

CHAPTER 329

AN ACT concerning inmates and formerly incarcerated persons, amending P.L.1969, c.22 and supplementing Titles 30 and 52 of the Revised Statutes.

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

C.30:1B-6.1 Short title.

1. Sections 1 and 2 of this act may be known and shall be cited as the “Fair Release and Reentry Act of 2009.”

C.30:1B-6.2 Information provided to inmate prior to release.

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

a. A copy of the inmate’s criminal history record and written information on the inmate’s right to have his criminal records expunged under chapter 52 of Title 2C of the New Jersey Statutes;

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 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 participation in educational, training, employment, and medical or other treatment programs while the inmate was incarcerated;

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

f. A non-driver identification card, which shall be issued by the New Jersey Motor Vehicle Commission and for which the Motor Vehicle Commission shall accept a former inmate’s Department of Corrections identification card to have a two-point value in applying for the non-driver identification card;

g. A copy of the inmate’s birth certificate if the inmate 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;

k. General written information concerning child support, including child support payments 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

l. A copy of the inmate’s full medical record at no charge to the inmate made available to the inmate in a safe and secure manner.

C.30:4-91.15 Program to record and analyze recidivism.

3. 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 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.

b. The program shall record the arrests for all offenses committed by releasees within three years following their release and any convictions resulting from the arrests. These data shall be analyzed to determine whether the rates and nature of rearrests and convictions differ according to the criminal histories and personal characteristics of releasees, the treatment they received while confined, length of sentence, conditions of parole, participation and involvement in reentry initiatives and programs, and such other factors as may be relevant to the purposes of this section, including, but not limited to, race, gender, ethnicity, and age.

c. The commissioner shall prepare and disseminate semi-annual reports summarizing the recidivism rates, patterns, and other findings and analyses resultant of the information gathered pursuant to this section. These reports shall be available to the general public. To facilitate the accessibility of these reports to the general public, the commissioner shall, to the greatest extent possible, utilize the Internet.

d. The commissioner shall annually prepare and transmit to the Governor and the Legislature a summary of the recommendations set forth in the reports prepared pursuant to subsection c. of this section, along with any recommendations the department, Juvenile Justice Commission or the State Parole Board may have for legislation to improve the effectiveness of the State's reentry initiatives and programs.

C.30:1B-6.3 Coordinator for Reentry and Rehabilitative Services.

4. 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 information concerning organizations and programs, whether faith-based or secular programs, which provide assistance and services to inmates 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, the Executive Director of the Office of Faith-based Initiatives in the Department of State, and the Public Advocate.

c. The coordinator shall ensure that inmates are made aware of and referred to organizations which provide services in the county where the inmate is to reside after being released from incarceration. The coordinator shall assist inmates 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.

C.30:1B-6.4 Notification to inmate of outstanding fines, assessments, warrants, detainers.

5. At the time of release from a State correctional facility, every inmate shall be notified in writing of all outstanding fines, assessments, and restitution charges ordered as part of that inmate's sentence, as well as any outstanding warrants or detainers.

To assist in an inmate's transition and reentry into the community, no inmate shall be required to pay any portion of any outstanding fine, assessment, or restitution ordered as part of that inmate's sentence during the first 90 days following his release. During that 90-day period no warrant shall be issued against the inmate 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 responsibility for paying all such outstanding fines, assessments, and restitutions ordered by the court.

6. Section 4 of P.L.1969, c.22 (C.30:4-91.4) is amended to read as follows:

C.30:4-91.4 Withdrawals from inmate's account.

4. The commissioner, as a part of any work release program for an inmate, shall require that any wages, salary, earnings and other income of each gainfully employed prisoner 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. 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).

The superintendent may withdraw up to two-thirds of that amount as may be required to pay the following:

(a) Such costs of maintenance related to the prisoner's confinement as are determined by the State Board of Control to be appropriate and reasonable, including costs and fees charged or owing pursuant to section 2 of P.L.1995, c.254 (C.30:7E-2).

(b) Necessary travel expenses to and from work or other business and incidental expenses of the prisoner.

(c) Support of the prisoner's dependents, if necessary.

(d) (Deleted by amendment, P.L.1991, c.329).

(e) Payment of either in full or ratably of the prisoner's debts which have been reduced to judgment or which have been acknowledged in writing by him.

(f) The balance, if any, shall be paid to the prisoner in accordance with section 7 of P.L.2009, c.329 (C.30:4-91.16) at the completion of the period of his confinement.

C.30:4-91.16 Transfer of account balance to inmate upon release.

7. a. The commissioner shall, at least 30 days prior to an inmate's release from confinement, assist the inmate in establishing a consumer checking account pursuant to the provisions of P.L.1991, c.210 (C.17:16N-1 et seq.). The inmate 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 release, the balance remaining in the inmate 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 to establish a consumer checking account. The commissioner shall not be required to establish a consumer checking

account if the inmate 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.

d. The commissioner, in consultation with the Commissioner of Banking and Insurance, and pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations necessary to implement and effectuate the purposes of P.L.2009, c.329 (C.30:1B-6.1 et al.).

C.52:17B-171.12 Reinstatement of juvenile in Medicaid program upon release.

8. The Juvenile Justice Commission shall ensure that prior to the scheduled date of release of a juvenile from a detention facility or a facility in which the juvenile was incarcerated, the appropriate staff at the facility notify the applicable county welfare agency to process the reinstatement of the juvenile in the Medicaid program if the juvenile was enrolled in Medicaid prior to detention or 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.).

C.30:4-91.17 Reinstatement of inmate into Medicaid program upon release.

9. The Commissioner of Corrections shall ensure that at least 30 days prior to the scheduled date of release of an inmate 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 in the Medicaid program if the inmate 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.).

C.30:4-6.2 "Prisoner Reentry Commission."

10. a. To assist and advise in issues pertaining to prisoner reentry, there is established in the Department of Corrections an advisory commission to be known as the "Prisoner Reentry Commission." The purpose of the commission shall be to review, study, and offer solutions to problems facing prisoners re-entering society, including, but not limited to determining whether:

(1) New Jersey should seek a federal waiver under Section 1115 of the Social Security Act to expand Medicaid eligibility to non-disabled adults, to leverage additional federal funds in order to target high risk populations;

(2) Health care and treatment resources for former prisoners are adequate and if not, methods by which they can be improved;

(3) The prison population can be incorporated fully into New Jersey's workforce development strategy; and

(4) Sources of funding intended for the same populations and communities could be tapped, coordinated and leveraged effectively.

b. In addition, the commission shall:

(1) Evaluate and provide recommendations for special issues concerning juvenile reentry;

(2) Evaluate and make recommendations concerning current law on juvenile waiver; and

(3) Evaluate and provide recommendations for inter-agency communication, information sharing, and problem solving.

c. (1) The advisory commission shall consist of 18 members as follows:

- (a) The Attorney General or his designee, who shall serve ex officio;
 - (b) The Secretary of State or his designee, who shall serve ex officio;
 - (c) The Commissioner of Corrections or his designee, who shall serve ex officio;
 - (d) The Commissioner of Human Services or his designee, who shall serve ex officio;
 - (e) The Commissioner of Labor and Workforce Development or his designee, who shall serve ex officio;
 - (f) The Commissioner of Community Affairs or his designee, who shall serve ex officio;
 - (g) The Commissioner of Education or his designee, who shall serve ex officio;
 - (h) Two members of the Senate, to be appointed by the President of the Senate, who shall each be of different political parties;
 - (i) Two members of the General Assembly, to be appointed by the Speaker of the General Assembly, who shall each be of different political parties;
 - (j) The Chairman of the State Parole Board or his designee, who shall serve ex officio;
 - (k) The Executive Director of the Juvenile Justice Commission or his designee, who shall serve ex officio;
 - (l) The Executive Director of the Housing and Mortgage Finance Agency or his designee, who shall serve ex officio;
 - (m) The New Jersey Public Defender or his designee, who shall serve ex officio;
 - (n) One representative from the New Jersey Institute for Social Justice; and
 - (o) Two public members, who by experience or training have expertise in issues facing former prisoners, to be appointed by the Governor.
- (2) The Governor shall designate one member as chairman and two members as vice-chairmen of the commission from among the members listed in this subsection.
- (3) The public members shall be appointed for a five-year term. Vacancies in the membership of the advisory commission shall be filled in the same manner provided for in the original appointments. The members of the advisory commission shall serve without compensation but may be reimbursed for travel and other miscellaneous expenses necessary to perform their duties, within the limits of funds made available to the advisory commission for its purposes.
- (4) A member of the commission may be removed for good cause.
- d. The commission may meet at the call of its chair and hold hearings at the times and in the places it may deem appropriate and necessary to fulfill its charge. The advisory commission shall be entitled to call to its assistance, and avail itself of the services of, the employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes.
- e. The commission shall annually submit a report to the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) along with any recommendations it deems appropriate, including any legislative proposals it may wish to make.

C.30:4-123.96 “Blue Ribbon Panel for Review of Long-Term Prisoners’ Parole Eligibility.”

11. a. (1) There is hereby created in the State Parole Board a committee known as the “Blue Ribbon Panel for Review of Long-Term Prisoners’ Parole Eligibility.” The committee shall be comprised of six members who are residents of this State, who shall have served as judges, prosecutors or public defenders but are not currently serving as judges, prosecutors or public defenders. The members of the committee shall be appointed by the Governor, without regard to the appointees’ political affiliations and shall be subject to removal by the Governor at any time for good and sufficient cause. The chairperson of the committee shall be designated by the Governor.

(2) The members appointed by the Governor pursuant to this section shall be appointed for terms of six years. All appointed members shall serve after the expiration of their terms until their respective successors are appointed and shall qualify. Vacancies shall be filled for the unexpired term.

(3) Members of the committee shall receive no compensation for services, but shall be reimbursed for actual expenditures incurred in the performance of their duties.

b. It shall be the duty of the committee to consider if prisoners who have been incarcerated and served more than 20 years of their sentences should be eligible for parole and submit any recommendations for parole to the appropriate parole board panel with a written recommendation regarding the case. The committee shall have discretion to determine whether to consider a prisoner's case and the committee shall also have the discretion to make recommendations regarding any case that the committee has considered.

12. This act shall take effect the first day of the fourth month following enactment; provided that the Commissioner of Corrections, the Commissioner of Banking and Insurance, the Executive Director of the Juvenile Justice Commission, and the Chairman of the State Parole Board may take any anticipatory action prior to the effective date necessary to implement the provisions of this act.

Approved January 18, 2010.