ASSEMBLY, No. 4060

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:
Assemblyman HAROLD "HAL" J. WIRTHS
District 24 (Morris, Sussex and Warren)

Co-Sponsored by:
Assemblyman Space

SYNOPSIS

Permits county correctional facilities to seek reimbursement from inmate welfare fund for certain medical services provided in county jails.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning reimbursement for certain medical services provided to county inmates and amending P.L.1995, c.254.

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

1. Section 4 of P.L.1995, c.254 (C.30:7E-4) is amended to read as follows:

4. a. In the event an inmate is not covered under a health insurance plan, or if the inmate's insurance plan does not fully cover the costs of any medical care, dental care, surgery, hospitalization or treatment provided by the State or the county, the State or county may have a lien for any unpaid amounts due and payable under the provisions of section 2 of P.L.1995, c.254 (C.30:7E-2) on any and all property and income to which the person shall have or may acquire an interest. If an inmate fails to reimburse the State or county, for the cost of or any fee charged for the cost of any prescription or nonprescription drug or medicine, as provided pursuant to section 2 of P.L.1995, c.254 (C.30:7E-2) the State or county may also have a lien on any or all property or income which the inmate shall have or may acquire an interest. When properly filed as hereinafter provided, the lien shall have priority over all unrecorded encumbrances.

b. The lien shall be in a form to be prescribed by the State Treasurer and shall contain the words "State of New Jersey" or the name of the county, the name of the inmate, the date of commitment or detention, the inmate's address on the date of commitment or detention, the inmate's date of birth and the amount due and payable for any medical care, dental care, surgery, hospitalization, treatment, or prescription or nonprescription drugs or medicines rendered therein on the date of the filing of the lien, together with notice of the rate of accumulation, if any, thereafter. The lien shall be signed by the State Treasurer or the county treasurer or his duly constituted agent. Nothing herein shall preclude the State or county from recovering for any medical care, surgery, hospitalization, treatment, or nonprescription drug or medicine furnished but not covered by any lien.

c. As an additional remedy, the State Treasurer, county treasurer or commissioner may issue a certificate to the clerk of the Superior Court stating that the person identified in the certificate is indebted under the provisions of this act in **[**such**]** an amount as shall be stated in the certificate. The certificate shall reference the statute under which the indebtedness arises. Thereupon the clerk shall immediately enter upon the record of docketed judgments the name of **[**such**]** <u>the</u> inmate as debtor; the State or county as

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined <u>thus</u> is new matter.

creditor; the address of [such] the inmate if shown in the certificate; the amount of the debt so certified; a reference to the statute under which the debt is assessed; and the date of making such entries. The docketing of the certificate shall have the same force and effect as a civil judgment docketed in the Superior Court and the State or county shall have all the remedies and may take all of the proceedings for the collection thereof which may be had or taken upon the recovery of a judgment in action, but without prejudice to any right to appeal. Upon entry by the clerk of the certificate in the record of docketed judgments in accordance with the provisions of this subsection, interest in the amount specified by court rule for post-judgment interest shall accrue from the date of the docketing of the certificate; provided, however, payment of the interest may be waived by the State Treasurer or county treasurer. In the event that the debt remains unpaid following the issuance of the certificate of debt and either the State Treasurer or county treasurer take any further collections action including referral of the matter to the Attorney General or his designee or in the case of a county, referral or the matter to the county adjustor or his designee, the fee imposed in lieu of the actual cost of collection, may be [20%] 20 percent of the debt or [$200.00] $200, whichever is greater.

d. The clerk of the Superior Court shall provide suitable books in which shall be entered copies of the liens filed pursuant to this section. The entries shall be properly indexed in the name of the inmate.

All liens and other papers incidental thereto required for the purposes of this section shall be received and recorded by the clerk of the Superior Court, without payment of fees.

e. To discharge any lien or liens filed pursuant to this section, the State Treasurer or county treasurer or his duly constituted agent shall file with the clerk of the Superior Court, a duly acknowledged certificate setting forth the fact that the county desires to discharge the lien of record.

The State Treasurer or county treasurer is authorized to compromise for settlement any lien filed under the provisions of this section for medical care, dental care, surgery, hospitalization or treatment rendered to an inmate. A memorandum of compromise and settlement signed by the State Treasurer or county treasurer shall be sufficient authorization for a complete discharge of the lien.

f. Any person desiring to secure immediate discharge of any lien may deposit with the court cash in an amount sufficient to cover the amount of the lien, or post a bond in an amount and with sureties approved by the court. Upon proper notice to the State or county of [such] the deposit or bond, a satisfaction of the lien shall be filed forthwith with the clerk of the Superior Court.

g. Any person affected in any manner, whether directly or indirectly by any lien filed under the provisions of this section, and

desiring to examine the validity of the lien or the facts and circumstances surrounding the entry of the lien, may do so in an action brought in the county where the lien was filed. The action shall be brought against the State or county institution claiming the lien, and the court may proceed in the action in a summary manner and enter such judgment as it may deem appropriate.

h. If an inmate incarcerated in a county facility fails to reimburse the county for the cost of or any fee charged for the cost of dental care, or any prescription or nonprescription drug or medicine as provided pursuant to section 2 of P.L.1995, c.254 (C.30:7E-2), in lieu of seeking a lien pursuant to this section, the appointed authority of a county correctional facility, be that the governing body of the county pursuant to R.S.30:8-19 or the sheriff pursuant to R.S.30:8-17, may direct the local boards of trustees, who are authorized to determine the use of patient or inmate welfare funds pursuant to subsection k. of section 18 of P.L1971, c.384 (C.30:4-1.1), to utilize funds from the inmate welfare fund to offset the costs of dental care, or any prescription or nonprescription drug or medicine.

(cf: P.L.1995, c.254, s.4)

2. This act shall take effect immediately.

STATEMENT

This bill expands the expenditure of the inmate welfare fund which is reserved for inmates incarcerated in county facilities to include costs associated with dental care, or any prescription or nonprescription medicine provided to inmates. Under current law, if an inmate incarcerated in a county facility is not covered under a health insurance plan, or if the inmate's insurance plan does not fully cover the costs of any medical care, the county treasurer may seek a lien against any property or income which the inmate shall have or may acquire an interest.

This bill allows the appointed authority of a county correctional facility, be that the governing body of the county or the sheriff, to direct the local boards of trustees to utilize funds from the inmate welfare fund to offset the costs of dental care, or any prescription or nonprescription drug or medicine.

An inmate welfare fund is money maintained by a local board of trustees and derived from sales at the prison commissary, interest on welfare fund savings, gifts from individuals, corporations and charitable foundations, and income from inmate trust fund investments. This money is generally reserved for amenities for the use, benefit and general welfare of the inmate population as a whole. These amenities include, but are not limited to: recreation and sports equipment; television services; awards for academic,

vocational and sporting achievements; library books, movies, magazines, and other subscriptions; annual licensing fees for a film blanket license visit, recreation, holiday and inmate incentive program decorations and food; stipends for referees and guest speakers; and equipment to enhance the law library that is not otherwise required for legal access.

This bill expands the use of this money to include dental care and medication for inmates.