

ASSEMBLY, No. 675

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 37 (Bergen)

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SYNOPSIS

Limits cross gender strip searches in State correctional facilities.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning cross gender strip searches in State correctional
2 facilities and supplementing Title 30 of the Revised Statutes.

3

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

6

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

10 a. require a strip or body cavity search of an inmate to be
11 conducted by an officer of the same gender who is specially trained
12 to conduct these searches;

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

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

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

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

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

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

30 h. when necessary to determine a transgender inmate's genital
31 status, require the examination of the inmate to be conducted in a
32 private setting by a medical practitioner;

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

36 j. prohibit lesbian, gay, bisexual, transgender, and questioning
37 (LGBTQ) inmates from being subject to a more invasive strip or
38 body cavity search than non-LGBTQ inmates; in the event an
39 additional search is necessary, require the correctional police officer
40 or non-security employee to obtain supervisor approval;

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

1 l. require a transgender inmate who chooses to have a cross
2 gender search conducted pursuant to subsection k. of this section to
3 sign a cross gender search preference form; and

4 m. include any other restrictions deemed appropriate by the
5 commissioner.
6

7 2. This act shall take effect on the first day of the fourth month
8 next following enactment, but the Commissioner of Corrections
9 may take any anticipatory action necessary to implement the
10 provisions of this act.
11

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13 STATEMENT
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15 This bill requires the Commissioner of Corrections to establish a
16 policy limiting cross gender searches and surveillance in State
17 correctional facilities. At the minimum, the policy is to:

18 (1) require a strip or body cavity search of an inmate to be
19 conducted by an officer of the same gender who is specially trained
20 to conduct these searches;

21 (2) authorize an exception to this requirement only in cases of
22 an emergency or other extraordinary or unforeseen circumstances;

23 (3) require a non-security employee to conduct the search if a
24 facility does not have adequate correctional police officers of the
25 same gender as the inmate population;

26 (4) require the strip or body cavity search to conform with
27 hygienic procedures and professional practices;

28 (5) prohibit correctional police officers from viewing inmates of
29 the opposite gender who are nude or performing bodily functions
30 except in an emergency or other extraordinary or unforeseen
31 circumstances;

32 (6) require a facility, when possible, to install privacy panels in
33 shower and toilet areas;

34 (7) require a verbal announcement be made when correctional
35 police officers or other employees of the opposite gender are in an
36 area of the facility; and

37 (8) when necessary to determine a transgender inmate's genital
38 status, require the examination of the inmate to be conducted in a
39 private setting by a medical practitioner;

40 (9) prohibit a correctional officer or non-security employee from
41 conducting a strip search on an inmate solely for the purpose of
42 determining the inmate's sex or gender;

43 (10) prohibit lesbian, gay, bisexual, transgender, and
44 questioning (LGBTQ) inmates from being subject to a more
45 invasive strip or body cavity search than non-LGBTQ inmates;

46 (11) require that a transgender inmate be permitted to indicate a
47 preference for the gender of the correctional police officer or non-

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- 1 security employee who will perform the strip or body cavity search
- 2 on the inmate; and
- 3 (12) require a transgender inmate who chooses to have a cross
- 4 gender search conducted to sign a cross gender search preference
- 5 form.