to the Department of Labor and Workforce Development and the Department of Human Services identifying information on each ~~inmate person~~ incarcerated in each county and local institution in each county which provides ~~inmate incarceration~~ information regarding persons who are incarcerated to the Administrative Office of the Courts, and any county which does not provide that information to the Administrative Office of the Courts shall provide the information to the Department of Labor and Workforce Development and the Department of Human Services. The information shall be transmitted electronically in a timely manner and shall provide identifying characteristics, including name and Social Security number, to be used by the Department of Labor and Workforce Development and the Department of Human Services to verify individuals' eligibility for benefit programs administered by each department.

**Credits:** L.2013, c. 274, § 7, eff. Jan. 17, 2014.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 2A:17-56.53. Departmental actions authorized; paternity; support orders**

Subject to safeguards on privacy and information security, prescribed pursuant to subsection b. of section 11 of P.L.1998, c.1 (C.2A:17-56.60), and appropriate procedural due process requirements including, as appropriate, notice, the opportunity to contest and notice of the right to appeal to the court, the department is authorized to take the following actions relating to the establishment of paternity or to the establishment, modification or enforcement of support orders, without the necessity of obtaining an order from the court, and to recognize and enforce the authority of state agencies of other states to take the following actions:

\* \* \*

d. Subject to the nonliability of entities that afford access, to obtain access, including automated access when feasible, to information contained in the following records:

(1) records of other State and local government agencies which include, but are not limited to:

\* \* \*

(h) records of the Department of Corrections, including records related to ~~State-sentenced inmates~~ persons who have been sentenced to a State prison and parolees; ...

\* \* \*

**Credits:** L.1998, c. 1, § 4, eff. March 5, 1998.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 2A:67-12. Witnesses, production of prisoners or inmates as**

Upon the issuance of a writ by any court of competent jurisdiction of the United States or of another state, requiring the production before it of any prisoner or ~~inmate~~ person who is incarcerated of a penal or correctional institution in the state of New Jersey, as a witness in a criminal case or for prosecution as a defendant charged with crime, the keeper or person in charge of such institution, with the consent and approval of the attorney general, upon such conditions as the attorney general shall prescribe, shall produce or cause to be produced the ~~inmate~~ person who is incarcerated or prisoner according to the requirements of said writ. The attorney general shall require the return of the prisoner or ~~inmate~~ person in custody of a penal or correctional institution to the institution from which taken, immediately upon the conclusion of such prosecution or testimony, and shall require the authorities of the demanding jurisdiction to pay or indemnify the keeper or person in charge of such institution for all expenses incurred. ~~He~~ The person in charged of such institution shall decline to honor such writs when in ~~his~~ the person's opinion the same would not be in the furtherance of justice.

**Credits:** C. 2:82-57.1 (L.1941, c. 224, p. 640, § 1).

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 2A:84A-21.13. Inapplicability of act to rights of department of corrections**

Nothing contained in this act shall be construed to limit the right of the Department of Corrections to search the newspaper or the public information offices of any inmate ~~newspapers or the public information offices of any inmate~~ organization located within a correctional facility that is operated by persons incarcerated therein.

**Credits:** L.1979, c. 488, § 5, eff. Feb. 28, 1980.

### Comment

The pejorative terms are replaced with person-first language.

## **N.J.S. 2A:158A-5. Duties of public defender**

\* \* \*

The Public Defender also shall provide for the legal representation of any eligible **inmate person** who is serving a custodial prison sentence and requests assistance in petitioning the Superior Court for compassionate release in accordance with section 1 of P.L.2020, c. 106 (C.30:4-123.51e).

**Credits:** L.1967, c. 43, § 5, eff. July 1, 1967. Amended by L.1987, c. 170, § 2; L.2020, c. 106, § 2, eff. Feb. 1, 2021.

### Comment

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

## **N.J.S. 2A:158A-7. Powers of public defender**

The Public Defender shall:

\* \* \*

~~(n) Assume responsibility for representation in litigation formerly handled by the Office of Inmate Advocacy in the Department of the Public Advocate that is pending on the effective date of P.L.1994, c. 58 (C. 52:27E-50 et al.).~~

**Credits:** L.1967, c. 43, § 7, eff. July 1, 1967. Amended by L.1970, c. 308, § 1, eff. Dec. 16, 1970; L.1972, c. 168, § 1, eff. Nov. 3, 1972; L.1994, c. 58, § 9, eff. July 1, 1994.

### Comment

The Office of Inmate Advocacy was established in 1974 within the Office of the Public Defender. Its duties were to "represent the interests of inmates in such disputes and litigation, as will, in the discretion of the Public Defender, best advance the interests of inmates as a class on an issue of general application to them, and may act as representative of inmates with any principal department or other instrumentality of State, county or local government." (Chap. 27, Laws of New Jersey, 1974).

In 1994, the Office of Inmate Advocacy ceased independent operation when its responsibilities were restructured and transferred to the Public Defender (P.L.1994, c.58) (C.52:27E-50 et al.). *See also* the Corrections Ombudsman, which was established in 2005 within the Public Advocate and had similar, but not identical, responsibilities.

The language in subsection n. is no longer necessary and seems to be appropriate for removal from the statute.

**N.J.S. 2A:159A-8. Effective date of agreement; withdrawal of state; effect on status of proceedings**

**ARTICLE VIII**

This agreement shall enter into full force and effect as to a party State when such State has enacted the same into law. A State party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any State shall not affect the status of any proceedings already initiated by ~~inmates~~ persons who are incarcerated or by State officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

**Credits:** L.1958, c. 12, p. 33, § 1 (Art. VIII).

**Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

**N.J.S. 2A:159A-12. Delivery of prisoner**

The warden or other official in charge of any penal or correctional institution in this State shall give over the person of ~~any inmate who is incarcerated thereof~~ whenever so required by the operation of the agreement on detainees.

**Credits:** L.1958, c. 12, p. 42, § 4.

**Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

**N.J.S. 2C:7-6. Notification of community of intent of sex offender released from correctional facility or adjudicated delinquent to reside in municipality**

Within 45 days after receiving notification pursuant to section 1 of P.L.1994, c. 135 (C.30:4-123.53a et seq.) that ~~an inmate person~~ convicted of or adjudicated delinquent for a sex offense as defined in section 2 of P.L.1994, c. 133 (C.2C:7-1 et al.) is to be released from incarceration and after receipt of registration as required therein, the chief law enforcement officer of the municipality where the ~~inmate person~~ intends to reside shall provide notification in accordance with the provisions of section 3 of this act<sup>1</sup> of that ~~inmate's person's~~ release to the community. If the municipality does not have a police force, the Superintendent of State Police shall provide notification.

**Credits:** L.1994, c. 128, § 1, eff. Oct. 31, 1994.

Footnotes: <sup>1</sup> N.J.S. § 2C:7-8.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 2C:11-3b. Resentencing of inmates sentenced to death**

An ~~inmate~~ person sentenced to death prior to the date of the enactment of this act,<sup>1</sup> upon motion to the sentencing court and waiver of any further appeals related to sentencing, shall be resentenced to a term of life imprisonment during which the defendant shall not be eligible for parole. Such sentence shall be served in a maximum security prison.

Any such motion to the sentencing court shall be made within 60 days of the enactment of this act. If the motion is not made within 60 days the ~~inmate~~ person shall remain under the sentence of death previously imposed by the sentencing court.

**Credits:** L.2007, c. 204, § 2, eff. Dec. 17, 2007.

Footnotes: <sup>1</sup> L.2007, c. 204, approved Dec. 17, 2007.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 2C:29-6. Implements for escape; other contraband**

**a. Escape implements.** (1) A person commits an offense if ~~he~~ the person knowingly and unlawfully introduces within an institution for commitment of persons under N.J.S. 2C:4-8 or a detention facility, or knowingly and unlawfully provides an ~~inmate~~ person who is incarcerated with any weapon, tool, instrument, document or other thing which may be useful for escape. The offense is a crime of the second degree and shall be punished by a minimum term of imprisonment, which shall be fixed at no less than three years if the item is a weapon as defined by N.J.S. 2C:39-1(r). Otherwise it is a crime of the third degree.

(2) An ~~inmate~~ person who is incarcerated of an institution or facility defined by paragraph (1) of subsection a. of this section commits an offense if ~~he~~ the person knowingly and unlawfully procures, makes, or otherwise provides ~~himself~~ themselves with, or has in ~~his~~ their possession, any such implement of escape. The offense is a crime of the second degree and shall be punished by a minimum term of imprisonment, which shall be fixed at no less than three years if the item is a weapon as defined by N.J.S. 2C:39-1(r). Otherwise it is a crime of the third degree.

“Unlawfully” means surreptitiously or contrary to law, regulation or order of the detaining authority.

**b. Other contraband.** A person commits a petty disorderly persons offense if ~~he~~ the person provides ~~an inmate person who is incarcerated~~ with any other thing which the actor knows or should know it is unlawful for the ~~inmate person~~ to possess.

**Credits:** L.1978, c. 95, § 2C:29-6, eff. Sept. 1, 1979. Amended by L.1979, c. 178, § 59, eff. Sept. 1, 1979; L.1981, c. 290, § 31, eff. Sept. 24, 1981; L.1981, c. 511, § 3, eff. Jan. 12, 1982; L.1983, c. 87, § 1, eff. March 3, 1983.

#### Comment

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### N.J.S. 2C:34-1. Prostitution and related offenses

Prostitution and Related Offenses.

a. As used in this section:

\* \* \*

(4) “Promoting prostitution” is:

(a) Owning, controlling, managing, supervising or otherwise keeping, alone or in association with another, a house of prostitution or a prostitution business;

(b) Procuring ~~an inmate person~~ for a house of prostitution or place in a house of prostitution for one who would be ~~an inmate~~ one of a group occupying a single place of residence;

(c) Encouraging, inducing, or otherwise purposely causing another to become or remain a prostitute;

(d) Soliciting a person to patronize a prostitute;

(e) Procuring a prostitute for a patron;

(f) Transporting a person into or within this State with purpose to promote that person's engaging in prostitution, or procuring or paying for transportation with that purpose; or

(g) Knowingly leasing or otherwise permitting a place controlled by the actor, alone or in association with others, to be regularly used for prostitution or promotion of prostitution, or failure to make a reasonable effort to abate such use

by ejecting the tenant, notifying law enforcement authorities, or other legally available means.

**Credits:** L.1978, c. 95, § 2C:34-1, eff. Sept. 1, 1979. Amended by L.1991, c. 211, § 1, eff. Sept. 21, 1991; L.1997, c. 93, § 1, eff. May 8, 1997; L.1999, c. 9, § 1, eff. Jan. 25, 1999; L.2005, c. 77, § 2, eff. April 26, 2005; L.2011, c. 195, § 6, eff. Jan. 17, 2012; L.2013, c. 51, § 9, eff. July 1, 2013.

#### **Comment**

The term inmate, as used in this statute, is used in a non-criminal context. The proposed modifications eliminate the term “inmate” and clarify the language in the statute to better adapt it to present social needs and further the administration of justice.

### **N.J.S. 2C:43-3.1. Additional assessments; collection and disposition by Victims of Crime Compensation Board**

a. ... (3) All assessments provided for in this section shall be collected as provided in section 3 of P.L.1979, c. 396 (C.2C:46-4) and the court shall so order at the time of sentencing. When a defendant who is sentenced to incarceration in a State correctional facility has not, at the time of sentencing, paid an assessment for the crime for which the defendant is being sentenced or an assessment imposed for a previous crime, the court shall specifically order the Department of Corrections to collect the assessment during the period of incarceration and to deduct the assessment from any income the ~~inmate~~ person in custody receives as a result of labor performed at the institution or on any work release program or from any personal account established in the institution for the benefit of the ~~inmate~~ person in custody. All moneys collected, whether in part or in full payment of any assessment imposed pursuant to this section, shall be forwarded monthly by the parties responsible for collection, together with a monthly accounting on forms prescribed by the Victims of Crime Compensation Board pursuant to section 19 of P.L.1991, c. 329 (C.52:4B-8.1), to the Victims of Crime Compensation Board.

\* \* \*

**Credits:** L.1979, c. 396, § 2, eff. Feb. 6, 1980. Amended by L.1982, c. 164, § 1, eff. Jan. 30, 1983; L.1985, c. 251, § 1, eff. July 31, 1985; L.1985, c. 406, § 1, eff. Jan. 9, 1986; L.1987, c. 106, § 11, eff. June 22, 1987, operative July 9, 1987; L.1990, c. 64, § 1, eff. July 17, 1990; L.1991, c. 329, § 3, eff. Dec. 23, 1991; L.1995, c. 135, § 1, eff. June 26, 1995; L.2019, c. 363, § 5, eff. Nov. 1, 2020.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 2C:43-3.3. Additional fines deposited in Law Enforcement Officers Training and Equipment Fund**

\* \* \*

e. ~~An adult prisoner of~~ person who is incarcerated in a State correctional institution who does not pay the penalty imposed pursuant to this section shall have the penalty deducted from any income the ~~inmate~~ person receives as a result of labor performed at the institution or any type of work release program. If any person, ~~including an inmate~~, fails to pay the penalty imposed pursuant to this section, the court may order the suspension of the person's driver's license or nonresident reciprocity privilege, or prohibit the person from receiving or obtaining a license until the assessment is paid. The court shall notify the Director of the Division of Motor Vehicles of such an action. Prior to any action being taken pursuant to this subsection, the person shall be given notice and a hearing before the court to contest the charge of the failure to pay the assessment.

f. For the purposes of this section, “person” excludes a juvenile as defined in section 3 of P.L.1982, c. 77 (C.2A:4A-22).

**Credits:** L.1996, c. 115, § 9, eff. Jan. 9, 1997. Amended by L.2021, c. 342, § 6, eff. Jan. 10, 2022.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 2C:43-7.2. Eligibility for parole; persons convicted of certain violent crimes**

\* \* \*

b. The minimum term required by subsection a. of this section shall be fixed as a part of every sentence of incarceration imposed upon every conviction of a crime enumerated in subsection d. of this section, whether the sentence of incarceration is determined pursuant to N.J.S.2C:43-6, N.J.S.2C:43-7, N.J.S.2C:11-3 or any other provision of law, and shall be calculated based upon the sentence of incarceration actually imposed. The provisions of subsection a. of this section shall not be construed or applied to reduce the time that must be served before eligibility for parole by ~~an inmate~~ person sentenced to a mandatory minimum period of incarceration. Solely for the purpose of calculating the minimum term of parole ineligibility pursuant to subsection a. of this section, a sentence of life imprisonment shall be deemed to be 75 years.

\* \* \*

**Credits:** L.1997, c. 117, § 2, eff. June 9, 1997. Amended by L.2001, c. 79, § 16; L.2001, c. 129, § 1, eff. June 29, 2001; L.2002, c. 26, § 19, eff. June 18, 2002; L.2007, c. 341, § 6, eff. Jan. 13, 2008; L.2013, c. 111, § 3, eff. Nov. 1, 2013; L.2013, c. 136, § 4, eff. Aug. 14, 2013.

#### **Comment**

The pejorative terms are replaced with person-first language.



**N.J.S 2C:43-11. Conduct precluding admission to intensive supervision programs; objections to admission**

a. No custodial sentence imposed pursuant to Chapter 43, 44 or 45 of Title 2C<sup>1</sup> shall be changed to permit entry into any program of intensive supervision established pursuant to the Rules Governing the Courts of the State of New Jersey if the **inmate** person:

(1) Is serving a sentence for a conviction of any crime of the first degree; or

(2) Is serving a sentence for a conviction of any offense in which the sentencing court found that there is a substantial likelihood that the defendant is involved in organized criminal activity pursuant to N.J.S.2C:44-1a.(5); or

(3) Is serving any statutorily mandated parole ineligibility, or any parole ineligibility imposed by the court pursuant to subsection b. of N.J.S. 2C:43-6 or section 6 of P.L.2007, c. 49 (C.2C:43-6.5); or

(4) (Deleted by amendment, P.L.2008, c. 30)

(5) Has previously been convicted of a crime of the first degree, or of any offense in any other jurisdiction which, if committed in New Jersey, would constitute a crime of the first degree and the **inmate** person was released from incarceration on the first degree offense within five years of the commission of the offense for which the **inmate** person in custody is applying for intensive supervision.

Nothing in this subsection shall be construed to preclude the program of intensive supervision from imposing more restrictive standards for admission.

b. Unless the **inmate** person in custody is within nine months of parole eligibility and has served at least six months of the sentence, no custodial sentence of an **inmate** person serving a sentence for conviction of any crime of the second degree shall be changed to permit entry into any program of intensive supervision established pursuant to the Rules Governing the Courts of the State of New Jersey, if, within 20 days of receipt of notice of the **inmate's** person's application, the county prosecutor or Attorney General objects in writing.

c. If an **inmate's** person's application for a change of custodial sentence to permit entry into any program of intensive supervision established pursuant to the Rules Governing the Courts of the State of New Jersey is granted over the objection of the county prosecutor or the Attorney General, the order shall not become final for 20 days or until reconsideration by the Intensive Supervision Resentencing Panel in order to permit the county prosecutor or the Attorney General to appear personally or in writing, with notice to defense counsel, to request reconsideration of the application approval.

d. A victim of the offense for which the **inmate** person in custody was sentenced shall have the right to make a written statement or to appear at a proceeding regarding the application for a change of custodial sentence imposed pursuant to Chapter 43, 44 or 45 of Title 2C for entry

into any program of intensive supervision established pursuant to the Rules Governing the Courts of the State of New Jersey.

**Credits:** L.1993, c. 123, § 2, eff. May 28, 1993. Amended by L.2007, c. 49, § 8, eff. April 14, 2007; L.2008, c. 30, § 1, eff. June 30, 2008.

<sup>1</sup>N.J.S.A. §§ 2C:43-1 et seq.; 2C:44-1 et seq.; 2C:45-1 et seq.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 2C:44-5. Multiple sentences; concurrent and consecutive terms**

#### **Multiple Sentences; Concurrent and Consecutive Terms.**

\* \* \*

i. Sentence of imprisonment for assault on corrections employee. Any term of imprisonment imposed on an **inmate** person in the custody of a State or county correctional facility for an assault on a Department of Corrections employee, an employee of a county correctional facility, an employee of a State juvenile facility or a county juvenile detention facility, a county sheriff's department employee or any State, county or municipal law enforcement officer while in the performance of ~~his~~ their duties shall run consecutively to any term of imprisonment currently being served and to any other term imposed for any other offense committed at the time of the assault.

**Credits:** L.1978, c. 95, § 2C:44-5, eff. Sept. 1, 1979. Amended by L.1979, c. 178, § 97, eff. Sept. 1, 1979; L.1983, c. 462, § 1, eff. Jan. 12, 1984; L.1993, c. 160, § 1, eff. June 29, 1993; L.1993, c. 223, § 1, eff. Aug. 5, 1993; L.2001, c. 16, § 1, eff. Jan. 29, 2001.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 2C:46-4. Fines, assessments, penalties and restitution; collection; disposition**

a. All fines, assessments imposed pursuant to section 2 of P.L.1979, c. 396 (C.2C:43-3.1), all penalties imposed pursuant to section 1 of P.L.1999, c. 295 (C.2C:43-3.5), all penalties imposed pursuant to section 11 of P.L.2001, c. 81 (C.2C:43-3.6), all penalties imposed pursuant to section 1 of P.L.2005, c. 73 (C.2C:14-10), all penalties imposed pursuant to section 1 of P.L.2009, c. 143 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of P.L.2013, c. 214 (C.30:4-123.97), and restitution shall be collected as follows:

(1) All fines, assessments imposed pursuant to section 2 of P.L.1979, c. 396 (C.2C:43-3.1), all penalties imposed pursuant to section 1 of P.L.1999, c. 295 (C.2C:43-3.5), all penalties imposed pursuant to section 11 of P.L.2001, c. 81 (C.2C:43-3.6), all penalties imposed pursuant to section 1 of P.L.2005, c. 73 (C.2C:14-10), all penalties imposed pursuant to section 1 of P.L.2009, c. 143 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of P.L.2013, c. 214 (C.30:4-123.97), and restitution imposed by the Superior Court or otherwise imposed at the county level, shall be collected by the county probation division except when the fine, assessment, or restitution is imposed in conjunction with a custodial sentence to a State correctional facility or in conjunction with a term of incarceration imposed pursuant to section 25 of P.L.1982, c. 77 (C.2A:4A-44) in which event the fine, assessment, or restitution shall be collected by the Department of Corrections or the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c. 284 (C.52:17B-170). An adult prisoner of a State correctional institution or a juvenile serving a term of incarceration imposed pursuant to section 25 of P.L.1982, c. 77 (C.2A:4A-44) who has not paid an assessment imposed pursuant to section 2 of P.L.1979, c. 396 (C.2C:43-3.1), a penalty imposed pursuant to section 1 of P.L.1999, c. 295 (C.2C:43-3.5), a penalty imposed pursuant to section 1 of P.L.2005, c. 73 (C.2C:14-10), a penalty imposed pursuant to section 1 of P.L.2009, c. 143 (C.2C:43-3.8), a penalty imposed pursuant to section 7 of P.L.2013, c. 214 (C.30:4-123.97), or restitution shall have the assessment, penalty, fine, or restitution deducted from any income the **inmate person** receives as a result of labor performed at the institution or on any type of work release program or, pursuant to regulations promulgated by the Commissioner of the Department of Corrections or the Juvenile Justice Commission, from any personal account established in the institution for the benefit of the **inmate person in custody**.

\* \* \*

**Credits:** L.1979, c. 396, § 3, eff. Feb. 6, 1980. Amended by L.1981, c. 224, § 1, eff. July 20, 1981; L.1983, c. 73, § 1, eff. Feb. 24, 1983; L.1991, c. 91, § 146, eff. April 9, 1991; L.1991, c. 329, § 12, eff. Dec. 23, 1991; L.1993, c. 220, § 12, eff. Aug. 2, 1993; L.1995, c. 281, § 2, eff. Dec. 15, 1995; L.1996, c. 95, § 17, eff. Oct. 24, 1996; L.1997, c. 253, § 2, eff. Sept. 12, 1997; L.1999, c. 295, § 4, eff. Dec. 23, 1999; L.2001, c. 81, § 15, eff. May 4, 2001; L.2005, c. 73, § 5, eff. April 26, 2005; L.2009, c. 143, § 2, eff. Oct. 19, 2009; L.2013, c. 214, § 5, eff. July 1, 2014; L.2015, c. 55, § 1, eff. Dec. 1, 2015; L.2019, c. 363, § 6, eff. Nov. 1, 2020.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 2C:47-9. Sex offenders; study of recidivism of inmates released from Adult Diagnostic and Treatment Center**

a. The Commissioner of Corrections shall establish a program to record and analyze the recidivism of all **inmates persons** who are released from the Adult Diagnostic and Treatment Center, whether on parole or upon the completion of their maximum sentences. The purpose of

this program shall be to assist in measuring the effectiveness of the center in providing specialized treatment to repetitive and compulsive sex offenders pursuant to N.J.S.2C:47-3.

\* \* \*

**Credits:** L.1997, c. 266, § 1, eff. Dec. 22, 1997.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 2C:47-10. Receipt, possession or distribution of sexually oriented material**

\* \* \*

b. An **inmate** person sentenced to a period of confinement in the Adult Diagnostic Treatment Center shall not receive, possess, distribute or exhibit within the center sexually oriented material, as defined in subsection a. of this section. Upon the discovery of any such material within the center, the commissioner shall provide for its removal and destruction, subject to a departmental appeal procedure for the withholding or removal of such material from the **inmate's** person's possession.

c. The commissioner shall request an **inmate** person sentenced to confinement in the center to acknowledge in writing the requirements of this act prior to the enforcement of its provisions. Any **inmate** person in custody who violates the provisions of subsection b. of this section shall be subject to on-the-spot sanctions pursuant to rules and regulations adopted by the commissioner.

d. A person who sells or offers for sale the material prohibited in subsection b. either for purposes of possession or viewing or who receives, possesses, distributes or exhibits any text, photograph, film, video or any other reproduction or reconstruction which depicts a person under 18 years of age engaging in a prohibited sexual act or in the simulation of such an act as defined in section 2 of P.L.1992, c. 7 (C.2A:30B-2), within the center shall be considered to have committed an **inmate** prohibited act and be subject to sanctions pursuant to rules and regulations adopted by the commissioner.

**Credits:** L.1997, c. 422, § 1, eff. June 1, 1998.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 4:3-11.11. Definitions**

As used in this act, unless the context clearly requires a different construction:

(a) “Eggs” means eggs in the shell that are the product of domesticated chickens.

(b) “Consumers” means any person who acquires eggs for consumption in ~~his~~ their own household and not for resale.

(c) “Institutional consumer” means a restaurant, hotel, boarding house, or any other business, facility, or place in which eggs are prepared or offered as food for use by its patrons, residents, **inmates** individuals occupying a single place of residence, or patients.

(d) “Retailer” means any person who markets eggs to ultimate consumers.

\* \* \*

(f) “Person” means any individual, producer, firm, partnership, exchange, association, trustee, receiver, corporation, or any other entity and any member, officer, employee or agent thereof.

\* \* \*

**Credits:** L.1965, c. 94, § 2, eff. Jan. 1, 1966.

#### **Comment**

The term inmate, as used in this statute, is used in a non-criminal context. The proposed modification eliminates the term “inmate” and clarifies the language in the statute to better adapt it to present social needs and further the administration of justice. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 9:10-3. Scope and purpose of school; personnel**

A county school of detention shall be arranged and conducted so far as practicable for the safe custody of the **inmates** persons who are incarcerated and so far as duration of commitment permits for their training for good citizenship and self-support. There shall be ample ground for farming or gardening and shops or other means for industrial training and the institution shall be maintained or conducted as a home.

\* \* \*

**Credits:** Amended by L.1990, c. 26, § 6, eff. Aug. 19, 1990.

#### **Comment**

The pejorative terms are replaced with person-first language.

## **N.J.S. 9:10-5. Records and reports**

The superintendent of a county school of detention shall keep a complete record of children committed thereto, containing the name, address and age of each child, cause of detention, time of detention, offense alleged to have been committed if any, and any other useful data or information the ~~juvenile and domestic relations court~~ Superior Court may direct to be kept. ~~He~~ The superintendent shall also keep a record of all expenditures made by the county for the care and maintenance of the school.

~~He~~ The superintendent shall make a report to the board of ~~chosen freeholders~~ County Commissioners between the first and thirty-first of December in each year containing an itemized statement of all such expense necessary to maintain the school and the number of **inmates** persons in custody during each month.

The ~~juvenile and domestic relations court~~ the Superior Court at any time may require the superintendent to furnish information concerning the conduct, maintenance, or **inmates** persons in custody of the school.

**Credits:** Amended by L.1953, c. 9, p. 78, § 22.

### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language. In addition, the juvenile and domestic relations courts were abolished by former N.J.S. § 2A:4-3a et seq., and jurisdiction, functions, powers and duties of transferred to superior court; see, N.J.S. § 2B:9-1.

#### *• Chosen Freeholders<sup>1</sup>*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”<sup>2</sup> The elimination of this term became effective January 01, 2021.<sup>3</sup> The updated terminology appears in this statute.

## **N.J.S. 9:11-4. Master, matron, teachers and employees; rules**

Upon the completion of the youth house buildings the board of trustees may appoint 2 suitable persons as master and matron and such other suitable teachers, attendants, officers and employees as in their judgment may be necessary and proper and with the approval of the board of ~~chosen freeholders~~ County Commissioners fix their compensation and the compensation of the secretary. Each appointee shall hold ~~his~~ office or position at the pleasure of the board of trustees. Each person appointed as a teacher shall hold a teacher's certificate equal or superior to a first grade county certificate.

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<sup>1</sup> Final Report from Samuel M. Silver, Dep. Dir., Addressing the use of the Term “County Commissioner” in the New Jersey Statutes, the New Jersey Law Rev. Comm’n (Dec. 16, 2021) (available at [www.njlrc.org](http://www.njlrc.org)).

<sup>2</sup> L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

<sup>3</sup> *Id.*

The board of trustees shall make proper and necessary rules for the conduct and management of the youth house and care of the **inmates** persons in custody and shall prescribe the duties and powers of the employees.

The purpose of the youth house is to provide for the education and the moral and intellectual improvement of persons committed thereto. The board of trustees may, subject to the approval of the board of chosen freeholders, prescribe a course of education and manual instruction and training for persons committed to the youth house, giving special attention to courses in industrial training and agriculture.

**Credits:** Amended by L.1957, c. 46, p. 82, § 4.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

• *Chosen Freeholders*<sup>4</sup>

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”<sup>5</sup> The elimination of this term became effective January 01, 2021.<sup>6</sup> The updated terminology appears in this statute.

### **N.J.S. 18A:71B-2. Student eligibility**

\* \* \*

d. A person who is incarcerated shall be eligible for student financial aid under this chapter provided that:

(1) the person had been a resident of this State for a period of not less than 12 months immediately prior to the date of incarceration;

(2) the person is ~~a State-sentenced~~ **inmate** serving a State prison sentence; and

(3) the person receives approval from the Department of Corrections to enroll in an eligible institution.

**Credits:** L.1999, c. 46, § 1. Amended by L.2019, c. 282, § 1, eff. Jan. 9, 2020.

#### **Comment**

The pejorative terms are replaced with person-first language.

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<sup>4</sup> Final Report from Samuel M. Silver, Dep. Dir., Addressing the use of the Term “County Commissioner” in the New Jersey Statutes, the New Jersey Law Rev. Comm’n (Dec. 16, 2021) (available at [www.njlrc.org](http://www.njlrc.org)).

<sup>5</sup> L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

<sup>6</sup> *Id.*

### **N.J.S. 19:32-5. Investigations by superintendent and assistants; neglect to furnish information or exhibit records**

Such superintendents and their assistants, in order to enforce the laws of this State regarding the conduct of elections, shall investigate all complaints relating to the registration of voters, and for that purpose the superintendents and their assistants shall have full power and authority to visit and inspect any house, dwelling, building, inn, lodging house or hotel and interrogate any **inmate** person, house-dweller, keeper, caretaker, owner, proprietor or landlord thereof or therein as to any person or persons residing or claiming to reside therein or thereat; to inspect and copy any books, records, papers or documents relating to or affecting the elections, either general, special, primary or municipal, or the registration of voters in the custody and control of district boards, county boards, or the clerks or other officers of municipalities; to require every lodging-house keeper, landlord or proprietor to exhibit ~~his~~ their register of lodgers therein at any time to the superintendent, his subordinates or any other person so designated by such superintendent.

Any person who neglects or refuses to furnish any information required or authorized by this title, or to exhibit the records, papers, or documents herein authorized to be inspected, or which are required to be exhibited, shall be guilty of a crime of the fourth degree.

**Credits:** Amended by L.2005, c. 154, § 10, eff. July 12, 2005.

#### **Comment**

The term inmate, as used in this statute appears to be used in a non-criminal context. The proposed modification eliminates the term “inmate” and clarifies the language in the statute to better adapt it to present social needs and further the administration of justice. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 19:32-30. Investigations by superintendents and assistants; neglect to furnish information or exhibit records**

Such superintendents and their assistants, in order to enforce the laws of this State regarding the conduct of elections, shall investigate all complaints relating to the registration of voters, and for that purpose the superintendents and their assistants shall have full power and authority to visit and inspect any house, dwelling, building, inn, lodging house or hotel and interrogate any **inmate** person, house-dweller, keeper, caretaker, owner, proprietor or landlord thereof or therein as to any person or persons residing or claiming to reside therein or thereat; to inspect and copy any books, records, papers or documents relating to or affecting the elections, either general, special, primary or municipal, or the registration of voters in the custody and control of district boards, county boards, or the clerks or other officers of municipalities; to require every lodging-house keeper, landlord or proprietor to exhibit ~~his~~ their register of lodgers therein at any time to the superintendent, his subordinates or any other person so designated by such superintendent.



Any person who neglects or refuses to furnish any information required or authorized by this Title, or to exhibit the records, papers, or documents herein authorized to be inspected, or which are required to be exhibited, shall be guilty of a disorderly persons offense.

**Credits:** L.1947, c. 167, p. 727, § 5. Amended by L.2005, c. 154, § 15, eff. July 12, 2005.

#### **Comment**

The term inmate, as used in this statute, appears to be used in a non-criminal context. The proposed modification eliminates the term “inmate” to clarify the language in the statute to better adapt it to present social needs to further the administration of justice. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 24:6I-7.2. Submission of applications to commission; requirements**

a. Each application for a medical cannabis cultivator permit, medical cannabis manufacturer permit, and medical cannabis dispensary permit, and each application for annual renewal of such permit, including permit and renewal applications for microbusinesses that meet the requirements of subsection e. of section 11 of P.L.2019, c. 153 (C.24:6I-7.1), shall be submitted to the commission. A full, separate application shall be required for each initial permit requested by the applicant and for each location at which an applicant seeks to operate, regardless of whether the applicant was previously issued a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant permit, and regardless of whether the applicant currently holds a medical cannabis cultivator, medical cannabis manufacturer, or medical cannabis dispensary permit. Renewal applications shall be submitted to the commission on a form and in a manner as shall be specified by the commission no later than 90 days before the date the current permit will expire.

\* \* \*

d. The criteria to be developed by the commission pursuant to subsection b. of this section shall include, in addition to the criteria set forth in subsections c. and e. of this section and any other criteria developed by the commission, an analysis of the following factors, if applicable:

\* \* \*

(11) Whether the applicant intends to or has entered into a partnership with a prisoner re-entry program for the purpose of identifying and promoting employment opportunities at the applicant's organization for ~~former inmates~~ persons who were previously incarcerated and current inmates persons who are currently incarcerated and who will be leaving the corrections system. If so, the applicant shall provide details concerning the name of the re-entry program, the employment opportunities at the applicant's organization that will be made available to the re-entry population, and any

other initiatives the applicant's organization will undertake to provide support and assistance to the re-entry population.

\* \* \*

**Credits:** L.2019, c. 153, § 12, eff. July 2, 2019. Amended by L.2021, c. 16, § 16, eff. Feb. 22, 2021; L.2021, c. 252, § 3, eff. Oct. 18, 2021.

<sup>1</sup> L.2019, c. 153, eff. July 2, 2019.

<sup>2</sup> L.2021, c. 252, eff. Oct. 18, 2021.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 26:2F-3. Definitions**

For the purposes of this act unless the context clearly requires a different meaning:

\* \* \*

(g) (1) “Noninstitutional population” shall mean the number of inhabitants of a municipality or a group of municipalities making up a local health agency jurisdiction as enumerated in the last Federal census, or by a special census made by the Federal Bureau of the Census, or as estimated annually by the Department of Labor and Industry, whichever is the most recent, except that military personnel living on military reservations, **inmates** persons incarcerated ~~of in~~ Federal, State, and county institutions, and boarding students of colleges and universities shall be excluded.

\* \* \*

**Credits:** L.1966, c. 36, § 3, eff. July 1, 1966. Amended by L.1977, c. 332, § 3, eff. Jan. 23, 1978.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 26:2T-7. Hepatitis C education, prevention and screening program; implementation; evaluation**

\* \* \*

a. For the purposes of this program, the commissioner shall develop and implement the following:

\* \* \*

(6) a collaborative effort with the Department of Corrections to develop screening services to identify **inmates** persons who are incarcerated and are at risk for hepatitis C upon admission, and to provide education and counseling about treatment options to reduce the potential health risk to the community from these persons.

\* \* \*

**Credits:** L.2001, c. 357, § 3, eff. Feb. 5, 2002. Amended by L.2012, c. 17, § 310, eff. June 29, 2012; L.2017, c. 131, § 98, eff. July 21, 2017.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 26:4-49.8. Examination and treatment for venereal disease of inmates of institutions**

The warden or other person in charge of any jail, house of correction, or other penal or correctional institution shall require and cause a medical examination for venereal diseases to be made of any person therein confined for a period of seven days or longer and such warden or other person in charge may require such examination to be made of any person therein confined for a shorter period of time. The superintendent or other person in charge of any detention or contagious disease hospital, or any State, county or city charitable institution shall require and cause a medical examination for venereal diseases to be made of all persons admitted as soon as practicable after admission. Any board or agency operating such jail or institution shall provide a physician licensed to practice medicine and suitable facilities, equipment and supplies to examine **inmates** persons for venereal disease and to treat any **inmate** person who is incarcerated and who is known or found to have a venereal disease and who is in need of treatment. The warden, superintendent or other person in charge of such jail or institution may isolate any **inmate** person who is incarcerated who refuses to submit to such examination or who refuses to permit the taking of specimens or any **inmate** person with an infectious venereal disease. If a person has a venereal disease or if any person has refused to submit to examination or to allow specimens to be taken, the warden, superintendent or other person in charge shall notify the State department and may also notify the local health officer of the expected date of release of such person and the facts of the case. Such notification shall be made, if possible, at least five days prior to the actual date of release, and shall be made not later than the day following the date of release in any case.

**Credits:** L.1945, c. 101, § 2, eff. April 7, 1945.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 26:6B-3. Definitions**

As used in this act:

“Commissioner” means the Commissioner of Health.

“Compelling public necessity” means one or more of the following:

a. that a dissection or autopsy is essential to the criminal investigation of a homicide of which the decedent is the victim;

b. that the discovery of the cause of death is necessary to meet an immediate and substantial threat to the public health, and that a dissection or autopsy is essential to ascertain the cause of death;

c. that the death ~~was that of an~~ inmate ~~person who is incarcerated~~ of in a prison, jail, or other correctional facility;

\* \* \*

**Credits:** L.2018, c. 62, § 3, eff. Sept. 1, 2018.

<sup>1</sup> L.2018, c. 62 (N.J.S.A. § 26:6B-1 et al.).

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed modifications to this section also include streamlined language to make the statute more accessible.

### **N.J. S. 26:8-5. Institutional records**

The person in charge of a hospital, almshouse, lying-in, penal, or other institution, public or private, to which any person resorts for treatment of disease or for confinement, or is committed by process of law, shall make a record of all the personal and statistical particulars relative to each inmate person in such institution, at the time of admission, and shall make a complete medical record covering the period of such person's confinement in such institution.

\* \* \*

**Credits:** Amended by L.1970, c. 288, § 1, eff. Dec. 14, 1970; L.1975, c. 282, § 1, eff. Jan. 12, 1976.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 27:7-25. Work on state highways; contracts; institutional labor**

All work of construction or building of unimproved roads and of extensive repairs to improved roads taken over as state highways shall be by contract or by labor of **inmates** persons of state institutions.

Credits: L.1927, c. 319, § 112, p. 726, amended by L.1931, c. 225, § 1, p. 564.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 27:7-54. Cost of work; payment**

All payments for such roads, parking areas and driveways, and improvements to existing roads, parking areas and driveways on lands owned by the State, shall be paid out of appropriations made to the commissioner for that purpose. Nothing in this section or section 27:7-53 of this Title shall be construed to prevent the **inmates** persons and employees of any public institution from being employed on repairs and improvements of roads, parking areas and driveways used in connection with the institution.

Credits: Amended by L.1968, c. 438, § 2, eff. Feb. 19, 1969.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:1-1.3. Department of Human Services; electronic receipt of death record notifications from NJ-EDRS and identifying information from Department of Corrections; establishment of verification system to confirm authorized payment of benefits**

The Department of Human Services shall arrange for the electronic receipt of death record notifications from the New Jersey Electronic Death Registration System, pursuant to section 16 of P.L.2003, c. 221 (C.26:8-24.1), and of identifying information from the Department of Corrections, pursuant to section 6 of P.L.1976, c. 98 (C.30:1B-6), and from the Administrative Office of the Courts and any county which does not provide county **inmate** incarceration information regarding persons who are so incarcerated to the Administrative Office of the Courts. The Department of Human Services shall establish a verification system utilizing the records and information it receives pursuant to this section to confirm that benefits paid under programs of the Department of Human Services are not being paid in a manner inconsistent with laws and regulations regarding eligibility for those benefit programs. This section shall not be construed as changing in any way the laws and regulations regarding eligibility for benefit programs of the Department of Human Services.

Credits: L.2013, c. 274, § 6, eff. Jan. 17, 2014.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:1-2.4. Admission to State psychiatric hospitals of persons in the custody of the criminal justice system**

a. In order to ensure the safety of patients, employees and the general public as well as appropriate treatment, a criminal defendant, person who has been sentenced **inmate**, person being examined or treated for fitness to proceed pursuant to N.J.S.2C:4-5 and N.J.S.2C:4-6, person acquitted of a criminal charge by reason of insanity pursuant to N.J.S.2C:4-9, or person who is committed pursuant to section 4 of P.L.1994,c.134 (C.30:4-82.4), who is in need of involuntary commitment shall not be admitted to a State psychiatric hospital, unless the Commissioner of Human Services has specifically designated the hospital to admit these persons. The court shall commit these persons to the custody of the Commissioner of Human Services for placement in an appropriate, designated hospital.

\* \* \*

**Credits:** L.1998, c. 111, § 2, eff. Oct. 17, 1998.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:1-13. Personal attention by board and commissioner; inspections**

The commissioner and the State board shall arrange for personal contact with each of the institutions and the work of the noninstitutional agencies, by visitations and by such other means as they may determine to be necessary and proper, so that they may be as nearly as is practicable continually in touch with and informed concerning the general condition and progress of the several institutions and noninstitutional agencies and the general results of the management thereof and the condition and welfare of the **inmates** persons who are incarcerated and other persons committed or admitted. The commissioner and the State board shall, personally or by their designated representative, visit and inspect each institution at least semiannually, at periods which shall not be fixed in advance.

**Credits:** Amended by L.1971, c. 384, § 9, eff. Jan. 5, 1972.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:1-15. Inspection of local and private institutions; reports**

The commissioner and the State board shall have the power of visitation and inspection of all county and city jails or places of detention, county or city workhouses, county

penitentiaries, county mental hospitals, poor farms, almshouses, county and municipal schools of detention, and privately maintained institutions and noninstitutional agencies for the care and treatment of persons with mental illness or developmental disabilities and persons who are blind, visually impaired, deaf blind, or hard of hearing, or other institutions, and noninstitutional agencies conducted for the benefit of persons with a physical or mental deficiency, or the furnishing of board, lodging or care for children. The commissioner or ~~his~~ a duly authorized agent, and any member of the State board shall be admitted to any and all parts of any such institutions at any time, for the purpose of inspecting and observing the physical condition thereof, the methods of management and operation thereof, the physical condition of the **inmates** persons who are incarcerated, the care, treatment and discipline thereof, and also to determine whether such persons so admitted or committed are properly and adequately boarded, lodged, treated, cared for and maintained. The commissioner and the State board may make such report with reference to the result of such observation and inspection and recommendation with reference thereto, as they may determine.

**Credits:** Amended by L.1965, c. 59, § 2, eff. Aug. 25, 1965; L.1968, c. 85, § 1, eff. June 21, 1968; L.1971, c. 384, § 11, eff. Jan. 5, 1972; L.1977, c. 63, § 11, eff. April 15, 1977; L.2010, c. 50, § 20, eff. Nov. 14, 2010.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:1-16. Order of court to remedy improper conditions**

If it shall appear after any such investigation of any of the institutions or noninstitutional agencies enumerated in sections 30:1-14 and 30:1-15 of this Title, that the laws relating to the construction, management and affairs of any such institution, and the care, treatment, government and discipline of its ~~inmates~~ those who are incarcerated or its patients are being violated, or that **inmates** those who are incarcerated or those who are patients in any such institution are cruelly, negligently or improperly treated or inadequate provision is made for their sustenance, clothing, care, supervision or other condition necessary to their suitable and proper well being, the commissioner or the State board may institute a civil action in any court of competent jurisdiction against the proper superintendent, commissioner, agent, medical director, warden, manager, keeper, chief executive officer or other officer of such institution or in control thereof, or responsible for such violation or omission. The court may proceed in the action in a summary manner or otherwise and may direct ~~him~~ them to modify any treatment or to apply such remedy, or both, or carry out the requirements of the commissioner or the State board as may be just and effectual.

**Credits:** Amended by L.1953, c. 29, § 1, eff. March 19, 1953; L.1971, c. 384, § 12, eff. Jan. 5, 1972.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:1-17. Action against officials in charge of institutions; notice; county prosecutor's duties**

The rights and powers conferred upon the State board and the commissioner by sections 30:1-14, 30:1-15 and 30:1-16 of this Title, so far as they relate to the investigation of the institutions and noninstitutional agencies enumerated therein may be enforced by a civil action against the officer or board having charge of the institution, brought in the Superior Court. The court may proceed in the action in a summary manner or otherwise.

If, in the opinion of the commissioner or the State board, any matter with regard to the management or affairs of any such institution or any **inmate** person who is incarcerated, or person in any way connected with either required legal investigation or action of any kind, notice thereof may be given by the commissioner or the State board to the county prosecutor of the county, and ~~he~~ the prosecutor shall thereupon make inquiry and take such proceedings in the premises as ~~he~~ the prosecutor may deem necessary and proper. It shall be the duty of the county prosecutor when so required to furnish such legal assistance, counsel or advice as the commissioner or the State board may require in the discharge of ~~his~~ their ~~or its~~ duties.

**Credits:** Amended by L.1953, c. 29, § 2; eff. March 19, 1953; L.1971, c. 384, § 13, eff. Jan. 5, 1972; L.1991, c. 91, § 310, eff. April 9, 1991.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:1B-6. Powers and duties of commissioner**

The commissioner, as administrator and chief executive officer of the department, shall:

\* \* \*

r. Compile and provide to the Department of Labor and Workforce Development and the Department of Human Services identifying information on each **inmate** person incarcerated in each State institution at the time of incarceration. The information shall be transmitted electronically in a timely manner and shall provide identifying characteristics, including name and Social Security number, to be used by the Department of Labor and Workforce Development and the Department of Human Services to verify individuals' eligibility for benefit programs administered by each department.



**Credits:** L.1976, c. 98, § 6, eff. Nov. 1, 1976. Amended by L.1995, c. 280, § 28, eff. Dec. 15, 1995; L.2013, c. 274, § 4, eff. Jan. 17, 2014.

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:1B-6.2. Commission duties relative to pre-release of inmates**

~~The Commissioner of Corrections shall provide to each inmate at least 10 days prior to release from a State correctional facility:~~

At least 10 days prior to a person's release from a State correctional facility, the Commissioner shall provide the person with:

a. A copy of the **inmate's** their criminal history record and written information on ~~the inmate's~~ their right to have ~~his~~ their criminal records expunged under chapter 52 of Title 2C of the New Jersey Statutes;<sup>1</sup>

b. General written information ~~on the inmate's~~ regarding their right to vote under R.S.19:4-1;

c. General written information on the availability of programs, including faith-based and secular programs, that would assist in removing barriers to ~~the inmate's~~ employment or participation in vocational or educational rehabilitative programs, including but not limited to, information concerning the "Rehabilitated Convicted Offenders Act," P.L.1968, c. 282 (C.2A:168A-1 et seq.) and the certificate of rehabilitation under P.L.2007, c. 327 (C.2A:168A-7 et seq.);

d. A detailed written record of ~~the inmate's~~ their participation in educational, training, employment, and medical or other treatment programs while ~~the inmate's~~ they was were incarcerated;

e. A written accounting of the fines, assessments, surcharges, restitution, penalties, child support arrearages, and any other obligations due and payable ~~by the inmate person~~ upon release;

f. (Deleted by amendment, P.L.2020, c. 45)

g. A copy of ~~the inmate's~~ their birth certificate, as issued by the Department of Health, Office of Vital Statistics, if the **inmate** person was born in New Jersey;

h. Assistance in obtaining a Social Security card;

i. A one-day New Jersey bus or rail pass;

j. A two-week supply of prescription medication and, to the extent consistent with clinical guidelines, a two-week prescription order with two additional refills;

k. General written information concerning child support, including child support payments owed by the **inmate** person, information on how to seek child support payments and information on where to seek services regarding child support, child custody, and establishing parentage; and

l. (1) A medical discharge summary, which shall include instructions on how to obtain from the commissioner a copy of the **inmate's** their full medical record. ~~Upon request from the inmate, the~~ The person may request, and the commissioner shall provide a copy of the **inmate's** person's full medical record in a safe and secure manner, at no charge, ~~to the inmate.~~

(2) Within 90 days of the effective date of this act,<sup>2</sup> the commissioner, in consultation with the State Board of Medical Examiners, shall adopt rules and regulations, pursuant to the “Administrative Procedure Act,” P.L.1968, c. 410 (C.52:14B-1 et seq.), to ensure that these records are expeditiously and securely provided, in a manner consistent with the provision of medical records by other providers.

**Credits:** L.2009, c. 329, § 2, eff. May 1, 2010. Amended by L.2011, c. 191, § 1, eff. Jan. 17, 2012; L.2020, c. 45, § 1, eff. July 1, 2020; L.2021, c. 312, § 1, eff. Dec. 21, 2021.

<sup>1</sup> N.J.S.A. § 2C:52-1 et seq.

<sup>2</sup> L.2011, c. 191, eff. Jan. 17, 2012.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:1B-6.2a. Inmate assistance in acquiring copy of birth certificate**

The Commissioner of Corrections shall offer each **inmate** person who is incarcerated, upon request, at least 180 days prior to release from a State correctional facility, assistance with obtaining a copy of the **inmate's** their birth certificate, as issued by the Department of Health, Office of Vital Statistics, if the **inmate** person was born in New Jersey. The commissioner shall ensure that all **inmates** persons who are incarcerated and who were born in New Jersey are notified of their ability to obtain the commissioner's assistance in accessing their birth certificates pursuant to this section.

**Credits:** L.2021, c. 312, § 2, eff. Dec. 21, 2021.

#### **Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:1B-6.3. Coordinator for Reentry and Rehabilitative Services; appointment and duties**

a. The Commissioner of Corrections shall designate a staff member as Coordinator for Reentry and Rehabilitative Services. The coordinator shall be qualified by training and experience to perform the duties of this position. The coordinator may be chosen by the commissioner from among the current employees of the department and the chosen employee may continue the duties and responsibilities of the current position in addition to the duties and responsibilities of the coordinator position as provided in this section.

b. The coordinator shall compile and disseminate to inmates persons who are incarcerated information concerning organizations and programs, whether faith-based or secular programs, which provide assistance and services to inmates persons reentering society after a period of incarceration. In compiling this information, the coordinator shall consult with non-profit entities, including but not limited to the New Jersey Institute for Social Justice, that provide informational services concerning reentry, and the Executive Director of the Office of Faith-based Initiatives in the Department of State, and the Corrections Ombudsperson in, but not of, the Department of the Treasury.

c. The coordinator shall ensure that inmates persons who are incarcerated are made aware of and referred to organizations which provide services in the county where the inmate person is to reside after being released from incarceration. The coordinator shall assist inmates persons who are incarcerated in gaining access to programs and procuring the appropriate services.

d. The coordinator may employ professional and clerical staff as necessary within the limits of available appropriations.

**Credits:** L.2009, c. 329, § 4, eff. May 1, 2010. Amended by L.2010, c. 34, § 6, eff. June 30, 2010.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:1B-6.4. Notice of outstanding financial obligations as a result of sentence; deferred payments**

~~At the time of release from a State correctional facility, every inmate~~ Every person who is incarcerated shall be notified in writing of all outstanding fines, assessments, and restitution charges ordered as part of that inmate's person's sentence, as well as any outstanding warrants or detainers- at the time of their release from a State correctional facility.

To assist in an inmate's person's transition and reentry into the community, no inmate person shall be required to pay any portion of any outstanding fine, assessment, or restitution

ordered as part of that **inmate's** person's sentence during the first 90 days following his their release. During that 90-day period no warrant shall be issued against the **inmate** person for any nonpayment of any such fine, assessment, or restitution. Nothing in this section shall be construed to diminish or in any way impair the **inmate's** person's responsibility for paying all such outstanding fines, assessments, and restitutions ordered by the court.

**Credits:** L.2009, c. 329, § 5, eff. May 1, 2010.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:1B-6.6. Legislative findings and declarations; incarcerated primary caretaker parents**

The Legislature finds and declares:

a. A growing segment of the prison population typically is excluded from the criminal justice reform conversation and does not get the attention it deserves: primary caretaker parents behind bars. According to the Sentencing Project, in 2004, 52 percent of **inmates** persons who are incarcerated in state prisons and 63 percent in federal prisons were parents of minor children. Most parents in prison are fathers, but the rate of female incarceration in America is growing at an alarming rate. While the number of fathers in prison increased 76 percent between 1991 and 2007, the number of mothers in prison increased by 122 percent during that period.

b. Presumably, the considerable growth in incarcerated parents represents a considerable growth in incarcerated primary caretaker parents. This is significant because these parents face unique challenges. Their incarceration is not their burden to alone share; it also greatly impacts their family. Many incarcerated primary caretaker parents also are faced with difficult and competing choices, like whether to use their limited funds to communicate with their children or in the case of ~~female~~ **inmates** women who are incarcerated, to purchase hygiene products in the commissary.

c. Therefore, it is necessary to create a strengthened Corrections Ombudsperson in the Office of the Corrections Ombudsperson to enforce the rights of **inmates** persons who are incarcerated, provide access to the benefits to which they are entitled, and ensure accountability, transparency, monitoring, and continued improvements within all correctional facilities.

d. It is time for this State to focus on its incarcerated primary caretaker parents and provide them with the protections they deserve.

**Credits:** L.2019, c. 288, § 2, eff. Aug. 1, 2020.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:1B-6.7. Definitions relating to incarcerated primary caretaker parents**

As used in this act:

“Department” means the Department of Corrections.

“Isolated confinement” means the confinement of an inmate a person in a correctional facility, pursuant to disciplinary, administrative, protective, investigative, medical, or other classification, in a cell or similarly confined holding or living space, alone or with other inmates persons for approximately 23 hours or more per day, with severely restricted activity, movement, and social interaction, and shall include, but not be limited to, administrative segregation, disciplinary segregation, solitary confinement, and protective segregation.

“Office” means the Office of the Corrections Ombudsman.

“Primary caretaker parent” means any inmate person who is incarcerated who has a child under the age of 18; who prior to the inmate's incarceration, spent the majority of days in the care of the inmate parent person who is incarcerated prior to their incarceration, and whose access to that child has not been terminated by court order, the inmate's person’s own request, or other circumstance.

“Restraint” mean any physical restraint or mechanical device used to control the movement of a inmate's or detainee's the body and limbs of a person who is incarcerated or a detainee, including, but not limited to, shackles, flex cuffs, soft restraints, hard metal handcuffs, a black box, Chubb cuffs, leg irons, belly chains, a security or tether chain, or a convex shield.

**Credits:** L.2019, c. 288, § 3, eff. Aug. 1, 2020.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:1B-6.8. Promoting visitation for inmates who are primary caretaker parents; duties of commissioner; conditions**

The Commissioner of Corrections shall:

a. place an inmate person who has a minor child, in a State correctional facility as close as possible to that child's place of residence provided that the person makes such a at the request of the inmate and prior to sentencing;

b. establish policies that encourage and promote visitation, particularly for inmates persons who are incarcerated and who are primary caretaker parents, including, but not limited to:

(1) requiring the visitation program be in operation at least six days per week, including Saturday and Sunday, for at least three hours per visit;

(2) prohibiting restrictions on the number of minor children allowed to visit an inmate person who is incarcerated;

(3) authorizing up to three adult visitors; and

(4) authorizing contact visits;

\* \* \*

f. provide appropriate trauma informed care to inmates persons who are incarcerated and who are primary caretaker parents and train correctional police officers on how to interact with inmates persons who are incarcerated and who are victims of trauma;

g. allow ~~former~~ inmates persons who were formerly incarcerated and who have returned to society, after appropriate internal clearance, to mentor persons who are currently inmates who are incarcerated primary caretaker parents and assist these inmates persons with reentry efforts;

h. require standard feminine hygiene products, including but not limited to, tampons and sanitary pads, be provided at the request of and free of charge to ~~female~~ inmates women who are incarcerated and petroleum jelly, aspirin, ibuprofen, and any other item deemed appropriate by the commissioner, to be made available to inmates from the commissary or medical department persons who are incarcerated;

i. restrict correctional police officers and other department employees from entering the restrooms and shower facilities of inmates persons who are incarcerated and are of the opposite sex when either the restrooms or shower facilities are occupied, except when deemed necessary by the commissioner; and

j. allow all ~~pregnant women and~~ inmates persons who are incarcerated and who are primary caretaker parents to enroll in residential drug abuse and mental health programs provided they meet the requirements of those programs.

**Credits:** L.2019, c. 288, § 4, eff. Aug. 1, 2020.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:1B-6.9. Establishment of policies that promote visitation for inmates who are primary caretaker parents; duties of chief executive officer or warden; conditions**

The chief executive officer or warden of each county correctional facility shall:

a. establish policies that encourage and promote visitation, particularly for inmates persons who are incarcerated and who are primary caretaker parents, including, but not limited to:

(1) requiring in-person visitation three days per week, including Saturday and Sunday, for at least 30 minutes per visit;

(2) prohibiting restrictions on the number of children allowed to visit an inmate person who is incarcerated consistent with current regulations;

(3) authorizing up to two adult visitors; and

(4) providing consistent access to contact visits;

(5) authorizing contact visits with children;

\* \* \*

d. provide parenting classes to inmates persons who are incarcerated and who are primary caretaker parents;

e. provide trauma informed care to inmates persons who are incarcerated and who are primary caretaker parents and train correctional police officers on how to interact with inmates persons who are incarcerated and who are victims of trauma;

f. allow ~~former~~ inmates persons who were formerly incarcerated and who are participating members of a non-profit or reentry organization mentorship or visitation program approved by the chief executive officer or warden to mentor current inmates persons who are incarcerated and are primary caretaker parents and assist these inmates persons with reentry efforts;

g. require standard feminine hygiene products, including but not limited to, tampons and sanitary pads, be provided at the request of and free of charge to ~~female~~ inmates women who are incarcerated and petroleum jelly, aspirin, ibuprofen, and any other item deemed appropriate by the chief executive officer or warden, to be provided at the request of and free of charge to persons who are incarcerated;

h. restrict correctional police officers and other department employees from entering the restrooms and shower facilities of inmates persons who are incarcerated and are of the opposite sex when either the restrooms or shower facilities are occupied, except when deemed necessary by the chief executive officer or warden; and

i. allow all ~~pregnant women and~~ inmates persons who are incarcerated and who are primary caretaker parents to enroll in residential drug abuse and mental health programs provided they meet the requirements of those programs.

**Credits:** L.2019, c. 288, § 5, eff. Aug. 1, 2020.

## Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:1B-6.10. Coordination of reentry preparation and other rehabilitative services for inmates in all State correctional facilities; dissemination of information to inmates**

a. The Commissioner of Corrections and Chairman of the State Parole Board shall coordinate reentry preparation and other rehabilitative services for inmates persons who are incarcerated in all State correctional facilities pursuant to P.L.2019, c. 364 (C.30:4-123.55b et al.).

Appropriate staff within the Department of Corrections and State Parole Board shall be responsible for engaging with each inmate person to develop and implement an individualized, comprehensive reentry plan for services during the inmate's person's incarceration. This plan may be refined and updated during incarceration as needed, and shall include recommendations for community-based services prior to the inmate's person's actual return to the community. Appropriate staff within the Department of Corrections and State Parole Board shall determine what medical, psychiatric, psychological, educational, vocational, substance abuse, and social rehabilitative services shall be incorporated into a comprehensive reentry plan in order to prepare each inmate person who is incarcerated for successful integration upon release. The Department of Corrections shall establish guidelines, timelines, and procedures to govern the institutional reentry plan process.

b. Appropriate staff within the Department of Corrections and State Parole Board shall compile and disseminate ~~to inmates~~ information concerning organizations and programs, whether faith-based or secular programs, which provide assistance and services to inmates persons who are incarcerated and who will be reentering society after a period of incarceration. In compiling this information, the appropriate staff shall consult with non-profit entities that provide informational services concerning reentry, the Executive Director of the Office of Faith-based Initiatives in the Department of State, and the Corrections Ombudsperson in, but not of, the Department of the Treasury.

c. The State Parole Board shall ensure that all inmates persons who are incarcerated are made aware of and referred to organizations which provide services in the county where the inmate person is to reside after being released from incarceration. The State Parole Board shall assist inmates persons who are incarcerated in gaining access to programs and procuring the appropriate post-release services.

d. The Department of Corrections and State Parole Board may employ professional and clerical staff as necessary within the limits of available appropriations.

**Credits:** L.2019, c. 364, § 3, eff. Feb. 1, 2021.

## Comment



The pejorative terms are replaced with person-first language.

**N.J.S. 30:1B-6.11. Centralized database of information contained on each disciplinary report**

The Commissioner of Corrections shall establish and maintain a centralized database of information contained on each disciplinary report prepared by a corrections officer in response to an **inmate** person who is incarcerated committing any prohibited act required to be reported to the prosecutor pursuant to regulations promulgated by the commissioner that resulted in a conviction during the current period of incarceration.

**Credits:** L.2019, c. 364, § 6, eff. Feb. 1, 2021.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:1B-6.12. Allocation of cost savings**

The Commissioner of Corrections shall allocate a portion of any cost savings realized from the enactment of P.L.2019, c. 364 to the Office of Victim Services for the operating costs of the Focus on the Victim Program and other services to facilitate **inmates'** successful reentry of persons who have been incarcerated.

**Comment**

The pejorative terms are replaced with person-first language.

**Credits:** L.2019, c. 364, § 12, eff. Feb. 1, 2021.

**N.J.S. 30:1B-6.13. Mandatory annual in-service training program for correctional police officers in State correctional facilities; contents**

a. In addition to the duties of the commissioner set forth in section 6 of P.L.1976, c. 98 (C.30:1B-6), the commissioner shall institute a mandatory annual in-service training program of at least 40 hours for each correctional police officer in every State correctional facility. The commissioner shall establish and incorporate in the in-service training program curriculum the concept that the core mission of a State correctional police officer is to treat every **inmate** person who is incarcerated with dignity, fairness, and respect.

\* \* \*

e. Twenty hours of the training required by subsection a. of this section shall include training in:

(1) de-escalation, including training in interacting with combative or threatening inmates persons who are incarcerated and inmates persons who are incarcerated who are experiencing mental health crises;

(2) minimization of use of force;

(3) cultural diversity and implicit bias;

(4) appropriate methods of engaging with inmates persons who are incarcerated and who are:

(A) of diverse cultures and religions; and inmates who are

(B) members of the lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community; and

(C) gender nonconforming inmates;

(5) the rights of inmates persons who are incarcerated;

(6) lifestyle stressors, self-awareness, and self-regulation;

(7) the safety of officers and inmate safety persons who are incarcerated;

(8) communication skills; and

(9) any other topic deemed necessary by the commissioner to advance the core mission of treating inmates persons who are incarcerated with dignity, fairness, and respect.

**Credits:** L.2019, c. 410, § 1, eff. Feb. 1, 2021. Amended by L.2021, c. 305, § 2, eff. June 1, 2022.

#### **Comment**

The pejorative terms are replaced with person-first language.

#### **N.J.S. 30:1B-6.14. In-service training on non-fraternization and undue familiarity of correctional police officer; contents**

The in-service training on non-fraternization and undue familiarity required by paragraph (2) of subsection b. of section 1 of this act<sup>1</sup> shall include training on the parameters of authorized contact that a correctional police officer may have with a current and former inmate person who was, or is, incarcerated as follows:

a. prohibit an officer from making personal contacts with or engaging in a personal relationship with a current inmate person who is incarcerated except as explicitly authorized;

b. limit ongoing contacts with a current or former **inmate** person who was, or is, incarcerated, a member of their **inmate's** family, or a close associate of the **inmate** person who is incarcerated to those persons with whom the officer was acquainted or associated with before the **inmate** the person who is incarcerated entered the correctional facility, and in these situations, require the officer to provide the officer's supervisor, in writing, of the nature, extent, and history of the relationship;

c. prohibit an officer from engaging in any of the following activities related to an **inmate** person who is incarcerated, a member of their **inmate's** family, or a close associate of the **inmate** for a minimum of 90 days after the release of the **inmate** person who is incarcerated:

(1) display favoritism or preferential treatment toward one **inmate** person or group of **inmates** persons who are incarcerated over another;

\* \* \*

**Credits:** L.2019, c. 410, § 2, eff. Feb. 1, 2021.

Footnotes: <sup>1</sup> N.J.S.A. § 30:1B-6.13.

#### **Comment**

The pejorative terms are replaced with person-first language.

#### **N.J.S. 30:1B-6.15. Issuance of non-driver identification card prior to release**

a. The Commissioner of Corrections shall provide a non-driver identification card issued by the New Jersey Motor Vehicle Commission to each **inmate** person who is incarcerated, free of charge, as soon as practicable, but not less than 10 days prior to their **inmate's** release from a State correctional facility. The New Jersey Motor Vehicle Commission shall issue the identification card and accept a former person's **inmate's** Department of Corrections identification card as two points for the purposes of applying for the identification card.

b. An **inmate's** person's Department of Corrections identification card shall be accepted by all State, county, and municipal agencies and New Jersey nonprofit organizations for six months following the date of release from incarceration to allow the released **inmate** person to gain access to services for which the **inmate** person is deemed eligible including, but not limited to, establishing the **inmate's** person's identity.

c. Notwithstanding the provisions of subsection b. of this section, whenever Motor Vehicle Commission agencies are closed during a declared public health emergency, pursuant to the "Emergency Health Powers Act," P.L.2005, c. 222 (C.26:13-1 et seq.), a state of emergency, pursuant to P.L.1942, c. 251 (C.App.A:9-33 et seq.), or both, the **inmate's** person's Department of Corrections identification card shall be accepted by all State, county, and municipal agencies and New Jersey nonprofit organizations in a manner as to allow the released **inmate** person to

gain access to services for which ~~the inmate~~ they is are deemed eligible for the duration of the public health emergency.

**Credits:** L.2020, c. 45, § 2, eff. July 1, 2020. Amended by L.2021, c. 312, § 3, eff. Dec. 21, 2021.

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:1B-6.16. Applications for public assistance programs; assistance to inmates prior to release**

a. The Commissioner of Corrections shall ensure that an ~~inmate~~ person who is incarcerated is assisted with completing, obtaining any required signatures or authorizations for, and forwarding for processing to the Department of Human Services as soon as practicable but not less than 30 days prior to an ~~inmate's~~ person's release from incarceration, an online application for enrollment in the Medicaid program, established pursuant to P.L.1968, c. 413 (C.30:4D-1 et seq.).

b. In addition to the requirements of subsection a. of this section, the Commissioner of Corrections shall also ensure that ~~the inmate~~ a person who is incarcerated is assisted in completing, obtaining any required signatures or authorizations for, and forwarding for processing to the appropriate county welfare agency or board of social services, as soon as practicable but not less than 30 days prior to an ~~inmate's~~ person's release from incarceration, online applications for enrollment in the following programs:

(1) the Supplemental Nutrition Assistance Program, established pursuant to the federal "Food and Nutrition Act of 2008," Pub.L.88-525 (7 U.S.C.s.2011 et seq.); and

(2) the Work First New Jersey program, established pursuant to P.L.1997, c. 38 (C.44:10-55 et seq.), which shall include, for ~~inmates~~ persons who are incarcerated and who are unable to identify a residence at the time of release, the application for emergency assistance benefits issued to Work First New Jersey recipients pursuant to section 8 of P.L.1997, c. 14 (C.44:10-51).

\* \* \*

d. If an ~~inmate~~ person who is incarcerated is unable to identify a residence at the time of application for benefits pursuant to this section, the Commissioner of Corrections shall, with the ~~inmate's~~ applicant's consent, ensure that the address of a reentry organization is used for the purposes of establishing proof of residence to meet any applicable eligibility requirements. The commissioner shall ensure that all ~~inmates~~ persons who are unable to identify a residence at the time of application for benefits are educated on their ability to select the address of the reentry organization as a residential address pursuant to this subsection.

e. All State, county, and municipal agencies, for the purposes of establishing applicable eligibility requirements, shall:

(1) accept the address of the reentry organization for an inmate person who is incarcerated and who is unable to identify a residence at the time of application for benefits in accordance with subsection d. of this section; and

(2) accept an inmate's person's Department of Corrections identification card to establish their inmate's identity.

f. An inmate person who is incarcerated and who appears to be eligible for Work First New Jersey assistance shall be screened for immediate need assistance.

**Credits:** L.2020, c. 45, § 4, eff. July 1, 2020. Amended by L.2021, c. 312, § 4, eff. Dec. 21, 2021.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:1B-6.17. Inmate contact information provided to county welfare agencies or boards of social services**

a. In advance of a person's release from incarceration, ~~The~~ the Commissioner of Corrections shall provide to the appropriate county welfare agency or board of social services, ~~in advance of an inmate's~~ inmate's release, the inmate's person's name, release date, and contact information, which shall include, but not be limited to, a telephone number or an email address.

b. In advance of a person's release from incarceration, ~~The~~ the commissioner shall provide to reentry organization selected as a residential address pursuant to subsection d. of section 4 of this bill<sup>1</sup>, ~~in advance of an inmate's~~ inmate's release, the information required in subsection a. of this section unless the inmate person requests that the information not be forwarded.

**Credits:** L.2020, c. 45, § 5, eff. July 1, 2020. Amended by L.2021, c. 312, § 5, eff. Dec. 21, 2021.

<sup>1</sup> L.2021, c. 312 (N.J.S.A. § 30:1B-6.16).

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:1B-6.18. Use of reentry organization address as mailing address in inmates application for benefits**

An inmate person who was incarcerated in and released from a State or county correctional facility shall be authorized to use the address of a reentry organization as a mailing address in an application for benefits under the:

- a. Medicaid program, established pursuant to P.L.1968, c. 413 (C.30:4D-1 et seq.);
- b. Supplemental Nutrition Assistance Program, established pursuant to the federal “Food and Nutrition Act of 2008,” Pub.L.88-525 (7 U.S.C.s.2011 et seq.); and
- c. Work First New Jersey program, established pursuant to P.L.1997, c. 38 (C.44:10-55 et seq.), provided the **inmate** person who was incarcerated consents to the use of the reentry organization's address as their mailing address.

**Credits:** L.2021, c. 312, § 16, eff. Dec. 21, 2021.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:1B-7. Personal contact with institutions and noninstitutional agencies**

The commissioner shall arrange for personal contact with each of the institutions and the work of the noninstitutional agencies by visitations and by such other means as ~~he~~ the commissioner may determine to be necessary and proper, so that ~~he~~ the commissioner may be as nearly as is practicable continually in touch with and informed concerning the general conditions and progress of the several institutions and noninstitutional agencies and the general results of the management thereof and the condition and welfare of the **inmates** persons who are incarcerated and other persons committed or admitted. The commissioner shall visit and inspect each institution at least semiannually, at periods which shall not be fixed in advance.

**Credits:** L.1976, c. 98, § 7, eff. Nov. 1, 1976.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:1B-10. Transfer of functions, powers and duties of department and commissioner of institutions and agencies with respect to local jails or places of detention; rules and regulations for treatment of inmates**

All functions, powers and duties of the Commissioner of Institutions and Agencies and the Department of Institutions and Agencies with respect to all county and city jails or places of detention, county or city workhouses, county penitentiaries, privately maintained institutions and noninstitutional agencies for the care, treatment, government and discipline of adults **inmates** who are incarcerated are hereby transferred to the Department of Corrections established pursuant to section 2 of P.L.1976, c. 98 (C.30:1B-2). The commissioner may, in accordance with the Administrative Procedure Act, P.L.1968, c. 410 (C.52:14B-1 et seq.), promulgate such rules

and regulations as ~~he~~ the commissioner shall deem necessary to establish minimum standards for such care, treatment, government and discipline.

**Credits:** L.1976, c. 98, § 10, eff. Nov. 1, 1976. Amended by L.1995, c. 280, § 30, eff. Dec. 15, 1995.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:1B-10.1. Rules and regulations**

The Commissioner of Corrections shall provide or arrange for appropriate mental health services to State-sentenced incarcerated persons who suffer from mental illness, as defined in section 2 of P.L.1987, c. 116 (C.30:4-27.2), but are not in need of inpatient treatment at a State psychiatric facility. The commissioner may, in accordance with the “Administrative Procedure Act,” P.L.1968, c. 410 (C.52:14B-1 et seq.), promulgate rules and regulations governing the provision of mental health services to inmates persons who are incarcerated.

**Credits:** L.1999, c. 16, § 2.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:1B-40. Suspected abuse of inmate by employee; report; contents**

a. Any employee of a State correctional facility, who, as a result of information obtained in the course of ~~his~~ their employment, has reasonable cause to suspect or believe that an inmate person who is incarcerated is being or has been abused by any other employee of the State correctional facility shall report the information in a timely manner to the person designated by the Commissioner of Corrections to receive the report pursuant to subsection b. of section 3 of P.L.2019, c. 408 (C.30:1B-41).

b. Any other person having reasonable cause to suspect or believe that an inmate person who is incarcerated is being or has been abused by an employee of a State correctional facility may report the information to the person designated by the Commissioner of Corrections to receive the report pursuant to subsection b. of section 3 of P.L.2019, c. 408 (C.30:1B-41).

c. The report shall contain the name of the inmate person who is incarcerated; the name of the employee who is suspected of abusing the inmate person who is incarcerated, if known; the name of the correctional facility and the unit in which the inmate person is confined, if known; information regarding the nature of the suspected abuse; and any other information which might be helpful in an investigation of the case and the protection of the inmate person who is incarcerated.

**Credits:** L.2019, c. 408, § 2, eff. Aug. 1, 2020.

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:1B-41. Inmate abuse reporting program for State correctional facilities; establishment; provisions; designated contact person; report; review; investigation**

a. The Commissioner of Corrections shall establish an **inmate** abuse reporting program for State correctional facilities. ~~The program shall provide, at a minimum, so~~ that employees of a State correctional facility are:

(1) trained in recognizing probable incidents of or behavior that constitutes **inmate** the abuse of a person who is incarcerated and other abuse prevention strategies;

(2) informed of the duty to report the suspected **inmate** abuse of a person who is incarcerated pursuant to this act; and

(3) provided with the name and telephone number of the person designated by the Commissioner of Corrections who shall be notified of any suspected **inmate** abuse of a person who is incarcerated.

b. The Commissioner of Corrections shall designate one or more employees of the Department of Corrections who are not employees of any State correctional facility to serve as a contact person for an employee of a State correctional facility or any other person to notify if the employee or person has reasonable cause to suspect that an **inmate** person who is incarcerated is being or has been abused by any other employee of the correctional facility.

c. The designated contact person shall transmit all reported incidents or allegations ~~of~~ involving **inmate** the abuse of a person who is incarcerated to the Commissioner of Corrections or a designee. The commissioner shall ~~cause a prompt~~ promptly investigate ~~of~~ any report of **inmate** that a person who is incarcerated has been the subject of abuse.

d. The Commissioner of Corrections or a designee shall promptly report all instances of suspected **inmate** abuse of a person who is incarcerated, as determined by an investigation, to the county prosecutor of the county in which the State correctional facility is located. The report to the county prosecutor shall be in accordance with regulations or internal policies adopted by the commissioner in consultation with the County Prosecutors Association of New Jersey and the Attorney General.

e. Upon receipt of a report pursuant to subsection d. of this section, the county prosecutor may conduct a review of the suspected **inmate** abuse of persons who are incarcerated and take any appropriate action.



f. Nothing in this section shall preclude the Special Investigations Division in the Department of Corrections from conducting an investigation.

**Credits:** L.2019, c. 408, § 3, eff. Aug. 1, 2020.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:1B-42. Protection of name of person reporting suspected inmate abuse; immunity from liability**

a. The name of any person who reports the suspected inmate abuse of a person who is incarcerated pursuant to this act shall not be disclosed publicly, unless the person who reported the abuse specifically requests the disclosure, there is a judicial proceeding resulting from the report, or the disclosure is in accordance with the law.

\* \* \*

**Credits:** L.2019, c. 408, § 4, eff. Aug. 1, 2020.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:1B-43. Failure to report suspected inmate abuse; penalty; disciplinary action**

a. After all administrative appeals are exhausted and a final adjudication is made, any person required to report the suspected inmate abuse of a person who is incarcerated pursuant to this act who fails to make the report shall be liable to a penalty of not more than \$5,000. The penalty shall be collected and enforced by summary proceedings pursuant to the provisions of the “Penalty Enforcement Law of 1999,” P.L.1999, c. 274 (C.2A:58-10 et seq.). Each violation of this act shall constitute a separate offense.

b. Notwithstanding the penalty imposed pursuant to subsection a. of this section, any person required to report the suspected inmate abuse of a person who is incarcerated pursuant to this act who fails to make the report shall be subject to internal departmental disciplinary action by the Department of Corrections.

**Credits:** L.2019, c. 408, § 5, eff. Aug. 1, 2020.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:1B-45. Liaison between correctional facility administration and inmate population; inmate chosen by inmates in housing unit**

~~An inmate chosen by inmates in a housing unit as the liaison~~ Persons who are incarcerated in a housing unit may choose an individual to serve as the liaison between the correctional facility administration and the inmate population residents of the facility. The liaison shall be provided with a copy of P.L.2019, c. 408 (C.30:1B-39 et seq.). The liaison also shall be provided with a summary of the requirements under P.L.2019, c. 408 (C.30:1B-39 et seq.) for dissemination to the inmates residents in the housing unit.

**Credits:** L.2019, c. 408, § 7, eff. Aug. 1, 2020.

**Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

**N.J.S. 30:1B-46. Policy to limit cross gender searches and surveillance in State correctional facilities; establishment; contents**

The Commissioner of Corrections shall establish a policy to limit cross gender searches and surveillance of persons who are incarcerated in State correctional facilities. The policy shall:

a. require that a strip or body cavity search of an inmate to be conducted by an officer of the same gender as the person who is incarcerated and who is specially trained to conduct these searches;

b. authorize an exception to the requirements in subsection a. of this section only in cases of an emergency or other extraordinary or unforeseen circumstances;

c. require a non-security employee to conduct the search if a facility does not have sufficient correctional police officers of the same gender as the inmate population of the facility;

d. require the strip or body cavity search to conform with hygienic procedures and professional practices;

e. prohibit correctional police officers from viewing inmates persons who are incarcerated and are of the opposite gender who are nude or performing bodily functions except in an emergency or other extraordinary or unforeseen circumstances;

f. require a facility to install privacy panels in shower and toilet areas when possible;

g. require a verbal announcement to be made when correctional police officers or other employees of the opposite gender are in an area of the facility;

h. when necessary to determine the genital status of a person who is incarcerated and who identifies as a transgender inmate's genital status, require that the examination of the inmate to

be conducted in a private setting by a medical practitioner;

i. prohibit a correctional police officer or non-security employee from conducting a strip search on an inmate person who is incarcerated solely for the purpose of determining the inmate's person's biological sex or gender;

j. prohibit persons who are incarcerated and who identify as lesbian, gay, bisexual, transgender, and questioning (LGBTQ) inmates from being subject to a more invasive strip or body cavity search than persons who are incarcerated and who do not identify as non-LGBTQ inmates; in the event an additional search is necessary, require the correctional police officer or non-security employee to obtain supervisor approval;

k. require that a transgender inmate a person who is incarcerated and who identifies as transgender be permitted to indicate a preference for the gender of the correctional police officer or non-security employee who will perform the strip or body cavity search on the inmate and require that the request is to be honored unless exigent circumstances require an immediate strip or body cavity search by available personnel, as determined by a supervisor;

l. require a transgender inmate transgender inmate a person who is incarcerated and identifies as transgender who chooses to have a cross gender search conducted pursuant to subsection k. of this section to sign a cross gender search preference form; and

m. include any other restrictions deemed appropriate by the commissioner.

**Credits:** L.2019, c. 409, § 1, eff. May 1, 2020.

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:1B-48. Supervised community reintegration program; establishment; purpose; reintegration criteria**

a. There is hereby established in the Department of Corrections a supervised community reintegration program. The department shall consult with a Statewide domestic violence advocacy organization in the establishment and administration of the program. The purpose of the program is to foster the successful community reintegration of certain domestic violence victims who meet the following criteria:

(1) the inmate person was convicted of crimes committed against their inmate's abuser as defined in section 2 of P.L.2021, c. 233 (C.30:1B-48);

(2) the inmate person is serving a sentence of imprisonment and meets the eligibility criteria pursuant to rules and regulations established by the department for residential community programs;

- (3) the **inmate** person is found to present a low risk of re-offense; and
- (4) the other requirements of this section are met.

b. An eligible **inmate** person approved for participation in the program established pursuant to this section shall undergo a period of rehabilitative services, be required to agree to participate in the program, and gradually transition to supervision in the community, which may include assignment to a residential community release program and participation in a work release program.

c. The department may authorize the participation of an eligible **inmate** person in the residential community release program in accordance with the requirements of section 3 of P.L.2021, c. 233 (C.30:1B-49). An eligible **inmate** person participating in the residential community release program shall remain in the custody of the Commissioner of Corrections and be subject to the department's rules and regulations.

**Credits:** L.2021, c. 233, § 2, eff. Oct. 1, 2022.

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:1B-49. Application for participation in residential community release program; form and manner; contents**

a. An eligible **inmate** person who is incarcerated may apply to the Department of Corrections seeking participation in the residential community release program in a manner and form prescribed by the department. The application shall contain the following:

- (1) the crime for which the **inmate** person is serving a sentence of imprisonment was committed against the alleged abuser and no one else;

- (2) the **inmate** person has not been convicted of a crime of violence against a person other than the alleged abuser; and

- (3) documentation that the **inmate** person is a victim of domestic violence, including, but not limited to:

- (a) a restraining order or other documentation of equitable relief issued to the **inmate** person by a court of competent jurisdiction against the abuser;

- (b) a police record documenting the domestic violence between the **inmate** person who is incarcerated and the abuser;

- (c) documentation that the abuser has been convicted of one or more of the offenses enumerated in section 3 of P.L.1991, c. 261 (C.2C:25-19);

(d) medical documentation of the domestic violence;

(e) certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency that the **inmate person who is incarcerated** is a victim of domestic violence; or

(f) other documentation or certification of the domestic violence provided by a social worker or other professional who has assisted the **inmate person who is incarcerated** in dealing with domestic violence or any sufficient documentary evidence that the **inmate this person** has been a victim of domestic violence by the abuser.

b. Prior to considering an eligible **inmate's** application to participate in the residential community release program, the Department of Corrections shall cause to be completed application review materials, including a psychological evaluation of the applicant, an objective risk assessment, and a summary of the applicant's conduct regarding the offense, history, and evidence of abuse, and classification of institutional record since conviction.

**Credits:** L.2021, c. 233, § 3, eff. Oct. 1, 2022.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:1B-50. Approval requirements; residential community release program**

If the Department of Corrections finds that the requirements set out in sections 2 and 3 of P.L.2021, c. 233 (C.30:1B-48 and C.30:1B-49) are met, the department may approve that **inmate person who is incarcerated** to be admitted to the residential community release program, and shall determine any special conditions of participation that shall apply.

**Credits:** L.2021, c. 233, § 4, eff. Oct. 1, 2022.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-1.1. Boards of trustees; powers and duties**

It shall be the duty of the local boards of trustees to advance long-range planning for the medical care, correctional and training programs at their respective institutions; and maintain general oversight of the institution. The board shall not administer the individual institutions.

The board of trustees shall have power to:

a. Review institutional needs;

\* \* \*

k. Control and determine the use of patient or inmate welfare funds, for both patients and persons who are incarcerated, within the general regulation of the State board;

\* \* \*

o. Review the cases of such inmates persons who are incarcerated as may be eligible for parole consideration and provide the appropriate parole board panel with a written recommendation regarding the case. The State parole board shall, prior to considering any inmate person for release, provide the boards of trustees with a written notice of all such inmates persons to be considered. The boards of trustees may, in addition, review the cases of such inmates persons as may appeal decisions pursuant to section 14 of this amendatory act<sup>1</sup> and provide the parole board with a written recommendation regarding the case, which shall be considered by the board. The State parole board shall state on the record its reasons for rejecting any recommendation made pursuant to this section.

**Credits:** L.1971, c. 384, § 18, eff. Jan. 5, 1972. Amended by L.1972, c. 58, § 2, eff. June 6, 1972; L.1979, c. 441, § 25, eff. Feb. 21, 1980.

<sup>1</sup> N.J.S.A. § 30:4-123.58.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-5. Responsibility of executive officer**

The chief executive officer of each institution or agency shall be its executive and administrative officer and subject to the rules and regulations adopted by the board of managers shall be responsible to the board for the proper conduct and management of the institution or agency, the physical condition of the property, the proper use of the plant and equipment, the conduct of all employees appointed by ~~him~~ the chief executive and the care and treatment of the inmates persons who are incarcerated therein.

Credits: L.1918, c. 147, § 115, p. 348, § 304, p. 364, § 313, p. 367, §§ 318, 321, p. 368, § 603, p. 402, § 607, p. 403, § 611, p. 404, § 617, p. 405, § 626, p. 408, § 633, p. 409, § 638, p. 410 [1924 Suppl. §§ 34-59, 34-122, 34-131, 34-136, 34-139, 34-224, 34-228, 34-232, 34-238, 34-247, 34-254, 34-259]. L.1929, c. 101, § 4, p. 167.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-6.1. Prosecutor to be notified by institution of release or escape of inmate; methods of notification**

a. The chief executive officer of the institution in which an ~~inmate~~ **inmate's** person is confined shall notify the prosecutor of the person's release ~~of an inmate~~, unless the **inmate's** person is released on parole, in which case the State Parole Board shall notify the prosecutor of the release. The notification shall occur as follows:

(1) Written notification shall be provided 90 days before the **inmate's** person's anticipated release whenever possible, but in no event fewer than 30 days before release if such release is due to the expiration of the **inmate's** person's maximum term or is authorized by the State Parole Board or order of the Governor upon commutation of a sentence of incarceration;

\* \* \*

(3) Advance written notification shall be provided whenever possible of any other release of an ~~inmate~~ **inmate's** person from custody, including placement in an Intensive Supervision Program or other alternative disposition. If advance notification is not provided, notification shall be provided within 48 hours following release. All notice provided pursuant to this section shall include the **inmate's** person's name, identifying information, and anticipated residence.

**Credits:** L.1994, c. 131, § 3, eff. Oct. 31, 1994. Amended by L.2001, c. 79, § 9.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-7. Hospitalization of inmates**

~~The Commissioner of the Department of Corrections shall have power to place any inmate person who is incarcerated in any hospital in the State for such medical or surgical treatment as may be necessary, which cannot properly and adequately be rendered within the institution.~~

When an institution cannot properly and adequately provide medical or surgical treatment to a person who is incarcerated, the Commissioner shall have the power to place the person in any hospital in the State.

**Credits:** Amended by L.1995, c. 254, § 8, eff. March 1, 1996.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-7.1. Incapacitated and disabled patients; medical, psychiatric, surgical and dental treatment**

It is hereby declared to be the public policy of this State to make maximum provision for the health, safety, and welfare of patients who are incapacitated and residents in State and county institutions for persons with mental illness and persons with developmental disabilities, for persons with developmental disabilities who are residents in community-based alternate living arrangements in the State or in private facilities both in and outside the State, and for **inmates** persons under age 18 who are incarcerated in State and county penal and correctional institutions, by permitting the chief executive officer of the institution or the regional administrator of a Division of Developmental Disabilities community services region to consent to the utilization of appropriate medical, psychiatric, surgical, and dental treatment for the patients, **inmates** persons who are incarcerated, and residents where prescribed by a licensed physician or dentist as provided for herein.

**Credits:** L.1969, c. 181, § 1, eff. Nov. 5, 1969. Amended by L.1997, c. 208, § 1, eff. Aug. 18, 1997; L.2013, c. 103, § 77, eff. Aug. 7, 2013.

#### **Comment**

The pejorative terms are replaced with person-first language.

#### **N.J.S. 30:4-7.2. Consent for treatment**

The chief executive officer of a State or county psychiatric hospital or developmental center, a State or county penal or correctional institution, or a juvenile facility or detention center, or the regional administrator of a Division of Developmental Disabilities community services region is hereby authorized to give consent for medical, psychiatric, surgical, or dental treatment to patients who lack mental capacity, **inmates** persons who are incarcerated, or juveniles under age 18, or residents, hospitalized, confined, or placed by the Division of Developmental Disabilities in community-based alternate living arrangements in the State or in private facilities both in and outside the State, under circumstances where it appears that:

a. The patients, **inmates** persons who are incarcerated, juveniles, or residents, because of mental incapacity or nonage, are legally prevented from giving consent to the treatment; and

b. Either:

(1) there is no parent or guardian known to the officer or administrator, after reasonable inquiry, who has the mental capacity to give consent for the treatment of patients, **inmates** persons under the age of 18 who are incarcerated, or residents; or

(2) where a parent or guardian, after reasonable notice of the proposed treatment and a request for consent, and prior to the date fixed in the notice for the rendering of the treatment, refuses or neglects to execute and submit to the officer or administrator a writing expressing either the grant or denial of the consent; and



c. Where a licensed physician, psychiatrist, surgeon, or dentist certifies that the treatment to be performed is essential and beneficial to the general health and welfare of the patient, **inmate** person who is incarcerated, or resident, or will improve the opportunity for recovery or prolong or save the person's life.

**Credits:** L.1969, c. 181, § 2, eff. Nov. 5, 1969. Amended by L.1995, c. 280, § 31, eff. Dec. 15, 1995; L.1997, c. 208, § 2, eff. Aug. 18, 1997; L.2013, c. 103, § 78, eff. Aug. 7, 2013.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-7.3. Certification of emergency; consent to treatment**

In a case certified by a licensed physician, surgeon, psychiatrist or dentist to be one of grave emergency and to require immediate surgical intervention or other treatment in order to prevent the death of, or serious consequences to such patient, **inmate** person who is incarcerated, or resident, the chief executive officer or regional administrator is hereby authorized to consent to such medical, psychiatric, surgical or dental treatment to such patient, **inmate** person who is incarcerated, or resident as recommended and prescribed by such certification.

**Credits:** L.1969, c. 181, § 3, eff. Nov. 5, 1969. Amended by L.1997, c. 208, § 3, eff. Aug. 18, 1997.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-7.4. Notice of required treatment; contents**

Notice of required treatment shall be given to a parent or guardian of such patient, **inmate** person who is incarcerated, juvenile or resident by certified mail to the last known address with a request for consent, and such notice shall contain sufficient information to indicate the precise nature of the illness and the proposed treatment and the date same will be performed, and shall be sent at least 10 days in advance of the date recommended for such treatment unless the case is one certified to be emergent, as provided hereinabove, in which case the parent or guardian shall be given the maximum advance notice possible under the circumstances. For the purposes of this act, such notice shall be deemed reasonable notice.

**Credits:** L.1969, c. 181, § 4, eff. Nov. 5, 1969. Amended by L.1995, c. 280, § 32, eff. Dec. 15, 1995; L.1997, c. 208, § 4, eff. Aug. 18, 1997.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-7.6. Healing by religious principles; consent unauthorized**

Nothing herein shall be so construed as to give authority to the chief executive officer of any institution or the regional administrator of a Division of Developmental Disabilities community services region to supervise, regulate or control the remedial care or treatment of individual patients, **inmates** persons who are incarcerated, or residents who are adherents of any well recognized church or religious denomination which subscribes to the art of healing by prayer and the principles of which are opposed to medical treatment.

**Credits:** L.1969, c. 181, § 6, eff. Nov. 5, 1969. Amended by L.1997, c. 208, § 6, eff. Aug. 18, 1997.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-8. Isolation or quarantine of inmates having communicable disease**

Each board of managers shall have power, in case of the existence of any contagious or infectious disease, to establish such quarantine regulations as they may deem necessary and may provide for the isolation of **inmates** persons who are incarcerated and suffering from such disease, either within or without the institution in an isolation camp, or in a hospital for the care and treatment of such diseases, with power either to pay the expenses of establishing and maintaining the quarantine and isolation camp, or to pay for the board and treatment of the **inmates** these persons in a regularly established hospital. ~~The custody of all~~ **inmates** Persons who are incarcerated and subsequently admitted in to any hospital or quarantine camp shall remain in the custody of the chief executive officer of the institution of which such persons are **inmates** incarcerated. No **inmate** person who is incarcerated shall be placed in any hospital outside the limits of the institution without the approval of the commissioner first had and obtained.

**Credits:** L.1918, c. 147, § 227, p. 360 [1924 Suppl. § 34-107].

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-8.1. Attendance of prisoners at bedside or funeral of dying or deceased relative**

The principal keeper of the State Prison and the chief executive officer of any penal or correctional institution under the jurisdiction of the State Board of Control of Institutions and Agencies may in ~~his~~ their discretion, and in conformity with the rules and regulations of the State Board, authorize and permit the attendance of a ~~prisoner,~~ or **inmate** person who is incarcerated, at the bedside or funeral of a dying or deceased relative. A relative shall be deemed to mean and include the father, mother, husband, wife, child, brother or sister of the ~~prisoner or~~ **inmate**

person who is incarcerated. Any such ~~prisoner, or inmate~~ person who is incarcerated, shall at all times be in actual custody of one or more officers or employees of the institution wherein ~~he~~ the person who is incarcerated is confined and shall not be permitted to go without the territorial limits of the State.

**Credits:** L.1948, c. 414, § 1, eff. Sept. 22, 1948.

#### **Comment**

The pejorative terms are replaced with person-first language. The term “prisoner” is not defined in the New Jersey Statutes. The plain language of the proposed modification covers persons who are incarcerated in State Prison and county correctional facilities. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S 30:4-8.2. Rules and regulations concerning attendance at bedside or funeral**

The State Board of Control of Institutions and Agencies is empowered to promulgate rules and regulations ~~concerning regarding the attendance presence~~ of any ~~such prisoner or inmate~~ person who is incarcerated at the bedside or funeral of a ~~dying or~~ deceased relative and which shall insure the safekeeping and detention of the ~~prisoner or inmate~~ person who is incarcerated, and protect the welfare of society and make provision as to such other matters as the State Board may deem necessary and proper for individual circumstances of any case. This act shall be administered so as to give full force and effect to its provisions and to limit its application to deserving cases.

**Credits:** L.1948, c. 414, § 2, eff. Sept. 22, 1948.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-8.3. Correspondence of inmates of state and county penal and correctional institutions; language**

Subject to rules and regulations to be issued by the Division of Correction and Parole every State and county penal and correctional institution shall permit incoming and outgoing correspondence of the ~~inmates~~ persons who are incarcerated ~~thereof~~ to be in a language other than English.

**Credits:** L.1973, c. 88, § 1, eff. April 24, 1973.

#### **Comment**

The pejorative terms are replaced with person-first language.

#### **N.J.S. 30:4-8.4. Rules and regulations for each penal and correctional institution; promulgation and publication**

Subject to guidelines set down by the Director of the Division of Correction and Parole, every State penal and correctional institution shall formally promulgate and publish rules and regulations governing the rights, privileges, duties and obligations of the **inmate** ~~population~~ ~~confined~~ persons who are incarcerated therein. Among other things, such publications shall set forth the authorized sanctions for various classes of violations of the aforesaid rules and regulations, and detail the procedures for imposing summary and administrative punishment as well as for appealing therefrom. No punishment may be meted out other than of the type and in the manner prescribed by such rules and regulations.

**Credits:** L.1975, c. 95, § 1, eff. Nov. 15, 1975.

#### **Comment**

The pejorative terms are replaced with person-first language.

#### **N.J.S. 30:4-8.6. Correctional facility assignment to consider proximity to family**

During initial classification, the commissioner shall make every effort to assign an **inmate** ~~person~~ who is to be incarcerated, or who is incarcerated, to a State correctional facility in close proximity to the residence of the **inmate's** ~~person's~~ family.

**Credits:** L.2009, c. 328, § 5, eff. May 1, 2010.

#### **Comment**

The pejorative terms are replaced with person-first language.

#### **30:4-8.7. Equitable assignment of female and male inmates**

The commissioner shall not confine a female **inmate** in the same correctional facility as a male **inmate** if that confinement subjects the female **inmate** to conditions more oppressive or restrictive than conditions to which male **inmates** are subjected.

**Credits:** L.2009, c. 328, § 6, eff. May 1, 2010.

#### **Comment**

The pejorative terms are replaced with person-first language.

#### **N.J.S. 30:4-8.8. Complaints concerning female inmates; report**

The commissioner shall semiannually submit to the Director of the Division on Women in the Department of Children and Families all **inmate** complaints from persons who are incarcerated that have been submitted to the department concerning female inmates women who are incarcerated. ~~to the Director of the Division on Women in the Department of Children and Families.~~

**Credits:** L.2009, c. 328, § 7, eff. May 1, 2010. Amended by L.2010, c. 34, § 8, eff. June 29, 2010; L.2012, c. 16, § 52, eff. June 29, 2012.

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-8.10. Inmate visitation privileges; website posting of status**

a. Whenever there is a change in the status of a person who is incarcerated in a State correctional facility that affects the person's visitation privileges ~~there is a change in the status of an inmate incarcerated in a State correctional facility which affects the visitation privileges of that inmate,~~ the correctional facility shall immediately post that change of status on its website. This information shall remain on the website until those visitation rights have been restored.

b. If the change in status in visitation is due to the relocation of the **inmate person** to another facility, the change shall be noted on the website of the facility from which the **inmate person** has been transferred and shall remain on the website for two weeks. The posting shall include the name, address, telephone number, and website address of the facility to which the **inmate person** has been transferred.

**Credits:** L.2009, c. 328, § 9, eff. May 1, 2010.

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-8.12. Telephone service contracts for inmates in State or county correctional facilities**

a. All telephone service contracts for **inmates** persons who are incarcerated in State or county correctional facilities shall be subject to the procurement provisions set forth in chapter 34 of Title 52 of the Revised Statutes and chapter 11 of Title 40A of the New Jersey Statutes; provided, however, the State Treasurer or appropriate person on behalf of the county or private correctional facility shall contract with the qualified vendor whose rate shall not exceed 11 cents per minute for domestic debit, prepaid, and collect calls and who does not bill to any party any service charge or additional fee exceeding the per minute rate, including, but not limited to, any per call surcharge, account set up fee, bill statement fee, monthly account maintenance charge, or refund fee.

b. A State, county, or private correctional facility shall not accept or receive a commission or impose a surcharge for telephone usage by **inmates** persons who are incarcerated in addition to the charges imposed by the telephone service provider. For the purposes of this section, “commission” means any form of monetary payment, in-kind payment requirement, gift, exchange of services or goods, fee, or technology allowance. A commission or surcharge shall not include any product or the like that is related to the completion of voice-only calls, **inmate** telephone service maintenance, the analysis of telephone records and related financial data for investigative or other purposes, or security enhancements, including, but not limited to, voice recognition software, text analytics, or aggregate data analytical software.

c. Telephone services made available through a prepaid or collect call system established pursuant to section 3 of this act may include international calls; provided however, that if international calls are included in the telephone services made available for **inmates** persons who are incarcerated, those calls shall be made available at reasonable rates subject to Federal Communications Commission rules and regulations, but not to exceed 25 cents per minute.

**Credits:** L.2016, c. 37, § 2, eff. Aug. 31, 2016.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-8.13. Availability of prepaid or collect call system for inmates**

a. The Department of Corrections, each county correctional facility, and each private correctional facility shall make available either a prepaid or collect call system, or a combination thereof, for telephone services for **inmates** persons who are incarcerated.

b. Under a prepaid system, funds may be deposited into an **inmate** account for a person who is incarcerated in order to pay for telephone calls, provided that nothing in this section shall require the department, county, or private correctional facility to provide or administer a prepaid system.

c. The provider of the **inmate** telephone service for persons who are incarcerated, as an additional means of payment, shall permit the recipient of **inmate** collect calls from persons who are incarcerated to establish an account with that provider in order to deposit funds for advance payment of those collect calls.

d. For the purposes of this section, a “collect call system” means a call system pursuant to which recipients are billed for the cost of an accepted telephone call initiated by an **inmate** person who is incarcerated.

**Credits:** L.2016, c. 37, § 3, eff. Aug. 31, 2016, operative Dec. 1, 2016.

#### **Comment**

The pejorative terms are replaced with person-first language.

#### **N.J.S. 30:4-8.14. Security measures; establishment of rules and regulations or departmental procedures**

The department shall establish rules and regulations or departmental procedures to ensure that any **inmate** telephone call system for persons who are incarcerated that is established by this act provides reasonable security measures to preserve the safety and security of each State and county correctional facility, staff member, and person outside a facility who may receive **inmate** telephone calls from a person who is incarcerated.

**Credits:** L.2016, c. 37, § 4, eff. Aug. 31, 2016.

#### **Comment**

The pejorative terms are replaced with person-first language.

#### **N.J.S. 30:4-15. Commissaries for sale of commodities to inmates, visitors and personnel**

The board of managers of any institution or noninstitutional agency set forth in section 30:1-7 of the Revised Statutes may maintain a commissary or store for the sale of commodities to patients, **inmates** persons who are incarcerated, visitors and personnel under rules adopted by the board. The cost of establishing the commissary or store may be defrayed out of any funds appropriated for current maintenance. Any profit accruing may be used by the board for the use, benefit and general welfare of the **inmate** persons who are incarcerated or the patient population as a whole.

**Credits:** Amended by L.1966, c. 203, § 1, eff. July 21, 1966.

#### **Comment**

The pejorative terms are replaced with person-first language.

#### **N.J.S. 30:4-16. Liability in law action**

No action at law shall lie against any officer or employee or member of the state board or members of the several boards of managers, for admitting, receiving, keeping, detaining or transferring or discharging as provided by this title or directed by any order made in accordance with this title, any person coming to an institution or noninstitutional agency on ~~his~~ their own application, or on the application of ~~his~~ their friends or relatives, or by order of a judge or court of this state, but such application or order, or certified copy thereof, shall be sufficient warrant and authority for the admission, keeping, detention, transfer, discharge or reasonable care,

treatment, management and control of any patient or inmate person who is incarcerated who is received or committed according to the terms of this title.

**Credits:** L.1918, c. 147, § 238, p. 363, amended by L.1919, c. 97, § 13, p. 229 [1924 Suppl. § 34-118].

#### Comment

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:4-16.2. Recovery of costs and fees for frivolous law suits filed by inmates of correctional institutions**

a. In any civil action filed by an inmate person who is incarcerated and ~~in which~~ the defendant is represented by the Attorney General or county counsel and the Attorney General or county counsel believes the lawsuit is frivolous, the Attorney General or county counsel shall move to recover costs and fees.

b. The commissioner shall promulgate regulations providing for the forfeiture of progressive time credits authorized pursuant to R.S.30:4-140 when an inmate's lawsuit filed by a person who is incarcerated lawsuit:

(1) was filed to harass or retaliate against another individual, to disrupt or interfere with the operation of the correctional institution, or for some other malicious purpose, and

(2) has been determined by a court to be frivolous.

**Credits:** L.1996, c. 11, § 1, eff. June 26, 1996.

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-16.3. Prisoner's fund account statement to accompany inmate's request for waiver of filing fees; partial filing fee**

a. If an inmate person who is incarcerated files an action or proceeding in any court of this State and requests a waiver of filing fees on the grounds of indigency, they inmate shall attach to the filing a certified copy of the prisoner's fund account statement from the appropriate correctional institution for the six months immediately preceding the filing of the complaint or petition. If any filing fee is waived, the inmate person who is incarcerated shall pay a partial filing fee that is 20% of the greater of:

(1) the average monthly balance in their inmate's account;

(2) the average deposits to their inmate's account;



for the six months immediately preceding the filing of the complaint or petition. However, the partial fee may not exceed the full filing fee for the commencement of the action or proceeding.

b. If an inmate person who is incarcerated claims exceptional circumstances that render the ~~offender~~ person unable to pay the partial filing fee required by this section, in addition to the statement of account required by subsection a. they inmate shall submit an affidavit of special circumstances setting forth the reasons and circumstances that justify relief from the partial filing fee requirement.

c. If the court approves the application to waive all fees, the court shall give written notice to the inmate person who is incarcerated that all fees and costs relating to the filing and service will be waived. If the court denies the application to waive all fees, the court shall give written notice to the inmate person who is incarcerated that the ~~offender's~~ person's case will be dismissed if the partial filing fee is not paid within 45 days after the date of the order, or within an additional period that the court may, upon request, allow. Process in an action filed by an inmate person who is incarcerated shall not be served until the fee is paid.

d. As used in this section “action or proceeding” includes any appeal by inmates persons who are incarcerated from administrative decisions rendered by the State Parole Board and the Department of Corrections, including, but not limited to, parole and disciplinary matters.

**Credits:** L.1996, c. 11, § 2, eff. June 26, 1996. Amended by L.2000, c. 90, § 1, eff. Aug. 29, 2000.

#### Comment

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:4-16.4. Deposit of money judgment in inmate's account at correctional institution; use of funds**

If an inmate person who is incarcerated is awarded a money judgment as the result of a civil action, the monies derived from that judgment shall be deposited in the inmate's account of the person who is incarcerated at the correctional institution in which the inmate person is confined. These monies shall be used to satisfy any court-imposed fines, restitution or penalties which the inmate person has not met. These monies may also be used to meet any claims for reimbursement for medical treatment sought by the State or a county pursuant to the provisions of P.L.1995, c. 254 (C.30:7E-1 et seq.).

**Credits:** L.1996, c. 11, § 3, eff. June 26, 1996.

#### Comment

The pejorative terms are replaced with person-first language.

## **N.J.S. 30:4-16.5. Definitions**

As used in this act:

“Commissioner” means the Commissioner of Corrections.

“**Inmate**” “Person who is incarcerated” or “persons who are incarcerated” means a person or persons sentenced to imprisonment, or ordered to pretrial or investigative detention, in a State prison or county jail.

**Credits:** L.1996, c. 11, § 4, eff. June 26, 1996.

### **Comment**

The pejorative term is replaced with person-first language.

## **N.J.S. 30:4-19. Acquisition of additional real estate for certain juvenile institutions not owned by state**

The board of trustees of an institution within the state, not owned by the state, for the reformation of juvenile delinquents may purchase and acquire such additional real estate as may be necessary for the proper accommodation, employment or welfare of its **inmates** the persons who are incarcerated therein. When the institution is supported and maintained by a city, the consent of the governing body of the city shall first be obtained. Such additional real estate shall not be acquired unless full provision shall have first been made for payment of the cost either from the current annual appropriation for the support of the institution or from the earnings of the **inmates** persons who are incarcerated or both.

Such additional real estate shall be purchased and held in the same manner as the real estate originally acquired for the establishment of the institution.

**Credits:** L.1885, c. 102, §§ 1, 2, p. 119 [C.S. p. 454, §§ 8, 9].

### **Comment**

The pejorative terms are replaced with person-first language.

## **N.J.S. 30:4-27.10. Court proceedings for involuntary commitment**

\* \* \*

c. A court proceeding for involuntary commitment to treatment of an **inmate** person who is incarcerated who is scheduled for release upon expiration of a maximum term of incarceration

shall be initiated by the Attorney General or county prosecutor by submission to the court of two clinical certificates, at least one of which is prepared by a psychiatrist.

\* \* \*

**Credits:** L.1987, c. 116, § 10, eff. June 7, 1989. Amended by L.1994, c. 134, § 6, eff. Oct. 31, 1994; L.2009, c. 112, § 11, eff. Aug. 11, 2010; L.2014, c. 43, § 1, eff. Sept. 10, 2014.

**Comment**

The pejorative term is replaced with person-first language.

**N.J.S. 30:4-27.28. Involuntary commitment proceedings; temporary commitment order**

\* \* \*

c. The Attorney General may initiate a court proceeding for involuntary commitment under this act of an **inmate** person who is incarcerated and who is scheduled for release upon expiration of a maximum term of incarceration by submission to the court of two clinical certificates for a sexually violent predator, at least one of which is prepared by a psychiatrist.

**Credits:** L.1998, c. 71, § 5, eff. Aug. 12, 1999.

**Comment**

The pejorative term is replaced with person-first language.

**N.J.S. 30:4-55. Bringing inmates of foreign institutions into state; misdemeanor**

It shall be unlawful for any person, public official, corporation, association or institution to bring or send or cause to be brought or sent into this State an **inmate** of incarcerated in any public institution outside of this State for the purpose of placing such **inmate** person in any public institution in this State, without first obtaining the written consent of the Department of Institutions and Agencies of this State in accordance with the terms of the Interstate Mental Health Compact, chapter 178 of the laws of 1956.<sup>1</sup>

Any person, public official, corporation, association or institution or any officer or agent thereof who shall violate the provisions of this section shall be guilty of a ~~misdemeanor~~<sup>7</sup> crime of the fourth degree.

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<sup>7</sup> Final Report from Samuel M. Silver, Dep. Dir., Addressing the Use of the Term “Misdemeanor” in the New Jersey Statutes, the New Jersey Law Revision Comm’n (Mar. 21, 2019) (available at [www.njlrc.org](http://www.njlrc.org)).

**Credits:** Amended by L.1965, c. 59, § 44, eff. Aug. 25, 1965.

<sup>1</sup> N.J.S.A. § 30:7B-1 et seq.

#### Comment

The pejorative terms are replaced with person-first language. The proposed language also amends the statute to reflect degree of crime. See N.J.S. 2C:1-4(d), N.J.S. 2C:1-5(b) and N.J.S. 2C:43-1(b).

### **N.J.S. 30:4-67.1. Deposit and maintenance of funds of inmates or persons receiving services from the Department of Human Services; use of funds and interest**

(a) The chief executive officer of any institution coming within the jurisdiction of the Department of Corrections or Human Services is hereby empowered to deposit and maintain the funds of any **inmate** person who is incarcerated or person receiving services from the Department of Human Services, as applicable, in a special fund:

(1) for the use and benefit of the **inmate** person who is incarcerated or the person receiving services from the Department of Human Services, or

(2) for the payment of the **inmate's** or person's maintenance of a person who is incarcerated or a person receiving services from the Department of Human Services in the institution, as a court of competent jurisdiction may by order direct.

(b) A general ledger shall be maintained in the office of each institution which shall contain a separate account for each **inmate** or person who is incarcerated, or a person receiving services from the Department of Human Services and indicate the amount on deposit for ~~the **inmate** or each~~ person.

Any interest paid by a bank or trust company wherein the fund is maintained may be utilized by the board of managers of the institution for the use, benefit, and general welfare of the **inmate** population the persons who are incarcerated as a whole or for the use, benefit, and general welfare of the person receiving services from the Department of Human Services, as applicable.

**Credits:** L.1938, c. 380, p. 950, § 1, eff. June 14, 1938. Amended by L.2017, c. 164, § 1, eff. July 21, 2017.

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-82.1. Findings and declarations**

It is found and declared:

a. That a significant number of inmates persons who are incarcerated in State-owned or operated correctional facilities suffer from mental illness requiring treatment either in the form of counseling or inpatient treatment during the period of their incarceration.

\* \* \*

d. That ~~mentally ill~~ inmates persons who are incarcerated and suffer from mental illness who do not receive treatment present a danger to other inmates persons who are incarcerated and to correction officers while they are incarcerated and pose a threat to their families and to other citizens of the State when they are released.

e. That the existing procedures of the Division of Mental Health Services in the Department of Human Services and of the Department of Corrections, as well as existing laws, seem to provide sufficient authority to enable the two State agencies to alleviate the problems caused by the lack of treatment made available to ~~mentally ill~~ inmates persons who are incarcerated and suffer from mental illness.

**Credits:** L.1986, c. 71, § 1, eff. July 30, 1986. Amended by L.1995, c. 4, § 3, eff. Jan. 10, 1995.

#### Comment

The pejorative terms are replaced with person-first language.

### **30:4-82.2. Plan to provide adequate and appropriate mental health and substance use disorder services to inmates in State-owned, operated, or contracted correctional facilities; delivery of services; rules and regulations; plan to provide mental health and substance use disorder services to inmates in county-operated correctional facilities**

a. The Commissioner of Human Services and the Commissioner of Corrections shall formulate a plan to provide adequate and appropriate mental health and substance use disorder services to inmates persons who are incarcerated in all State-owned, operated, or contracted correctional facilities.

\* \* \*

d. The Department of Human Services is authorized to develop a plan to provide mental health and substance use disorder services to inmates persons who are incarcerated in county-operated correctional facilities, in consultation with the county-designated individual or entity charged with the planning of treatment services for persons who are incarcerated in these county-operated facilities inmates.

**Credits:** L.1986, c. 71, § 2, eff. July 30, 1986. Amended by L.2015, c. 11, § 1, eff. June 1, 2015.

#### Comment

The pejorative terms are replaced with person-first language.

#### **N.J.S. 30:4-82.4. Procedures for inmates in need of “involuntary commitment”**

a. In order to ensure that adults and juveniles inmates who are incarcerated and who are dangerous to themselves or others because of mental illness and who are “in need of involuntary commitment” within the meaning of section 2 of P.L.1987, c. 116 (C.30:4-27.2) or who are “sexually violent predators” within the meaning of section 3 of P.L.1998, c. 71 (C.30:4-27.26), are not released without appropriate supervision and treatment, the board, the Commissioner of the Department of Corrections, the Attorney General, the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c. 284 (C.52:17B-170) and county prosecutors shall follow the procedures set forth in this section.

b. When an adult or juvenile inmate who is incarcerated is scheduled for release due to expiration of their inmate's maximum term, the commissioner or the Juvenile Justice Commission shall notify the Attorney General and the prosecutor of the county from which the person was committed if:

(1) The incarcerated adult's inmate's term includes a sentence imposed for conviction of aggravated sexual assault, sexual assault or aggravated criminal sexual contact and the court imposing sentence found that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior;

(2) The parole board or the superintendent of the facility in which the inmate person has been confined has advised the commissioner or the Juvenile Justice Commission that the person's conduct of the inmate during the period of confinement, the inmate's person's mental condition or the inmate's person's past history indicates that the inmate person may be “in need of involuntary commitment” within the meaning of section 2 of P.L.1987, c. 116 (C.30:4-27.2) ; or

(3) The inmate's term of a person who is incarcerated ~~term~~ includes a sentence imposed for conviction of a “sexually violent offense” as defined in section 3 of P.L.1998, c. 71 (C.30:4-27.26).

c. Notice required by subsection b. shall be given no less than 90 days before the date on which the inmate's maximum term of the person who is incarcerated is scheduled to expire.

d. When such notice is given, the board, the Juvenile Justice Commission or the commissioner shall provide the Attorney General and county prosecutor with all information relevant to a determination of whether the inmate person who is incarcerated may be “in need of involuntary commitment” or may be a “sexually violent predator”, including, without regard to classification as confidential pursuant to regulations of the board, of the Department of Corrections or the Juvenile Justice Commission, any preparole report, psychological and medical records, any statement of the reasons for denial of parole and, if applicable, a statement of the reasons for the determination that the inmate person who is incarcerated may be “in need of involuntary commitment” or may be a “sexually violent predator” .

e. If the Attorney General or county prosecutor determines, on the basis of the information provided pursuant to this section or N.J.S.2C:47-5, that the inmate person who is incarcerated may be “in need of involuntary commitment” or may be a “sexually violent predator”, the Commissioner of Corrections or the Juvenile Justice Commission, upon request of the Attorney General or county prosecutor shall:

(1) Permit persons qualified to execute clinical certificates necessary for civil commitment to examine the inmate person who is incarcerated in the institution in which ~~he~~ the person is confined; or

(2) Pursuant to section 2 of P.L.1986, c. 71 (C.30:4-82.2), arrange for persons qualified to execute clinical certificates necessary for civil commitment to examine the inmate person who is incarcerated.

f. In the interests of the public safety and the well-being of the inmate person who is incarcerated, the Attorney General or county prosecutor may exercise discretion to obtain an assessment of the inmate's condition of the person who is incarcerated by one or more of the means set forth in subsection e. of this section.

g. The Attorney General or county prosecutor shall provide a psychiatrist or physician assessing or examining an inmate person pursuant to this section with all information relevant to the inmate's person's need of involuntary commitment, including information concerning the inmate's the person's condition, history, recent behavior and any recent act or threat. Any ~~person~~ psychiatrist or physician who assesses or examines an inmate person who is incarcerated pursuant to this section shall provide the Attorney General and county prosecutor with a written report detailing the ~~person's~~ their findings and conclusions.

h. (1) All information, documents and records concerning the inmate's mental condition of a person who is incarcerated or documents classified as confidential pursuant to regulations of the board, of the Department of Corrections or the Juvenile Justice Commission that are received or provided pursuant to this section or N.J.S.2C:47-5 shall be deemed confidential.

(2) Unless authorized or required by court order or except as required in the course of judicial proceedings relating to the inmate's commitment or release of a person who is incarcerated, disclosure of such information, documents and records shall be limited to professionals evaluating the inmate's condition of the person who is incarcerated pursuant to this section, the Attorney General, county prosecutor and members of their respective staffs as necessary to the performance of duties imposed pursuant to this section.

i. Any person acting in good faith who has provided information relevant to an inmate's ~~the need of to involuntary commitment~~ involuntarily commit a person who is incarcerated or as to whether the inmate person is a sexually violent predator or who has taken good faith steps to assess an inmate's ~~the need of to involuntary commitment~~ involuntarily commit a person who is

incarcerated or whether the **inmate** person who is incarcerated is a sexually violent predator is immune from civil and criminal liability.

**Credits:** L.1994, c. 134, § 4, eff. Oct. 31, 1994. Amended by L.1995, c. 280, § 33, eff. Dec. 15, 1995; L.1998, c. 71, § 17, eff. Aug. 12, 1999.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:4-82.6. Legislative findings and declarations; Isolated Confinement Restriction Act**

The Legislature finds and declares that:

\* \* \*

d. Citing the devastating and lasting psychological consequences of solitary confinement on persons detained in correctional facilities, President Obama adopted reforms in January 2016 to reduce its use in federal correctional facilities, including banning restrictive housing for low-level offenders and juveniles; decreasing the maximum length of time an **inmate** person who is incarcerated may be held in restricted housing from 365 days to 60 days; and increasing time spent outside the cell for **inmates** persons who are incarcerated and held in restrictive housing.

**Credits:** L.2019, c. 160, § 2, eff. Aug. 1, 2020.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:4-82.7. Definitions relating to the use of isolated confinement**

For the purposes of this act:

“Clinician” means a State licensed physician, except if the clinician makes mental health evaluations, the term shall mean a State licensed psychiatrist or psychologist, or an advanced practice nurse or clinical nurse specialist with a specialty in psychiatric nursing.

“Commissioner” means the Commissioner of Corrections.

“Correctional facility” means any State correctional facility or county correctional facility, and any State, county, or private facility detaining persons pursuant to any intergovernmental service agreement or other contract with any State, county, or federal agency, including, but not limited to, United States Immigration and Customs Enforcement.

“County correctional facility” means a county jail, penitentiary, prison, or workhouse.



“Emergency confinement” means the segregation of an inmate person who is incarcerated in a correctional facility when there is reasonable cause to believe that this segregation is necessary for reducing a substantial risk of imminent serious harm to the inmate person who is incarcerated or others, as evidenced by recent conduct.

“Facility administrator” or “administrator” means the chief operating officer or senior administrative designee of a correctional facility.

“Inmate” “Person who is incarcerated” means a person confined in a correctional facility.

“Isolated confinement” means confinement of an inmate person who is incarcerated in a correctional facility, pursuant to disciplinary, administrative, protective, investigative, medical, or other classification, in a cell or similarly confined holding or living space, alone or with other inmates persons who are incarcerated, for approximately 20 hours or more per day in a State correctional facility or 22 hours or more per day in a county correctional facility, with severely restricted activity, movement, and social interaction. Isolated confinement shall not include confinement due to a facility-wide or unit-wide lockdown that is required to ensure the safety of inmates persons who are incarcerated and staff.

“Less restrictive intervention” means a placement or conditions of confinement, or both, in the current or an alternative correctional facility, under conditions less restrictive of an inmate’s person’s movement, privileges, activities, or social interactions.

“Medical isolation” means isolated confinement of an inmate person who is incarcerated for medical reasons, including a mental health emergency or when necessary for preventing the spread of a communicable disease.

“Medical staff” means State licensed physicians, physician assistants, advanced practice nurses or clinical nurse specialists or, for mental health evaluations or decisions, those registered nurses with a specialty in psychiatric nursing, or comparably credentialed employees or contractors employed to provide healthcare.

“Member of a vulnerable population” means any inmate person who is incarcerated and who:

- a. is 21 years of age or younger;
- b. is 65 years of age or older;
- c. has a disability based on a mental illness, as defined in subsection r. of section 2 of P.L.1987, c. 116 (C.30:4-27.2), a history of psychiatric hospitalization, or has recently exhibited conduct, including but not limited to serious self-mutilation, indicating the need for further observation or evaluation to determine the presence of mental illness;
- d. has a developmental disability, as defined in subsection b. of section 3 of P.L.1985, c. 145 (C.30:6D-25);
- e. has a serious medical condition which cannot effectively be treated in isolated confinement;

f. is pregnant, is in the postpartum period, or has recently suffered a miscarriage or terminated a pregnancy;

g. has a significant auditory or visual impairment; or

h. is perceived to be lesbian, gay, bisexual, transgender, or intersex.

“Postpartum period” means the 45 days after childbirth.

“Protective custody” means confinement of an inmate person who is incarcerated in a cell or similarly confined holding or living space, under conditions necessary to protect the inmate person or others.

“State correctional facility” means a State prison or other penal institution or an institution or facility designated by the commissioner as a place of confinement under section 2 of P.L.1969, c. 22 (C.30:4-91.2).

**Credits:** L.2019, c. 160, § 3, eff. Aug. 1, 2020.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **30:4-82.8. Limiting the use of isolated confinement in correctional facilities; conditions**

a. The use of isolated confinement in correctional facilities in this State shall be limited as follows:

(1) Except as otherwise provided in paragraphs (1), (3), and (4) of subsection d. of this section, an inmate person who is incarcerated shall not be placed in isolated confinement unless there is reasonable cause to believe that the inmate person would create a substantial risk of serious harm to himself themselves or another, including but not limited to a correctional police officer or other employee or volunteer in the facility, as evidenced by recent threats or conduct, and a less restrictive intervention would be insufficient to reduce this risk. Except as otherwise provided in paragraphs (1), (3), and (4) of subsection d. of this section, the correctional facility shall bear the burden of establishing this standard by clear and convincing evidence.

(2) Except as otherwise provided in paragraphs (1), (3), and (4) of subsection d. of this section, an inmate person who is incarcerated shall not be placed in isolated confinement for non-disciplinary reasons.

(3) Except as otherwise provided in paragraph (1) of subsection d. of this section, an inmate person who is incarcerated shall not be placed in isolated confinement before receiving a personal and comprehensive medical and mental health examination conducted by a clinician; however, in a county correctional facility, a preliminary

examination shall be conducted by a member of the medical staff within 12 hours of confinement and the clinical examination shall be conducted within 48 hours of confinement, but if staffing levels require, the period for conducting a clinical examination may be extended to 72 hours of confinement.

(4) Except as otherwise provided in paragraph (1) of subsection d. of this section, an inmate person who is incarcerated shall only be held in isolated confinement pursuant to initial procedures and reviews which provide timely, fair and meaningful opportunities for the inmate person to contest the confinement. These procedures shall include the right to an initial hearing within 72 hours of placement absent exigent circumstances, and a review every 30 days thereafter, in the absence of exceptional circumstances, unavoidable delays, or reasonable postponements; the right to appear at the hearing; the right to be represented at the hearing; an independent hearing officer; and a written statement of reasons for the decision made at the hearing.

(5) Except as otherwise provided in paragraph (3) of subsection d. of this section, the final decision to place an inmate person who is incarcerated in isolated confinement shall be made by the facility administrator.

(6) Except as otherwise provided in paragraph (7) of subsection a. of this section and paragraph (3) of subsection d. of this section, an inmate person who is incarcerated shall not be placed or retained in isolated confinement if the facility administrator determines that the inmate person no longer meets the standard for the confinement.

(7) A clinician shall conduct a mental health and physical health status examination for each inmate person who is placed in isolated confinement on a daily basis, in a confidential setting outside of the cell whenever possible, to determine whether the inmate person is a member of a vulnerable population; however, in a county correctional facility, an inmate person in isolated confinement shall be evaluated by a member of the medical staff as frequently as clinically indicated, but at least once per week. Except as otherwise provided in subsection d. of this section, an inmate person determined to be a member of a vulnerable population shall be immediately removed from isolated confinement and moved to an appropriate placement.

(8) A disciplinary sanction of isolated confinement which has been imposed on an inmate person who is incarcerated and who is removed from isolated confinement pursuant to paragraph (7) of subsection a. of this section shall be deemed to be satisfied.

(9) Except as otherwise provided in paragraph (1) of subsection d. of this section during a facility-wide lock down, an inmate person who is incarcerated shall not be placed in isolated confinement for more than 20 consecutive days, or for more than 30 days during any 60-day period.

(10) Cells or other holding or living space used for isolated confinement are to be properly ventilated, lit, temperature-monitored, clean, and equipped with properly functioning sanitary fixtures.

(11) A correctional facility shall maximize the amount of time that an inmate person who is incarcerated and is held in isolated confinement spends outside of the cell by providing, as appropriate, access to recreation, education, clinically appropriate treatment therapies, skill-building activities, and social interaction with staff and other inmates persons who are incarcerated.

(12) An inmate person who is incarcerated and held in isolated confinement shall not be denied access to food, water, or any other basic necessity.

(13) An inmate person who is incarcerated and held in isolated confinement shall not be denied access to appropriate medical care, including emergency medical care.

(14) An inmate inmate person who is incarcerated and in a State correctional facility shall not be directly released from isolated confinement to the community during the final 180 days of the inmate's person's term of incarceration, unless it is necessary for the safety of the inmate person who is incarcerated, staff, other inmates persons who are incarcerated, or the public. An inmate person who is incarcerated in a county correctional facility shall not be directly released from isolated confinement to the community during the final 30 days of the inmate's person's term of incarceration, unless it is necessary for the safety of the inmate person who is incarcerated, staff, other inmates persons who are incarcerated, or the public.

(15) An inmate person who is incarcerated shall not be held in isolated confinement based on the inmate's person's race, creed, color, national origin, nationality, ancestry, age, marital status, domestic partnership or civil union status, affectional or sexual orientation, genetic information, pregnancy or breastfeeding status, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait.

b. Except as otherwise provided in subsection d. of this section, an inmate person who is incarcerated and who is a member of a vulnerable population shall not be placed in isolated confinement.

c. An inmate person who is incarcerated shall not be placed in isolated confinement or in any other cell or other holding or living space, in any facility, with one or more inmates persons if there is reasonable cause to believe that there is a risk of harm or harassment, intimidation, extortion, or other physical or emotional abuse to that inmate person or another inmate person in that placement.

d. Isolated confinement shall be permitted under limited circumstances as follows:

(1) The facility administrator or designated shift commander determines that a facility-wide lock down is required to ensure the safety of inmates the persons who are

incarcerated in the facility until the administrator or shift commander determines that these circumstances no longer exist. The facility administrator or shift commander shall document specific reasons why any lockdown is necessary for more than 24 hours, and why less restrictive interventions are insufficient to accomplish the facility's safety goals. Within 15 days the commissioner shall publish the reasons on the Department of Corrections website and provide meaningful notice of the reasons for the lockdown to the Legislature.

(2) The facility administrator determines that an inmate person who is incarcerated should be placed in emergency confinement, provided that:

(a) an inmate person who is incarcerated shall not be held in emergency confinement for more than 24 hours; and

(b) an inmate person who is incarcerated who is held in emergency confinement in a State correctional facility shall receive an initial medical and mental health evaluation immediately prior to placement in emergency confinement and a personal and comprehensive medical and mental health evaluation within 24 hours. The examination shall be conducted by a member of the medical staff within 12 hours of confinement and the comprehensive medical and mental health evaluation within 72 hours. Reports of these evaluations shall be immediately provided to the facility administrator.

(3) A clinician, based on a personal examination, determines that an inmate person who is incarcerated should be placed or retained in medical isolation.

The decision to place and retain an inmate person in medical isolation due to a mental health emergency shall be made by a clinician based on a personal examination. In any case of isolation under this paragraph, a clinical review shall be conducted at least every eight hours and as clinically indicated. An inmate person in medical isolation pursuant to this paragraph may be placed in a mental health unit as designated by the commissioner. In the case of a county correctional facility, a decision to place an inmate person in medical isolation shall be made by a member of the medical staff and be based on a personal examination; clinical reviews shall be conducted within 72 hours and then as clinically indicated.

(4) The facility administrator determines that an inmate person who is incarcerated should be placed in protective custody as follows:

(a) The facility shall keep a written record of a request by an inmate person to be placed in voluntary protective custody. The inmate person may be placed in voluntary protective custody only with informed, voluntary consent and when there is reasonable cause to believe that confinement is necessary to prevent reasonably foreseeable harm. When an inmate person makes an informed

voluntary request for protective custody, the correctional facility shall bear the burden of establishing a basis for refusing the request.

(b) The inmate person may be placed in involuntary protective custody only when there is clear and convincing evidence that confinement is necessary to prevent reasonably foreseeable harm and that a less restrictive intervention would not be sufficient to prevent the harm.

(c) An inmate person who is incarcerated and who is placed in protective custody shall receive similar opportunities for activities, movement, and social interaction, consistent with their safety and the safety of others, as are inmates persons who are incarcerated in the general population of the facility.

(d) An inmate person who is incarcerated and subject to removal from protective custody shall be provided with a timely, fair, and meaningful opportunity to contest the removal.

(e) An inmate person who is incarcerated and who may be placed or currently is in voluntary protective custody may opt out of that status by providing informed, voluntary, written refusal of that status.

(f) The facility administrator shall place an inmate person who is incarcerated in a less restrictive intervention, including transfer to the general population of another institution or to a special-purpose housing unit for inmates persons who face similar threats, before placing the inmate person in isolated confinement for protection unless the inmate person poses a security risk so great that transferring the inmate person would be insufficient to ensure the inmate's person's safety.

**Credits:** L.2019, c. 160, § 4, eff. Aug. 1, 2020.

#### Comment

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:4-82.9. Placement of inmate in isolated confinement pending investigation of a disciplinary offense; requirements**

a. An inmate person who is incarcerated shall not be placed in isolated confinement pending investigation of a disciplinary offense unless:

(1) the inmate's person's presence in the general population poses a danger to the inmate that person, staff, other inmates persons who are incarcerated, or the public. In making this determination, the facility administrator shall consider the seriousness of the

alleged offense, including whether the offense involved violence or escape or posed a threat to institutional safety by encouraging others to engage in misconduct; or

(2) the facility administrator has granted approval in an emergency situation.

b. An **inmate's** The placement of a person in isolated confinement pending investigation of a disciplinary offense shall be reviewed within 24 hours by a supervisory employee who was not involved in the initial placement decision.

**Credits:** L.2019, c. 160, § 5, eff. Aug. 1, 2020.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-82.10. Duties of commissioner**

Not less than 90 days before the effective date of this act<sup>1</sup>, the commissioner shall:

a. develop policies and implement procedures for the review of **inmates** persons who are incarcerated and who are placed in isolated confinement and submit proposed regulations for promulgation as required by section 7 of this act;<sup>2</sup>

b. initiate a review of each **inmate** person who is incarcerated and who is placed in isolated confinement pursuant to the policies and procedures developed and implemented under subsection a. of this section; and

c. develop a plan for providing step-down and transitional units, programs, and staffing patterns to accommodate **inmates** persons who are incarcerated and who are currently placed in isolated confinement, **inmates** persons who will be placed in isolated confinement, and **inmates** persons who receive an intermediate sanction in lieu of being placed in isolated confinement. Staffing patterns for correctional and program staff shall be set at levels necessary to ensure the safety of staff and **inmates** persons who are confined under the provisions of this act.

**Credits:** L.2019, c. 160, § 6, eff. Aug. 1, 2020.

<sup>1</sup> L.2019, c. 160, eff. Aug. 1, 2020.

<sup>2</sup> N.J.S.A. § 30:4-82.11.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-82.11. Rules and regulations**

In accordance with the “Administrative Procedure Act,” P.L.1968, c. 410 (C.52:14B-1 et seq.), the commissioner shall promulgate regulations to effectuate the provisions of this act. The regulations shall include but not be limited to:

a. establishing less restrictive interventions to isolated confinement, including separation from other inmates persons who are incarcerated transfer to other correctional facilities; and any non-isolated confinement sanction authorized by Department of Corrections regulations; restrictions on religious, mail, and telephone privileges, visit contacts, or outdoor and recreation access shall only be imposed as is necessary for the safety of the inmate person who is incarcerated or others, but shall not restrict access to food, basic necessities, or legal access;

b. requiring training of disciplinary staff and all staff working with inmates persons who are incarcerated in isolated confinement and requiring that this training include:

(1) assistance from appropriate professionals to periodically train all staff working with inmates persons who are incarcerated and who are in isolated confinement;

(2) standards for isolated confinement, including that it shall be limited to when an inmate person who is incarcerated commits an offense involving violence, escapes or attempts to escape, or poses a threat to institutional safety; that the maximum penalties for each offense shall be based on the seriousness of the offense; and available less restrictive interventions; and

(3) the identification of developmental disabilities, and the symptoms of mental illness, including trauma disorders, and methods of safe responses to people in distress;

c. requiring documentation of all decisions, procedures, and reviews of inmates persons who are incarcerated and who are placed in isolated confinement;

d. requiring monitoring of compliance with all rules governing cells, units, and other places where inmates persons are placed in isolated confinement;

e. requiring posting on the official website of the Department of Corrections of quarterly reports on the use of isolated confinement, without revealing any personal identifying information, by age, sex, gender identity, ethnicity, incidence of mental illness, and type of confinement status, at each facility, including a county correctional facility; these reports shall include the population on the last day of each quarter and a non-duplicative cumulative count of people exposed to isolated confinement for each fiscal year. These inmate reports also shall include the incidence of emergency confinement, self-harm, suicide, and assault in any isolated confinement unit. These reports shall not include personally identifiable information regarding any inmate person who is incarcerated; and

\* \* \*

**Credits:** L.2019, c. 160, § 7, eff. Aug. 1, 2020.

**Comment**



The pejorative terms are replaced with person-first language.

**N.J.S. 30:4-85. Transfers between correctional institutions; transfer to State prison; authority of commissioner; contracts with county institutions**

Any **inmate** person who is incarcerated ~~of~~ in any correctional institution as classified in section 30:1-7 of this Title may be transferred to any other such correctional institution by order of the commissioner directing such transfer, either upon the application of the chief executive officer or upon the initiative of the commissioner.

No **inmate** person who is incarcerated ~~in~~ of the State Home for Boys or the State Home for Girls shall be transferred to the State Prison.

Any **inmate** person who is incarcerated ~~in~~ of the State Home for Boys of the age of 15 years may be transferred from such home to the reformatory at Annandale or, if over the age of 16 years, to the reformatory at Bordentown, and any **inmate** person who is incarcerated ~~in~~ of the State Home for Girls, over the age of 16 years, may be transferred from such home to the women's reformatory at Clinton.

Any **inmate** ~~of~~ person who is incarcerated ~~in~~ a correctional institution for males, as classified in section 30:1-7 of this Title, of the age of 18 years, may be transferred to the State Prison if it shall appear, to the satisfaction of the commissioner after recommendation by a special classification review board appointed by the State board from among members of the department central office staff, that such **inmate** person cannot properly be confined in such institution and that ~~his~~ the person's transfer will operate for the general benefit and welfare of the **inmate** population of the persons who are incarcerated ~~in~~ the institution from which ~~he~~ the person is to be transferred.

The commissioner may also contract, under the direction of the State board and in behalf of any institution where an **inmate** person to be transferred may be, with the various governing bodies of counties in this State for the amount to be paid for maintenance of **inmates** persons of correctional institutions to be maintained in such county institutions, after transfer thereto by order of the commissioner, for such amounts as may be approved by the State House Commission, and such payments shall be taken from and paid out of the appropriation made annually for the maintenance of such person or persons in the State institution from whence ~~he~~ the person is or shall be transferred, and the commissioner shall have power to make such transfer in such cases as in the case of other transfers provided for in this section. Such transfers shall be made in accordance with the formally adopted rules of the State board.

Persons transferred shall be subject to rules, regulations and discipline of the institution in which they are confined, except in so far as they conflict with the rules and regulations of the State board.

**Credits:** Amended by L.1948, c. 203, § 1, eff. July 2, 1948; L.1957, c. 93, § 1, eff. July 21, 1957.

## Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-85.1. Transfer of persons committed to county ~~county jails, workhouses, penitentiaries~~ county correctional facilities and correctional institutions; retransfer**

a. Any **inmate** ~~of person who is incarcerated in any county jail, workhouse or penitentiary~~ county correctional facility may be transferred to any appropriate existing correctional institution maintained by the State or which may hereafter be established or designated by the State board for the purposes herein provided. Such transfer shall be made on forms to be prescribed by the department, upon the request of the chief executive officer, warden or keeper of any county correctional institution or upon the initiative of the commissioner in accordance with the formally adopted rules and regulations of the State board, after recommendation by a special classification review board appointed by the State board from among members of the department's central staff that such transfer should be made. No such transfer shall be made to the State Prison nor shall any such transfer operate as authority for the detention of any person for a term in excess of that fixed by the original sentence or order of commitment.

b. By the same method, any **inmate** ~~person who is incarcerated in~~ of a correctional institution maintained by the State, on the initiative of the commissioner, may be transferred, with the consent of the board of ~~chosen freeholders~~ county commissioners, to an appropriate correctional institution in any one of the several counties.

c. In the event it is determined by the Commissioner of Corrections that a ~~county jail, workhouse or penitentiary~~ county correctional facility is not suitable or adequate to properly secure any **inmate** ~~person who is incarcerated under sentence or charged with any criminal offense, he~~ the Commissioner may transfer the **inmate** person who is incarcerated to any existing correctional institution maintained by the State, including the State Prison. The Commissioner of Corrections shall be empowered to determine a specific State correctional institution, including the State Prison, for the proper and secure incarceration of the **inmate** person.

d. Any person so transferred may be retransferred to ~~his~~ that person's place of original confinement or may be transferred to any existing ~~county jail, workhouse or penitentiary~~ county correctional facility located in any one of the several counties. The cost of such transfer and the expense of maintaining the **inmate** ~~person who is incarcerated in any State institution or an institution located in a county other than the county from which the **inmate** person~~ person was originally committed and confined shall be borne by the State.

**Credits:** L.1948, c. 204, § 1, eff. July 2, 1948. Amended by L.1985, c. 165, § 1, eff. May 10, 1985.

## Comments

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

- *Workhouse*<sup>8</sup>

The terms “jail”, “workhouse” or “penitentiary” have been removed from this statute and updated with the term county correctional facility.

- *Chosen Freeholders*<sup>9</sup>

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”<sup>10</sup> The elimination of this term became effective January 01, 2021.<sup>11</sup> The updated terminology appears in this statute.

### **N.J.S. 30:4-87. Settlement of persons transferred; copies of records, etc., transferred; notice of transfers to freeholders**

Determination by the original order for commitment as to settlement and indigency shall apply to and govern upon the transfer of a patient or **inmate** person who is incarcerated. The rate of payment of maintenance shall be that fixed pursuant to law for the institution to which the patient or **inmate** person who is incarcerated is transferred. With the transfer there shall pass to the institution to which the **inmate** person or patient is transferred copies of all records, papers and documents relating to the admission or commitment of the **inmate** person or patient, medical records, securities for the payment of maintenance, and the like. If, for any reason, there has been no determination of settlement or indigency, these facts shall be determined as in an original application, upon the initiative of the chief executive officer of the institution in which such **inmate** person or patient is when transfer is desired. Due notice of the transfer shall be given to the director of the board of ~~chosen freeholders~~ county commissioners of the county in which such **inmate** person or patient is determined to have a legal settlement, if any, of such transfer having been made.

Criminal insane shall be transferred to the house of detention for criminal insane established at the New Jersey State Hospital at Trenton.

**Credits:** Amended by L.1953, c. 208, p. 1564, § 1, eff. July 1, 1953.

#### **Comments**

The pejorative terms are replaced with person-first language.

- *Chosen Freeholders*<sup>12</sup>

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<sup>8</sup> Final Report from Samuel M. Silver, Dep. Dir., Relating to the Use of the Word “Workhouse” in the New Jersey Statutes, the New Jersey Law Rev. Comm’n (Apr. 15, 2021) (available at [www.njlrc.org](http://www.njlrc.org)).

<sup>9</sup> Final Report from Samuel M. Silver, Dep. Dir., Addressing the use of the Term “County Commissioner” in the New Jersey Statutes, the New Jersey Law Rev. Comm’n (Dec. 16, 2021) (available at [www.njlrc.org](http://www.njlrc.org)).

<sup>10</sup> L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

<sup>11</sup> *Id.*

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”<sup>13</sup> The elimination of this term became effective January 01, 2021.<sup>14</sup> The updated terminology appears in this statute.

### **N.J.S. 30:4-91.1. Transfer to more appropriate institution or facility; authority of commissioner**

When a person has been convicted of an offense against the State of New Jersey and has been committed for a term of imprisonment by a court to an institution defined in R.S. 30:1-7, and when it appears to the satisfaction of the Commissioner of Institutions and Agencies that the **inmate** person who is incarcerated should be transferred to an institution or facility more appropriate for ~~his~~ their needs and welfare or that of other **inmates** persons who are incarcerated or for the security of the institution, the commissioner shall be authorized and empowered to designate the place of confinement to which the **inmate** person shall be transferred to serve ~~his~~ their sentence.

**Credits:** L.1969, c. 22, § 1, eff. April 23, 1969. Amended by L.1976, c. 35, § 1, eff. June 15, 1976.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:4-91.2. Designation by commissioner or agent; “facility” defined**

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

The word “facility” shall include private nonprofit community-based residential treatment centers which provide for the care, custody, subsistence, education, training and welfare of **inmates** persons who are incarcerated.

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

**Credits:** L.1969, c. 22, § 2, eff. April 23, 1969. Amended by L.1976, c. 35, § 2, eff. June 15, 1976.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

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<sup>12</sup> Final Report from Samuel M. Silver, Dep. Dir., Addressing the use of the Term “County Commissioner” in the New Jersey Statutes, the New Jersey Law Rev. Comm’n (Dec. 16, 2021) (available at [www.njlrc.org](http://www.njlrc.org)).

<sup>13</sup> L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

<sup>14</sup> *Id.*

### **N.J.S. 30:4-91.3a. State or county prisoners; release on interim basis; notice to local police department**

Any superintendent, or ~~his~~ a designee, of a State correctional institution or warden or keeper, or his designee, of a county penal institution, from which an **inmate** person is released on an interim basis pursuant to P.L.1969, c. 22 (C. 30:4-91.1 et seq.), or P.L.1968, c. 372 (C. 30:8-44 et seq.) shall notify the local police department of the intention of the **inmate** person to visit, study, work or reside in the respective municipality.

**Credits:** L.1977, c. 189, § 1, eff. Aug. 24, 1977.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:4-91.3d. Wanted person checks**

a. A wanted person check shall be conducted on every person serving a sentence or detained as a suspect in a State correctional facility, county correctional facility or municipal jail to determine if there are any outstanding arrest warrants or charges pending against the **inmate** person who is incarcerated or against the suspect.

b. Except for a transfer from one State correctional facility to another State correctional facility, a person serving a sentence or detained as a suspect in a State correctional facility, county correctional facility or municipal jail shall not be released or transferred before a wanted person check of the **inmate** person who is incarcerated, or the suspect has been conducted to determine if any there are any outstanding arrest warrants or charges pending against the **inmate** person who is incarcerated or against the suspect.

c. If the wanted person check of a person conducted pursuant to subsection b. of this section reveals outstanding arrest warrants or criminal charges against the **inmate** person who is incarcerated or against the suspect, the law enforcement authority with jurisdiction over the outstanding arrest warrant or criminal charges shall be notified that the **inmate** person who is incarcerated or the suspect is in the custody of the State correctional facility, county correctional facility or municipal jail.

d. If the wanted person check of a person conducted pursuant to subsection b. of this section reveals outstanding arrest warrants or charges pending against the **inmate** person who is incarcerated or against the suspect, the **inmate** person who is incarcerated or the suspect shall not be transferred to another facility or jail, other than a transfer from one State correctional facility to another State correctional facility, unless the receiving facility or jail is notified in advance of the outstanding arrest warrants or pending charges. A copy of the outstanding arrest warrants or

pending charges shall accompany the transferred **inmate** person who is incarcerated or the suspect.

e. If the wanted person check of a person conducted pursuant to subsection b. of this section reveals outstanding arrest warrants or charges pending against the **inmate** person who is incarcerated or the suspect from another jurisdiction, the jurisdiction shall be notified that the **inmate** person who is incarcerated or the suspect is in the custody of the State correctional facility, county correctional facility or municipal jail.

**Credits:** L.2003, c. 282, § 2, eff. Jan. 14, 2004.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **30:4-91.3e. Body imaging scanning equipment; use for searching arrestees, detainees, and inmates**

a. As used in this act, “body imaging scanning equipment” means equipment that utilizes a low dose conventional x-ray transmission to produce an anatomical image of the **inmate** person who is incarcerated and is capable of identifying external and internal contraband.

b. A State or county correctional facility may utilize body imaging scanning equipment for the purpose of searching arrestees, detainees, and **inmates** persons who are incarcerated. The use of body imaging scanning equipment pursuant to this section shall be limited to searches conducted:

(1) when an **inmate** person enters or leaves the correctional facility;

(2) any time before or after an **inmate** person is placed in close custody, prehearing detention, disciplinary detention, protective custody, psychological observation, or suicide watch;

(3) any time before or after an **inmate** person has a contact visit in which the **inmate** person and a visitor are permitted physical contact with each other;

(4) after an **inmate** person has been in any area where they **inmate** has have had access to dangerous or valuable items;

(5) during a mass search of an **inmate** housing unit or inmate a work area for persons who are incarcerated;

(6) when a custody staff member with a rank of sergeant or above determines that there exists a reasonable suspicion that an **inmate** person who is incarcerated is carrying or concealing contraband on their **inmate's** person, or in their **inmate's** anal or vaginal cavity; or

(7) when a custody staff member with a rank of sergeant or above determines that the search is reasonably necessary for safety and security.

\* \* \*

**Credits:** L.2015, c. 213, § 1, eff. Jan. 11, 2016.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:4-91.4. Earnings of inmate**

The commissioner, as a part of any work release program for an **inmate** person who is incarcerated shall require that any wages, salary, earnings and other income of each gainfully employed ~~prisoner~~ person who is incarcerated be paid, less payroll deductions required or authorized by law, to the superintendent of the institution who shall deposit such sums so received to ~~the credit of such inmate in~~ a trust fund account at such institution in the name of the person who is incarcerated. From such trust fund account ~~belonging to any inmate~~ the superintendent of the institution is empowered to withdraw moneys, in an amount not to exceed one-half the total income, as follows:

The superintendent shall withdraw up to one-third of that amount in order to collect assessments, restitutions and fines pursuant to the requirements of section 3 of P.L.1979, c. 396 (C.2C:46-4).

\* \* \*

**Credits:** L.1969, c. 22, § 4, eff. April 23, 1969. Amended by L.1985, c. 251, § 2, eff. July 31, 1985; L.1991, c. 329, § 16, eff. Dec. 23, 1991; L.1995, c. 254, § 9, eff. March 1, 1996; L.2009, c. 329, § 6, eff. May 1, 2010.

**Comment**

The pejorative terms are replaced with person-first language and the language of the statute has been modified to make it easier to understand.

**N.J.S. 30:4-91.8. Review by Institutional Classification Committee; notification and opportunity to comment to prosecutor or Attorney General and victim or victim's family**

a. Whenever an **inmate** person has been convicted of murder; manslaughter; vehicular homicide; aggravated sexual assault; sexual assault; aggravated assault; aggravated criminal sexual contact; robbery; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993, c. 291 (C.2C:13-6); or any crime of the first or second degree

involving serious bodily injury is subject to a review by an Institutional Classification Committee which may result in participation in any residential community release program, the Department of Corrections shall provide written notice of that review in accordance with the provisions of subsection b. of this section.

b. (1) Upon the scheduling of a review subject to the notification requirement of this section, the Department of Corrections shall so notify the prosecutor of the county in which the **inmate person** was convicted or, if the matter was prosecuted by the Attorney General, the Attorney General.

Upon receipt of such notice, the county prosecutor or Attorney General, as the case may be, shall have 10 working days in which to submit comments. If the county prosecutor or Attorney General does not provide comments within those 10 working days, the Department of Corrections may presume that the prosecutor or Attorney General, as the case may be, does not wish to submit any comments on the matter. The notice shall include the **inmate's person's** name, identifying factors and offense history.

(2) Immediately upon receipt of such notice, the county prosecutor or Attorney General in accordance with the provisions of paragraph (1) of this subsection shall notify the Office of Victim and Witness Advocacy of the county in which the **inmate person** was convicted and that office shall use any reasonable means available to it to give notice within 10 working days to the victim of the crime or the victim's nearest relative if the crime resulted in death.

The notice required under this paragraph shall be given only if a request for such notification has been made by the victim or the victim's nearest relative, as the case may be, to the county prosecutor or Attorney General, as the case may be, at the time the **inmate person** was sentenced.

\* \* \*

c. Whenever the Department of Corrections receives comments from a prosecutor or the Attorney General, as the case may be, or from a victim or a victim's nearest relative, as the case may be, concerning the participation of an **inmate person** in accordance with this act, it shall give all due consideration to the information contained in those comments when considering the participation of that **inmate person**.

\* \* \*

**Credits:** L.1998, c. 68, § 1, eff. Mar. 1, 1999.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-91.9. Definitions relating to certain private correctional facilities**



As used in this act:

“Eligible **inmate**” means an **inmate** person who is incarcerated and 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 their **inmate's** parole eligibility date, provided, however, that an eligible **inmate** may include an **inmate** person who is otherwise eligible but who has more than one year but less than 18 months remaining to be served before their **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~~ person who is otherwise eligible but who has more than one year but less than two years remaining to be served before their **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** persons 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.

**Credits:** L.1999, c. 243, § 1, eff. Oct. 15, 1999.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-91.10. Authorization of confinement; private facilities**

On and after the effective date of P.L.1999, c. 243 (C.30:4-91.9 et seq.), the Commissioner of Corrections may authorize the confinement of eligible **inmates** in private facilities.

**Credits:** L.1999, c. 243, § 2, eff. Oct. 15, 1999.

#### **Comment**

The pejorative terms are replaced with person-first language. The term “eligible inmate” appears to be a term of art. The modification of this term of art could impair the readability of this statute. The term has therefore been left in its original form.

### **N.J.S. 30:4-91.11. Summary of relevant information**

Whenever an eligible **inmate** is authorized for confinement in a private facility, the Commissioner of Corrections or a designee shall prepare a summary of all relevant information relating to that **inmate's** person's criminal history and background. The summary, along with a ~~picture of the inmate~~ the person's picture, shall be transmitted by the operator of the private facility to the chief law enforcement officer of the municipality wherein the private facility is located within five working days of the **inmate's** person's transfer to that facility.

If the private facility is within 2,500 feet of the border of an adjacent municipality, the **inmate** person's summary and picture also shall be transmitted by the operator of the private facility to the chief law enforcement officer of that adjacent municipality within five working days of the **inmate's** person's transfer to the facility.

**Credits:** L.1999, c. 243, § 3, eff. Oct. 15, 1999.

#### **Comment**

The pejorative terms are replaced with person-first language. The term “eligible inmate” appears to be a term of art. The modification of this term of art could impair the readability of this statute. The term has therefore been left in its original form.

### **N.J.S. 30:4-91.13. Escape; notification**

The operator of a private facility shall, upon discovering that an **inmate** person who was confined in the facility has escaped, notify:

- a. the chief law enforcement officer of the municipality in which the facility is located or a designee;
- b. the Commissioner of Corrections or a designee; and
- c. if the private facility is within 2,500 feet of an adjacent municipality, the chief law enforcement officer of that adjacent municipality or a designee.

The notice required under this section shall be given within one hour of the discovery of the escape and shall include a current summary of all relevant information relating to the escapee's criminal history and background.

**Credits:** L.1999, c. 243, § 5, eff. Oct. 15, 1999.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-91.15. Program to record and analyze recidivism; data to be analyzed; reports**

a. The Commissioner of Corrections, in conjunction with the Juvenile Justice Commission and the State Parole Board, shall establish a program to record and analyze the recidivism of all **inmates** and juveniles adjudicated delinquent persons who are released from a State correctional facility or a training school for juveniles, whether on parole or upon the completion of their maximum sentences. The purpose of this program shall be to assist in measuring the effectiveness of the State's reentry initiatives and programs.

\* \* \*

**Credits:** L.2009, c. 329, § 3, eff. May 1, 2010. Amended by L.2015, c. 144, § 1, eff. Nov. 8, 2016.

#### **Comment**

The pejorative term is replaced with person-first language.

### **N.J.S. 30:4-91.16. Assistance with consumer checking account; transfer of funds into account**

a. The commissioner shall, at least 30 days prior to an **inmate's** person's release from confinement, assist the **inmate** person in establishing a consumer checking account pursuant to the provisions of P.L.1991, c. 210 (C.17:16N-1 et seq.). The **inmate** person may be issued a basic debit card by the bank. For the purposes of this section, "debit card" means any instrument or device, whether known as a debit card, automated teller machine card, or by any other name, issued with or without fee by an issuer for the use of the debit card holder in obtaining money, goods, services or anything else of value through the electronic authorization of a financial institution to debit the debit card holder's account. "Debit card holder" means a consumer named on the face of a debit card to whom or for whose benefit the debit card is issued by an issuer.

b. Upon an **inmate's** person's release, the balance remaining in the **inmate** their account administered by the correctional facility, following all payments and withdrawals pursuant to section 4 of P.L.1969, c. 22 (C.30:4-91.4), shall be transferred into the consumer checking account established pursuant to this section.

c. Nothing in this section shall be construed to require an **inmate** person who is incarcerated to establish a consumer checking account. The commissioner shall not be required to establish a consumer checking account if the **inmate** person who is incarcerated chooses not to establish such an account pursuant to this section. Any consumer checking account or debit card provided under this section shall be established or issued in a manner that is consistent with State and federal law and regulation.

\* \* \*

#### **Comment**

The pejorative terms are replaced with person-first language.

**Credits:** L.2009, c. 329, § 7, eff. May 1, 2010.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:4-91.17. Pre-release notice relative to Medicaid reinstatement**

The Commissioner of Corrections shall ensure that at least 30 days prior to the scheduled date of release of an inmate person from a correctional institution in the State, the appropriate staff at the institution notify the applicable county welfare agency to process the reinstatement of the inmate person in the Medicaid program if the inmate person was enrolled in Medicaid prior to incarceration and continues to meet eligibility requirements for the program.

As used in this act, “Medicaid” means the Medicaid program established pursuant to P.L.1968, c. 413 (C.30:4D-1 et seq.).

**Credits:** L.2009, c. 329, § 9, eff. May 1, 2010.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:4-91.18. Program for mentoring of inmates; selection of mentees and mentors**

The Department of Corrections shall establish a program within each prison facility to provide for the mentoring of inmates persons who are incarcerated and who have been in the department's custody for a continuous uninterrupted period of less than two years. The program shall utilize inmates persons who have been in the department's custody for a continuous uninterrupted period of more than 10 years to provide the mentoring services, provided that such inmates persons have demonstrated to the commissioner and the supervisor of the facility wherein they are incarcerated that they can serve as positive role models to inmates persons being mentored pursuant to this section.

**Credits:** L.2009, c. 330, § 5, eff. Aug. 1, 2010.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:4-91.19. Certification relative to Residential Community Release Program beds**

The Commissioner of Corrections shall certify on a monthly basis 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 persons who are serving State prison sentences and inmates who are within 18 to 24 months of release, pursuant to the eligibility requirements for community release programs provided under the administrative code, prior to the incarceration of any inmate person in any county penal facility.

**Credits:** L.2009, c. 330, § 9, eff. Aug. 1, 2010.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-91.20. Biennial inventory and review of vocational training programs**

The Commissioner of Corrections, in collaboration with the Commissioner of Labor and Workforce Development, biennially shall inventory and review the various vocational training programs offered to inmates persons who are incarcerated in the State's adult correctional facilities to ensure that:

a. Each inmate vocational training program is attuned to actual post-release employment opportunities and reflects current industry and business workforce needs; and

b. The inmate vocational training programs meet the same curricula standards as the current standards of programs at private and public vocational training institutions, and earn the inmates persons who are incarcerated and who successfully complete inmate the vocational training programs comparable certifications or certificates of achievement to those issued by programs at private and public vocational training institutions.

**Credits:** L.2009, c. 330, § 10, eff. Aug. 1, 2010.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-91.21. Failure of vocational training program to train for post-release employment opportunities; authority to revise or terminate program**

If the Commissioner of Corrections and Commissioner of Labor and Workforce Development determine that an inmate vocational training program is not attuned to actual post-release employment opportunities or does not reflect current industry and business workforce needs, or that an inmate vocational training program does not meet the same current curricula standards of programs at private and public vocational training institutions or earn inmates those who successfully complete an inmate the vocational training program comparable certifications or certificates of achievement to those issued by private and public vocational training institutions, the commissioners, in concert, shall:

a. Revise the affected **inmate** vocational training program to reflect post-release employment opportunities, adjust to changes in industry and business workforce needs, or award **inmates** persons who successfully complete the program comparable certifications or certificates of achievement; or

b. Terminate the affected **inmate** vocational training program and direct the **inmates** persons who incarcerated and who are participating in that program to alternative **inmate** vocational training programs.

**Credits:** L.2009, c. 330, § 11, eff. Aug. 1, 2010.

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-92. Inmates of institutions to be employed in productive capacity; compensation**

The **inmates** residents of all correctional and charitable, hospital, relief, and training institutions within the jurisdiction of the Commissioner of Corrections shall be employed in productive occupations consistent with their health, strength, and mental capacity and shall receive compensation for this employment as the commissioner shall determine.

For the purposes of this section, “productive occupations” shall include all education and workforce skills or vocational training programs made available to **inmates** residents in these institutions.

Compensation for **inmates** persons who are incarcerated in of correctional institutions may be in the form of cash at established **inmate** wage rates for persons or remission of time from sentence or both. Remission from the time of sentence shall not exceed one day for each five days of productive occupation, but remission granted under this section shall in no way affect deductions for good behavior or provided by law.

From moneys paid to **inmates** persons who are incarcerated in of correctional institutions, the superintendent of the institution shall withdraw sufficient moneys, in an amount not to exceed one-third of the **inmate's** person's total income, as may be required to pay any assessment, restitution or fine ordered as part of any sentence, and is authorized to withdraw from the remainder of the **inmate's** person's total income an amount not to exceed one-third of the total income as may be required to pay costs and fees charged or owing, pursuant to section 2 of P.L.1995, c. 254 (C.30:7E-2).

In addition, all **inmates** persons who are incarcerated and who are classified as minimum security and who are considered sufficiently trustworthy to be employed in honor camps, farms or details shall receive further remission of time from sentence at the rate of three days per month for the first year of employment and five days per month for the second and each subsequent year of employment.

**Credits:** Amended by L.1956, c. 38, § 1, eff. June 1, 1956; L.1959, c. 52, § 1, eff. July 1, 1959; L.1985, c. 251, § 3, eff. July 31, 1985; L.1991, c. 329, § 17, eff. Dec. 23, 1991; L.1995, c. 254, § 10, eff. March 1, 1996; L.2015, c. 241, § 2, eff. Aug. 1, 2016.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-92a. Award of special credits for educational and workforce training achievement**

In addition to credits received pursuant to R.S.30:4-92 and R.S.30:4-140, the commissioner also may award **inmates** persons who are incarcerated special credits to provide further remission from time of sentence for achievements in education and workforce training.

**Credits:** L.2009, c. 330, § 3, eff. Jan. 18, 2010.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **30:4-92.1. Mandatory workforce skills training program; participants; deferred participation; time for good behavior**

The Commissioner of Corrections, in consultation with the Commissioner of Labor and Workforce Development, shall establish a mandatory workforce skills training program in each State correctional facility under the jurisdiction of the Department of Corrections.

a. The requirement of participating in a workforce skills training program shall apply to an **inmate** person who is incarcerated and who:

(1) is in the custody of the Department of Corrections on the effective date of P.L.2009, c. 330 (C.30:4-92.1 et al.);

(2) has 18 months or more remaining to be served before a mandatory release date; and

(3) is not exempted due to a medical, developmental, or learning disability.

b. The mandatory workforce skills training program requirement may be deferred for an **inmate** person who is incarcerated and who is serving a sentence exceeding 10 years.

c. The workforce skills training program shall contain a computer literacy component, including instruction on word processing, typing, Internet navigation, and use of e-mail.

d. An **inmate** person who is incarcerated and who satisfactorily participates in the mandatory workforce skills training program shall be eligible for commutation time for good behavior pursuant to R.S.30:4-140 or credits for diligent application to work and other institutional assignments pursuant to R.S.30:4-92.

e. The commissioner shall report to the State Parole Board the progress of an **inmate** person who is participating in the mandatory workforce skills training program.

f. The commissioner, in consultation with the Commissioner of Labor and Workforce Development, shall promulgate, pursuant to the “Administrative Procedure Act,” P.L.1968, c. 410 (C.52:14B-1 et seq.) the rules and regulations that are necessary to implement the provisions of P.L.2009, c. 330 (C.30:4-92.1 et al.). These rules and regulations shall include, but not be limited to, provisions to:

(1) determine when an **inmate** person who is incarcerated shall be exempted from the mandatory workforce skills training requirement due to a medical, developmental, or learning disability as authorized under paragraph (3) of subsection a. of this section; and

(2) authorize these exempted **inmates** persons to voluntarily participate in the mandatory workforce skills training program.

**Credits:** L.2009, c. 330, § 1, eff. Aug. 1, 2010.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-92.2. Program of mandatory education; minimal educational standards; schedule of incremental implementation**

a. The Commissioner of Corrections, in consultation with the Commissioner of Education, shall establish a program of mandatory education in each State correctional facility under the jurisdiction of the Department of Corrections for each **inmate** person who is incarcerated and who fails to attain a minimal educational standard.

b. The minimal educational standard set forth in subsection a. of this section shall be the attainment of a high school equivalency certificate or high school diploma.

c. Consistent with the phase-in schedule adopted by the commissioner pursuant to subsection h. of this section, the requirement of attaining a minimal educational standard shall apply to an **inmate** person who:

(1) is in the custody of the Department of Corrections on and after the effective date of P.L.2009, c. 330 (C.30:4-92.1 et al.);



(2) has 18 months or more remaining to be served before a mandatory release date;

(3) is not exempted due to a medical, developmental, or learning disability; and

(4) does not possess a high school equivalency certificate or high school diploma.

d. The mandatory education requirement may be deferred for an **inmate** person who is serving a sentence exceeding 10 years.

e. An **inmate** person who satisfactorily participates in the mandatory education program shall be eligible for commutation time for good behavior pursuant to R.S.30:4-140 or credits for diligent application to work and other institutional assignments pursuant to R.S.30:4-92.

f. The commissioner shall report to the State Parole Board the academic progress of an **inmate** person who is incarcerated and who is participating in the mandatory education program.

g. The commissioner may utilize digital technology and on-line education methods to meet the mandatory education requirement established by this section provided these alternate methods are documented to be as effective ~~with inmate populations~~ as live instruction.

h. The commissioner shall establish a schedule for the incremental implementation of the minimal educational standard required by this section. As hereinafter provided, the schedule shall consist of five foundation stages and shall provide for the full implementation of the minimal educational standard within five years of the effective date of this act.

(1) Stage One: The Prisoner Reentry Commission, established pursuant to section 10 of P.L.2009, c. 329 (C.30:4-6.2), shall prepare a report outlining and assessing the availability of innovative technology, volunteer services and private sector resources the Department of Corrections may utilize to support and enhance in-prison education programs. In preparing this report, the commission, in consultation with the Department of Corrections and the Department of Education, shall prepare an inventory of the in-house educational programs currently available to **inmates** persons who are incarcerated, the curricula for those programs, and the educational materials utilized. The report shall be submitted to the Commissioner of Corrections and the Commissioner of Education, along with any recommendations the commission may have, not later than the first day of the 12th month following the effective date of P.L.2009, c. 330 (C.30:4-92.1 et al.).

(2) Stage Two: Beginning in the 13th month following the effective date of P.L.2009, c. 330 (C.30:4-92.1 et al.), the commissioner shall initiate a program designed to raise the literacy level of **inmates** persons who are incarcerated and who are scheduled for release within three years to a ninth grade level. The program shall utilize, to the greatest extent feasible, available technology, volunteer services and private sector resources.

(3) Stage Three: Beginning in the 25th month following the effective date of P.L.2009, c. 330 (C.30:4-92.1 et al.), the commissioner shall initiate a program designed to raise the literacy level of **inmates** persons who are incarcerated and who are scheduled to be released within 10 years to a ninth grade level. The program shall utilize, to the greatest extent feasible, available technology, volunteer services and private sector resources.

(4) Stage Four: Beginning in the 48th month following the effective date of P.L.2009, c. 330 (C.30:4-92.1 et al.), the commissioner shall initiate a program designed to raise the literacy level of **inmates** persons who are incarcerated and who are scheduled to be released within 10 years to a 12th grade level. The program shall utilize, to the greatest extent feasible, available technology, volunteer services and private sector resources.

(5) Stage Five: Beginning in the 60th month following the effective date of P.L.2009, c. 330 (C.30:4-92.1 et al.), the commissioner shall initiate a program designed to raise the literacy level of all **inmates** persons who are incarcerated and who are to a 12th grade level. The program shall utilize, to the greatest extent feasible, available technology, volunteer services and private sector resources.

i. The commissioner, in consultation with the Commissioner of Education, shall promulgate, pursuant to the “Administrative Procedure Act,” P.L.1968, c. 410 (C.52:14B-1 et seq.) the rules and regulations that are necessary to implement the provisions of P.L.2009, c. 330 (C.30:4-92.1 et al.). These rules and regulations shall include, but not be limited to, provisions to:

(1) determine when an **inmate** person who is incarcerated shall be exempted from the mandatory education program due to a medical, developmental, or learning disability as authorized under paragraph (3) of subsection c. of this section;

(2) authorize these exempted **inmates** persons to voluntarily participate in the mandatory education program; and

(3) offer and encourage these exempted **inmates** persons who possess the capability to participate in an alternate educational program.

**Credits:** L.2009, c. 330, § 2, eff. Aug. 1, 2010.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **30:4-92.3. Vocational Training Pilot Program; establishment and implementation by Vocational Training Planning Board**

a. There shall be established in the Department of Corrections a Vocational Training Pilot Program which shall be developed and implemented by the Vocational Training Planning Board established in subsection b. of this section. The pilot program shall provide for vocational training to enhance and supplement the current vocational programming available at a State correctional facility designated by the planning board. When developing the pilot program, the planning board shall endeavor to:

(1) improve upon the facility's most successful vocational programming offerings;

(2) introduce new vocational programming offerings to **inmates** persons who are incarcerated in of the facility; and

(3) provide vocational programming which is consistent with actual post-release employment opportunities and reflects the State's emerging industry and business workforce needs.

\* \* \*

c. The planning board shall be authorized to make recommendations to the department for changes to **inmate** the classifications of persons and the facility use necessary to implement the pilot program at the State correctional facility designated by the board.

d. Only **inmates** persons who have more than one year but less than three years remaining to be served before their parole eligibility date shall be eligible to participate in the pilot program.

e. An **inmate** person who is chosen by the planning board to participate in the pilot program shall be entitled to take the supplemental classes in trades, computer literacy courses, and courses for earning a high school equivalency certificate or high school diploma provided pursuant to subsection a. of this section.

\* \* \*

**Credits:** L.2015, c. 241, § 1, eff. Aug. 1, 2016.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-93. Contracts for labor and products**

No contract shall be made by which the labor or time of any **inmate** person who is incarcerated in of any of the institutions within the jurisdiction of the State board, or the product or profit of his their work, shall be let, contracted for, leased, farmed out, given or sold, except in accordance with the provisions of this title.

**Credits:** L.1918, c. 147, § 702, p. 417 [1924 Suppl. § 34-293].

### Comment

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:4-93.1. Interstate contracts for the sale or purchase of articles or goods manufactured or produced by inmates; notice**

a. Notwithstanding the provisions of any other law to the contrary, the Department of Corrections may enter into contracts with any other state, or any political subdivision thereof, for the sale of articles or goods manufactured or produced by the **inmates** persons who are incarcerated in of any correctional institution within its jurisdiction.

The Commissioner of Corrections shall prepare, or cause to be prepared, a notice setting forth a description and a price list of all the articles which are manufactured or produced by the **inmates** persons who are incarcerated in of the correctional institutions under ~~his~~ the Commissioner's jurisdiction and which are available for sale to other states and their political subdivisions. In a manner the commissioner determines to be appropriate, the notice shall be made available to other states and their political subdivisions.

b. The Department of Corrections may also enter into contracts with any other state, or political subdivision thereof, to purchase articles or goods manufactured or produced by the **inmates** persons who are incarcerated in of correctional institutions within that other state or political subdivision.

**Credits:** L.1992, c. 119, § 1, eff. Oct. 22, 1992.

### Comment

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **30:4-94. Catalogue of articles and prices**

The state board shall cause to be prepared a catalogue containing a description and a price list of all the articles manufactured or produced by the institutions within its jurisdiction. Copies of this catalogue shall be sent to all institutions supported in whole or in part by the state, to all state departments and branches and agencies of the state government, to the governing bodies of each county and to each of the institutions maintained by each county, and the receipt of the catalogue by each of them shall be sufficient notice to each of them that the articles described in the catalogue are or are about to be manufactured or produced by the labor of the **inmates** persons who are incarcerated in of the institutions within the jurisdiction of the state board.

**Credits:** L.1918, c. 147, § 703, p. 418 [1924 Suppl. § 34-294].

## Comment

The pejorative terms are replaced with person-first language.

### 30:4-98. Powers of state board

The State Board shall have power to:

a. Assign to each institution the industries, occupations, vocations and labor to be operated or performed by the inmates persons who are incarcerated thereof, but no new industry shall be established in any institution nor shall any existing industry be enlarged materially except by consent of the State House Commission;

\* \* \*

g. Assign any number of the inmates persons who are incarcerated in of any institution to the performance of labor outside the usual limits of the institution of which they are inmates incarcerated, of whatever character and wherever, within the boundaries of this State, may be determined by the State Board; provided, such labor shall only be employed in enterprises of a public nature or connected with the public welfare or in such work in such places as may be necessary to meet any emergency arising from scarcity of labor on farms. Such labor shall be performed under the direct supervision of an officer or officers authorized by the commissioner;

\* \* \*

i. Determine the amount to be charged for the labor of such inmates persons who are incarcerated as may be assigned to any work for any other department or branch of the State Government not included within the jurisdiction of this department, and contract and agree with the chief executive officer thereof as to the performance of the work, the rate to be paid therefor, the number of inmates persons to be assigned and such other details as may be necessary and proper;

\* \* \*

k. Detail keepers, guards or attendants from the employees of any institution as guards for the inmates persons incarcerated thereof when the persons are out of the institution on assigned labor or to hire additional keepers or guards as may be necessary, paying therefor from the working capital account of such institution and including the cost thereof in the calculated cost of such labor;

l. Perform as an independent contractor, with the labor of the inmates persons who are incarcerated in of the institutions within its jurisdiction, any public work, either upon the lands of the State or elsewhere; and

m. Employ the **inmates** persons who are incarcerated in ~~of~~ any or all of the institutions within its jurisdiction upon any work for the United States Government or any department thereof, upon such terms as the State Board may determine.

**Credits:** Amended by L.1948, c. 291, § 1, eff. Aug. 9, 1948; L.1948, c. 398, § 1, eff. Sept. 13, 1948.

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-99. Limitations on employment; marching prisoners in irons; armed guards; free labor**

The employment of the **inmates** persons who are incarcerated in ~~of~~ any institution within the jurisdiction of the state board shall be subject to the following specific limitations:

a. Marching or transportation of convicts in irons through the public streets or to or from their places of assigned labor shall not be permitted except in case of absolute emergency;

b. Convict labor under armed guard shall not be used on public improvements in conjunction with free labor;

c. Convict labor shall not be used to take the place of free labor locked out or on strike.

**Credits:** L.1918, c. 147, § 708, p. 421 [1924 Suppl. § 34-299].

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-116. Retaking persons leaving without discharge**

The chief executive officer of any state institution, or any subordinate officer or employee of the institution appointed by ~~him~~ the chief executive officer in writing as a special officer, shall have power to arrest without warrant any **inmate** person committed thereto by order of any court, who shall leave such institution, without first obtaining a parole or discharge, and return ~~him or her~~ them to the institution. For purpose of retaking, the chief executive officer or special officer may go to any place either within or without this state, where the escaped **inmate** person may be.

**Credits:** L.1918, c. 147, §§ 209, 210, p. 356 [1924 Suppl. §§ 34-88, 34-89].

#### Comment

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:4-117. Retaking of patients of county ~~mental~~ psychiatric hospital**

The medical superintendent or chief executive officer of a county ~~mental~~ psychiatric hospital may, without warrant arrest and return to the institution an inmate person duly committed by court order who leaves without first obtaining a parole or discharge. For that purpose such officer may go to any place within the State where the inmate person may be.

**Credits:** Amended by L.1965, c. 59, § 81, eff. Aug. 25, 1965.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-118. Warrant for arrest**

A warrant for the arrest of any ~~institutional~~ inmate person duly committed by court order who shall have left the institution without parole or discharge or whose parole has been revoked, may be served by the chief executive officer, or ~~his~~ the chief officer's special officer or the regularly appointed parole officer or any person authorized to serve criminal process, in any county of this state. If the person for whom such warrant has been issued is confined elsewhere in this state, the service of the warrant upon the warden or chief executive officer of the institution wherein such person is confined, shall require ~~him~~ them to facilitate the return of the person named in the warrant upon the expiration of the pending confinement. The chief executive officer, or the parole officer or special officer, when so directed by the chief executive officer, may without warrant apprehend any paroled person and cause ~~him or her~~ them to be detained in any city or county jail or returned to the institution, to await the determination of the board of managers as to the revocation of parole.

**Credits:** L.1918, c. 147, § 212, p. 356 [1924 Suppl. § 34-91].

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:4-119. Assist return to institution**

Every police officer and constable shall assist in the location and return to institutional custody of any ~~institutional~~ inmate person duly committed by court order who has left the institution without parole or discharge.

**Credits:** L.1918, c. 147, § 211, p. 356 [1924 Suppl. § 34-90].

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:4-122. Money advanced for the return of ~~inmates~~ patients, or persons who are incarcerated**

The state treasurer, upon the warrant of the comptroller, may advance to the chief executive officer of any institution subject to the jurisdiction of the state board, out of the annual appropriations for the support of any such institution, such part thereof as the chief executive officer may find requisite for the purpose of returning to said institution any patient, prisoner or **inmate** person who is incarcerated and who shall leave such institution without first obtaining a parole, discharge or release therefrom, or who shall, after having received such parole or release, violate the terms, conditions and limitations thereof, and who in the judgment of the board of managers is unfit to be further at liberty.

**Credits:** L.1920, c. 45, § 1, p. 92 [1924 Suppl. § 34-92] (amendment).

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:4-123. Use of fund for traveling expenses of paroled inmates and parole officers**

Any board or institution may use its petty cash fund for the payment of the traveling expenses of a paroled **inmate** person who has been paroled to the place of ~~his~~ their employment, and the expenses of the parole officer or other agent in traveling to and from the place where any paroled **inmate** person who has been paroled, who has violated ~~his~~ their parole, may be found, in order to bring about ~~his~~ their return to the institution, as well as the payment of expenses incurred to secure the return of an escaped **inmate** person.

**Credits:** L.1913, c. 355, § 1, p. 773 [1924 Suppl. § 200-118a].

**Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

**N.J.S. 30:4-123.45. Short title; Parole Act of 1979; definitions**

- a. This act shall be known and may be cited as the “Parole Act of 1979.”
- b. In this act, unless a different meaning is plainly required:



(1) “Adult **inmate** who is incarcerated” means any person sentenced as an adult to a term of incarceration.

(2) “Juvenile **inmate** who is incarcerated” means any person under commitment as a juvenile delinquent pursuant to section 25 of P.L.1982, c. 77 (C.2A:4A-44).

(3) “Parole release date” means that date certified by a member of the board for release of an **inmate** person who is incarcerated after a review of the **inmate's** that person's case pursuant to section 11, 13 or 14 of this act.<sup>1</sup>

(4) “Primary parole eligibility date” means that date established for parole eligibility for adults **inmates** who are incarcerated pursuant to section 7 or 20 of this act.<sup>2</sup>

(5) “Public notice” shall consist of lists including names of all **inmates** persons who are incarcerated and are being considered for parole, the county from which the **inmates** persons were committed and the crimes for which they **inmates** were incarcerated. At least 30 days prior to parole consideration the lists shall be forwarded to the office of the public defender of each county or the private attorney of record for the **inmates** persons who are incarcerated, the prosecutor's office of each county, the sentencing court, the office of the Attorney General, any other criminal justice agencies whose information and comment may be relevant, and news organizations.

\* \* \*

(8) “Parole officer” means, with respect to an adult **inmate** who is incarcerated, an officer assigned by the Chairman of the State Parole Board or the chairman's designee and, with respect to a juvenile **inmate** who is incarcerated, a person assigned by the commission.

**Credits:** L.1979, c. 441, § 1, eff. April 21, 1980. Amended by L.1985, c. 44, § 1, eff. May 12, 1985; L.1991, c. 91, § 318, eff. April 9, 1991; L.1995, c. 280, § 34, eff. Dec. 15, 1995; L.2001, c. 79, § 2; L.2019, c. 364, § 7, eff. Feb. 1, 2021.

<sup>1</sup> N.J.S.A. §§ 30:4-123.55, 30:4-123.57 or 30:4-123.58.

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-123.47a. Parole Advisory Board established; membership; appointment; compensation**

There is hereby established a Parole Advisory Board in, but not of, the State Parole Board. Notwithstanding the allocation of the board within the State Parole Board, the State Parole Board or any employee thereof shall not exercise any control over the Parole Advisory Board. The advisory board shall consist of 23 members. It shall include in its membership the

Chairman of the State Parole Board or ~~his~~ a designee, who shall serve ex officio; one member representing each of the following organizations and groups, who shall be appointed by the Governor: the Department of Corrections, the Department of Health and Senior Services, the Department of Law and Public Safety, Office of the Governor, the Administrative Office of the Courts, the Victims of Crime Compensation Board, the New Jersey Chapter of the American Correctional Association, the County Prosecutors Association of New Jersey, the Sheriffs' Association of New Jersey, the New Jersey Wardens Association, the New Jersey State Association of Chiefs of Police, the American Parole and Probation Association, Governor's Council on Alcoholism and Drug Abuse, the community at large, treatment providers, victims' rights groups and ~~former~~ **inmates** persons who have successfully completed parole. Two members of the Senate, who shall not be of the same political party and who shall serve during their terms of office, shall be appointed by the President of the Senate. Two members of the General Assembly, who shall not be of the same political party and who shall serve during their terms of office, shall be appointed by the Speaker of the General Assembly.

\* \* \*

**Credits:** L.1997, c. 215, § 1, eff. Aug. 19, 1997. Amended by L.2001, c. 79, § 3, eff. Sept. 1, 2001.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

#### **N.J.S. 30:4-123.48. Vote necessary; duties of chairman; employees; rules and regulations; uniform information system; annual report; public notice of considerations for release**

\* \* \*

f. The board annually shall transmit a report of its work for the preceding fiscal year, including information on the causes and extent of parole recidivism to the Governor and the Legislature. The report shall include information regarding medical parole including, but not limited to, the number of **inmates** persons who are incarcerated and who applied for medical parole, the number of **inmates** persons who are incarcerated and who were granted medical parole, and the number of **inmates** persons who are incarcerated and who were denied medical parole. The report also may include relevant information on compliance with established time frames in the processing of parole eligibility determinations, the effectiveness of any pertinent legislative or administrative measures, and any recommendations to enhance board operations or to effectuate the purposes of the "Parole Act of 1979," P.L.1979, c. 441 (C.30:4-123.45 et al.).

g. The board shall give public notice prior to considering the release of any adult **inmate** who is incarcerated ~~for release~~.

~~h. (Deleted by amendment, P.L.2019, c. 363)~~

**Credits:** L.1979, c. 441, § 4, eff. April 21, 1980. Amended by L.1995, c. 280, § 35, eff. Dec. 15, 1995; L.2001, c. 79, § 5, eff. Sept. 1, 2001; L.2001, c. 141, § 2, eff. July 2, 2001; L.2005, c. 344, § 1, eff. Jan. 12, 2006; L.2008, c. 29, § 90, eff. June 30, 2008; L.2017, c. 235, § 2, eff. April 1, 2018; L.2019, c. 363, § 8, eff. Nov. 1, 2020.

<sup>1</sup> L.2005, c. 344, eff. Jan. 12, 2006.

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-123.50. Office facilities and clerical assistance; cooperation in furnishing information and data to board; power of subpoena; failure to respond; penalty**

\* \* \*

b. The Department of Corrections, the chief executive officers and staffs of those facilities assigned to the Department of Corrections, the chief executive officers and staffs of the county jails, ~~workhouses~~ county correctional facilities, and penitentiaries and the chief executive officers and staffs of those facilities assigned to the Department of Human Services where **inmates** persons who are incarcerated or parolees are housed shall render full and complete cooperation to the board in the matter of furnishing the board all pertinent data and information relating to particular **inmates** persons who are incarcerated. It shall also be the duty of the clerk of the court from which the **inmate** person was committed, and of county probation officers and other officials, to forward to the board any commitment order, any presentence report, and the sentencing court's written reasons for any sentence imposed. The board shall in addition have the power to compel the appearance of witnesses and the production of documentary evidence relevant to any proceedings before it. Failure to respond to any subpoena shall carry the penalty prescribed by law for failure to so respond in the Superior Court.

**Credits:** L.1979, c. 441, § 6, eff. April 21, 1960.

#### Comment

The pejorative terms are replaced with person-first language.

- *Workhouse*

The terms “jail”, “workhouse” or “penitentiary” have been removed from this statute and updated with the term county correctional facility.<sup>15</sup>

### **30:4-123.51. Eligibility for parole; computation; notice to inmate; acknowledgement of receipt**

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<sup>15</sup> Final Report from Samuel M. Silver, Dep. Dir., Relating to the Use of the Word “Workhouse” in the New Jersey Statutes, the New Jersey Law Rev. Comm’n (Apr. 15, 2021) (available at [www.njlrc.org](http://www.njlrc.org)).

a. Each adult **inmate** who is sentenced to a term of incarceration in a county penal institution, or to a specific term of years at the State Prison or the correctional institution for women shall become primarily eligible for parole after having served any judicial or statutory mandatory minimum term, or one-third of the sentence imposed where no mandatory minimum term has been imposed less commutation time for good behavior pursuant to N.J.S.2A:164-24 or R.S.30:4-140 and credits for diligent application to work and other institutional assignments pursuant to P.L.1972, c. 115 (C.30:8-28.1 et seq.) or R.S.30:4-92. Consistent with the provisions of the New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7), commutation and work credits shall not in any way reduce any judicial or statutory mandatory minimum term and such credits accrued shall only be awarded subsequent to the expiration of the term.

b. Each adult **inmate** who is sentenced to a term of life imprisonment shall become primarily eligible for parole after having served any judicial or statutory mandatory minimum term, or 25 years where no mandatory minimum term has been imposed less commutation time for good behavior and credits for diligent application to work and other institutional assignments. If an **inmate** person sentenced to a specific term or terms of years is eligible for parole on a date later than the date upon which ~~he~~ the person would be eligible if a life sentence had been imposed, then in such case the **inmate** person shall be eligible for parole after having served 25 years, less commutation time for good behavior and credits for diligent application to work and other institutional assignments. Consistent with the provisions of the New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7), commutation and work credits shall not in any way reduce any judicial or statutory mandatory minimum term and such credits accrued shall only be awarded subsequent to the expiration of the term.

c. Each adult **inmate** who is sentenced to a specific term of years pursuant to the “Controlled Dangerous Substances Act,” P.L.1970, c. 226 (C.24:21-1 et al.) shall become primarily eligible for parole after having served one-third of the sentence imposed less commutation time for good behavior and credits for diligent application to work and other institutional assignments.

d. Each adult **inmate** who is sentenced to an indeterminate term of years as a young adult offender pursuant to N.J.S.2C:43-5 shall become primarily eligible for parole consideration pursuant to a schedule of primary eligibility dates developed by the board, less adjustment for program participation. In no case shall the board schedule require that the primary parole eligibility date for a young adult offender be greater than the primary parole eligibility date required pursuant to this section for the presumptive term for the crime authorized pursuant to subsection f. of N.J.S.2C:44-1.

e. Each adult **inmate** who is sentenced for an offense specified in N.J.S.2C:47-1 shall become primarily eligible for parole as follows:

(1) If the court finds that the offender's conduct was not characterized by a pattern of repetitive, compulsive behavior or finds that the offender is not amenable to sex offender treatment, or if after sentencing the Department of Corrections in its most recent

examination determines that the offender is not amenable to sex offender treatment, the offender shall become primarily eligible for parole after having served any judicial or statutory mandatory minimum term or one-third of the sentence imposed where no mandatory minimum term has been imposed. Neither such term shall be reduced by commutation time for good behavior pursuant to R.S.30:4-140 or credits for diligent application to work and other institutional assignments pursuant to R.S.30:4-92.

(2) Young adult offenders shall be eligible for parole pursuant to the provisions of N.J.S.2C:47-5, except no offender shall become primarily eligible for parole prior to the expiration of any judicial or statutory mandatory minimum term.

f. (Deleted by amendment, P.L.2019, c. 363)

g. Each adult **inmate** who is ~~of~~ in a county jail, workhouse, or penitentiary shall become primarily eligible for parole upon service of 60 days of his aggregate sentence or as provided for in subsection a. of this section, whichever is greater. Whenever any such **inmate's** person's parole eligibility is within six months of the date of such sentence, the judge shall state such eligibility on the record which shall satisfy all of the notice requirements to the public and inmate ~~to the individual who is incarcerated~~ notice requirements. The chief executive officer of the institution in which ~~county~~ **inmates** persons committed to county facilities are held shall generate all reports pursuant to subsection d. of section 10 of P.L.1979, c. 441 (C.30:4-123.54). The parole board shall have the authority to promulgate time periods applicable to the parole processing of **inmates** persons who are incarcerated in ~~of~~ county penal institutions, except that no **inmate** person may be released prior to the primary eligibility date established by this subsection, unless consented to by the sentencing judge. No **inmate** person sentenced to a specific term of years at the State Prison or the correctional institution for women shall become primarily eligible for parole until service of a full nine months of ~~his~~ their aggregate sentence.

h. When an **inmate** person is sentenced to more than one term of imprisonment, the primary parole eligibility terms calculated pursuant to this section shall be aggregated by the board for the purpose of determining the primary parole eligibility date. The board shall promulgate rules and regulations to govern aggregation under this subsection.

i. The primary eligibility date shall be computed by a designated representative of the board and made known to the **inmate** person who is incarcerated, in writing, not later than 90 days following the commencement of the sentence. In the case of an ~~an~~ **inmate** person who has been sentenced to a county penal institution such notice shall be made pursuant to subsection g. of this section. Each **inmate** person who is incarcerated shall be given the opportunity to acknowledge in writing the receipt of such computation. Failure or refusal by the **inmate** person who is incarcerated to acknowledge the receipt of such computation shall be recorded by the board but shall not constitute a violation of this subsection.

j. Except as provided in this subsection, each **inmate** person who has been sentenced pursuant to N.J.S.2A:113-4 for a term of life imprisonment, N.J.S.2A:164-17 for a fixed minimum and maximum term or subsection b. of N.J.S.2C:1-1 shall not be primarily eligible for

parole on a date computed pursuant to this section, but shall be primarily eligible on a date computed pursuant to P.L.1948, c. 84 (C.30:4-123.1 et seq.), which is continued in effect for this purpose. **Inmates** Persons classified as second, third or fourth offenders pursuant to section 12 of P.L.1948, c. 84 (C.30:4-123.12) shall become primarily eligible for parole after serving one-third, one-half, or two-thirds of the maximum sentence imposed, respectively, less in each instance commutation time for good behavior and credits for diligent application to work and other institutional assignments; provided, however, that if the prosecuting attorney or the sentencing court advises the board that the punitive aspects of the sentence imposed on such **inmates** persons will not have been fulfilled by the time of parole eligibility calculated pursuant to this subsection, then the **inmate** person shall not become primarily eligible for parole until serving an additional period which shall be one-half of the difference between the primary parole eligibility date calculated pursuant to this subsection and the parole eligibility date calculated pursuant to section 12 of P.L.1948, c. 84 (C.30:4-123.12). If the prosecuting attorney or the sentencing court advises the board that the punitive aspects of the sentence have not been fulfilled, such advice need not be supported by reasons and will be deemed conclusive and final. Any such decision shall not be subject to judicial review except to the extent mandated by the New Jersey and United States Constitutions. The board shall, reasonably prior to considering any such case, advise the prosecuting attorney and the sentencing court of all information relevant to such **inmate's** person's parole eligibility.

\* \* \*

*l.* Notwithstanding the provisions of subsections a. through j. of this section, the appropriate board panel, as provided in section 1 of P.L.1997, c. 214 (C.30:4-123.51c), may at any time release an **inmate** person who is serving a sentence of imprisonment, on medical parole at any time.

**Credits:** L.1979, c. 441, § 7, eff. April 21, 1960. Amended by L.1982, c. 71, § 2, eff. July 16, 1982; L.1997, c. 60, § 3, eff. April 3, 1997; L.1997, c. 214, § 2, eff. Aug. 19, 1997; L.1998, c. 73, § 2, eff. Dec. 1, 1998; L.2007, c. 204, § 6, eff. Dec. 17, 2007; L.2019, c. 363, § 10, eff. Nov. 1, 2020.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:4-123.51a. Inmate of county penal institution; revocation of parole; denial of credits and ineligibility for parole**

Pursuant to section 16 of P.L.1979, c. 441 (C. 30:4-123.60), any **inmate** person sentenced to a term of incarceration in a county penal institution who is granted parole and whose parole is revoked, shall not be credited for any time served during that parole and shall not be eligible for parole during the remainder of that county sentence.

**Credits:** L.1982, c. 71, § 5, eff. July 16, 1982.

## Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-123.51e. Compassionate release; medical diagnosis to determine eligibility; petition; notice and hearing; objections; release on grounds of incapacity; conditions of release; request for return to confinement; definitions**

a. Notwithstanding any provision of P.L.1979, c. 441 (C.30:4-123.45 et seq.) to the contrary, the court may release an **inmate** person who is incarcerated and who qualifies under this section for compassionate release at any time during the term of incarceration. An **inmate** person who has been granted compassionate release pursuant to this section shall be subject to custody, supervision, and conditions as provided in section 15 of P.L.1979, c. 441 (C.30:4-123.59) and shall be subject to sanctions for a violation of a condition of compassionate release as if on parole as provided in sections 16 through 21 of P.L.1979, c. 441 (C.30:4-123.60 through 30:4-123.65).

b. The Commissioner of Corrections shall establish and maintain a process by which an **inmate** person who is incarcerated may obtain a medical diagnosis to determine whether the **inmate** is they are eligible for compassionate release. The medical diagnosis shall be made by two licensed physicians designated by the commissioner. The diagnosis shall include, but not be limited to:

(1) a description of the terminal condition, disease or syndrome, or permanent physical incapacity;

(2) a prognosis concerning the likelihood of recovery from the terminal condition, disease or syndrome, or permanent physical incapacity;

(3) a description of the **inmate's** physical incapacity, if appropriate; and

(4) a description of the type of ongoing treatment that would be required if they **inmate** is are granted compassionate release.

c. A medical diagnosis to determine whether an **inmate** person is eligible for compassionate release under this section may be initiated by the administrator, superintendent, or a staff member of a correctional facility or, upon request, submitted to the Commissioner of Corrections by the **inmate** person who is incarcerated, a member of the **inmate's** person's family, or the **inmate's** person's attorney. The request shall be submitted in a manner and form prescribed by the Commissioner of Corrections.

d. (1) In the event that a medical diagnosis determines that an **inmate** person is suffering from a grave medical condition as defined in subsection l. of this section, the Department of Corrections shall promptly notify the **inmate's** person's attorney or, if the **inmate** person does not have an attorney, the Public Defender, to initiate the process of petitioning for compassionate

release. The petition shall not be filed until a subsequent medical diagnosis determines that the **inmate** person who is incarcerated is suffering from a terminal condition, disease or syndrome, or a permanent physical incapacity as defined in subsection l. of this section and the Department of Corrections issues to the **inmate** person who is incarcerated a Certificate of Eligibility for Compassionate Release.

(2) In the event that a medical diagnosis determines that an **inmate** person is suffering from a terminal condition, disease or syndrome, or permanent physical incapacity as defined in subsection l. of this section, the Department of Corrections shall promptly issue ~~to the inmate~~ a Certificate of Eligibility for Compassionate Release to the person who is incarcerated and provide a copy of the certificate to their **inmate's** attorney or, if they **inmate** does not have an attorney, the Public Defender. An **inmate** person who receives a Certificate of Eligibility for Compassionate Release may petition the court for compassionate release.

(3) In the event of a medical diagnosis that an **inmate** person is suffering from a grave medical condition or upon issuance of a Certificate of Eligibility for Compassionate Release, an **inmate** they may request representation from the Office of the Public Defender for the purpose of filing a petition for compassionate release.

\* \* \*

f. (1) Notwithstanding the provisions of subsection a. of section 9 of P.L.1979, c. 441 (C.30:4-123.53), the court may order the compassionate release of an **inmate** person who has been issued a Certificate of Eligibility for Compassionate Release pursuant to paragraph (2) of subsection d. of this section if the court finds by clear and convincing evidence that the **inmate** person who is incarcerated is so debilitated or incapacitated by the terminal condition, disease or syndrome, or permanent physical incapacity as to be permanently physically incapable of committing a crime if released and, in the case of a permanent physical incapacity, the conditions established in accordance with subsection h. of this section under which the **inmate** person would be released would not pose a threat to public safety.

\* \* \*

(3) The court shall provide ~~to the inmate~~ person who is incarcerated and the county prosecutor or Attorney General, as the case may be, written notice of its decision setting forth the reasons for granting or denying compassionate release, and the county prosecutor or Attorney General, as the case may be, shall notify any victim or member of a victim's family who received notification pursuant to paragraph (2) of subsection e. of this section of the outcome of the court's decision.

\* \* \*



h. Whenever an **inmate** person is granted compassionate release pursuant to this section, the court shall require, as a condition precedent to release, the State Parole Board to ensure that the **inmate's** person's release plan includes:

(1) identification of a community sponsor;

(2) verification of the availability of appropriate medical services sufficient to meet the treatment requirements identified pursuant to paragraph (4) of subsection b. of this section; and

(3) verification of appropriate housing which may include, but need not be limited to, a hospital, hospice, nursing home facility, or other housing accommodation suitable to the **inmate's** person's medical condition, disease or syndrome, or permanent physical incapacity.

The Commissioner of Corrections shall ensure that any **inmate** person who petitions for compassionate release is provided an opportunity to apply, and is provided necessary assistance to complete the application, for medical assistance benefits under the Medicaid program established pursuant to P.L.1968, c. 413 (C.30:4D-1 et seq.) prior to any determination of ineligibility by the court as a result of the inability to verify the availability of appropriate medical services, as required pursuant to paragraph (2) of this subsection.

i. In addition to any conditions imposed pursuant to section 15 of P.L.1979, c. 441 (C.30:4-123.59), as a condition of compassionate release, the State Parole Board may require an **inmate** a person who has been granted compassionate release to submit to periodic medical diagnoses by a licensed physician.

j. If, after review of a medical diagnosis required under the provisions of subsection i. of this section, the State Parole Board determines that a parolee granted compassionate release is no longer so debilitated or incapacitated by a terminal condition, disease or syndrome, or by a permanent physical incapacity as to be physically incapable of committing a crime or, in the case of a permanent physical incapacity, the parolee poses a threat to public safety, the State Parole Board shall so notify the prosecutor, who may initiate proceedings to return the **inmate** person who has been granted compassionate release to confinement in an appropriate facility designated by the Commissioner of Corrections.

\* \* \*

k. The denial of a petition for compassionate release or the return of a parolee to confinement under the provisions of subsection j. of this section shall not preclude an **inmate** person from being considered for parole, if eligible, pursuant to subsection a. of section 7 of P.L.1979, c. 441 (C.30:4-123.51).

l. For purposes of this section:

“Grave medical condition” means a prognosis by the licensed physicians designated by the Commissioner of Corrections pursuant to subsection b. of this section that an **inmate** person has more than six months but not more than 12 months to live or has a medical condition that did not exist at the time of sentencing and for at least three months has rendered the **inmate** person unable to perform activities of basic daily living, resulting in the **inmate** person requiring 24-hour care.

“Terminal condition, disease or syndrome” means a prognosis by the licensed physicians designated by the Commissioner of Corrections pursuant to subsection b. of this section that an **inmate** person has six months or less to live.

“Permanent physical incapacity” means a prognosis by the licensed physicians designated by the Commissioner of Corrections pursuant to subsection b. of this section that an **inmate** person who is incarcerated has a medical condition that renders them **inmate** permanently unable to perform activities of basic daily living, results in the **inmate** person requiring 24-hour care, and did not exist at the time of sentencing.

**Credits:** L.2020, c. 106, § 1, eff. Feb. 1, 2021.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-123.51f. Cost savings realized from reduction of prison population; Corrections Rehabilitation and Crime Prevention Fund; establishment; deposit of funds**

a. The Commissioner of Corrections, in consultation with the Chairman of the State Parole Board and the State Treasurer, shall conduct a study to determine the fiscal impact of cost savings that may be realized from the reduction of prison population due to compassionate release and the elimination of mandatory minimum terms of parole ineligibility for certain **inmates** persons who are incarcerated.

\* \* \*

c. The Commissioner of Corrections shall deposit any cost savings realized pursuant to subsection a. of this section into a special non-lapsing fund which shall be known as the “Corrections Rehabilitation and Crime Prevention Fund.” Monies in the fund shall be used to support recidivism reduction programs, including community-based and prison-based programs, such as educational and vocational training, and for other services to facilitate **inmates'** person's successful reentry.

**Credits:** L.2020, c. 109, § 1, eff. Oct. 19, 2020.

#### **Comment**

The pejorative terms are replaced with person-first language.

**30:4-123.52. Increase or decrease of parole eligibility date; grounds; statement of change to inmate**

a. If the appropriate board panel determines that an adult **inmate** who is incarcerated has seriously or persistently violated specifically defined institutional rules or has engaged in conduct indictable in nature while incarcerated, then the **inmate's** person's parole eligibility date may be increased pursuant to a schedule developed by the board. In developing such schedule, particular emphasis shall be placed on the severity of the **inmate's** person's conduct. The board shall deduct from the scheduled penalty any loss of commutation time imposed by the Department of Corrections pursuant to R.S.30:4-140.

b. If the appropriate board panel determines that an adult **inmate** who is incarcerated has made exceptional progress, as evidenced by documented participation and progress in institutional or community educational, training or other programs, then the **inmate's** person's parole eligibility date may be decreased, except that no parole eligibility date shall be set below the primary parole eligibility date without the consent of the sentencing court, which need not conduct a hearing and in no case shall a parole eligibility date be set below any judicial or statutory mandatory minimum term, including any parole eligibility date set pursuant to section 23 of this act.

c. The appropriate board panel shall annually monitor the progress of each adult **inmate** who is incarcerated and provide the **inmate** them with a written statement of any changes in his their parole eligibility.

d. At any time while an **inmate** person is committed to the custody of the Commissioner of Corrections, the appropriate board panel or the Parole Board may require, as often as it deems necessary, that **inmate** person to undergo an in-depth preparole psychological evaluation conducted by a psychologist .

e. Prior to the parole eligibility date of each adult **inmate** who is incarcerated, an objective risk assessment shall be performed by board staff or by some other appropriate agent of the State. The risk assessment, which shall be in a form prescribed by the board pursuant to rule and regulation, shall consist of both static and dynamic factors which may assist the board panel in determining whether the **inmate** person who is incarcerated shall be certified for parole and, if paroled, the level of supervision the parolee may require. In addition to the information otherwise gathered for and incorporated in the pre-parole report, the assessment shall include evaluations of the **inmate's** person's ability to function independently, their **inmate's** educational and employment background, their **inmate's** family and marital history, and such other information and factors as the board may deem appropriate and necessary.

Credits: L.1979, c. 441, § 8, eff. April 21, 1960. Amended by L.1997, c. 217, § 2, eff. Aug. 19, 1997; L.2001, c. 79, § 18, eff. Sept. 1, 2001.

**Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:4-123.53. Release on parole; determination of date**

a. An adult **inmate** who is incarcerated and who is not eligible for administrative parole release pursuant to section 4 of P.L.2019, c. 364 (C.30:4-123.55d) shall be released on parole at the time of primary parole eligibility, unless information supplied in the report filed pursuant to section 10 of P.L.1979, c. 441 (C.30:4-123.54) or developed or produced at a hearing held pursuant to section 11 of P.L.1979, c. 441 (C.30:4-123.55) indicates by a preponderance of the evidence that the **inmate** person who is incarcerated has failed to cooperate in ~~his or her own~~ their rehabilitation or that there is a reasonable expectation that they **inmate** will violate conditions of parole imposed pursuant to section 15 of P.L.1979, c. 441 (C.30:4-123.59) if released on parole at that time. The board panel or board shall state the following on the record:

(1) the reasons for a denial of parole, specifically providing evidence to support the denial of parole based on factors that may be deemed subjective; and

(2) the reasons for the established future parole eligibility date, specifically providing an explanation of why and how the board panel or board determined the amount of time an **inmate** person is required to wait for a subsequent parole hearing.

b. A juvenile **inmate** who is incarcerated shall be released on parole when it shall appear that the juvenile, if released, will not cause injury to persons or substantial injury to property.

**Credits:** L.1979, c. 441, § 9, eff. April 21, 1960. Amended by L.1997, c. 213, § 1, eff. Aug. 18, 1997; L.1998, c. 112, § 1, eff. Sept. 17, 1998; L.2019, c. 364, § 8, eff. Feb. 1, 2021.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **30:4-123.53a. Notification procedures for release of certain offenders; definitions**

\* \* \*

d. If available, the notice shall be provided to the prosecutor 90 days before the **inmate's** person's anticipated release; provided however, the notice shall be provided at least 30 days before release. The notice shall include the person's name, identifying factors, offense history, and anticipated future residence. The prosecutor shall notify the Office of Victim Witness Advocacy and that office shall use any reasonable means available to them to notify the victim of the anticipated release, unless the victim has requested not to be notified. The Office of Victim Witness Advocacy shall use any reasonable means available to also notify witnesses and other

appropriate persons, as determined by the prosecutor in accordance with the directive issued by the Attorney General, who have requested notification of the anticipated release.

e. Upon receipt of notice, the prosecutor shall provide notice to the law enforcement agency responsible for the municipality where the **inmate** person who will be released from custody will reside, the municipality in which any victim resides, and such other State and local law enforcement agencies as appropriate for public safety.

**Credits:** L.1994, c. 135, § 1, eff. Oct. 31, 1994. Amended by L.1995, c. 280, § 37, eff. Dec. 15, 1995; L.2001, c. 79, § 8, eff. Sept. 1, 2001; L.2013, c. 270, § 2, eff. April 1, 2014; L.2019, c. 363, § 11, eff. Nov. 1, 2020.

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-123.54. Parole report**

a. At least 120 days but not more than 180 days prior to the parole eligibility date of each adult **inmate** who is incarcerated, a report concerning the **inmate** shall be filed with the appropriate board panel, by the staff members designated by the superintendent or other chief executive officer of the institution in which the adult **inmate** who is incarcerated is held.

b. (1) The report filed pursuant to subsection a. shall contain pre-incarceration records of the **inmate** person who is incarcerated, including any history of civil commitment, any disposition which arose out of any charges suspended pursuant to N.J.S.2C:4-6 including records of the disposition of those charges and any acquittals by reason of insanity pursuant to N.J.S.2C:4-1, state the conduct of the **inmate** person who is incarcerated during the current period of confinement, include a complete report on the **inmate's** person's social and physical condition, include an investigation by the Division of Parole of the **inmate's** person's parole plans, and present information bearing upon the likelihood that the **inmate** person will commit a crime under the laws of this State if released on parole. The report shall also include a complete psychological evaluation of the **inmate** person in any case in which the **inmate** person was convicted of a first or second-degree crime involving violence and:

(a) the **inmate** person has a prior acquittal by reason of insanity pursuant to N.J.S.2C:4-1 or had charges suspended pursuant to N.J.S.2C:4-6; or

(b) the **inmate** person has a prior conviction for murder pursuant to N.J.S.2C:11-3, aggravated sexual assault or sexual assault pursuant to N.J.S.2C:14-2, kidnapping pursuant to N.J.S.2C:13-1, endangering the welfare of a child which would constitute a crime of the second degree pursuant to N.J.S.2C:24-4, or stalking which would constitute a crime of the third degree pursuant to P.L.1992, c. 209 (C.2C:12-10); or

(c) the **inmate** person has a prior diagnosis of psychosis.

The **inmate** person who is incarcerated shall disclose any information concerning any history of civil commitment.

The pre-incarceration records of the **inmate** person who is incarcerated that are contained in the report shall include any psychological reports prepared in connection with any court proceedings.

\* \* \*

The report may include a written or videotaped statement concerning the continuing nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss of earnings or ability to work suffered by the victim and the continuing effect of the crime upon the victim's family. At the time public notice is given that an **inmate** person who is incarcerated is being considered for parole pursuant to this section, the board shall also notify any victim or nearest relative who has previously contacted the board of the availability to provide a written or videotaped statement for inclusion in the parole report or to present testimony at the parole hearing.

The board shall notify the victim or relative at the victim's or relative's last known mailing address.

(3) If the **inmate** person who is incarcerated meets the requirements for administrative parole release pursuant to section 4 of P.L.2019, c. 364 (C.30:4-123.55d) the report shall indicate this eligibility.

c. A copy of the report filed pursuant to subsection a. of this section, excepting those documents which have been classified as confidential pursuant to rules and regulations of the board or the Department of Corrections, shall be served on the **inmate** person at the time it is filed with the board panel. The **inmate** person who is incarcerated may file with the board panel a written statement regarding the report, but shall do so within 105 days prior to the primary parole eligibility date.

d. Upon receipt of the public notice pursuant to section 1 of P.L.1979, c. 441 (C.30:4-123.45), a county prosecutor, a public defender, or a private attorney of record may request from the parole board a copy of the report on any adult **inmate** who is incarcerated, prepared pursuant to subsection a. of this section, which shall be expeditiously forwarded to the county prosecutor by the parole board by mail, courier, or other means of delivery. Upon receipt of the report, the prosecutor has 10 working days to review the report and notify the parole board of the prosecutor's comments, if any, or notify the parole board of the prosecutor's intent to provide comments. If the county prosecutor does not provide comments or notify the parole board of the prosecutor's intent to provide comments within the 10 working days, the parole board may presume that the prosecutor does not wish to provide comments and may proceed with the parole consideration. Any comments provided by a county prosecutor shall be delivered to the parole board by the same method by which the county prosecutor received the report. The confidentiality of the contents in a report which are classified as confidential shall be maintained

and shall not be disclosed to any person who is not authorized to receive or review a copy of the report containing the confidential information.

\* \* \*

f. Notwithstanding any provision of this section, the board may modify the time periods for submitting the reports required pursuant to this section in processing an inmate person who is incarcerated and whose parole eligibility date is accelerated pursuant to section 11 of P.L.1979, c. 441 (C.30:4-123.55).

**Credits:** L.1979, c. 441, § 10, eff. April 21, 1980. Amended by L.1982, c. 71, § 3, eff. July 16, 1982; L.1983, c. 453, § 1, eff. July 10, 1984; L.1985, c. 44, § 2, eff. May 12, 1985; L.1997, c. 216, § 1, eff. Aug. 19, 1997; L.1997, c. 217, § 1, eff. Aug. 19, 1997; L.1999, c. 304, § 1, eff. Dec. 29, 1999; L.2001, c. 141, § 3, eff. July 2, 2001; L.2019, c. 364, § 9, eff. Feb. 1, 2021.

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-123.54a. Inmate's liability for cost of psychological evaluation**

a. An inmate person who is incarcerated and who is required to submit to a psychological evaluation pursuant to the provisions of section 10 of P.L.1979, c. 441 (C.30:4-123.54) shall be liable for the cost of such evaluation. If the inmate person who is incarcerated is an enrollee or a covered person under a health insurance contract, policy or plan, the State shall file a claim with the health insurance contract, policy or plan for a reimbursement of the costs of the psychological evaluation. The claim shall be filed in accordance with the rules and regulations promulgated pursuant to subsection b. of this section. The reimbursement authorized under this section shall be payable to the State Treasurer and shall be used exclusively for the purpose of defraying the costs incurred by the State for the psychological evaluation.

\* \* \*

c. In the event that an inmate person who is incarcerated is not covered under a health insurance contract, policy or plan, or if the inmate's insurance contract, policy or plan of a person who is incarcerated does not fully cover the costs of the psychological evaluation, the State may file a lien for any unpaid amounts due and payable on any and all property and income to which the inmate person shall have or may acquire an interest. Any lien filed shall be in accordance with the rules and regulations promulgated pursuant to subsection b. of this section.

**Credits:** L.1997, c. 216, § 3, eff. Aug. 19, 1997.

#### Comment

The pejorative terms are replaced with person-first language.

**30:4-123.55. Review of preparole reports; certification for release or parole consideration hearing; notice to victims of crime or nearest relative and option to testify; determination; service of statement of denial; waiver of time limits; certification of parole for inmate incarcerated for murder**

a. Prior to the parole eligibility date of each adult inmate who is incarcerated a designated hearing officer shall review the reports required by section 10 of P.L.1979, c. 441 (C.30:4-123.54), and shall determine whether:

(1) the inmate person who is incarcerated is eligible for administrative parole release pursuant to section 4 of P.L.2019, c. 364 (C.30:4-123.55d). If an inmate person who is incarcerated is eligible for administrative parole release, the hearing officer shall at least 60 days prior to the inmate's parole eligibility date recommend in writing to the assigned member of the board panel that administrative parole release be granted pursuant to section 4 of P.L.2019, c. 364 (C.30:4-123.55d); or

(2) there is a basis for denial of parole in the preparole report, any risk assessment prepared in accordance with the provisions of subsection e. of section 8 of P.L.1979, c. 441 (C.30:4-123.52), or the inmate's person's statement, or an indication, reduced to writing, that additional information providing a basis for denial of parole would be developed or produced at a hearing. If the hearing officer determines that there is no basis in the preparole report, the risk assessment, or the inmate's person's statement for denial of parole and that there is no additional relevant information to be developed or produced at a hearing, ~~he~~ the hearing officer shall at least 60 days prior to the inmate's person's parole eligibility date recommend in writing to the assigned member of the board panel that parole release be granted.

b. If the assigned member of the board panel or in the case of an inmate person sentenced to a county penal institution, the assigned member concurs in the hearing officer's recommendation, ~~he~~ the hearing officer shall certify parole release pursuant to section 15 of P.L.1979, c. 441 (C.30:4-123.59) as soon as practicable after the eligibility date and so notify the inmate person who is incarcerated and the board. In the case of an inmate person who is recommended for administrative parole release by the hearing officer pursuant to section 4 of P.L.2019, c. 364 (C.30:4-123.55d), the assigned member shall review the reports required by section 10 of P.L.1979, c. 441 (C.30:4-123.54) to confirm eligibility and if the inmate person who is incarcerated is eligible, shall certify parole release pursuant to section 15 of P.L.1979, c. 441 (C.30:4-123.59) as soon as practicable after the eligibility date and notify the inmate person who is incarcerated and the board. In the case of an inmate person sentenced to a county penal institution the board shall certify parole release or deny parole as provided by this section, except with regard to time periods for notice and parole processing which are authorized by or otherwise adopted pursuant to subsection g. of section 7 of P.L.1979, c. 441 (C.30:4-123.51). If the designated hearing officer does not recommend release on parole or if the assigned member does not concur in a recommendation of the designated hearing officer in favor of release, then the parole release of an inmate person in a county penal institution shall be treated under the



provisions of law otherwise applicable to an adult inmate. In the case of an inmate person sentenced to a county penal institution, the performance of public service for the remainder of the term of the sentence shall be a required condition of parole, where appropriate.

c. If the hearing officer or the assigned member determines that there is a basis for denial of parole, or that a hearing is otherwise necessary, the hearing officer or assigned member shall notify the appropriate board panel and the inmate person in writing of his their determination, and of a date for a parole consideration hearing. The board panel shall notify the victim of the crime, if the crime for which the inmate person is incarcerated was a crime of the first or second degree, or the victim's nearest relative if the crime was murder, as appropriate, who was previously contacted by the board and who has indicated his their intention to the board to testify at the hearing, of the opportunity to testify or submit written or videotaped statements at the hearing. Said hearing shall be conducted by the appropriate board panel at least 30 days prior to the eligibility date. At the hearing, which shall be informal, the board panel shall receive as evidence any relevant and reliable documents or videotaped or in person testimony, including that of the victim of the crime or the members of the family of a murder victim if the victim or a family member so desires. If a victim of a crime or the relative of a murder victim chooses not to testify personally at the hearing, the victim or relative may elect to present testimony to a senior hearing officer designated by the board panel. The senior hearing officer shall notify the victim of the right to have this testimony videotaped. The senior hearing officer shall prepare a report, transcript or videotape, if applicable, of the testimony for presentation to the board panel at the hearing. All such evidence not classified as confidential pursuant to rules and regulations of the board or the Department of Corrections shall be disclosed to the inmate person and they inmate shall be permitted to rebut such evidence and to present evidence on his their own behalf. The decision of the board panel shall be based solely on the evidence presented at the hearing.

d. At the conclusion of the parole consideration hearing, the board panel shall either (1) certify the parole release of the inmate person who is incarcerated, pursuant to section 15 of this act as soon as practicable after the eligibility date and so notify the inmate person who is incarcerated and the board, or (2) deny parole and file with the board within 30 days of the hearing a statement setting forth the decision, the particular reasons therefor, except information classified as confidential pursuant to rules and regulations of the board or the Department of Corrections, a copy of which statement shall be served upon the inmate person who is incarcerated together with notice of his their right to appeal to the board.

e. Upon request by the hearing officer or the inmate person who is incarcerated, the time limitations contained in section 10 of P.L.1979, c. 441 (C.30:4-123.54) and this section may be waived by the appropriate board panel for good cause.

f. Notwithstanding the provision of any other law to the contrary, if an inmate person is incarcerated for murder is recommended for parole by the assigned board member or the appropriate board panel, parole shall not be certified until a majority of the full parole board, after conducting a hearing, concurs in that recommendation. The board shall notify the victim's family of that hearing and family members shall be afforded the opportunity to testify in person

or to submit written or videotaped statements. The provisions of this subsection shall not apply to an **inmate** person who has ~~his~~ their parole revoked and is returned to custody pursuant to the provisions of section 19 of P.L.1979, c. 441 (C.30:4-123.63).

g. Notwithstanding the provision of any other law or regulation to the contrary, the board may promulgate rules and regulations for the processing of any **inmate** person whose parole eligibility date is accelerated. For purposes of this section, a parole eligibility date is accelerated when an **inmate** person becomes eligible for parole at the time of or within 120 days of an event or circumstance beyond the control of the parole board, such as sentencing, resentencing or other amendment, including the awarding of additional credit to the original sentence, restoration of authorized institutional time credits or the application of authorized institutional time credits on a future eligibility date established pursuant to subsection a. of section 12 of P.L.1979, c. 441 (C.30:4-123.56) or subsection a. of section 20 of P.L.1979, c. 441 (C.30:4-123.64). The rules and regulations shall provide for the preparation and review of a preparole report and shall require that a parole consideration hearing be held not more than 120 days after the board has received notice that an accelerated parole eligibility date has been established.

**Credits:** L.1979, c. 441, § 11, eff. April 21, 1960. Amended by L.1982, c. 71, § 4, eff. July 16, 1982; L.1983, c. 453, § 2, eff. July 10, 1984; L.1989, c. 115, § 1, eff. June 29, 1989; L.1992, c. 59, § 1, eff. July 23, 1992; L.1993, c. 222, § 1, eff. Aug. 5, 1993; L.1997, c. 217, § 3, eff. Aug. 19, 1997; L.1999, c. 304, § 2, eff. Dec. 29, 1999; L.2001, c. 141, § 4, eff. July 2, 2001; L.2019, c. 364, § 10, eff. Feb. 1, 2021.

#### Comment

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:4-123.55a. State parole board to provide prosecutor with written notice of consideration of parole release or application for commutation of sentence**

Notwithstanding any other provision of law to the contrary, the State Parole Board shall provide in writing to the prosecutor of:<sup>1</sup>

(1) Notice of consideration of parole release required to be provided to victims by the State Parole Board pursuant to provisions of P.L.1979, c. 441 (C. 30:4-123.45 et seq.); and

(2) Notice of the filing ~~by an inmate~~ of any application for commutation of sentence, pursuant to N.J.S. 2A:167-4, that is filed by a person who is incarcerated pursuant to N.J.S. 2A:167-4 and its disposition. Notice shall include the **inmate's** person's name and identifying information.

**Credits:** L.1994, c. 131, § 4, eff. Oct. 31, 1994.

Footnotes: <sup>1</sup> So in the original.

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-123.55c. Definitions relating to prisoner reentry**

As used in this act:

“Administrative parole release” means the release of an adult **inmate** who is incarcerated and who has met the criteria set forth in section 4 of P.L.2019, c. 364 (C.30:4-123.55d) at the time of primary or subsequent parole eligibility. Administrative parole release occurs after a hearing officer reviews the preparole report and the **inmate** person is certified for release by an assigned member of the board panel. Administrative parole release shall not require a parole consideration hearing.

“Reentry plan” means a plan prepared by appropriate staff within the Department of Corrections and State Parole Board designed to prepare an **inmate** person who is incarcerated for successful integration as a productive, law-abiding citizen upon release from incarceration.

**Credits:** L.2019, c. 364, § 2, eff. Feb. 1, 2021.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-123.55d. Administrative parole release; provisions; parole supervision; appeal of denial; study**

a. Notwithstanding the provisions of subsection a. of section 9 of P.L.1979, c. 441 (C.30:4-123.53), an adult **inmate** who is incarcerated shall be administratively released on parole at the time of primary or subsequent parole eligibility provided that:

(1) the **inmate** person who is incarcerated has not been previously convicted of, adjudicated delinquent for, or is currently serving a sentence imposed for any crime enumerated in subsection d. of section 2 of P.L.1997, c. 117 (C.2C:43-7.2); subsection c. or g. of N.J.S.2C:43-6; subsection b. of section 2 of P.L.1994, c. 133 (C.2C:7-2); or section 3 of P.L.1998, c. 71 (C.30:4-27.26);

(2) the **inmate** person who is incarcerated has not committed any prohibited acts required to be reported to the prosecutor pursuant to regulations promulgated by the commissioner during the current period of incarceration, and has not committed any serious disciplinary infraction, designated in regulations promulgated by the commissioner as a prohibited act that is considered to be the most serious and results in the most severe sanctions, within the previous two years;

(3) the **inmate** person who is incarcerated has completed relevant rehabilitation programs, as determined by the Department of Corrections and State Parole Board, available at the correctional facility or applied for but was unable to complete or was denied access to these programs due to circumstances beyond the **inmate's** person's control including, but not limited to, capacity limitations or exclusionary policies of these programs; and

(4) crime victims have received notification as required by law.

b. In the case of an **inmate** person who is incarcerated and who meets the criteria set forth in this section for administrative parole release, a hearing shall not be required pursuant to section 11 of P.L.1979, c. 441 (C.30:4-123.55). An **inmate** person released on parole pursuant to subsection a. of this section shall, during the term of parole supervision, remain in the legal custody of the Commissioner of Corrections, be supervised by the Division of Parole of the State Parole Board, and be subject to the provisions and conditions established by the appropriate board panel in accordance with the procedures and standards set forth in section 15 of P.L.1979, c. 441 (C.30:4-123.59). If the parolee violates a condition of parole, the parolee shall be subject to the provisions of sections 16 through 19 of P.L.1979, c. 441 (C.30:4-123.60 through C.30:4-123.63) and may have his parole revoked and be returned to custody. If revocation and return to custody are deemed appropriate, the appropriate board panel shall revoke the parolee's release and return the parolee to custody and confinement pursuant to the provisions of section 3 of P.L.1997, c. 117 (C.30:4-123.51b).

c. Denials of administrative parole release shall be appealable in accordance with section 14 of P.L.1979, c. 441 (C.30:4-123.58).

d. A criminal justice program at a four-year public institution of higher education in this State shall conduct a study of all **inmates** persons whose primary parole eligibility date was within the five years immediately preceding the implementation of P.L.2019, c. 364 (C.30:4-123.55b et al.) and the five years immediately following the implementation of P.L.2019, c. 364 (C.30:4-123.55b et al.). The study shall include, but not be limited to, the number of **inmates** persons who met the criteria set forth in subsection a. of this section, the number of **inmates** persons who did not meet the criteria, and the reasons an **inmate** did not meet the criteria.

**Credits:** L.2019, c. 364, § 4, eff. Feb. 1, 2021.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **30:4-123.56. Schedule of future parole eligibility dates; inclusion in statement of denial; redetermination after new preparole report**

a. The board shall develop a schedule of future parole eligibility dates for incarcerated adults inmates who are denied release at their eligibility date. In developing such schedule, particular emphasis shall be placed on the severity of the offense for which ~~he~~ the person who is incarcerated was denied parole and on the characteristics of the offender, such as, but not limited to, the prior criminal record of the inmate person who is incarcerated and the need for continued incapacitation of the inmate person.

\* \* \*

c. An inmate person who is incarcerated shall be released on parole on the new parole eligibility date unless information filed pursuant to a procedure identical to that set forth in section 10 of P.L.1979, c. 441 (C.30:4-123.54) indicates by a preponderance of the evidence that the inmate person has failed to cooperate in ~~his or her own~~ their rehabilitation or that there is a reasonable expectation that the inmate person will violate conditions of parole imposed pursuant to section 15 of P. L.1979, c. 441 (C.30:4-123.59) if released on parole at that time. The determination of whether the inmate person who is incarcerated shall be released on the new parole eligibility date shall be made pursuant to the procedure set forth in section 11 of P.L.1979, c. 441 (C.30:4-123.55) and this section.

For the purposes of this subsection, “failed to cooperate in ~~his or her own~~ their rehabilitation” shall include, in the case of an inmate person who suffers from mental illness as defined in section 2 of P.L.1987, c. 116 (C.30:4-27.2) that does not require institutionalization, that the inmate person failed to fully participate in or cooperate with all prescribed treatment offered during incarceration.

**Credits:** L.1979, c. 441, § 12, eff. April 21, 1980. Amended by L.1997, c. 213, § 2, eff. Aug. 18, 1997; L.1998, c. 112, § 2, eff. Sept. 17, 1998; L.2009, c. 330, § 6, eff. Aug. 1, 2010; L.2011, c. 67, § 1, eff. May 9, 2011.

#### Comment

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:4-123.58. Appeal of denial; review of decision of hearing officer on initiative and for good cause by board; suspension of parole release date; rescission hearing**

a. Any denial of parole by a board panel shall, in accordance with criteria established by the board, be appealable to the full board by the inmate person who is incarcerated or one acting on their inmate's behalf. If appealed, the full board shall decide the appeal except that any board member who participated in the decision from which the appeal is taken may not participate in the disposition of that appeal. The board shall serve written notice on all parties setting forth the decision, the particular reasons therefor, and the facts relied on.

\* \* \*

c. If information comes to the attention of the appropriate board panel which bears upon the likelihood that the **inmate** person who is incarcerated will commit a crime but which was not considered pursuant to sections 11, 12 and 13 of this act,<sup>2</sup> the board panel may suspend any parole release date certified pursuant to section 11 or 13 for a period of not more than 60 days in order to conduct a rescission hearing to determine whether parole release on the original parole release date should be denied or delayed.

**Credits:** L.1979, c. 441, § 14, eff. April 21, 1960.

<sup>2</sup>N.J.S.A. §§ 30:4-123.55 to 30:4-123.57.

#### Comment

The pejorative terms are replaced with person-first language.

### **30:4-123.59. Legal custody and supervision; conditions; signature on agreement; relief; release to state aid residential facility; assistance; disposition of fines**

\* \* \*

d. The appropriate board panel may parole an **inmate** person to any residential facility funded in whole or in part by the State if the **inmate** person would not otherwise be released pursuant to section 9 of P.L.1979, c. 441 (C.30:4-123.53) without such placement. But if the residential facility provides treatment for mental illness or ~~mental retardation~~ an intellectual disability, the board panel only may parole the **inmate** person to the facility pursuant to the laws and admissions policies that otherwise govern the admission of persons to that facility, and the facility shall have the authority to discharge the **inmate** person according to the laws and policies that otherwise govern the discharge of persons from the facility, on 10 days' prior notice to the board panel. The board panel shall acknowledge receipt of this notice in writing prior to the discharge. Upon receipt of the notice the board panel shall resume jurisdiction over the **inmate** person.

e. Parole officers shall provide assistance to the parolee in obtaining employment, education, or vocational training or in meeting other obligations to assure the parolee's compliance with meeting legal requirements related to sex offender notification, address changes and participation in rehabilitation programs as directed by the assigned parole officer.

f. (Deleted by amendment, P.L.2019, c. 363)

g. If the board has granted parole to any **inmate** person from a State correctional facility and the court has imposed a fine on the **inmate** person the appropriate board panel shall release the **inmate** person on condition that the parolee make specified fine payments to the State Parole Board. For violation of these conditions, or for violation of a special condition requiring restitution, parole may be revoked only for refusal or failure to make a good faith effort to make the payment.

\* \* \*

**Credits:** L.1979, c. 441, § 15, eff. April 21, 1960. Amended by L.1986, c. 33, § 1, eff. June 23, 1986; L.1987, c. 116, § 26, eff. June 7, 1989; L.1992, c. 156, § 1, eff. Nov. 25, 1992; L.1995, c. 280, § 39, eff. Dec. 15, 1995; L.1997, c. 218, § 1, eff. Aug. 19, 1997; L.2001, c. 79, § 10, eff. Sept. 1, 2001; L.2003, c. 249, § 1, eff. Jan. 14, 2004; L.2007, c. 219, § 5, eff. Feb. 25, 2008; L.2019, c. 363, § 12, eff. Nov. 1, 2020; L.2021, c. 19, § 13, (contingent effective date).

#### Comment

The pejorative terms are replaced with person-first language.

### **30:4-123.67. Written agreement for individual program of education, training or other activity; reduction of term; application; approval; termination**

a. The appropriate board panel and the Department of Corrections shall enter into formal parole contract agreements with officials of the board and officials of the Department of Corrections and persons who are incarcerated, individual parolees or inmates reduced to writing and signed by all parties. The parole contract agreements shall stipulate individual programs of education, training, or other activity which shall result in a specified reduction of the parolee's parole term pursuant to section 22 of P.L.1979, c. 441 (C.30:4-123.66) or the inmate's person's primary parole eligibility date pursuant to section 8 of P.L.1979, c. 441 (C.30:4-123.52), upon such successful completion of the program. The formal parole contract agreements required under this subsection shall be entered into within two months of an inmate's person's admission to a correctional facility.

b. Any parolee or inmate person who is incarcerated shall be permitted to apply to the board for such an agreement. The board panel shall accept all such applications. The board panel shall approve any application consistent with eligibility requirements promulgated by the board pursuant to section 4 of P.L.1979, c. 441 (C.30:4-123.48).

c. Upon approval application of the parolee or inmate's the person who is incarcerated application, the board panel shall be responsible for specifying the components necessary for the agreement. Upon acceptance of the agreement by the Department of Corrections, by the board panel, and by the parolee or the inmate person who is incarcerated, the board panel shall reduce the agreement to writing and monitor compliance with the parole contract agreement at least once every 12 months. The parolee or inmate person who is incarcerated and the Department of Corrections shall be given a copy of the agreement.

d. An agreement shall be terminated by the board panel in the event the parolee or inmate the person who is incarcerated fails to or refuses to satisfactorily complete each component of the agreement. The inmate person who is incarcerated or parolee shall be notified in writing of a termination and the reasons for the termination. A termination may be appealed to the full board pursuant to section 14 of P.L.1979, c. 441 (C.30:4-123.58).

**Credits:** L.1979, c. 441, § 23, eff. April 21, 1980. Amended by L.1995, c. 280, § 46, eff. Dec. 15, 1995; L.2009, c. 330, § 7, eff. Aug. 1, 2010; L.2019, c. 363, § 16, eff. Nov. 1, 2020.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:4-123.76. Violation of conditions of parole**

Notwithstanding the provisions of N.J.S. 2C:43-9 to the contrary, any **inmate** person released under the provisions of this act who violates the conditions of parole shall be required to serve in custody a term equal to twice the period by which parole was accelerated by virtue of a declaration of a correctional facilities overcrowding state of emergency and shall not be eligible for any future acceleration pursuant to this act. Notwithstanding the provisions of N.J.S. 2C:44-5 to the contrary, any term of incarceration imposed under this section shall be consecutive to any additional period of incarceration imposed by the parole board or any additional sentence imposed by the court.

**Credits:** L.1982, c. 112, § 7, eff. Aug. 6, 1982.

**Comment**

The pejorative term is replaced with person-first language.

**N.J.S. 30:4-123.90. Legislative findings and declarations; offenders who commit serious and violent sex crimes**

The Legislature finds and declares:

\* \* \*

b. Intensive supervision of serious and violent sex offenders is a crucial element in both the rehabilitation of the person who has been released **inmate** and the safety of the surrounding community.

\* \* \*

**Credits:** L.2007, c. 128, § 2, eff. Aug. 6, 2007

**Comment**

The pejorative term is replaced with person-first language.

**N.J.S. 30:4-123.100. Awarding of public health emergency credits to inmates; declaration of public health emergency; conditions**



a. In addition to credits awarded pursuant to R.S.30:4-92; section 3 of P.L.2009, c. 330 (C.30:4-92a); and R.S.30:4-140, whenever a public health emergency, pursuant to the “Emergency Health Powers Act,” P.L.2005, c. 222 (C.26:13-1 et seq.), has been declared by the Governor and is in effect, the commissioner also shall award **inmates** public health emergency credits to persons who are incarcerated, in accordance with this section if the public health emergency:

(1) arises as a result of a communicable or infectious disease; and

(2) results in substantial modifications to department-wide correctional facility operations.

b. Except as provided in subsection d. of this section, public health emergency credits shall be awarded to any **inmate person** in the custody of the Commissioner of Corrections who:

(1) is serving a sentence or receiving jail credits applicable to the sentence; and

(2) is scheduled to be released from the custody of the Commissioner of Corrections within 365 days.

c. The public health emergency credits awarded pursuant to this section shall provide further remission from both the maximum and minimum term of the **inmate's person's** sentence, including the statutory mandatory minimum term, at the rate of 122 days for each month, or portion thereof, served during the declared emergency. An **inmate person who is incarcerated** shall not be awarded public health emergency credits in excess of 244 days of remission for any declared emergency.

d. Public health emergency credits shall not be awarded to an **inmate person who is incarcerated and who** serving a sentence in a State correctional facility for:

(1) murder pursuant to N.J.S.2C:11-3;

(2) aggravated sexual assault pursuant to subsection a. of N.J.S.2C:14-2; or

(3) any offense enumerated in N.J.S.2C:47-1 and whose conduct was characterized by a pattern of repetitive, compulsive behavior.

e. Nothing in this section shall be deemed to limit an **inmate's person's** eligibility for parole consideration as provided for in section 10 of P.L.1948, c. 84 (C.30:4-123.1 et seq.).

f. An **inmate person** who was in the custody of the Commissioner of Corrections during the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020 concerning the coronavirus disease 2019 pandemic shall receive public health emergency credits in accordance with this section.

g. An **inmate person who is** scheduled to be released from the custody of the Commissioner of Corrections following an award of public health emergency credits pursuant to

this section shall be released on the scheduled release date based on the award of public health emergency credits.

h. An inmate person who is released from custody following an award of public health emergency credits pursuant to this section shall be prohibited from making contact with any victim of the crime for which the inmate person was serving a sentence, as set forth in section 5 of P.L.2020, c. 111 (C.30:4-123.103), which prohibition shall remain in force until the time that the inmate person was scheduled to be released from custody prior to the award of public health emergency credits.

i. Prior to releasing an inmate person from the custody of the commissioner following an award of public health emergency credits pursuant to section 1 of P.L.2020, c. 111 (C.30:4-123.100), the commissioner shall:

(1) notify the inmate person in writing of the prohibition against making contact with any victim of the crime for which the inmate person was convicted pursuant to section 5 of P.L.2020, c. 111 (C.30:4-123.103);

(2) notify the inmate person in writing that a violation of the prohibition against contact with a victim is a crime of the fourth degree

(3) require the inmate person to acknowledge in writing the receipt of the written notifications related to the contact prohibition provided pursuant to this subsection.

j. In addition to the requirements set forth in subsection i. of this section and any other relevant provision under current law related to the provision of information and services to inmates persons, prior to releasing an inmate person from the custody of the commissioner following an award of public health emergency credits pursuant to section 1 of P.L.2020, c. 111 (C.30:4-123.100), the commissioner shall compile and disseminate to inmates information concerning organizations and programs, whether faith-based or secular programs, which provide assistance and services to inmates persons who will be reentering society after a period of incarceration.

k. Within 30 days prior to an inmate's person's release from the custody of the commissioner following an award of public health emergency credits pursuant to section 1 of P.L.2020, c. 111 (C.30:4-123.100), the commissioner shall provide any available information related to the inmate's person's:

(1) eligibility for Medicaid;

(2) housing information;

(3) identification information; and

(4) eligibility for any other benefits and services.

l. Subject to the availability of the testing resources of the Department of Corrections, an **inmate** person who is incarcerated shall be tested for COVID-19 prior to their **inmate's** release from the custody of the commissioner following an award of public health emergency credits pursuant to section 1 of P.L.2020, c. 111 (C.30:4-123.100) if the **inmate** person is released during the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020 concerning the coronavirus disease 2019 pandemic.

**Credits:** L.2020, c. 111, § 1, eff. Nov. 4, 2020.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-123.101. Identification of inmates scheduled to be released from custody within 365 days of award of public health emergency credits; notice; publishing of information**

a. The Commissioner of Corrections shall immediately identify any **inmate** person who is scheduled to be released from custody within 365 days as a result of the award of public health emergency credits pursuant to section 1 of P.L.2020, c. 111 (C.30:4-123.100).

b. Notwithstanding any provision of law to the contrary, the Commissioner of Corrections shall provide notice to the prosecutor of the county in which the **inmate** person was convicted or the Attorney General if the matter was prosecuted by the Attorney General. The notice shall include:

(1) the name of any **inmate** person who is scheduled to be released from the custody of the Commissioner of Corrections within 365 days as a result of the award of public health emergency credits;

(2) the date on which the **inmate** person is scheduled to be released from custody based on the award of public health emergency credits; and

(3) the date on which the **inmate** person was scheduled to be released from custody prior to the award of public health emergency credits.

c. The Commissioner of Corrections shall make available to the public on the Internet website of the Department of Corrections, in both English and Spanish, information concerning:

(1) the procedures for filing an application for a restraining order pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c. 261 (C.2C:25-17 et seq.);

(2) resources for victims of domestic violence; and

(3) procedures established by the court for filing a petition to dissolve the prohibition established pursuant to section 5 of P.L.2020, c. 111 (C.30:4-123.103)

prohibiting an inmate person from making contact with any victim of the crime for which the inmate person is serving a sentence.

**Credits:** L.2020, c. 111, § 3, eff. Nov. 4, 2020.

#### Comment

The pejorative terms are replaced with person-first language.

### **30:4-123.102. Notification to victim of scheduled release of inmate within 365 days of award of public health emergency credits; publishing of information**

a. Upon receipt of notice from the Commissioner of Corrections that an inmate person is scheduled to be released from custody within 365 days based on the award of public health emergency credits pursuant to section 1 of P.L.2020, c. 111 (C.30:4-123.100), the prosecutor or Attorney General may, prior to the inmate's person's scheduled release date:

(1) use any reasonable means available to notify any identifiable victim of the crime for which the inmate person is incarcerated of the inmate's person's scheduled release date;

(2) notify the identifiable victim that the law prohibits the inmate person who is incarcerated from having any contact with the victim unless a petition is filed with the court to dissolve the prohibition;

(3) notify the victim of the duration of the prohibition against contact;

(4) notify the victim of the penalties imposed upon the person who is incarcerated for the inmate's violation of the prohibition against contact;

(5) provide information to the victim concerning the procedures for filing a petition with the court to dissolve the prohibition against the inmate person having contact with the victim; and

\* \* \*

b. The Attorney General shall make available to the public on the Internet website of the Department of Law and Public Safety, in both English and Spanish, information concerning:

(1) the procedures for filing an application for a restraining order pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c. 261 (C.2C:25-17 et seq.)

(2) resources for victims of domestic violence; and

(3) procedures for filing with the court a petition to dissolve the prohibition established pursuant to section 5 of P.L.2020, c. 111 (C.30:4-123.103) prohibiting an

**inmate** adult who is incarcerated or juvenile, as the case may be, from making contact with the victim.

**Credits:** L.2020, c. 111, § 4, eff. Nov. 4, 2020.

#### Comment

The pejorative terms are replaced with person-first language.

### **30:4-123.103. Contacting victim of crime prohibited; release of inmate or juvenile from custody following award of public health emergency credits; release period; penalty**

a. An **inmate** person who is released from the custody of the Commissioner of Corrections or a juvenile who is released from the custody of the Juvenile Justice Commission following an award of public health emergency credits pursuant to section 1 of P.L.2020, c. 111 (C.30:4-123.100), from the date of release until the date the **inmate** person or juvenile, as the case may be, was scheduled to be released prior to the award of public health emergency credits, shall be prohibited from purposely or knowingly making contact with any victim of the crime for which the **inmate** person or juvenile was serving a sentence.

For purposes of this subsection, making contact with a victim shall include contact made personally by the **inmate** adult who has been incarcerated or juvenile, as the case may be, or through an agent, and shall include but not be limited to: personal, written, electronic, or telephone contact or communication; or entering the residence, property, school, or place of employment of the victim.

b. A violation of subsection a. of this section shall be a crime of the fourth degree.

c. (1) A petition may be filed with the court to dissolve the prohibition established pursuant to the provisions of this section prohibiting an **inmate** adult who has been incarcerated or juvenile, as the case may be, from making contact with the victim in accordance with procedures established by the court.

(2) The Director of the Administrative Office of the Courts shall provide the Department of Corrections, Juvenile Justice Commission, and Attorney General with information concerning the procedures established by the court for filing a petition to dissolve the prohibition established pursuant to this section prohibiting an **inmate** adult who has been incarcerated or a juvenile, as the case may be, from making contact with any victim of the crime for which the **inmate** adult or juvenile was serving a sentence.

**Credits:** L.2020, c. 111, § 5, eff. Nov. 4, 2020.

#### Comment

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-124. Records; recommendations to courts**

The state board shall establish a uniform system of records, reports, statistics, memoranda and data relating to **inmates** persons who are incarcerated, patients and prisoners and shall from time to time make recommendations to the courts of appropriate jurisdiction for the purpose of enabling courts or judicial officers to impose sentences and authorize admissions or commitments more uniformly and with better effect.

**Credits:** L.1919, c. 139, § 1(200b), p. 310 [1924 Suppl. § 34-78].

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-127. Visitation of certain institutions; application to Superior Court judge**

\* \* \*

b. A person convicted of a crime or offense in this State, or another state or jurisdiction, who has completed ~~his~~ their sentence, and who seeks to visit **persons incarcerated** in a State correction facility for motivational purposes, but has been denied access to that facility, may apply to the Superior Court for an order granting access to that, or any other, State correctional facility. A copy of the written application shall be served on the Commissioner of Corrections at the same time it is filed with the court. A judge of the Superior Court may grant the relief requested in the application and issue an order granting the applicant access to the State correctional facility, or facilities, cited in the application; provided, the applicant successfully establishes that the visits are for motivational purposes and are likely to be beneficial to the rehabilitation of certain **inmates** persons incarcerated in that facility, or facilities, as the case may be, and if the commissioner provides no valid objections to the court identifying safety or security concerns associated with the applicant being granted access to a particular facility, or facilities.

**Credits:** Amended by L.1953, c. 29, § 41, eff. March 19, 1953; L.2009, c. 330, § 4, eff. Feb. 1, 2011.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **30:4-129. Power to summon witnesses; resolution designating division chief**

The state board, the commissioner and one of the chiefs of the various divisions enumerated in section 30:1-9 of this title shall have power to compel the attendance of witnesses, to administer oaths, to examine persons whose examination is deemed necessary or expedient, to investigate or cause to be investigated the record, health, ability and character of each patient,

ward, or **inmate** person incarcerated, admitted, received or committed to any institution which is subject to the examination, supervision or jurisdiction of the state board, and on complaint of any person or upon its own initiative, to investigate the treatment or care of **inmates** persons who are incarcerated and the conduct or management of any such institution.

\* \* \*

**Credits:** L.1919, c. 139, § 1(200b), p. 310 [1924 Suppl. § 34-78].

#### **Comment**

The pejorative terms are replaced with person-first language.

### **30:4-140. Deductions for good behavior; calculation of time credits; effect on eligibility for parole**

\* \* \*

Any sentence in excess of 30 years shall be reduced by time credits for continuous orderly deportment at the rate of 192 days for each additional year or 16 days for each full month of any fractional part of a year. Nothing in this section shall be deemed to limit or affect an **inmate's** person's eligibility for parole consideration as provided for in section 10 of P.L.1948, c. 84 (C.30:4-123.1 et seq.), as amended,<sup>1</sup> in any situation where the sentence or consecutive sentences imposed upon an **inmate** person shall exceed 25 years.

**Credits:** Amended by L.1957, c. 27, § 1, eff. July 28, 1957; L.2019, c. 364, § 11, eff. Feb. 1, 2021.

<sup>1</sup> Former § 30:4-123.10, now repealed.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4-140.1. Victims' personal identifying information; unlawful access; penalties**

Notwithstanding the provisions of section 7 of P.L.1979, c. 441 (C.30:4-123.51), R.S.30:4-140, R.S.30:4-92 or any other law to the contrary, accumulated time credits or remissions, including commutation time for good behavior, progressive time credits or credits for diligent application to work and other institutional assignments shall be subject to forfeiture as a penalty for misconduct if an **inmate** person who is incarcerated unlawfully obtains or seeks to obtain personal identifying information of their **inmate's** victim or the victim's family in violation of section 1 of P.L.1998, c.17 (C.47:1A-2.2).

**Credits:** L.1998, c. 17, § 2, eff. May 6, 1998.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4D-6. Basic medical care and services**

\* \* \*

e. Anything in this act to the contrary notwithstanding, no payments for medical assistance shall be made under this act with respect to care or services for any individual who:

(1) Is ~~an inmate~~ of admitted to a public institution (except as a patient in a medical institution); provided, however, that an individual who is otherwise eligible may continue to receive services for the month in which they becomes an inmate ~~are admitted~~, should the commissioner determine to expand the scope of Medicaid eligibility to include such an individual, subject to the limitations imposed by federal law and regulations, or

(2) Has not attained 65 years of age and who is a patient in an institution for mental diseases, or

(3) Is over 21 years of age and who is receiving inpatient psychiatric hospital services in a psychiatric facility; provided, however, that an individual who was receiving such services immediately prior to attaining age 21 may continue to receive such services until the individual reaches age 22. Nothing in this subsection shall prohibit the commissioner from extending medical assistance to all eligible persons receiving inpatient psychiatric services; provided that there is federal financial participation available.

\* \* \*

**Credits:** L.1968, c. 413, § 6, eff. Jan. 1, 1970. Amended by L.1977, c. 63, § 13, eff. April 15, 1977; L.1979, c. 365, § 4, eff. Feb. 4, 1980; L.1984, c. 56, § 1, eff. June 28, 1984; L.1984, c. 86, § 1, eff. July 18, 1984; L.1985, c. 371, § 2, eff. April 1, 1986; L.1987, c. 115, § 3, eff. Jan. 30, 1987; L.1989, c. 251, § 1, eff. Jan. 3, 1991; L.1991, c. 20, § 2, eff. April 1, 1991; L.1991, c. 371, § 1, eff. April 9, 1992; L.1992, c. 208, § 2, eff. Dec. 28, 1992; L.1995, c. 153, § 2, eff. July 1, 1995; L.1995, c. 292, § 2, eff. Dec. 22, 1995, retroactive to April 1, 1995; L.2000, c. 96, § 2, eff. Aug. 29, 2000; L.2001, c. 186, § 2, eff. July 27, 2001; L.2003, c. 294, § 1; L.2012, c. 17, § 359, eff. June 29, 2012; L.2017, c. 131, § 117, eff. July 21, 2017; L.2017, c. 161, § 1, eff. July 21, 2017 (contingent operative date); L.2018, c. 1, § 2, eff. June 1, 2018; L.2019, c. 85, § 1, eff. Dec. 1, 2019; L.2019, c. 237, § 2, eff. Dec. 1, 2019; L.2019, c. 317, § 1, eff. May 1, 2020; L.2019, c. 473, § 1, eff. Jan. 21, 2020.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:4D-6l. Medical parole; payments for medical assistance**



Any **inmate** person who is an applicant for medical parole pursuant to the provisions of section 1 of P.L.1997, c. 214 (C.30:4-123.51c) shall not be denied enrollment into the Medicaid program on the sole basis that the applicant is ~~an inmate incarcerated~~ in a correctional facility. For an **inmate** person who becomes enrolled in Medicaid while incarcerated in a correctional facility, payments for medical assistance under P.L.1968, c. 413 (C.30:4D-1 et seq.) shall commence upon their **inmate's** release from the correctional facility.

**Credits:** L.2017, c. 235, § 3, eff. April 1, 2018.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:7C-3. Definitions**

#### **ARTICLE II**

As used in this compact, unless the context clearly requires otherwise:

a. “State” means a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

b. “Sending state” means a state party to this compact in which conviction or court commitment was had.

c. “Receiving state” means a state party to this compact to which an **inmate** person is sent for confinement other than a state in which conviction or court commitment was had.

d. ~~“Inmate”~~ “Person who is incarcerated” means an ~~male or female~~ offender who is committed, under sentence to or confined in a penal or correctional institution.

e. “Institution” means any penal or correctional facility, including but not limited to a facility for the mentally ill or mentally defective, in which **inmates** persons who are incarcerated as defined in d. above may lawfully be confined.

**Credits:** L.1973, c. 15, art. II, eff. May 1, 1973.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:7C-4. Contracts for confinement of inmates on behalf of sending state**

#### **ARTICLE III**

a. Each party state may make one or more contracts with any one or more of the other party states, or with the Federal Government, for the confinement of inmates persons who are incarcerated upon behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

(1) Its duration.

(2) Payments to be made to the receiving state or to the Federal Government, by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates persons of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance.

(3) Participation in programs of inmate employment for persons who are incarcerated, if any; the disposition or crediting of any payments received by inmates persons on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom.

(4) Delivery and retaking of inmates persons who are incarcerated.

\* \* \*

**Credits:** L.1973, c. 15, art. III, eff. May 1, 1973.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **30:7C-5. Confinement in or transfer of inmate to another party state for adequate care or program of rehabilitation or treatment; conditions; rights of inmates**

#### **ARTICLE IV**

a. Whenever the duly constituted authorities in a state party to this compact, and which has entered into a contract pursuant to Article III, shall decide that confinement in, or transfer of an inmate person to, an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state.

b. The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates persons for the purpose of inspecting the facilities thereof and visiting such of its inmates persons as may be confined in the institution.

c. **Inmates** Persons confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine **inmates** persons, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III.

d. Each receiving state shall provide regular reports to each sending state on the **inmates** persons of that sending state in institutions pursuant to this compact including a conduct record of each **inmate** person and certify said record to the official designated by the sending state, in order that each **inmate** person may have official review of ~~his or her~~ their record in determining and altering the disposition of said **inmate** person in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

e. All **inmates** persons who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar **inmates** persons of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any **inmate** person so confined of any legal rights which said **inmate** person would have had if confined in an appropriate institution of the sending state.

f. Any hearing or hearings to which an **inmate** person confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this subdivision, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state.

g. Any **inmate** person confined pursuant to this compact shall be released within the territory of the sending state unless the **inmate** person, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

h. Any **inmate** person confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or ~~his~~ the person's status changed on account of any action or

proceeding in which ~~he~~ the person could have participated if confined in any appropriate institution of the sending state located within such state.

i. The parents, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any inmate person shall not be deprived of or restricted in ~~his~~ their exercise of any power in respect of any inmate person confined pursuant to the terms of this compact.

**Credits:** L.1973, c. 15, art. IV, eff. May 1, 1973.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:7C-6. Jurisdiction of sending state; escapes**

#### **ARTICLE V**

a. Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate person from an institution in the receiving state there is pending against the inmate person within such state any criminal charge or if the inmate person is formally accused of having committed within such state a criminal offense, the inmate person shall not be returned without the consent of the receiving state until discharge from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmate the person pursuant to this compact through any and all states party to this compact without interference.

b. An inmate person who escapes from an institution in which ~~he~~ the person is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition or rendition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

**Credits:** L.1973, c. 15, art. V, eff. May 1, 1973.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

## **N.J.S. 30:7C-7. Federal aid; acceptance**

### **ARTICLE VI**

Any state party to this compact may accept Federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any contract pursuant hereto and any **inmate** person in a receiving state pursuant to this compact may participate in any such Federally-aided program or activity for which the sending and receiving states have made contractual provision, provided that if such program or activity is not part of the customary correctional regimen the express consent of the appropriate official of the sending state shall be required therefor.

**Credits:** L.1973, c. 15, art. VI, eff. May 1, 1973.

#### **Comment**

The pejorative term is replaced with person-first language.

## **N.J.S. 30:7C-9. Withdrawal by party state; conditions**

### **ARTICLE VIII**

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until 1 year after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such **inmate** person as it may have confined pursuant to the provisions of this compact.

**Credits:** L.1973, c. 15, art. VIII, eff. May 1, 1973.

#### **Comment**

The pejorative term is replaced with person-first language.

## **N.J.S. 30:7C-10. Effect on arrangements with nonparty state and on laws of party state**

### **ARTICLE IX**

Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation or treatment of **inmate** person nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

**Credits:** L.1973, c. 15, art. IX, eff. May 1, 1973.

**Comment**

The pejorative term is replaced with person-first language.

**N.J.S. 30:7E-1. Definitions**

As used in sections 2 thru 6 of this act:<sup>1</sup>

\* \* \*

f. **Inmate**<sup>2</sup> **“Person who is incarcerated”** means a person sentenced to imprisonment, or ordered to pretrial or investigative detention, in a State correctional facility or county jail.

\* \* \*

**Credits:** L.1995, c. 254, § 1, eff. March 1, 1996.

<sup>1</sup> N.J.S.A. §§ 30:7E-2 to 30:7E-6.

**Comment**

The pejorative term is replaced with person-first language.

**N.J.S. 30:7E-2. Inmates of state and county correctional facilities and jails to be charged fees for medical treatment and medicines**

a. An **inmate** **person who is incarcerated** shall be liable for the cost of, and be charged a nominal fee for, any medical care, surgery, dental care, hospitalization or treatment provided to them **inmate** during their **inmate's** term of incarceration or detention by the State or a county. If the **inmate person** is incarcerated or detained in a State correctional facility or State contracted half-way house, the amount due and payable and the nominal fees charged under the provisions of this act shall be determined by the State Treasurer in accordance with guidelines promulgated by the commissioner. If the **inmate person** is incarcerated or detained in a county jail, the amount due and payable and the nominal fees charged under the provisions of this act shall be determined by the county treasurer in accordance with guidelines promulgated by the county adjustor.

b. An **inmate** **person who is incarcerated** may be charged either the full cost of or a nominal fee for any prescription or nonprescription drug or medicine provided to them **inmate** during their **inmate's** term of incarceration or detention by the State or a county. If the **inmate person** is incarcerated or detained in a State correctional facility or State contracted half-way house, the cost or nominal fees charged under the provisions of this act shall be determined by the State Treasurer in accordance with guidelines promulgated by the commissioner. If the **inmate person** is incarcerated or detained in a county jail, the amount due and payable and the

nominal fees charged under the provisions of this act shall be determined by the county treasurer in accordance with guidelines promulgated by the county adjustor.

**Credits:** L.1995, c. 254, § 2, eff. March 1, 1996.

**Comment**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:7E-3. Reimbursement of state or county for medical expenses incurred on behalf of inmates covered by health insurance; filing of claims**

\* \* \*

b. The State Treasurer or county treasurer shall file a claim with the health insurance plan for a reimbursement of the costs incurred by the State or the county, in providing any medical care, surgery, hospitalization or treatment to any inmate person who is covered under a health insurance plan. The claim shall be filed in accordance with the rules and regulations promulgated pursuant to subsection f. of this section.

The reimbursements authorized under this subsection shall be payable to the State Treasurer or the county treasurer and shall be used exclusively for the purpose of defraying the costs incurred by the State or the county in providing medical care, surgery, dental care, hospitalization or treatment to an inmate person who is incarcerated.

c. Nothing in Title 30 of the Revised Statutes concerning the responsibility of the commissioner to provide for the care and custody of the inmates persons incarcerated in a State correctional facility under the commissioner's control shall be construed to prohibit, restrict or otherwise hinder the State in seeking reimbursement in accordance with the provisions of this act from an inmate person who is incarcerated or a health insurance plan for any costs incurred by the State correctional facility in providing medical care, dental care, surgery, hospitalization or treatment to an inmate person who is incarcerated.

d. Nothing in R.S.30:8-17 concerning a sheriff's responsibility to provide for the care and custody of the prisoners or detainees in a jail under ~~his~~ the sheriff's control shall be construed to prohibit, restrict or otherwise hinder the county in seeking reimbursement in accordance with the provisions of this act from an inmate person who is incarcerated or a health insurance plan for any costs incurred by the county jail in providing medical care, dental care, surgery, hospitalization or treatment to an inmate person who is incarcerated

e. Nothing in R.S.30:8-19 concerning the county governing body's responsibility to provide for the custody and care of the prisoners or detainees in a jail under its control shall be construed to prohibit, restrict or otherwise hinder the county in seeking reimbursement in accordance with the provisions of this act from an inmate person who is incarcerated or a health

insurance plan for any costs incurred by the county jail in providing medical care, dental care, surgery, hospitalization or treatment to an inmate person who is incarcerated.

\* \* \*

g. Nothing in this act shall be construed to require or allow an inmate person who is incarcerated to obtain services from a doctor, dentist, surgeon or other health care practitioner or facility other than the services provided by a State correctional facility or county jail.

**Credits:** L.1995, c. 254, § 3, eff. March 1, 1996.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

#### **N.J.S. 30:7E-4. State or county granted lien on property and income of inmate for amount of medical expenses not covered or reimbursed by health insurance; enforcement; discharge**

a. In the event a an inmate person who is incarcerated is not covered under a health insurance plan, or if the inmate's person's insurance plan does not fully cover the costs of any medical care, dental care, surgery, hospitalization or treatment provided by the State or the county, the State or county may have a lien for any unpaid amounts due and payable under the provisions of section 2 of P.L.1995, c. 254 (C.30:7E-2) on any and all property and income to which the person shall have or may acquire an interest. If an inmate person who is incarcerated fails to reimburse the State or county, for the cost of or any fee charged for the cost of any prescription or nonprescription drug or medicine, as provided pursuant to section 2 of P.L.1995, c. 254 (C.30:7E-2) the State or county may also have a lien on any or all property or income which the inmate person shall have or may acquire an interest. When properly filed as hereinafter provided, the lien shall have priority over all unrecorded encumbrances.

b. The lien shall be in a form to be prescribed by the State Treasurer and shall contain the words "State of New Jersey" or the name of the county, the name of the inmate person who is incarcerated, the date of commitment or detention, the inmate's person's address on the date of commitment or detention, the inmate's person's date of birth and the amount due and payable for any medical care, dental care, surgery, hospitalization, treatment, or prescription or nonprescription drugs or medicines rendered therein on the date of the filing of the lien, together with notice of the rate of accumulation, if any, thereafter. The lien shall be signed by the State Treasurer or the county treasurer or ~~his~~ a duly constituted agent. Nothing herein shall preclude the State or county from recovering for any medical care, surgery, hospitalization, treatment, or nonprescription drug or medicine furnished but not covered by any lien.

c. As an additional remedy, the State Treasurer, county treasurer or commissioner may issue a certificate to the clerk of the Superior Court stating that the person identified in the



certificate is indebted under the provisions of this act in such an amount as shall be stated in the certificate. The certificate shall reference the statute under which the indebtedness arises. Thereupon the clerk shall immediately enter upon the record of docketed judgments the name of such inmate person as debtor; the State or county as creditor; the address of such inmate person if shown in the certificate; the amount of the debt so certified; a reference to the statute under which the debt is assessed; and the date of making such entries. The docketing of the certificate shall have the same force and effect as a civil judgment docketed in the Superior Court and the State or county shall have all the remedies and may take all of the proceedings for the collection thereof which may be had or taken upon the recovery of a judgment in action, but without prejudice to any right to appeal. Upon entry by the clerk of the certificate in the record of docketed judgments in accordance with the provisions of this subsection, interest in the amount specified by court rule for post-judgment interest shall accrue from the date of the docketing of the certificate; provided, however, payment of the interest may be waived by the State Treasurer or county treasurer. In the event that the debt remains unpaid following the issuance of the certificate of debt and either the State Treasurer or county treasurer take any further collections action including referral of the matter to the Attorney General or ~~his~~ a designee or in the case of a county, referral of the matter to the county adjustor or ~~his~~ a designee, the fee imposed in lieu of the actual cost of collection, may be 20% of the debt or \$200.00, whichever is greater.

d. The clerk of the Superior Court shall provide suitable books in which shall be entered copies of the liens filed pursuant to this section. The entries shall be properly indexed in the name of the inmate person.

The State Treasurer or county treasurer is authorized to compromise for settlement any lien filed under the provisions of this section for medical care, dental care, surgery, hospitalization or treatment rendered to an inmate person who is, or was, incarcerated. A memorandum of compromise and settlement signed by the State Treasurer or county treasurer shall be sufficient authorization for a complete discharge of the lien.

\* \* \*

**Credits:** L.1995, c. 254, § 4, eff. March 1, 1996.

#### **Comment**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 30:7E-5. Inmates not to be denied medical care due to lack of health insurance coverage or inability to reimburse state or county for expenses**

Notwithstanding the provisions of sections 2, 3 and 4 of this act,<sup>1</sup> no inmate person who is incarcerated shall be denied medical care, surgery, dental care, hospitalization, treatment or prescription or nonprescription drugs or medicine because ~~he is~~ they are not covered under a

health insurance plan or because ~~that inmate is~~ they are unable to reimburse the State or county for the costs of those services, drugs or medicines.

**Credits:** L.1995, c. 254, § 5, eff. March 1, 1996.

<sup>1</sup> N.J.S.A. §§ 30:7E-2 to 30:7E-4.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:7E-7. Contracts between a health care provider and any State or local entity not to discriminate based on gender identity or expression**

a. Notwithstanding the provisions of any other law or regulation to the contrary, any contract between a health care provider and the New Jersey Department of Corrections, the Juvenile Justice Commission, the State Parole Board, or any other State or local entity, which contract provides health care services to the State's ~~inmate~~ incarcerated population, shall not contain any provision that discriminates, and the State or local entity contracting for services shall ensure there is no discrimination, on the basis of a person's gender identity or expression or on the basis that the person is a transgender person.

\* \* \*

**Credits:** L.2017, c. 176, § 11, eff. Nov. 1, 2017.

#### **Comment**

The pejorative term is replaced with person-first language.

### **N.J.S. 30:8-11. Duties of jail matrons**

The matron or matrons of the county jail appointed under authority of section 30:8-10 of this title shall have care and control over all females committed to such county jail, subject to the authority of the sheriff of such county; and, subject to the authority of the sheriff, so far as practicable, she or they shall arrange for the segregation of the ~~female inmates~~ women who are incarcerated at a ~~of such institution~~ county jail and, in general, have charge and control over all matters pertaining to the welfare, both physical and moral, of the ~~female inmates~~ of such women who are incarcerated in such institutions. Such matron or matrons shall make an annual report to the board of ~~chosen freeholders~~ county commissioners of such county respecting the general condition of the ~~female inmates~~ of such institution women who are incarcerated in the county jail, each year, with recommendations concerning the necessary steps to be taken for the improvement of the welfare, both moral and physical, of such ~~female inmates~~ of such institution persons, as observed by her or them.

**Credits:** L.1910, c. 105, § 2, p. 156 [C.S. p. 2952, § 32], amended by L.1914, c. 157, § 2, p. 289 [1924 Suppl. § 102-32].

### Comments

#### Comment

The pejorative terms are replaced with person-first language.

- *Chosen Freeholders*<sup>16</sup>

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”<sup>17</sup> The elimination of this term became effective January 01, 2021.<sup>18</sup> The updated terminology appears in this statute.

### **N.J.S. 30:8-16. Record of prisoners in jails or other penal or reformatory institutions**

The keeper of every jail or other penal or reformatory institution supported by public moneys of any county or municipality, shall keep a book provided by the board of ~~freeholders~~ county commissioners in the county where the institution shall be, in which ~~he~~ the keeper shall set forth the date of entry, date of discharge, the description, age, birthplace and such other information as ~~he~~ the keeper may be able to obtain as to the **inmates** persons committed to ~~his~~ care the jail, penal facility, or reformatory institution, which book shall be exposed in a conspicuous place in the institution and shall be open to public inspection.

**Credits:** L.1898, c. 237, § 163, p. 922 [C.S. p. 1874, § 163].

### Comments

The pejorative term is replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

- *Chosen Freeholders*<sup>19</sup>

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”<sup>20</sup> The elimination of this term became effective January 01, 2021.<sup>21</sup> The updated terminology appears in this statute.

### **N.J.S. 30:8-16.2. Facilities for treatment of alcoholics<sup>22</sup> during confinement; appropriations and expenditures**

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<sup>16</sup> Final Report from Samuel M. Silver, Dep. Dir., Addressing the use of the Term “County Commissioner” in the New Jersey Statutes, the New Jersey Law Rev. Comm’n (Dec. 16, 2021) (available at [www.njlrc.org](http://www.njlrc.org)).

<sup>17</sup> L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

<sup>18</sup> *Id.*

<sup>19</sup> Final Report from Samuel M. Silver, Dep. Dir., Addressing the use of the Term “County Commissioner” in the New Jersey Statutes, the New Jersey Law Rev. Comm’n (Dec. 16, 2021) (available at [www.njlrc.org](http://www.njlrc.org)).

<sup>20</sup> L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

<sup>21</sup> *Id.*

<sup>22</sup> The terms alcoholic and alcoholism have many different meanings to many individuals. The term alcoholic may be considered pejorative and a decision regarding the removal of this term is worthwhile. In place of alcoholism, the American Addition Centers notes the use of “Alcohol Dependence Syndrome.” Other Names for Alcoholism,

It shall be lawful for any board of ~~chosen freeholders~~ County Commissioners in this State to erect and maintain as a part of its ~~jail, workhouse or penitentiary~~ county correctional facility, a suitable building, buildings or additions for the treatment, while confined in such ~~jail, workhouse or penitentiary~~ county correctional facility, of **inmates** persons who are incarcerated having a history of ~~alcoholism~~ an alcohol use disorder; such board shall have power to appropriate and expend the moneys necessary in its judgment for such purpose.

**Credits:** L.1956, c. 214, § 2, eff. Jan. 9, 1957.

#### Comments

The pejorative term is replaced with person-first language.

- *Chosen Freeholders*<sup>23</sup>

In 2020, the Legislature changed the title of “chosen freeholder” to “county commissioner.”<sup>24</sup> The elimination of this term became effective January 01, 2021.<sup>25</sup> The updated terminology appears in this statute.

- *Alcoholism*

The terms alcoholic and alcoholism have many different meanings to many individuals. The term alcoholic may be considered pejorative and a decision regarding the removal of this term is worthwhile. In place of alcoholism, the American Addition Centers notes the use of “Alcohol Dependence Syndrome.” Other Names for Alcoholism, ALCOHOL REHAB.COM, <https://alcoholrehab.com/alcoholism/other-names-for-alcoholism/> (last visited Dec. 28., 2020, 5:41 PM). The National Institute of Health on Alcohol Abuse and Alcoholism suggests that the medical diagnosis for problem drinking that becomes severe is “alcohol use disorder” or “AUD.” Alcohol Use Disorder, NIAAA.GOV, <https://www.niaaa.nih.gov/alcohols-effects-health/alcohol-use-disorder> (last visited Dec. 28., 2020, 5:45 PM).

### **N.J.S. 30:8-16.14. Certain information to be provided to inmate upon release from correctional facility**

The chief executive officer, warden, or keeper of each county correctional facility shall provide to each **inmate** person who is incarcerated for 90 days or longer at least 30 days prior to release from a facility:

a. a copy of the **inmate's** their criminal history record and written information on ~~the inmate's~~ their right to have ~~the inmate's~~ their criminal records expunged under chapter 52 of Title 2C of the New Jersey Statutes;

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ALCOHOL REHAB.COM, <https://alcoholrehab.com/alcoholism/other-names-for-alcoholism/> (last visited Dec. 28., 2020, 5:41 PM). The National Institute of Health on Alcohol Abuse and Alcoholism suggests that the medical diagnosis for problem drinking that becomes severe is “alcohol use disorder” or “AUD.” Alcohol Use Disorder, NIAAA.GOV, <https://www.niaaa.nih.gov/alcohols-effects-health/alcohol-use-disorder> (last visited Dec. 28., 2020, 5:45 PM).

<sup>23</sup> Final Report from Samuel M. Silver, Dep. Dir., Addressing the use of the Term “County Commissioner” in the New Jersey Statutes, the New Jersey Law Rev. Comm’n (Dec. 16, 2021) (available at [www.njlrc.org](http://www.njlrc.org)).

<sup>24</sup> L.2020, c. 67, § 1, eff. Jan. 1, 2021. See N.J. STAT. ANN. § 1:1-2 (West 2021).

<sup>25</sup> *Id.*

b. general written information on the **inmate's** right to vote under R.S.19:4-1;

c. general written information on the availability of programs, including faith-based and secular programs, that would assist in removing barriers to ~~the inmate's~~ **their** employment or participation in vocational or educational rehabilitative programs, including but not limited to, information concerning the “Rehabilitated Convicted Offenders Act,” P.L.1968, c. 282 (C.2A:168A-1 et seq.) and the certificate of rehabilitation under P.L.2007, c. 327 (C.2A:168A-7 et seq.);

d. a detailed written record of ~~the inmate's~~ **their** participation in educational, training, employment, and medical or other treatment programs while ~~the inmate~~ **was they were** incarcerated;

e. a written accounting of the fines, assessments, surcharges, restitution, penalties, child support arrearages, and any other obligations due and payable ~~by the inmate~~ upon release;

f. a copy of ~~the inmate's~~ **their** birth certificate if ~~the inmate~~ **was they were** born in New Jersey;

\* \* \*

j. general written information concerning child support, including child support payments ~~that they owe~~ ~~owed by the inmate~~, information on how to seek child support payments and information on where to seek services regarding child support, child custody, and establishing parentage; and

k. a medical discharge summary, which shall include instructions on how to obtain from the superintendent a copy of the **inmate's** **their** full medical record; upon request from the **inmate** ~~person who is incarcerated~~, the superintendent shall provide a copy of the **inmate's** **their** full medical record in a safe and secure manner, at no charge ~~to the inmate~~; the superintendent shall comply with rules and regulations, adopted pursuant to the “Administrative Procedure Act,” P.L.1968, c. 410 (C.52:14B-1 et seq.), that ensure that these records are expeditiously and securely provided in a manner consistent with the provision of medical records by other providers.

**Credits:** L.2021, c. 312, § 6, eff. Dec. 21, 2021.

#### **Comments**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:8-16.16. Providing inmate’s name, release date, and contact information to county welfare agency or board of social services; requirements**

a. The chief executive officer, warden, or keeper of each county correctional facility shall provide to the appropriate county welfare agency or board of social services, in advance of the

release of an **inmate** person who has been incarcerated for 90 days or longer, the **inmate's** person's name, release date, and contact information, which shall include, but not be limited to, a telephone number or an email address.

b. The chief executive officer, warden, or keeper of each county correctional facility shall, with the **inmate's** consent of the person who is incarcerated, shall, provide to the reentry organization selected as a residential address pursuant to subsection d. of section 4 of this bill,<sup>1</sup> in advance of the release of an **inmate** person who has been incarcerated for 90 days or longer, the information required in subsection a. of this section unless the **inmate** requests that the information not be forwarded.

**Credits:** L.2021, c. 312, § 8, eff. Dec. 21, 2021.

<sup>1</sup> L.2021, c. 312 (N.J.S.A. § 30:1B-6.16).

#### Comments

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:8-16.17. Assistance in completion of application for Medicaid and other social services and programs; requirements**

a. As soon as practicable but not less than 30 days prior to the release of an **inmate** person who has been incarcerated for 90 days or longer, the chief executive officer, warden, or keeper of each county correctional facility shall ensure that an **inmate** person is assisted with completing, obtaining any required signatures or authorizations for, and forwarding for processing to the Department of Human Services an online application for enrollment in the Medicaid program, established pursuant to P.L.1968, c. 413 (C.30:4D-1 et seq.).

b. In addition to the requirements of subsection a. of this section, the chief executive officer, warden, or keeper also shall ensure that ~~such~~ **inmate** a person who is incarcerated is assisted in completing, obtaining any required signatures or authorizations for, and forwarding for processing to the appropriate county welfare agency or board of social services, as soon as practicable but not less than 30 days prior to an **inmate's** person's release from incarceration, online applications for enrollment in the following programs:

(1) the Supplemental Nutrition Assistance Program, established pursuant to the federal "Food and Nutrition Act of 2008," Pub.L.88-525 (7 U.S.C. s.2011 et seq.); and

(2) the Work First New Jersey program, established pursuant to P.L.1997, c. 38 (C.44:10-55 et seq.), which shall include, for **inmates** persons who are unable to identify a residence at the time of release, the application for emergency assistance benefits issued to Work First New Jersey recipients pursuant to section 8 of P.L.1997, c. 14 (C.44:10-51).

\* \* \*

d. If an **inmate** person who is incarcerated is unable to identify a residence at the time of application for benefits pursuant to this section, the chief executive officer, warden, or keeper of each county correctional facility, with the **inmate's** person's consent, shall ensure that the address of the reentry organization is used for the purposes of establishing proof of residence to meet any applicable eligibility requirements. The chief executive officer, warden, or keeper of each county correctional facility shall ensure that all **inmates** persons who are incarcerated for 90 days or longer are educated on their ability to select a reentry organization as a residential address pursuant to this subsection.

e. All State, county, and municipal agencies, for the purposes of establishing applicable eligibility requirements, shall:

(1) accept the address of the reentry organization for an **inmate** person who is incarcerated and who is unable to identify a residence at the time of application for benefits; and

(2) accept an **inmate's** person's county correctional facility identification card to establish the **inmate's** person's identity.

f. An **inmate** person who is incarcerated who appears to be eligible for Work First New Jersey assistance shall be screened for immediate need assistance.

**Credits:** L.2021, c. 312, § 10, eff. Dec. 21, 2021.

#### **Comments**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:8-16.18. Acceptance of correctional facility identification card for certain services**

a. The New Jersey Motor Vehicle Commission shall accept a ~~former~~ **inmate's** person's county correctional facility identification card as two points for the purposes of applying for a non-driver identification card.

b. An **inmate's** person's county correctional facility identification card shall be accepted by all State, county, and municipal agencies and New Jersey nonprofit organizations for six months following the date of release from incarceration to allow the ~~released~~ **inmate** person to gain access to services for which the **inmate** is they are deemed eligible including, but not limited to, establishing the **inmate's** their identity.

c. Notwithstanding the provisions of subsection b. of this section, whenever the Motor Vehicle Commission agencies are closed during a declared public health emergency, pursuant to the “Emergency Health Powers Act,” P.L.2005, c. 222 (C.26:13-1 et seq.), a state of emergency, pursuant to P.L.1942, c. 251 (C.App.A:9-33 et seq.), or both, the **inmate's** person's Department of Corrections identification card shall be accepted by all State, county, and municipal agencies and New Jersey nonprofit organizations in a manner as to allow the ~~released~~ **inmate** person to

gain access to services for which they are deemed eligible for the duration of the public health emergency.

**Credits:** L.2021, c. 312, § 9, eff. Dec. 21, 2021.

#### Comments

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:8-16.19. Appointment of county reentry coordinator; duties and responsibilities**

a. The governing body of each county in this State may, by duly adopted ordinance or resolution, appoint a county reentry coordinator who shall be responsible for evaluating the needs of, and navigating the appropriate treatment and services for, each **inmate** person who is incarcerated in a county correctional facility in this State.

b. The county reentry coordinator shall evaluate each **inmate** person in a county correctional facility who has been sentenced to a term of incarceration or ordered detained pending trial following a pretrial detention hearing. The purpose of the evaluation shall be to:

(1) identify which social services and reentry and rehabilitative programs would benefit the **inmate** person who is incarcerated including, but not limited to, the Work First New Jersey Substance Abuse Initiative;

(2) determine whether **inmate** person who is incarcerated is eligible to apply for federal, State, and county public assistance program benefits including, but not limited to, State and federal Supplemental Nutrition Assistance Program benefits, Medicaid, and housing assistance program benefits;

(3) determine whether the **inmate** person who is incarcerated would benefit from substance use disorder treatment including, but not limited to, medication-assisted treatment; and

(4) identify other appropriate treatment, services, and programs which would benefit the **inmate** person who is incarcerated.

c. As part of the initial classification process, ~~The~~ the evaluation required pursuant to subsection b. of this section shall be conducted in conjunction with the clinical screening of **inmates** persons who are incarcerated as part of the initial classification process.

d. The county reentry coordinator shall offer assistance to the **inmate** person who is incarcerated in accessing any appropriate services ~~deemed appropriate for the inmate~~, based on the evaluation conducted pursuant to subsection b. of this section, by:



(1) assisting the inmate person who is incarcerated with scheduling and otherwise accessing appropriate treatment, services, and programming upon the inmate's person's release from the facility;

(2) providing information concerning, and assistance in completing, applications for appropriate State and county public assistance program benefits which shall include, but not be limited to, State and federal Supplemental Nutrition Assistance Program benefits, Medicaid, and housing assistance program benefits. The county reentry coordinator shall make every effort to ensure that the inmate person who is incarcerated is actively enrolled in appropriate programming upon or as soon as practicable following the inmate's their release from the facility;

(3) providing information concerning available substance use disorder treatment and services including, but not limited to, medication-assisted treatment. The county reentry coordinator shall assist the inmate person who is incarcerated with scheduling and otherwise accessing appropriate treatment and services upon the inmate's their release from the facility;

(4) providing information concerning relevant social services and reentry and rehabilitative programs including, but not limited to, the Work First New Jersey Substance Abuse Initiative. The county reentry coordinator shall assist the inmate person who is incarcerated with completing applications for and otherwise accessing appropriate services and programming upon the inmate's their release from the facility;

(5) providing information concerning services provided by the State's One-Stop Career Centers. The county reentry coordinator shall schedule appointments for the inmate person who is incarcerated to meet with representatives from the career center and shall register the inmate person who is incarcerated for participation in any mandatory programming upon the inmate's their release from the facility;

(6) providing information concerning insurance eligibility and assistance in completing applications for insurance coverage; the county reentry coordinator shall make every effort to ensure that coverage for the inmate person who is incarcerated is active upon or as soon as practicable following the inmate's their release from the facility; and

\* \* \*

e. The county reentry coordinator also shall:

(1) provide assistance to each inmate person, upon release from a county correctional facility, with obtaining a non-driver identification card;

(2) ensure, to the best of the coordinator's ability, and conditioned on discharge information provided by the Administrative Office of the Courts, that each inmate person

is released from custody during regular business hours so that ~~the inmate~~ they may access appropriate treatment and services immediately upon release; and

(3) ensure each inmate person at the time of their discharge is provided with the prescription medication required pursuant to paragraph (9) of subsection a. of section 6 of P.L.2021, c. 312.

\* \* \*

**Credits:** L.2021, c. 312, § 11, eff. Dec. 21, 2021.

#### **Comments**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:8-16.20. Certain data to be recorded and analyzed by county reentry coordinator**

a. The county reentry coordinator shall record data regarding: the number of inmates persons who are offered services pursuant to section 10 of P.L.2021, c. 312 (C.30:8-16.17); the number of inmates persons who accept the services offered; the types of services provided to each inmate person who accepts the services offered; the race, gender, ethnicity, and age of each inmate person; a record of any crimes committed by inmates persons who are released from the facility and the types of crimes committed for a period of three years following ~~the inmate's~~ their release; and the number of inmates persons who were not released, and the reasons why they were not released, from a county correctional facility during regular business hours.

b. The data shall be analyzed to determine whether the rates and nature of rearrests and convictions differ according to whether an inmate person who is incarcerated received services in accordance with section 10 of P.L.2021, c. 312 (C.30:8-16.17). The county reentry coordinator shall annually prepare and transmit the findings to the chief executive officer, warden, or keeper of each county correctional facility, as appropriate; the superintendent, director, or other chief administrative officer of the County Board of Social Services or welfare agency, as appropriate; the governing body of the county in which the correctional facility is located; and the Commissioner of Corrections.

**Credits:** L.2021, c. 312, § 12, eff. Dec. 21, 2021.

#### **Comments**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:8-16.21. Peer counseling programs to support inmates with substance use disorders; development**

The county reentry coordinator shall, in collaboration with the chief executive officer, warden, or keeper of a county correctional facility, develop peer counseling programs in the county correctional facility that support the treatment of ~~county inmates~~ persons in county correctional facilities who have ~~with~~ substance use disorders. The warden, director, or administrator may additionally develop initiatives to provide ~~inmates~~ persons in the custody of the county correctional facility with access to professional substance use disorder counseling.

**Credits:** L.2021, c. 312, § 13, eff. Dec. 21, 2021.

#### **Comment**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:8-16.22. Annual meeting; guidance and evaluation by community stakeholders**

a. The county reentry coordinator shall meet annually with community stakeholders who may offer guidance for evaluating the needs of and providing services to ~~inmates~~ persons who are incarcerated in county correctional facilities including, but not limited to:

- (1) the Commissioner of Corrections, or a designee;
- (2) the Commissioner of Human Services, or a designee;
- (3) the chief executive officer, warden, or keeper of the county correctional facility;
- (4) the superintendent, director, or other chief administrative officer of the County Board of Social Services or welfare agency, as appropriate;
- (5) the county human services director, or a designee;
- (6) the county mental health administrator, or a designee;
- (7) the president of a county community college, or a designee;
- (8) reentry services providers in the county;
- (9) substance use disorder treatment providers in the county; and
- (10) a person who previously has received substance use disorder services in the county.

b. Based on the guidance received during the meetings conducted pursuant to subsection a. of this section, the county reentry coordinator shall:

- (1) establish best practices for preparing ~~county inmates~~ persons incarcerated in county correctional facilities for release;

(2) identify services available in the county that may be needed by **inmates** persons upon release from a county correctional facility including, but not limited to, housing, food, medical care, clothing, substance use disorder treatment; mental health services, employment assistance, and education assistance;

(3) make appropriate recommendations to the county correctional facility and County Board of Social Services or welfare agency with respect to preparing **inmates** persons incarcerated in county correctional facilities for successful reentry into the community and reducing recidivism.

**Credits:** L.2021, c. 312, § 14, eff. Dec. 21, 2021.

#### **Comments**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:8-26. Wage system for payment of prisoners; withholding to pay fines, restitution or penalty assessments**

The county governing body may establish a wage system for payment to prisoners for their services upon work carried on by such governing body or by any board, commission or institution that receives funds from the county. Such wage system may include in its provisions all prisoners employed in any work or service necessary for the maintenance of the ~~county jail~~ county correctional facility or its **inmates** the persons incarcerated therein; but the wage allowed each prisoner shall not exceed fifty cents for each day of eight hours' work by such prisoners.

The county governing body is authorized to withdraw from moneys paid to prisoners sufficient moneys, in an amount not to exceed one-third of the **inmate's** person's total income, as may be required to pay any penalty assessment, restitution or fine ordered as part of any sentence.

**Credits:** Amended by L.1985, c. 251, § 4, eff. July 31, 1985.

#### **Comments**

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:8-28.4. Compensation in cash or remission of time from sentence or both**

a. The **inmates** incarcerated populations of all county penal institutions established and maintained pursuant to chapter 8 of Title 30 of the Revised Statutes who may be employed in such productive occupations as are consistent with their health, strength and mental capacity shall receive compensation in such employment as the governing body of the county may establish.

Compensation for **inmates** persons who are incarcerated may be in the form of cash or remission of time from sentence or both. Remission from time of sentence shall be in accordance with rules and regulations promulgated by the Department of Corrections, but shall not exceed 1 day for each 5 days of productive occupation. Remission granted under this act shall in no way affect deductions for good behavior as provided by law.

b. The Department of Corrections shall promulgate and enforce rules and regulations for the operation of this act in accordance with the provisions hereof.

c. All persons incarcerated in county correctional facilities who are classified as minimum security prisoners who are determined to be sufficiently trustworthy by the warden to be employed in honor camps, farm details, or details of work at public buildings or property, shall receive additional remission of time from sentence at the rate of 3 days per month for each month of such labors.

**Credits:** L.1981, c. 140, § 1, eff. May 4, 1981.

#### Comments

The pejorative terms are replaced with person-first language.

### **N.J.S. 30:8-32. Management of workhouse; master and employees; rules and regulations**

~~A county workhouse shall be under the direction, superintendence and government of the board of chosen freeholders who may appoint a workhouse master and such other employees as may be necessary and make such regulations, ordinances and by laws, not contrary to the constitution or laws of this state, for the government of the workhouse and the confinement and labor of the **inmates** as they shall from time to time deem necessary or convenient.~~

#### Comment

The statute is anachronistic and appropriate for repeal.

### **30:8-42. Wage system for prisoners; workhouses and penitentiaries; withdrawals to pay penalty assessments, restitution or fines**

The county governing body may establish a wage system for payment to prisoners for services in work carried on by such governing body or by any board, commission or institution that receives funds from the county. Such wage system may include all prisoners employed in any work or service necessary for the maintenance of the ~~workhouse or penitentiary~~ county correctional facility or their **inmates** the persons incarcerated therein. The wage allowed each prisoner shall not exceed fifty cents for each day of eight hours' work by such prisoners. In the payment of wages to prisoners preference shall be given to those who have persons legally dependent upon them for support.

The county governing body is authorized to withdraw from moneys paid to prisoners sufficient moneys, in an amount not to exceed one-third of the **inmate's** the person's total income, as may be required to pay any penalty assessment, restitution or fine ordered as part of any sentence.

**Credits:** Amended by L.1985, c. 251, § 5, eff. July 31, 1985.

#### Comment

The pejorative terms are replaced with person-first language.

- *Workhouse*

The terms “jail”, “workhouse” or “penitentiary” have been removed from this statute and updated with the term “county correctional facility.”<sup>26</sup>

### **N.J.S. 30:8-48.1. Program for housing in institution or facility operated by nonprofit organization; ordinance or resolution; inmates; eligibility; transfers**

a. The governing body of any county which has adopted the provisions of the act to which this act is a supplement may, by ordinance or resolution, as appropriate, establish a program for the housing in an institution or facility operated by a nonprofit organization providing for the care, custody, subsistence, education, training, and welfare of **inmates** persons who are incarcerated, of any person at outside labor or permitted to attend a vocational training course.

b. Upon the adoption of the ordinance or resolution any eligible **inmate** person who is incarcerated may be transferred to such nonprofit institution or facility by order of the sentencing judge at the time of sentencing, or by the sentencing judge or the assignment judge of the county at any time during the term of the sentence. The court or the assignment judge ordering the transfer of an **inmate** person who is incarcerated shall do so on the basis of whether or not the transfer of the **inmate** person to the facility or institution is appropriate to the needs and welfare of the **inmate** person who is incarcerated and other **inmates** persons who are incarcerated, and to the security of the ~~county jail, workhouse or penitentiary~~ county correctional facility. The sentencing judge or the assignment judge shall designate the institution or facility to which the person is to be transferred and may, at any time, require that an **inmate** a person residing in the facility or institution be sent to the ~~county jail, workhouse or penitentiary~~ county correctional facility to serve the remainder of the sentence.

**Credits:** L.1981, c. 265, § 1, eff. Aug. 16, 1981.

#### Comments

The pejorative terms are replaced with person-first language.

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<sup>26</sup> Final Report from Samuel M. Silver, Dep. Dir., Relating to the Use of the Word “Workhouse” in the New Jersey Statutes, the New Jersey Law Rev. Comm’n (Apr. 15, 2021) (available at [www.njlrc.org](http://www.njlrc.org)).

• *Workhouse*

The terms “jail”, “workhouse” or “penitentiary” have been removed from this statute and updated with the term county correctional facility.<sup>27</sup>

**N.J.S. 30:8-48.2. Contracts; standards**

The governing body of a county which has adopted an ordinance or resolution pursuant to this act shall enter into contracts for the housing of **inmates** persons with any organization operating a facility or institution designated by the sentencing judge or assignment judge.

It shall be the responsibility of the county governing body or its designated representative to insure that each facility or institution is a secure and appropriately supervised place of confinement and that all units are inspected annually. The county governing body may promulgate standards to insure that facilities and institutions where **inmates** persons are residing are appropriate for the housing of such persons.

**Credits:** L.1981, c. 265, § 2, eff. Aug. 16, 1981.

**Comments**

The pejorative terms are replaced with person-first language.

**N.J.S. 30:8-57. County jail, workhouse or penitentiary in wilful and continuous disregard of minimum standards; phased restriction of admission of new inmates; order**

If the Commissioner of the Department of Corrections shall determine that a ~~county jail, workhouse or penitentiary~~ county correctional facility is in wilful and continuous disregard of the minimum standards for such facilities promulgated by the department pursuant to section 10 of P.L.1976, c. 98 (C. 30:1B-10), ~~he~~ the Commissioner shall order a phased restriction of admission of new **inmates** persons to be incarcerated in such facility. Upon such determination, the commissioner shall notify the county governing body of ~~his~~ the decision to impose such a restriction, which notification shall include a written statement specifying the reasons therefor. If the commissioner shall determine that no appropriate action has been initiated within 60 days following such notification to correct the violations specified in the notice, ~~he~~ the commissioner shall order the following:

a. That such ~~county jail, workhouse or penitentiary~~ county correctional facility shall immediately cease to admit persons sentenced to State penal facilities and awaiting transfer or admittance to such facilities;

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<sup>27</sup> *Id.*

b. That such ~~county jail, workhouse or penitentiary~~ county correctional facility shall, upon the expiration of 30 days after such order, immediately cease to admit persons sentenced to terms in said county penal facility; and,

c. That such ~~county jail, workhouse or penitentiary~~ county correctional facility shall, upon the expiration of 90 days after such order, immediately cease to admit all persons sent to said facility.

Any ~~county jail, workhouse or penitentiary~~ county correctional facility so restricted shall continue under such order until such time as the commissioner determines that the violations specified in the notice have been corrected or that the facility has initiated actions which will ensure the correction of said violations.

**Credits:** L.1979, c. 472, § 1, eff. Feb. 27, 1980.

#### Comments

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

- *Workhouse*

The terms “jail”, “workhouse” or “penitentiary” have been removed from this statute and updated with the term county correctional facility.<sup>28</sup>

### **N.J.S. 30:8-58. Location of inmates within other penal facilities**

Upon the issuance of an order pursuant to section 1 of this act,<sup>1</sup> the commissioner shall locate **inmates** persons who are incarcerated and who are assigned to any facility so restricted by such order within other State or county penal facilities. The commissioner shall determine which other State or county penal facilities have adequate room for such **inmates** persons and shall assign them on the basis of available space; provided, however, that such assignments shall conform to all statutory requirements providing for the classification of **inmates** the persons who are incarcerated. Any State or county penal facilities ordered to accept such **inmates** persons shall do so within 5 days following the issuance of an order pursuant to section 1 of this act. Any ~~county jail, workhouse or penitentiary~~ county correctional facility restricted by an order issued pursuant to section 1 of this act shall assume responsibility for all transportation of any person sent to another penal facility so long as such order shall remain in effect.

**Credits:** L.1979, c. 472, § 2, eff. Feb. 27, 1980.

<sup>1</sup> N.J.S.A. § 30:8-57.

#### Comments

The pejorative terms are replaced with person-first language.

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<sup>28</sup> *Id.*



• *Workhouse*

The terms “jail”, “workhouse” or “penitentiary” have been removed from this statute and updated with the term county correctional facility.<sup>29</sup>

**N.J.S. 30:8-59. Payment by county to department of corrections for reassigned inmates**

The governing body of a county whose ~~county jail, workhouse or penitentiary~~ county correctional facility has been prohibited from accepting new **inmates** persons to be incarcerated, and whose **inmates** incarcerated persons have been assigned to other penal facilities pursuant to section 2 of this act,<sup>1</sup> shall appropriate an amount to repay the Department of Corrections for the custody, care, maintenance, and for all other services normally provided by the county to **inmates** of persons incarcerated in such facilities. For the first full calendar year, or portion thereof, following the effective date of this act said payment shall be \$60.00 a day for each **inmate** person who is incarcerated, and said sum shall increase 5% per annum each year thereafter. Any facility receiving **inmates** persons to be incarcerated pursuant to section 2 of this act shall receive from the Department of Corrections \$60.00 per day for each **inmate** person sent to the institution for the first full calendar year, or portion thereof, following the effective date of this act. Such sum shall increase by 5% per annum each year thereafter.

**Credits:** L.1979, c. 472, § 3, eff. Feb. 27, 1980.

<sup>1</sup> N.J.S.A. § 30:8-58.

**Comments**

The pejorative terms are replaced with person-first language.

• *Workhouse*

The terms “jail”, “workhouse” or “penitentiary” have been removed from this statute and updated with the term county correctional facility.<sup>30</sup>

**N.J.S. 30:8-68. Parole eligibility and release dates; determination by sentencing judge**

Notwithstanding any other provisions of law to the contrary concerning primary parole eligibility dates and parole release dates of juvenile’s **inmates** who are incarcerated, whenever a person successfully completes a juvenile offender rehabilitation program established and maintained pursuant to this act, the sentencing judge shall determine whether that person shall be required to serve parole.

**Credits:** L.1997, c. 81, § 8, eff. Oct. 1, 1997.

**Comments**

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<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

The pejorative term is replaced with person-first language.

**N.J.S. 34:1B-343. Total tax credit calculation; conditions**

c. (1) In addition to the base amount of the tax credit, the amount of the tax credit to be awarded for each new or retained full-time job shall be increased with the following bonuses:

\* \* \*

(1) for an eligible business that enters, or has previously entered, into an active partnership with a re-entry program for the purpose of identifying and promoting employment opportunities at the eligible business for ~~former inmates~~ persons previously incarcerated and current inmates persons who will be leaving the corrections system, and that hires at least one active participant in the re-entry program as a full-time employee, an increase of \$500 per year.

\* \* \*

**Credits:** L.2020, c. 156, § 75, eff. Jan. 7, 2021. Amended by L.2021, c. 160, § 35, eff. July 2, 2021.

**Comments**

The pejorative terms are replaced with person-first language.

**N.J.S. 34:11-56.26. Definitions**

As used in this act:

\* \* \*

(8) “Work performed under a rehabilitation program” means work arranged by and at a State institution primarily for teaching and upgrading the skills and employment opportunities of the ~~inmates~~ of such persons incarcerated in these institutions.

**Credits:** L.1963, c. 150, § 2. Amended by L.1966, c. 118, § 1, eff. June 17, 1966; L.1974, c. 64, § 1, eff. July 3, 1974; L.1990, c. 27, § 1, eff. May 21, 1990; L.1995, c. 259, § 13, eff. Nov. 13, 1995; L.2004, c. 101, § 1, eff. July 14, 2004; L.2007, c. 68, § 1, eff. April 26, 2007; L.2009, c. 249, § 1, eff. Jan. 16, 2010; L.2019, c. 44, § 1, eff. March 18, 2019; L.2021, c. 253, § 1, eff. Oct. 18, 2021.

**Comments**

The pejorative term is replaced with person-first language.

**N.J.S. 34:15-37.1. Corrections officers or detention officers; serious bodily injury during official duties; compensation**

Any State corrections officer, juvenile corrections officer, or juvenile detention officer who, in the course of performing the officer's official duties, suffers serious bodily injury as the direct result of an assault by the **inmates** persons who are incarcerated or the detainees under the officer's custody or charge shall continue to receive full wages for up to six months or until the officer begins receiving compensation for that injury under R.S.34:15-1 et seq., whichever comes first.

\* \* \*

**Credits:** L.2017, c. 93, § 1, eff. Oct. 1, 2017.

#### **Comments**

The pejorative term is replaced with person-first language.

### **N.J.S. 34:15-37.4. Civilians working directly with inmates or detainees; serious bodily injury during official duties; compensation**

Any civilian employee who directly works with or teaches **inmates** persons who are incarcerated or detainees in a State correctional facility, juvenile correctional facility, or juvenile detention center who, in the course of performing the employee's official duties, suffers serious bodily injury as the direct result of an assault by the **inmates** persons who are incarcerated or detainees with whom the employee works or teaches shall continue to receive full wages for up to six months or until the employee begins receiving compensation for that injury under R.S.34:15-1 et seq., whichever comes first.

\* \* \*

**Credits:** L.2017, c. 93, § 4, eff. Oct. 1, 2017.

#### **Comments**

The pejorative terms are replaced with person-first language.

### **N.J.S. 40:62A-2. Establishment and maintenance of commissary; cost; profits**

The governing body of any municipality is hereby empowered to provide by resolution for the establishment and maintenance of a commissary for the sale of commodities to patients, **inmates** persons who are incarcerated, visitors of patients and **inmates** persons who are incarcerated, and employees of any municipal institution, under rules to be adopted by the governing body. The cost of establishing the commissary may be defrayed out of the funds appropriated for current maintenance. Any profit accruing therefrom may be used by the board, committee, department or division of the municipal government administering the said municipal institution, for the recreational entertainment or other like purpose of the patients or persons who are incarcerated of the particular municipal institution.

**Credits:** L.1956, c. 67, p. 153, § 2, eff. June 6, 1956.

#### Comments

The pejorative terms are replaced with person-first language.

### **N.J.S. 40A:9-117.6. Sheriff's officers; appointment; duties**

The sheriff of each county shall, subject to the budget of the county, appoint such persons as may be necessary, to the position of sheriff's officer, pursuant to the provisions of Title 11 of the Revised Statutes, where applicable, to perform the duties involved in attending the courts heretofore performed by court attendants, or in serving court processes, or in the investigation and apprehension of violators of the law, or in criminal identification, or in ballistics, or in any related work which the sheriff shall, from time to time prescribe and as shall be determined to be appropriate by the Civil Service Commission. Except as provided herein, no such officer shall be assigned to any penal institution, jail, penitentiary, ~~county correction center or workhouse~~ county correctional facility for the purpose of guarding, having custody of, or being charged with the rehabilitation of any **inmate** person housed therein, except upon emergency conditions. Any sheriff's officer who, on the effective date of this act, is assigned to any penal institution, jail, penitentiary, ~~county correction center or workhouse~~ county correctional facility for the purpose of guarding, having custody of, or being charged with the rehabilitation of any **inmate** person housed therein, may continue to serve in such capacity until such officer is reassigned or terminated, at which time the position shall be filled with an individual in a title appropriate to the duties to be performed.

**Credits:** L.1982, c. 133, § 1, eff. Sept. 14, 1982. Amended by L.1984, c. 35, § 3, eff. April 19, 1984.

#### Comments

The pejorative terms are replaced with person-first language.

- *Workhouse*

The terms “jail”, “workhouse” or “penitentiary” have been removed from this statute and updated with the term county correctional facility.<sup>31</sup>

### **43:7-8. Definitions**

For the purpose of this act, the words “prison officer” mean and include any prison officer, reformatory officer, farmer guard, disciplinarian, identification prison officer, center keeper, marshal, superintendent, chief deputy, head farmer, herdsman, truck farmer, commissary officer, any uniformed officer, trade instructor, and any employee who has the custody of

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<sup>31</sup> *Id.*

**inmates** persons incarcerated in State penal institutions. No person employed on or after January 1, 1960 shall be eligible for membership in the Prison Officers' Pension Fund.

\* \* \*

**Credits:** L.1941, c. 220, p. 629, § 2. Amended by L.1943, c. 193, p. 538, § 2; L.1959, c. 170, p. 701, § 4; L.1969, c. 56, § 2, eff. May 21, 1969.

#### **Comments**

The pejorative terms are replaced with person-first language.

### **N.J.S. 43:16A-1.5. Corrections officers; retention of membership on promotion or transfer to jail warden**

a. As used in this act, “jail warden” means any paid, permanent, uniformed, full-time employee of a county correctional facility who is engaged in the protection, custody, and discipline of ~~facility~~ **inmates** persons who incarcerated in such a facility and who is subject to the training and physical and mental fitness requirements established by the employer. “Jail warden” also means any administrative or supervisory employee of a county correctional facility whose duties include general or direct supervision or training of employees engaged in the protection, custody, and discipline of facility ~~facility~~ **inmates** persons who incarcerated in such a facility.

\* \* \*

**Credits:** L.1999, c. 398, § 1, eff. Jan. 18, 2000.

#### **Comments**

The pejorative terms are replaced with person-first language.

### **N.J.S. 43:21-16. Penalties; investigating staff**

\* \* \*

(j) The Department of Labor and Workforce Development shall arrange for the electronic receipt of identifying information from the Department of Corrections, pursuant to section 6 of P.L.1976, c. 98 (C.30:1B-6), and from the Administrative Office of the Courts and any county which does not provide county **inmate** incarceration information to the Administrative Office of the Courts, and establish a verification system to confirm that benefits paid pursuant to the “unemployment compensation law,” R.S.43:21-1 et seq., are not being paid to individuals who are incarcerated.

**Credits:** Amended by L.1945, c. 308, p. 900, § 4; L.1948, c. 79, p. 464, § 4; L.1950, c. 167, p. 362, § 2; L.1950, c. 225, p. 562, § 2; L.1951, c. 210, p. 754, § 1; L.1952, c. 187, p. 661, § 7; L.1961, c. 43, p. 458, § 8; L.1984, c. 24, § 10, eff. Oct. 1, 1984; L.1985, c. 476, § 1, eff. Jan. 17, 1986; L.1991, c. 357, § 1, eff. Jan. 9, 1992; L.1997, c. 255, § 4, eff. Sept. 17, 1997; L.2005, c. 239, § 4, eff. Dec. 15, 2005; L.2010, c. 82, § 2, eff. Oct. 27, 2010; L.2013, c. 124, § 1, eff. Aug. 9, 2013; L.2013, c. 274, § 5, eff. Jan. 17, 2014.

#### Comments

The pejorative term is replaced with person-first language.

### N.J.S. 43:21-19. Definitions

Definitions. As used in this chapter (R.S.43:21-1 et seq.), unless the context clearly requires otherwise:

\* \* \*

(h) “Employer” means:

\* \* \*

(14) Any employing unit which having become an employer under the “unemployment compensation law” (R.S.43:21-1 et seq.), has not under R.S.43:21-8 ceased to be an employer; or for the effective period of its election pursuant to R.S.43:21-8, any other employing unit which has elected to become fully subject to this chapter (R.S.43:21-1 et seq.).

(i)(1) “Employment” means:

\* \* \*

(D) For the purposes of paragraphs (B) and (C), the term “employment” does not apply to services performed

\* \* \*

(vi) Prior to January 1, 1978, for a hospital in a State prison or other State correctional institution by an inmate person incarcerated in of the prison or correctional institution and after December 31, 1977, by an inmate incarcerated in a of a custodial or penal institution.

**Credits:** L.1938, c. 312, p. 710, § 1. Amended by L.1938, c. 314, p. 786, § 1; L.1939, c. 94, p. 204, § 6A; L.1940, c. 247, p. 943, § 3; L.1941, c. 374, p. 972, § 1; L.1941, c. 385, p. 992, § 1; L.1942, c. 2, p. 13, § 1; L.1945, c. 73, p. 369, § 3; L.1946, c. 37, p. 79, § 1; L.1946, c. 278, p. 950, § 1; L.1947, c. 35, p. 102, § 4; L.1948, c. 318, p. 1273, § 1; L.1950, c. 304, p. 1031, § 1; L.1951, c. 212, p. 759, § 1; L.1952, c. 187, p. 665, § 8; L.1953, c. 218, p. 1641, § 1; L.1955, c. 203, p. 800, § 3; L.1956, c. 65, p. 140, § 1; L.1961, c. 43, p. 462, § 9; L.1962, c. 49, § 1; L.1963, c. 66, § 1; L.1964, c. 111, § 1; L.1967, c. 30, § 7, eff. Jan. 1, 1968; L.1968, c. 360, § 1, eff. Jan. 1, 1969; L.1968, c. 366, § 1, eff. Jan. 1, 1969; L.1968, c. 469, § 1, eff. March 6, 1968; L.1970, c. 279, § 1, eff. Dec. 3, 1970; L.1971, c. 24, § 1, eff. Jan. 1, 1972; L.1971, c. 346, § 10, eff. Jan. 1, 1972; L.1973, c. 94, § 1, eff. April 25, 1973; L.1974, c. 86, § 7, eff. Jan. 1, 1975; L.1977, c. 307, § 8, eff. Dec. 30, 1977; L.1979, c. 379, § 1, eff. Feb. 5, 1980; L.1984, c. 24, § 12; L.1984, c. 216, § 2; L.1985, c. 378, § 1, eff. Oct. 1, 1985; L.1985, c. 389, § 1, eff. Oct. 1, 1985; L.1989, c. 265, § 1, eff. Jan. 4, 1990; L.1991, c. 486, § 1, eff. Jan. 18, 1992; L.1993, c. 312, § 1, eff. Dec. 23, 1993; L.1994, c. 112, § 2, eff. Sept. 29, 1994; L.1995, c. 234, § 3, eff. Aug. 22, 1995; L.1995, c. 394, § 9, eff. July 8, 1996; L.2001, c. 17, § 2, eff. Jan. 29, 2001; L.2002, c. 94, § 2, eff. Nov. 8, 2002; L.2009, c. 211, § 1, eff. Jan. 16, 2010; L.2017, c. 230, § 1, eff. Aug. 7, 2017; L.2021, c. 346, § 1, eff. Jan. 10, 2022.

#### Comments

The pejorative terms are replaced with person-first language.

#### **N.J.S. 44:1-29. General powers of superintendent<sup>32</sup>**

~~The superintendent of welfare shall, subject to the control of the county welfare board, be the chief executive officer of the welfare house, and have the general superintendence and management of the welfare house, the grounds and buildings and the inmates thereof.~~

#### Comment

The statute is anachronistic and appropriate for repeal.

#### **N.J.S. 44:1-68. Classification and care of inmates<sup>33</sup>**

~~In the management of almshouses or welfare houses the inmates shall be classified according to age, condition of health and ability to perform manual labor. Some form of employment shall be provided for such of the inmates as are able to work. Inmates afflicted with any tubercular disease shall be separated from the other inmates and cared for in separate dwellings.~~

#### Comment

The statute is anachronistic and appropriate for repeal.

#### **N.J.S. 44:1-69. Separation of sexes<sup>34</sup>**

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<sup>32</sup> See Final Report from John M. Cannel, Retired, Reviser of Statutes, Relating to Public Assistance Law to the New Jersey Law Revision Commission 1, 65 (Dec. 20, 2018) (available at [www.njlrc.org](http://www.njlrc.org)).

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

~~In every almshouse, poorhouse, welfare house or other institution for the reception and maintenance of poor persons, females shall be kept separate from males at all times in their living rooms, bedrooms, toilets, halls, stairways and outbuildings; except that this provision shall not apply to persons who are lawfully married and living together as man and wife, and who become **inmates** of such an institution. The accommodations necessary to carry out the intention of this section shall be provided.~~

**Comment**

The statute is anachronistic and appropriate for repeal.

**N.J.S. 44:1-105. Illegitimate minor children<sup>35</sup>**

~~Illegitimate minor children shall follow and have the settlement of their mother, unless the father is legally found or admitted by him to be such at the time and place of their birth, in which case they shall follow and have the father's settlement. If neither parent has a settlement, then it shall be in the municipality or county in which the minor child was born, if the birth occurred in this state~~

~~Such minor children born in charitable or correctional institutions, or while the mother is legally an **inmate** thereof, whether on parole or leave of absence, shall be chargeable to the place of the settlement of the mother or father or from which they were admitted or committed, rather than to the place where that institution is located.~~

**Comment**

The statute is anachronistic and appropriate for repeal.

**N.J.S. 44:2-6. Maintenance of undesirable poor outside of almshouse<sup>36</sup>**

~~When an adult person has been duly committed to the almshouse of a county and the board of chosen freeholders shall deem it to the interest of the county or to the welfare of the other **inmates** of the almshouse that the person be not actually removed to and kept in the almshouse, the board may make such monthly allowance for the support of the person outside of the county almshouse as it may consider reasonable, not exceeding in any case the probable cost of maintaining the person in the county almshouse.~~

**Comment**

The statute is anachronistic and appropriate for repeal.

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<sup>35</sup> *Id.*

<sup>36</sup> *Id.*



### **N.J.S. 44:3-3. Superintendents of indoor relief in cities<sup>37</sup>**

~~The governing body or body having charge of the charities of a city may appoint a superintendent of indoor relief who shall have the management of the almshouse of the city and the control of the inmates thereof. He shall hold office for the term of three years commencing on January first in the year of appointment, and shall receive such compensation as may be fixed by the appointing body, which compensation shall not be increased or decreased during his term.~~

~~Nothing in this section shall be deemed to terminate or abridge the term of office of any such officer in such city if such officer was originally elected or appointed prior to April eleventh, one thousand nine hundred and ten.~~

#### **Comment**

The statute is anachronistic and appropriate for repeal.

### **N.J.S. 44:4-37. Functions and duties of director<sup>38</sup>**

~~The director of welfare shall:~~

~~a. Have general jurisdiction throughout the county of the settlement and relief of the poor and shall direct the administration thereof under the control and supervision of the county welfare board and subject to all lawful rules and regulations thereof; and~~

~~b. Be the chief executive officer of the welfare house subject to the control of the county welfare board, and shall have under such control the general superintendence of the welfare house, of the grounds and buildings, and of the inmates thereof.~~

a. Every county shall have an agency to administer state and federal assistance programs and other assistance.

b. Appropriations for assistance shall be subject to the approval of the county government.

c. The agency shall have a staff in accordance with regulations of the Commissioner. Regular employees may certify affidavits and acknowledgements and shall be vested with the powers and authority exercised by other persons authorized to do so.

d. The county director shall have subpoena power to compel attendance of an applicant and other persons in New Jersey and the production of pertinent documents in the State, and the power to administer oaths, and to reject an application for assistance if an applicant fails to obey a summons or subpoena or fails to testify, subject to agency approval. Failure to obey a summons

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<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

or subpoena issued by the county director or failure to testify shall be punishable by the Superior Court as a civil contempt, but no commitment for contempt shall exceed 90 days.

e. The county director may allocate the functions, powers and duties of each municipal welfare agency in the county transferred to the county among the existing offices in the county welfare agency.

f. The county agency shall have authority to establish wages, terms and conditions of employment for its employees through collective negotiation with an authorized employee organization, but all employees other than legal counsel shall be within the classified service.

(1) The agreement between an agency and an authorized employee organization is binding on both parties and not subject to approval by the Commissioner of Human Services.

(2) If the Commissioner of Human Services determines that a provision in an agreement between a county agency and an authorized employee organization does not comply with federal law and that it endangers continued receipt of federal funds, the Commissioner shall advise the county agency and authorized employee organization in writing, specifying the federal law and giving the reason for non-compliance.

(3) If the federal government notifies the Commissioner that the State's administration of a federal assistance program does not comply with federal law because of a negotiated agreement between a county agency and an authorized employee organization, the Commissioner shall notify the county agency and authorized employee organization in writing.

(4) When the Commissioner notifies a county agency and an authorized employee organization, the Commissioner shall provide them with an opportunity to meet with the Commissioner to determine if the Commissioner's finding is correct, and an opportunity to conform voluntarily to comply with federal law.

(5) If the Commissioner subsequently determines that the negotiated agreement does not comply with federal law, the Commissioner shall exercise only the authority over wages, terms and conditions of employment in the county agency necessary to ensure that the agreement complies with federal law.

(6) If the federal government acts or notifies the Commissioner of Human Services that it may act to affect wages or terms and conditions of employment in a county agency, the Commissioner shall consult with the county agency and authorized employee organization which may be affected by the Commissioner's position on the federal action.

Comment

Counties have always had and continue to have duties in regard to provide public assistance. Numerous existing provisions mandate the public policy of the State: “[E]very needy person shall ... be entitled to receive such public assistance as may be appropriate ....” (44:8-109), “The State shall provide ... public assistance to the persons eligible therefore ....” (44:8-114), “Immediate public assistance shall be rendered promptly to any needed person ....” (44:8-120), et al.

Pursuant to the federal “Personal Responsibility and Work Opportunity Reconciliation Act of 1996,” 42 U.S.C. Sect. 601 et seq., New Jersey adopted its “Work First New Jersey Act” in 1997, which replaced earlier aid/assistance to dependent children laws. It provides that “The county agency shall be responsible for implementing the Work First New Jersey program in accordance with regulations adopted by the Commissioner and ensuring that all eligible persons residing in the county have access to benefits ....” N.J.S. 44:10-73(a). The Act further states, “The Commissioner shall allocate among the counties the federal funding available for administrative costs from the federal block grant funds for temporary assistance for needy families provided to New Jersey ....” N.J.S. 44:10-74(a). The draft provision states explicitly at the outset that the county level is responsible for administering federal and state funds. Subsection (a) also provides for additional assistance as needed.

Subsection (b) derives from 44:1-20. Subsections (d) and (f) streamline current law. Subsection (f) derives from 44:8-145.3

#### **44:4-60. Illegitimate minor children<sup>39</sup>**

~~Illegitimate minor children shall follow and have the settlement of their mother, unless the father is legally found or admitted by him to be such at the time and place of their birth, in which case they shall follow and have the father's settlement. If neither parent has a settlement, then it shall be in the county in which the minor child was born, if the birth occurred in this state.~~

~~Such minor children born in charitable or correctional institutions, or while the mother is legally an inmate thereof, whether on parole or leave of absence, shall be chargeable to the place of the settlement of the mother or father or from which they were admitted or committed, rather than to the place where that institution is located.~~

#### **Comment**

The statute is anachronistic and appropriate for repeal.

#### **44:4-89. Classification and care of inmates of welfare-houses<sup>40</sup>**

~~In the management of welfare houses the inmates shall be classified according to age, condition of health and ability to perform manual labor. Some form of employment shall be provided for such of the inmates as are able to work.~~

**Credits:** Amended by L.1977, c. 63, § 23, eff. April 15, 1977.

#### **Comment**

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<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

The statute is anachronistic and appropriate for repeal.

#### **44:4-90. Separation of sexes; exception<sup>41</sup>**

~~In welfare houses or other institutions for the reception and maintenance of poor persons, females shall be kept separate from males at all times in their living rooms, bedrooms, toilets, halls, stairways and outbuildings, except that the provisions of this section shall not apply to persons who are lawfully married and living together as man and wife and who are or shall become **inmates** of a welfare house or other institution. The accommodations necessary to carry out the intentions of this section shall be provided.~~

#### **Comment**

The statute is anachronistic and appropriate for repeal.

#### **44:5-12. Distribution of appropriation among nonprofit hospitals or clinics in county<sup>42</sup>**

~~Money appropriated by a governing body and distributed and paid to any hospital by virtue of section 44:5-11 of this Title, shall, if there is more than one such hospital, be distributed among and paid to them upon the basis of the free ward day's treatment furnished by each of them for the benefit, comfort and maintenance of such patients, **inmates** therein, or in the case of clinics, by the number of individual treatments of patients, as are residents of the county at the time of being sent to that hospital, and not otherwise.~~

\* \* \*

**Credits:** Amended by L.1969, c. 188, § 2, eff. Nov. 7, 1969; L.1979, c. 14, § 2, eff. Feb. 8, 1979.

#### **Comment**

The statute is anachronistic and appropriate for repeal.

#### **44:7-39. Laws governing assistance for permanent and total disability<sup>43</sup>**

~~The assistance to be extended under this act shall be known as “assistance for the permanently and totally disabled,” but shall in all other respects be governed by the conditions of eligibility and all other requirements, conditions, limitations and procedures established by and pursuant to chapter 7 of Title 44 of the Revised Statutes, except that subsections a. and d. of section 44:7-5 and section 44:7-25 of the Revised Statutes shall not apply to assistance for the permanently and totally disabled.~~

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<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

~~Assistance for the permanently and totally disabled shall not be granted to any person who is an inmate or resident of or in need of prolonged care in any public or private institution because of physical or mental condition, or other cause, unless~~

~~(1) the institution, if publicly owned and operated, is a medical institution, other than an institution for tuberculosis or mental disease, designated and approved as such by the Department of Institutions and Agencies, and~~

~~(2) the institution, if privately owned and operated, does not come within the definition of a hospital to which payment or distribution of funds is permitted to be made by counties or municipalities of this State pursuant to any provision of chapter 5 of Title 44 of the Revised Statutes, and is licensed or approved by the Department of Institutions and Agencies pursuant to any provision of Title 30 of the Revised Statutes, and~~

~~(3) the individual is not a patient in such institution as the result of a diagnosis of tuberculosis or psychosis.~~

**Credits:** L.1951, c. 139, p. 593, § 2. Amended by L.1952, c. 24, p. 110, § 5; L.1962, c. 222, § 11.

#### Comment

The statute is anachronistic and appropriate for repeal.

#### **N.J.S. 44:7-44. Law governing assistance for the blind<sup>44</sup>**

~~The assistance to be extended under this act shall be known as “assistance for the blind,” but shall in all other respects be governed by the conditions of eligibility and all other requirements, conditions, limitations and procedures established by and pursuant to chapter 7 of Title 44 of the Revised Statutes, excepting section 44:7-3, subsection a. of section 44:7-5, sections 44:7-14 to 44:7-16 inclusive, and section 44:7-25 of the Revised Statutes.~~

~~Assistance for the blind shall not be granted to any person who is an inmate or resident of or in need of prolonged care in any public or private institution because of physical or mental condition, or other cause, unless~~

~~(1) the institution, if publicly owned and operated, is a medical institution, other than an institution for tuberculosis or mental disease, designated and approved as such by the Department of Institutions and Agencies, and~~

~~(2) the institution, if privately owned and operated, does not come within the definition of a hospital to which payment or distribution of funds is permitted to be made by counties or municipalities of this State pursuant to any provision of chapter 5 of Title 44 of the Revised Statutes, and is licensed or approved by the Department of Institutions and Agencies pursuant to any provision of Title 30 of the Revised Statutes, and~~

---

<sup>44</sup> *Id.*

~~(3) the individual is not a patient in such institution as the result of a diagnosis of tuberculosis or psychosis.~~

**Credits:** L.1962, c. 197, § 42. Amended by L.1966, c. 14, § 1, eff. April 1, 1966.

**Comment**

The statute is anachronistic and appropriate for repeal.

**N.J.S. 45:5B-8. Service rendered in unlicensed shop or school; prohibition; exceptions**

No person shall offer or render any of the services encompassed within the definition of cosmetology and hairstyling, beauty culture, barbering, manicuring, hair braiding and skin care specialty services, in a place which is not licensed as a shop or school, except that a practicing licensee, duly licensed pursuant to this act, may render the services which ~~he~~ the person is licensed to offer:

a. Upon patients in hospitals, nursing homes, and other licensed health care facilities;

b. Upon **inmates** persons who are incarcerated and residents of institutions of the Department of Corrections or the Department of Human Services;

\* \* \*

**Credits:** L.1984, c. 205, § 8, eff. Dec. 4, 1985. Amended by L.1995, c. 82, § 3, eff. Oct. 8, 1995; L.2009, c. 162, § 6, (contingent effective date); L.2018, c. 126, § 5, eff. Jan. 2, 2019.

**Comment**

The pejorative term is replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

**N.J.S. 45:5B-8. Service rendered in unlicensed shop or school; prohibition; exceptions**

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a. Upon patients in hospitals, nursing homes, and other licensed health care facilities;

b. Upon **inmates** persons who are incarcerated and residents of institutions of the Department of Corrections or the Department of Human Services;

\* \* \*

**Credits:** L.1984, c. 205, § 8, eff. Dec. 4, 1985. Amended by L.1995, c. 82, § 3, eff. Oct. 8, 1995; L.2009, c. 162, § 6, (contingent effective date); L.2018, c. 126, § 5, eff. Jan. 2, 2019; L.2021, c. 275, § 2, eff. Nov. 1, 2022.

#### **Comment**

The pejorative term is replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 45:6-21. Dental internes not to receive fees or compensation; exception; nature of services; inspection of institution**

No dental interne or resident certified under section 45:6-20 of this Title to any public or private licensed hospital or other public or private institution shall receive, collect or be entitled to, either directly or indirectly, any fees or compensation for any services rendered, while acting as such interne or resident; but nothing herein contained shall be construed to prevent or prohibit the public or private licensed hospital or other public or private institution to which any interne or resident is attached from providing compensation out of its funds for services so rendered by such interne or resident. The services rendered by any such interne or resident shall be strictly confined to the **inmates** persons who are incarcerated and registered patients of the public or private licensed hospital or other public or private institution to which ~~he~~ the interne or resident is attached, and shall be performed under the supervision of a regularly licensed dentist of this State, who shall be a member of the staff of such hospital or institution. Every public or private licensed hospital or other public or private institution to which any such interne or resident is attached shall be subject to inspection by the board, or by its duly accredited inspectors or representatives.

**Credits:** Amended by L.1951, c. 341, § 2, eff. July 19, 1951.

#### **Comment**

The pejorative term is replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 52:4B-44. Standards to ensure rights of crime victims**

\* \* \*

b. The standards shall require that the Office of Victim-Witness Advocacy in the Division of Criminal Justice and each county prosecutor's office provide the following services upon request for victims and witnesses involved in the prosecution of a case:

\* \* \*

(21) Notification to the victim of the defendant's release from custody which shall include:

\* \* \*

(c) notice of the filing of an application for commutation of sentence pursuant to N.J.S.2A:167-4 by an inmate person who is incarcerated ~~of an application for commutation of sentence pursuant to N.J.S.2A:167-4 and its disposition;~~

\* \* \*

(e) notice of the pending release of an inmate person due to expiration of sentence;

\* \* \*

g. The Attorney General, shall, through the Office of Victim-Witness Advocacy and in consultation with the Commissioner of Corrections, promulgate standards to ensure that the rights of female crime victims incarcerated in State correctional facilities are enforced. The standards shall include a requirement that unannounced visits be made to the facilities housing female inmates women who are incarcerated and random surveys be conducted for the purpose of identifying inmates persons who are the victims of sexual assault or sexual misconduct; an inmate person who is determined to be a victim shall be informed of the available services set forth in subsection b. of this section and, upon request, be provided with any of these services. An inmate person who is chosen by inmates in residents of a housing unit as the liaison between the correctional facility administration and the inmate population of the facility shall be provided with a copy of this section of law. The liaison also shall be provided with a summary of the assistance and services available pursuant to subsection b. of this section for dissemination to the inmates persons in the housing unit.

**Credits:** L.1985, c. 404, § 6. Amended by L.1991, c. 44, § 2, eff. March 1, 1991; L.1993, c. 364, § 1, eff. Jan. 4, 1994; L.1994, c. 131, § 5, eff. Oct. 31, 1994; L.1995, c. 98, § 2, eff. May 9, 1995; L.1996, c. 114, § 1, eff. Sept. 11, 1996; L.2005, c. 50, § 6, eff. April 20, 2005; L.2005, c. 77, § 5, eff. April 26, 2005; L.2019, c. 308, § 1, eff. May 1, 2020.

#### Comment

The pejorative terms are replaced with person-first language

#### **N.J.S. 52:4B-62. Definitions**

For the purposes of this act:

\* \* \*



c. "Funds of a convicted person" means all funds and property received from any source by a person convicted of a crime, or by the representative of such person, including the convicted person's spouse, children, parents, siblings or such other person whom a court of competent jurisdiction may deem to be the alter ego of the convicted person, giving due regard to the purpose and intent of this act, but excluding child support and earned income, where such person:

(1) is an ~~inmate~~ or ~~prisoner~~ incarcerated and is under the custody and control of the Department of Corrections and includes funds received on behalf of an ~~inmate~~ or ~~prisoner~~ person who is incarcerated and deposited in an ~~inmate~~ or ~~prisoner~~ account to the credit of the ~~inmate~~ or ~~prisoner~~ person who is incarcerated;

(2) is not an ~~inmate~~ or ~~prisoner~~ incarcerated, but who is serving a sentence of probation or conditional discharge or is presently subject to a term of post release supervision, but shall include earned income earned during a period in which such person was not in compliance with the conditions of probation, conditional discharge or post release supervision; or

\* \* \*

**Credits:** L.2003, c. 190, § 2, eff. Oct. 15, 2003.

#### **Comments**

The pejorative terms are replaced with person-first language. The term "prisoner" is not defined in Title 52 and has been proposed for removal.

#### **N.J.S. 52:4B-63. Payment or obligation to pay profits from crime to convicted person; funds of convicted person; notice to board, crime victims**

\* \* \*

b. Notwithstanding subsection a. of this section, whenever the payment or obligation to pay involves funds of a convicted person that a superintendent of a correctional facility receives or will receive on behalf of an ~~inmate~~ person who is incarcerated or a ~~prisoner~~ serving a sentence with the Department of Corrections and deposits or will deposit in an ~~inmate~~ or ~~prisoner~~ account to the credit of the ~~inmate~~ or ~~prisoner~~ person who is incarcerated and the value, combined value or aggregate value of such funds exceeds or will exceed \$10,000, the superintendent shall also give written notice to the board. Further, whenever the State makes payment or has an obligation to pay funds of a convicted person and the value, combined value or aggregate value of such funds exceeds or will exceed \$10,000, the State shall also give written notice to the board. In all other instances where the payment or obligation to pay involves funds of a convicted person and the value, combined value or aggregate value of such funds exceeds or will exceed \$10,000, the convicted person who receives or will receive such funds, or the representative of such person, shall give written notice to the board.

c. The board, upon receipt of notice of a contract, an agreement to pay or payment of profits from a crime or funds of a convicted person pursuant to subsection a. or b. of this section, or upon receipt of notice of funds of a convicted person from the superintendent where the **inmate** person who is incarcerated or prisoner is confined, shall notify all known crime victims of the convicted person of the existence of such profits or funds at their last known address.

**Credits:** L.2003, c. 190, § 3, eff. Oct. 15, 2003.

#### Comments

The pejorative terms are replaced with person-first language.

### **52:4B-64. Action by crime victim to recover money damages from profits of crime or funds of convicted person; time limitation**

Notwithstanding any other law to the contrary, any crime victim shall have the right to bring a civil action in a court of competent jurisdiction to recover money damages from a person convicted of a crime of which the crime victim is a victim, or the representative of that convicted person, within three years of the discovery of any profits from a crime or funds of a convicted person, as those terms are defined in this act. Notwithstanding any other provision of law to the contrary, a judgment obtained pursuant to this section shall not be subject to execution or enforcement against the first \$1,000 dollars deposited in an **inmate** account for a person who is incarcerated to the credit of the **inmate** person who is incarcerated or in a prisoner account to the credit of the prisoner. In addition, where the civil action involves funds of a convicted person and such funds were recovered by the convicted person pursuant to a judgment obtained in a civil action, a judgment obtained pursuant to this section may not be subject to execution or enforcement against a portion thereof. If an action is filed pursuant to this section after the expiration of all other applicable statutes of limitation, any other crime victims must file any action for damages as a result of the crime within three years of the actual discovery of such profits or funds, or within three years of actual notice received from or notice published by the board of such discovery, whichever is later.

**Credits:** L.2003, c. 190, § 4, eff. Oct. 15, 2003.

#### Comments

The pejorative terms are replaced with person-first language.

### **N.J.S. 52:17B-4.4. Body armor replacement fund**

\* \* \*

The grant program shall be designed to effectuate a five-year vest replacement cycle, to the extent practicable, for local law enforcement officers, the officers and troopers of the State

Police, investigators in the Division of Criminal Justice and State corrections and probation officers. The Attorney General shall provide for the distribution of the initial grants in a manner which is conducive to establishing a balance among the number of local law enforcement officers who are eligible for vest replacement grants in each year of the five-year cycle. In the same manner and to the greatest extent practicable, the Attorney General shall establish a grant distribution schedule for the officers and troopers of the State Police and investigators in the Division of Criminal Justice that provides for a balance among the number of officers , troopers and investigators receiving vest replacements in each year of the five-year cycle. In establishing a distribution schedule for State corrections and probation officers, the Attorney General shall give first priority to those State corrections officers assigned **inmate** supervision and control responsibilities of persons who are incarcerated in the State's maximum security correctional facilities and second priority to those officers assigned **inmate** supervision and control responsibilities of persons who are incarcerated in the State's medium security correctional facilities. The distribution schedule for State corrections and probation officers shall be based on a five-year cycle, but need not provide for a balance among the number of officers receiving vests in each year of the five-year cycle. The number of probation officers, the replacement of whose vests shall be funded from grants under this section, shall not exceed 200.

\* \* \*

**Credits:** L.1997, c. 177, § 1, eff. Sept. 1, 1997. Amended by L.1999, c. 360, § 1, eff. Jan. 14, 2000.

#### Comments

The pejorative terms are replaced with person-first language.

### **N.J.S. 52:17B-77.19. Incorporation of core mission of training to treat every inmate with dignity, fairness, and respect; implementation requirements**

a. The Police Training Commission shall, pursuant to its statutory authority to certify correctional police officers as set forth in subsection e. of section 6 of P.L.1961, c. 56 (C.52:17B-70), establish and incorporate throughout the required basic training course for State correctional police officers the concept that the core mission of these officers is to treat every **inmate** person who is incarcerated with dignity, fairness, and respect.

b. To implement the core mission established in subsection a. of this section, the commission shall ensure that the basic training course for State correctional police officers includes, at a minimum, comprehensive training and education on the following topics:

(1) de-escalation, including training in interacting with combative or threatening **inmates** persons who are incarcerated and **inmates** persons who are incarcerated and who are experiencing mental health crises;

(2) minimization of use of force against **inmates** persons who are incarcerated;

(3) cultural diversity and implicit bias;

(4) appropriate methods of engaging with inmates persons who are incarcerated and are of diverse cultures and religions and inmates persons who are incarcerated and who are members of the lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community and persons who are gender nonconforming inmates;

(5) the rights of inmates persons who are incarcerated;

(6) lifestyle stressors, self-awareness, and self-regulation;

(7) maintaining the safety of officer and inmate persons who are incarcerated safety;

(8) communication skills; and

(9) any other topic deemed necessary by the commission to advance the core mission of treating inmates persons who are incarcerated with dignity, fairness, and respect.

**Credits:** L.2021, c. 305, § 1, eff. June 1, 2022.

#### Comments

The pejorative terms are replaced with person-first language.

### **N.J.S. 52:18A-19. Applications and schedules for articles to be purchased; duties of director; bills for purchases**

Each using agency shall, at all times, in the form and for the periods prescribed by the director of the Division of Purchase and Property, present to ~~him~~ the director detailed applications and schedules for all articles to be purchased. The director shall then arrange such schedules or parts thereof for purchase and contract, in the manner best calculated to attract competition and advantageous prices. ~~He~~ The director shall award contracts or orders for purchase to the lowest responsible bidder meeting all specifications and conditions. ~~He~~ The director shall have authority to reject any or all bids or to award in whole or in part if deemed to the best interest of the State to do so. In case of tie bids, ~~he~~ the director shall have authority to award orders or contracts to the vendor or vendors best meeting all specifications and conditions. Public bids shall not be waived except with the written approval of the State Treasurer and except after notice in writing to the State Auditor. The director shall prescribe the terms and conditions for delivery, inspection, payment and all other detail whatsoever.

Upon the award of contracts or orders for purchase, the director of the Division of Purchase and Property shall thereupon make an encumbrance request to the director of the Division of Budget and Accounting in the Department of the Treasury for the amount necessary

to defray the cost thereof, indicating the appropriations or authorizations to spend funds against which the contract or purchase order will be charged.

The bills for such purchases shall be apportioned by the director of the Division of Purchase and Property among the using agencies in proportion to the purchases made therefor, and certified as apportioned to the director of the Division of Budget and Accounting, to be charged against the respective appropriations or authorizations to spend as indicated by the certificate of the director of the Division of Purchase and Property. The bills therefor shall be paid by warrant check of the director of the Division of Budget and Accounting and State Treasurer.

Nothing in this section shall be construed to repeal or otherwise affect any law of this State relating to the purchase or use of the products of the labor of the **inmates** residents of a charitable, reformatory or penal institution of this State.

**Credits:** L.1948, c. 92, p. 517, § 19.

#### **Comments**

The pejorative terms are replaced with person-first language. The proposed changes to this section also include adding gender-neutral language.

### **N.J.S. 52:25-3. Products of institutional labor excepted**

Nothing contained in this chapter shall be construed to alter, amend or repeal any provision of any law of this state relating to the purchase or use of the products of the labor of the **inmates** residents of any charitable, reformatory or penal institution of this state.

#### **Comments**

The pejorative term is replaced with person-first language.

### **N.J.S. 52:27B-61. Schedules and contracts; bids; payment**

\* \* \*

Nothing in this article<sup>1</sup> shall be construed to repeal or otherwise affect any law of this State relating to the purchase or use of the products of the labor of the **inmates** residents of a charitable, reformatory or penal institution of this State.

**Credits:** L.1944, c. 112, art. 6, p. 307, § 9. Amended by L.1964, c. 194, § 2.

<sup>1</sup> N.J.S.A. §§ 52:27B-53 to 52:27B-68.

#### **Comments**

The pejorative term is replaced with person-first language.

### **N.J.S. 52:27EE-26. Office of the Corrections Ombudsperson; transfer of functions**

Office of Corrections Ombudsperson; transfer of functions.

a. All functions, powers, and duties now vested in the Corrections Ombudsperson in the Department of the Public Advocate are hereby transferred to and assumed by the Office of the Corrections Ombudsperson in, but not of, the Department of the Treasury. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Office of the Corrections Ombudsperson is hereby allocated to the Department of the Treasury, but, notwithstanding this allocation, the Office of the Ombudsperson shall be independent of any supervision or control by the Department of the Treasury or by any board or officer thereof.

\* \* \*

c. The office shall be responsible for:

(1) providing information to **inmates** persons who are incarcerated and their families;

(2) promoting public awareness and understanding of the rights of **inmates** persons who are incarcerated;

(3) identifying systemic issues and responses upon which the Governor and Legislature may act; and

(4) ensuring compliance with relevant statutes, rules, regulations, and policies concerning corrections facilities, services, and treatment of **inmates** persons who are incarcerated under the jurisdiction of the department.

\* \* \*

**Credits:** L.2005, c. 155, § 26, eff. Jan. 17, 2006. Amended by L.2010, c. 34, § 24, eff. June 29, 2010; L.2019, c. 288, § 6, eff. Aug. 1, 2020.

#### **Comments**

The pejorative terms are replaced with person-first language.

### **N.J.S. 52:27EE-27. Jurisdiction of Corrections Ombudsperson**

Any person, over the age of 18 years, who is convicted of a crime under the laws of the State of New Jersey and sentenced to a correctional facility for more than 364 days is a “State-

sentenced” **inmate** person who is incarcerated and considered to be among the individuals who may properly seek redress from the Corrections Ombudsperson concerning the conditions of their confinement.

**Credits:** L.2005, c. 155, § 27, eff. Jan. 17, 2006.

#### Comments

The pejorative term is replaced with person-first language.

### **N.J.S. 52:27EE-28. Duties of Corrections Ombudsperson; complaints from inmates and other interested parties; conditions**

Corrections Ombudsperson; duties.

a. The Corrections Ombudsperson shall establish and implement procedures for eliciting, receiving, processing, responding, and resolving complaints from **inmates** persons who are incarcerated, their families, other interested citizens, public officials, and government agencies concerning conditions in the correctional facilities noted in section 27 of of P.L.2005, c. 155 (C.52:27EE-27).

b. To implement the provisions of P.L.2019, c. 288, the ombudsperson shall:

(1) establish priorities for use of the resources available to the ombudsperson;

(2) maintain a Statewide toll-free telephone number, a collect telephone number, a website, and a mailing address for the receipt of complaints and inquiries;

(3) provide information, as appropriate, to **inmates** persons who are incarcerated, family members and representatives of **inmates** persons who are incarcerated, department employees, and others regarding the rights of **inmates** persons who are incarcerated;

(4) provide technical assistance to support **inmate** the participation persons who are incarcerated in self-advocacy;

(5) monitor compliance with applicable federal, State, county, and municipal laws, rules, regulations, and policies related to the health, safety, welfare, and rehabilitation of **inmates** persons who are incarcerated;

\* \* \*

(11) promote awareness among department employees, **inmates** persons who are incarcerated, and family members and other members of the public regarding:

(a) how the Office of Corrections Ombudsperson may be contacted;

(b) the purpose of the office; and

(c) the services provided by the office.

(12) provide assistance to an inmate person who is incarcerated or family member whom the ombudsperson determines is in need of assistance, including advocating with an agency, provider, or other person in the best interests of the inmate person who is incarcerated;

(13) make appropriate referrals under any of the powers and duties of the office, including to appropriate law enforcement authorities when criminal complaints by inmates persons who are incarcerated are received by the office;

\* \* \*

**Credits:** L.2005, c. 155, § 28, eff. Jan. 17, 2006. Amended by L.2019, c. 288, § 7, eff. Aug. 1, 2020.

#### Comments

The pejorative terms are replaced with person-first language.

### **52:27EE-28.1. Investigations of inmate complaints; resolution; notice of decision not to investigate**

The corrections ombudsperson shall, in accordance with the provisions of this section, conduct investigations of inmate the complaints of persons who are incarcerated. ~~in accordance with the provisions of this section.~~

a. The ombudsperson may initiate and attempt to resolve an investigation upon the ombudsperson's<sup>1</sup> own initiative, or upon receipt of a complaint from an inmate person who is incarcerated, a family member, a representative of an inmate person who is incarcerated, a department employee, or any other person, including ~~but not limited to~~ any of the following that may adversely affect the health, safety, welfare, or rights of inmates persons who are incarcerated:

(1) abuse or neglect;

(2) department decisions or administrative actions;

(3) inactions or omissions;

(4) policies, rules, or procedures; or

(5) alleged violations of law by the department that may adversely affect the health, safety, welfare, or rights of inmates persons who are incarcerated.



b. If the ombudsperson does not investigate a complaint, the ombudsperson shall notify the complainant of the decision not to investigate and the reasons for the decision.

c. The ombudsperson shall not investigate any complaints relating to an **inmate's** the underlying criminal conviction of a person who is incarcerated.

d. The ombudsperson shall not investigate a complaint from a department employee that relates to the employee's employment relationship with the department or the administration of the department, unless the complaint is related to the health, safety, welfare, and rehabilitation of **inmates** persons who are incarcerated.

\* \* \*

i. At the conclusion of an investigation of a complaint, the ombudsperson shall render a public decision on the merits of each complaint, except that the documents supporting the decision are subject to relevant confidentiality provisions. The ombudsperson shall communicate the decision to the **inmate** person who is incarcerated, if appropriate, and to the department. The ombudsperson shall state its recommendations and reasoning if, in the ombudsperson's opinion, the department or any employee should:

- (1) further consider the matter;
- (2) modify or cancel any action;
- (3) alter a rule, practice, or ruling;
- (4) explain in detail the administrative action in question; or
- (5) rectify an omission.

j. At the ombudsperson's request, the department shall, within the time specified, inform the ombudsperson about any action taken on the recommendations or the reasons for not complying with the recommendations.

k. If the ombudsperson concludes, based on the investigation, that there has been, or continues to be, a significant issue regarding an **inmate's** person's health, safety, welfare, or rehabilitation, the ombudsperson shall report the finding to the Governor and the Legislature.

l. Before announcing a conclusion or recommendation that expressly, or by implication, criticizes a person or the department, the ombudsperson shall consult with that person or the department. The ombudsperson may request to be notified by the department, within a specified time, of any action taken on any recommendation presented. The ombudsperson shall notify the **inmate** person who is incarcerated, if appropriate, of the actions taken by the department in response to the ombudsperson's recommendations.

m. The ombudsperson shall make available to **inmates** persons who are incarcerated the confidential means by which to report concerns or otherwise submit complaints to the

ombudsperson, which may include electronic means or a locked box, accessible only by the ombudsperson and the employees of the ombudsperson. All measures shall be taken to ensure there is no risk or credible fear of retaliation against **inmates** persons who are incarcerated for submitting complaints to the ombudsperson.

n. Submission of complaints to the ombudsperson shall not be part of the department administrative grievance or appeal process, and the ombudsperson's decisions shall not constitute agency action. Nothing in this section shall be deemed to constitute part of the administrative exhaustion process. The ombudsperson shall not require **inmates** persons who are incarcerated to file grievances or other inquiries as part of the department's system to be considered ripe for review by the ombudsperson.

**Credits:** L.2019, c. 288, § 8, eff. Aug. 1, 2020.

<sup>1</sup> So in original; probably should read ombudsperson's.

#### Comments

The pejorative terms are replaced with person-first language.

### **N.J.S. 52:27EE-28.2. Inspections of State correctional facilities; requirements**

The corrections ombudsperson shall conduct inspections of State correctional facilities in accordance with the provisions of this section.

a. The ombudsperson shall conduct regular inspections of all department facilities and issue public reports of all inspections.

b. Except for ongoing criminal investigations, Prison Rape Elimination Act (PREA) investigations, or other information, records, or investigations deemed confidential by the Special Investigations Division of the department, and with the exception of Special Investigations Division evidence rooms, the ombudsperson may inspect, examine, or assess all aspects of a facility's operations and conditions including, but not limited to:

- (1) staff recruitment, training, supervision, and discipline;
- (2) **inmate** the deaths or serious injuries of persons who are incarcerated;
- (3) incidences of physical and sexual assault;
- (4) medical and mental-health care;
- (5) use of force;
- (6) **inmate** the violence of persons who are incarcerated;
- (7) conditions of confinement;

- (8) **inmate** the disciplinary processes for persons who are incarcerated;
- (9) **inmate** the grievance processes for persons who are incarcerated;
- (10) substance-abuse treatment;
- (11) educational, vocational, and other programming;
- (12) family visitation and communication practices; and
- (13) rehabilitation, reentry, and integration practices.

c. Except as provided in subsection b. of this section, the ombudsperson shall utilize a range of methods to gather and substantiate facts, including observations, interviews with **inmates** persons who are incarcerated, **inmate** surveys by persons who are incarcerated, document and record reviews, reports, statistics, and performance-based outcome measures.

\* \* \*

**Credits:** L.2019, c. 288, § 9, eff. Aug. 1, 2020.

#### **Comments**

The pejorative terms are replaced with person-first language.

### **N.J.S. 52:27EE-28.3. Access to correctional facilities and inmate records; conditions**

The corrections ombudsperson shall be provided access to correctional facilities and **inmate** the records persons who are incarcerated in accordance with the provisions of this section.

a. Subject to the provisions of subsection b. of this section, and except as provided in subsection b. of section 9 of P.L.2019, c. 288 (C.52:27EE-28.2), the ombudsperson shall have reasonable access to correctional facilities at all times necessary to ensure that a full investigation of an incident of abuse or neglect has been conducted.

b. Except as provided in subsection b. of section 9 of P.L.2019, c. 288 (C.52:27EE-28.2), access to investigate a complaint shall be afforded when:

- (1) an incident is reported or a complaint is made to the office;
- (2) the ombudsperson reasonably determines there is cause to believe that an incident has or may have occurred;
- (3) the ombudsperson determines that there is or may be imminent danger of serious abuse or neglect of an **inmate** a person who is incarcerated;

(4) the ombudsperson has referred the incident or complaint to the department for investigation; and

(5) the department has declined to investigate the incident or complaint.

c. Except as provided in subsection b. of section 9 of P.L.2019, c. 288 (C.52:27EE-28.2), the ombudsperson shall have reasonable access to all department facilities, including all areas which are used by inmates persons who are incarcerated, all areas which are accessible inmates persons who are incarcerated, and to programs for inmates persons who are incarcerated for the purpose of:

(1) providing information about person's rights and the services available from the office, including the name, address, and telephone number of the office; and

(2) monitoring compliance with respect to the rights and safety of inmates persons who are incarcerated.

d. Except as provided in subsection b. of section 9 of P.L.2019, c. 288 (C.52:27EE-28.2), the ombudsperson shall be vested with the authority to regularly meet, interview, and privately and confidentially communicate with any person, including staff and inmates persons who are incarcerated, both formally and informally, by telephone, mail, and in person.

\* \* \*

j. The ombudsperson shall enact procedures to enable facility administrators, line staff, inmates persons who are incarcerated, and others to transmit information confidentially to the monitoring entity about the facility's operations and conditions. Adequate safeguards shall be established to protect persons who transmit information to the monitoring entity from retaliation and threats of retaliation.

\* \* \*

**Credits:** L.2019, c. 288, § 10, eff. Aug. 1, 2020.

#### **Comments**

The pejorative terms are replaced with person-first language.

#### **N.J.S. 52:27EE-28.5. Immunity against civil actions; employees of the Office of the Ombudsperson; good faith performance of responsibilities**

A civil action shall not be brought against any employee of the Office of the Ombudsperson for the good faith performance of responsibilities under P.L.2019, c. 288

a. A discriminatory, disciplinary, or retaliatory action shall not be taken against a department employee, subcontractor, or volunteer, an inmate a person who is incarcerated, or a

family member or representative of an **inmate** person who is incarcerated for any communication made, or information given or disclosed, to aid the office in carrying out its responsibilities, unless the communication or information is made, given, or disclosed maliciously or without good faith.

\* \* \*

**Credits:** L.2019, c. 288, § 12, eff. Aug. 1, 2020.

#### **Comments**

The pejorative terms are replaced with person-first language.

### **N.J.S. 52:27EE-28.6. Advisory board; establishment; advising the Office of the Corrections Ombudsperson; appointment of members**

An advisory board shall be established to advise the Office of the Corrections Ombudsperson. The Governor shall appoint three positions, the President of the Senate shall appoint three positions, and the Speaker of the General Assembly shall appoint three positions. The advisory board shall designate positions for representatives of the following areas of expertise: investigations, health care, sexual assault victims' advocacy, social work, occupational safety and health, and research and data analysis. At least one position on the advisory board shall be filled by a family member of an **inmate** person who is incarcerated or by a person who was formerly incarcerated ~~person~~.

**Credits:** L.2019, c. 288, § 13, eff. Aug. 1, 2020.

#### **Comments**

The pejorative terms are replaced with person-first language.

### **N.J.S. 52:31-12. Products of labor of inmates of institutions excepted**

Nothing contained in sections 52:31-9 to 52:31-11 of this title shall be construed to affect any provision of any law of this state relating to the purchase, sale, use or disposition of the products of the labor of the ~~inmates~~ residents of any charitable, reformatory or penal institution of this state.

**Credits:** L.1925, c. 151, § 3, p. 385.

#### **Comments**

The pejorative term is replaced with person-first language.

### **52:32-2.3. Correctional facilities; bids for construction**

a. The Legislature further finds that the “Correctional Facilities Construction Bond Act of 1987”<sup>1</sup> provides for projects for the construction of correctional facilities that are required because of a critical public need or legal constraint, with respect to which there are similar needs to employ construction management personnel, engineers, architects and contractors of special skills and expertise; and that these projects will provide for buildings for the immediate housing or care of their residents or ~~inmates~~ persons who are incarcerated.

\* \* \*

**Credits:** L.1987, c. 202, § 3, eff. July 22, 1987.

<sup>1</sup> Footnotes: L.1987, c. 178

#### **Comments**

The pejorative term is replaced with person-first language.