

CHAPTER 213

AN ACT concerning correctional facility security, supplementing Title 30 of the Revised Statutes, and amending P.L.1985, c.70.

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

C.30:4-91.3e Definitions relative to correctional facility security; regulations.

1. 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 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. The use of body imaging scanning equipment pursuant to this section shall be limited to searches conducted:

- (1) when an inmate enters or leaves the correctional facility;
- (2) any time before or after an inmate is placed in close custody, prehearing detention, disciplinary detention, protective custody, psychological observation, or suicide watch;
- (3) any time before or after an inmate has a contact visit in which the inmate and a visitor are permitted physical contact with each other;
- (4) after an inmate has been in any area where the inmate has had access to dangerous or valuable items;
- (5) during a mass search of an inmate housing unit or inmate work area;
- (6) when a custody staff member with a rank of sergeant or above determines that there exists a reasonable suspicion that an inmate is carrying or concealing contraband on the inmate's person, or in the 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.

c. Notwithstanding the provisions of any other law to the contrary, the body image scanning equipment may be operated by an employee of the State or county correctional facility or other law enforcement officer. Prior to operating body imaging scanning equipment, an employee or officer shall successfully complete a training course approved by the Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.) and meet any other qualifications, including education and training, as determined by the Commissioner of Corrections.

d. The commissioner shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt regulations, as appropriate, to effectuate the purposes of this act.

2. Section 3 of P.L.1985, c.70 (C.2A:161A-3) is amended to read as follows:

C.2A:161A-3 Definitions.

3. a. For purposes of this act, a "strip search" means the removal or rearrangement of clothing for the purpose of visual inspection of the person's undergarments, buttocks, anus, genitals or breasts. The term does not include the use of body imaging scanning equipment pursuant to section 1 of P.L.2015, c.213 (C.30:4-91.3e) or any removal or rearrangement of clothing reasonably required to render medical treatment or assistance or the removal of articles of outer-clothing such as coats, ties, belts or shoelaces.

b. For purposes of this act, a "body cavity search" means the visual inspection or manual search of a person's anal or vaginal cavity.

3. This act shall take effect immediately.

Approved January 11, 2016.