

CHAPTER 409

AN ACT concerning cross gender strip searches in State correctional facilities 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-46 Policy to limit cross gender searches and surveillance in State correctional facilities.

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

- a. require a strip or body cavity search of an inmate to be conducted by an officer of the same gender 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;
- d. require the strip or body cavity search to conform with hygienic procedures and professional practices;
- e. prohibit correctional police officers from viewing inmates 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 a transgender inmate's genital status, require 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 solely for the purpose of determining the inmate's biological sex or gender;
- j. prohibit lesbian, gay, bisexual, transgender, and questioning (LGBTQ) inmates from being subject to a more invasive strip or body cavity search than 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 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 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.

2. This act shall take effect on the first day of the fourth month next following enactment, but the Commissioner of Corrections may take any anticipatory action necessary to implement the provisions of this act.

Approved January 21, 2020.