

## CHAPTER 408

AN ACT concerning inmates and supplementing Title 30 of the Revised Statutes.

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

C.30:1B-39 Definitions.

1. For the purposes of this act:

“Employee” means a person employed by the State to work at a State correctional facility or a person employed by a private entity under contract with the State to provide contracted services at a State correctional facility.

“State correctional facility” means a correctional facility listed in section 8 of P.L.1976, c.98 (C.30:1B-8).

C.30:1B-40 Report of inmate abuse.

2. a. Any employee of a State correctional facility, who, as a result of information obtained in the course of his employment, has reasonable cause to suspect or believe that an inmate 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 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; the name of the employee who is suspected of abusing the inmate, if known; the name of the correctional facility and the unit in which the inmate 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.

C.30:1B-41 Establishment of inmate abuse reporting program for State correctional facilities.

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

(1) trained in recognizing probable incidents of or behavior that constitutes inmate abuse and other abuse prevention strategies;

(2) informed of the duty to report the suspected inmate abuse 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.

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 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 inmate abuse to the Commissioner of Corrections or a designee. The commissioner shall cause a prompt investigation of any report of inmate abuse.

d. The Commissioner of Corrections or a designee shall promptly report all instances of suspected inmate abuse, 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 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.

C.30:1B-42 Confidentiality, immunity from liability, retaliation.

4. a. The name of any person who reports suspected inmate abuse 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.

b. A person who reports suspected abuse pursuant to this act or who testifies in any administrative or judicial proceeding arising from the report or testimony shall have immunity from any civil or criminal liability and shall not be retaliated against on account of the report or testimony, unless the person has acted in bad faith or with malicious purpose.

C.30:1B-43 Penalty for failure to report.

5. a. After all administrative appeals are exhausted and a final adjudication is made, any person required to report suspected inmate abuse 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 suspected inmate abuse pursuant to this act who fails to make the report shall be subject to internal departmental disciplinary action by the Department of Corrections.

C.30:1B-44 Rules, regulations.

6. The Commissioner of Corrections shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

C.30:1B-45 Liaison chosen, information provided.

7. An inmate chosen by inmates in a housing unit as the liaison between the correctional facility administration and the inmate population 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 in the housing unit.

8. This act shall take effect on the first day of the seventh month after enactment, but the Commissioner of Corrections may take any administrative action in advance of the effective date as may be necessary.

Approved January 21, 2020.