

ASSEMBLY, No. 5754

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 12, 2021

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Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

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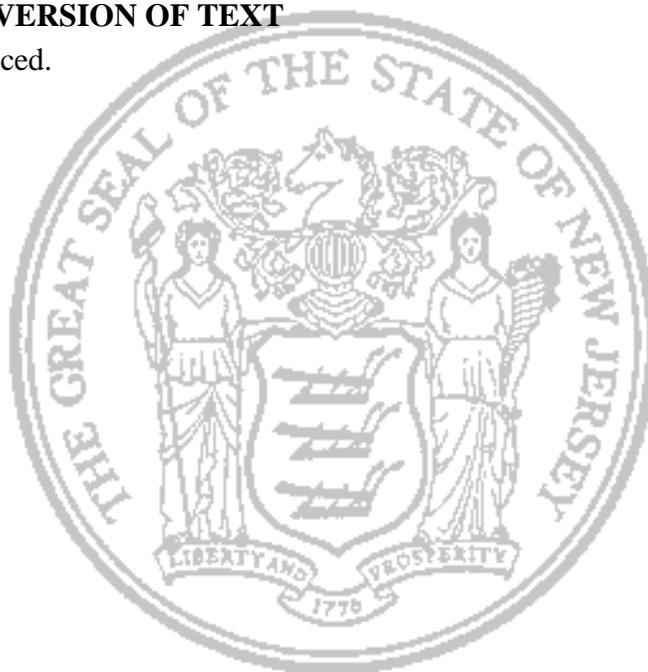
Assemblywomen Vainieri Huttle, Murphy and McKnight

SYNOPSIS

Requires DOC report certain information annually.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/9/2021)

1 AN ACT concerning Department of Corrections reporting
2 requirements 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:

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7 1. a. In addition to any other reporting requirements required
8 by law, the Commissioner of Corrections shall issue an annual
9 report to the Governor and, pursuant to section 2 of P.L.1991, c.164
10 (C.52:14-19.1), the Legislature that includes the following
11 information for each State correctional facility for the preceding
12 year:

13 (1) the occupancy rates of each State correctional facility;

14 (2) the number of pregnant inmates incarcerated at a State
15 correctional facility;

16 (3) the number of cells which are unoccupied due to the need for
17 repairs;

18 (4) the average daily census of each State correctional facility;

19 (5) incidents of use of force by correctional police officers or
20 staff upon or towards an inmate to include a description of the
21 incident that resulted in injury, the State correctional facility where
22 the use of force occurred, and the cause and type of injury, if any,
23 that resulted from the use of force;

24 (6) incidents in which use of force was used to effectuate the
25 removal of an inmate by a correctional police officer designated by
26 the Department of Corrections as a member of the Special
27 Operations Group, to include the reason for the inmate's removal
28 and a justification for the use of force;

29 (7) any acts of violence committed against an inmate by another
30 inmate or inmates, correctional police officer, or employee of a
31 State correctional facility;

32 (8) the recidivism rate of former inmates to include separate
33 data for inmates who were released after having served a maximum
34 term of imprisonment, released on parole, or released through
35 placement in a residential community release program;

36 (9) any resources and reentry services provided to inmates upon
37 release from incarceration, including the number of inmates who
38 were enrolled in certain programs pursuant to section 4 of P.L.2020,
39 c.45 (C.30:1B-6.16) upon the inmate's release from incarceration
40 and the number of former inmates who were provided with the
41 following prior to release:

42 (a) a valid driver's license;

43 (b) a valid non-driver identification card;

44 (c) a social security card; or

45 (d) a birth certificate;

46 (10) the number of correctional police officers who took part in
47 any correctional police officer training courses, type of courses

1 taken, and the race, gender, and level of educational attainment of
2 those correctional police officers who participated;

3 (11) the amount of overtime paid to correctional police officers
4 in each of the preceding 10 years to include an explanation
5 regarding why it was necessary to pay overtime; and

6 (12) for any inmate who had commutation credits restored or
7 forfeited at each State correctional facility:

8 (a) the number of inmates who forfeited credits, and the number
9 of credits forfeited by each inmate; and

10 (b) the number of inmates who had credits restored, and the
11 number of credits restored for each inmate.

12 b. The commissioner shall categorize data contained in the
13 annual report both cumulatively and by individual facility.

14 c. These reports shall not include any personally identifiable
15 information regarding any inmate.

16 d. As used in this section:

17 "Act of violence" means the commission or attempt to commit
18 any of the applicable offenses set forth in subsection b. of section
19 11 of P.L.1971, c.317 (C.52:4B-11).

20 "Inmate" means a person sentenced to imprisonment or ordered
21 to pretrial or investigative detention in a State correctional facility.

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

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

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STATEMENT

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33 This bill requires the Commissioner of Corrections to issue an
34 annual report to the Governor and the Legislature that includes the
35 following information concerning each State correctional facility:

36 (1) the occupancy rates of each State correctional facility;

37 (2) the number of pregnant inmates incarcerated at a State
38 correctional facility;

39 (3) the number of cells which are unoccupied due to the need for
40 repairs;

41 (4) the average daily census of each State correctional facility;

42 (5) incidents of use of force by correctional police officers or
43 staff upon or towards an inmate to include a description of the
44 incident that resulted in injury, the State correctional facility where
45 the use of force occurred, and the cause and type of injury, if any,
46 that resulted from the use of force;

47 (6) incidents of use of force used to effectuate the removal of an
48 inmate by a correctional police officer who is designated by the

1 Department of Corrections as a member of the Special Operations
2 Group, to include the reason for the inmate's removal and a
3 justification for the use of force;

4 (7) any acts of violence committed against an inmate by another
5 inmate or inmates, correctional police officer, or employee of a
6 State correctional facility;

7 (8) the recidivism rate of former inmates to include separate
8 data for inmates who were released after having served a maximum
9 term of imprisonment, released on parole, or released through
10 placement in a residential community release program;

11 (9) any resources and reentry services provided to inmates upon
12 release from incarceration, including the number of inmates who
13 were enrolled in certain programs, such as the Medicaid program,
14 the Supplemental Nutrition Assistance Program, and the Work First
15 New Jersey program, upon the inmate's release from incarceration
16 and the number of former inmates who were released from
17 incarceration and provided with:

- 18 • a valid driver's license;
- 19 • a valid non-driver identification card;
- 20 • a social security card; or
- 21 • a birth certificate;

22 (10) the number of correctional police officers who took part in
23 any correctional police officer training courses, type of courses
24 taken, and the race, gender, and level of educational attainment of
25 those correctional police officers who participated;

26 (11) the amount of overtime paid to correctional police officers
27 in each of the preceding 10 years to include an explanation
28 regarding why it was necessary to pay overtime; and

29 (12) for any inmate who had commutation credits restored or
30 forfeited at each State correctional facility, the number of inmates
31 who forfeited credits or had credits restored and the number of
32 credits forfeited or restored for each inmate.

33 In addition, under the bill, the commissioner is to categorize data
34 contained in the annual report both cumulatively and by individual
35 facility. The bill prohibits the inclusion of personally identifiable
36 information regarding any inmate in these reports.

37 The bill defines "act of violence" to mean the commission or
38 attempt to commit offenses such as aggravated assault; threats to do
39 bodily harm; lewd, indecent, or obscene acts; murder;
40 manslaughter; or aggravated sexual assault, sexual assault,
41 aggravated criminal sexual assault; or criminal sexual contact.