

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5865

STATE OF NEW JERSEY

DATED: JUNE 16, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5865.

This bill establishes the “Female Inmates’ Rights Protection Act.”

Under the provisions of this bill, the Commissioner of Corrections is required to ensure that any prohibited acts that subject an inmate to disciplinary actions or sanctions are gender appropriate and is required to establish separate prohibited acts for male and female inmates. In addition, the bill requires the commissioner to implement gender appropriate disciplinary actions and sanctions for any prohibited acts committed by an inmate.

Further, the bill requires the commissioner to annually submit a report to the Legislature providing a summary of all disciplinary actions and sanctions imposed on inmates, which is to contain each inmate’s gender.

In addition, the commissioner is required to institute mandatory in-service training for every correctional police officer assigned to the Edna Mahan Correctional Facility for Women regarding gender responsive policies. The commissioner is to ensure that every newly appointed correctional police officer completes the training upon assignment to the facility and every correctional police officer currently assigned to the facility completes the training within two years of the bill’s effective date.

This bill also requires the commissioner to establish a nursery program allowing newborn children to remain with their incarcerated mothers if the female inmate gave birth to the child while incarcerated in a State correctional facility.

Under the bill, an inmate is not eligible to participate in the program if:

(1) the inmate has been previously convicted of, adjudicated delinquent for, or is currently serving a sentence imposed for any crime enumerated under the No Early Release Act;

(2) a search conducted by the Division of Child Protection and Permanency in the Department of Children and Families of its child abuse registry, at the request of the commissioner, reveals that an incident of child abuse or neglect has been substantiated by the division against the inmate ;

(3) the inmate has outstanding warrants;

(4) the inmate has committed any prohibited act required to be reported to the prosecutor pursuant to regulations promulgated by the Commissioner of Corrections during the current period of incarceration, or has committed any serious disciplinary infraction, designated in regulations promulgated by the commissioner as a prohibited act that is considered to be the most serious and results in the most severe sanctions, within the previous two years;

(5) the inmate has been previously convicted of, adjudicated delinquent for, or is currently serving a sentence imposed for a crime committed against a person under the age of 16; or

(6) there is evidence of the use of a controlled dangerous substance during the inmate's pregnancy.

An inmate that is eligible to participate in the program is to be transferred to a residential community release program while participating in the program.

Unless there is a court order regarding child custody providing otherwise, a child in the program is to remain in the residential community release program until the child is two years of age or until the inmate is released, whichever occurs sooner. In addition, the commissioner is required to provide accommodations for parenting time with the child's other parent as agreed upon by the inmate and the child's other parent or in accordance with a court order.

The commissioner is also required to provide support services for female inmates participating in the program, including parenting classes. The inmate is required to participate in all available prenatal and parenting classes.

In addition, prior to being admitted into the program, an inmate is required to submit to a mental health evaluation by a psychologist or psychiatrist licensed in New Jersey, who, based upon the evaluation, is to make a recommendation to the commissioner regarding the inmate's participation in the program.

Finally, the bill requires the commissioner to provide doula services to pregnant inmates. A person providing doula services is to be permitted to attend and provide assistance during labor and childbirth. In addition, the bill requires the commissioner to allow an inmate to have a support person present during labor and childbirth.

The bill defines "doula services" as services provided by a trained doula for physical, emotional, or informational support to a pregnant woman before, during, and after the delivery of a child, including, but not limited to, support and assistance during labor and childbirth, prenatal and postpartum education, breastfeeding assistance, parenting education, and support in the event that an inmate has been or will become separated from the inmate's child.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that this bill would result in an indeterminate increase in annual State costs. The

bill mandates various changes in order to strengthen female inmates' rights and protections. The OLS does not have sufficient information to estimate the costs for the provisions under this bill. However, the OLS estimates an expenditure increase due to the provision of the following services under the bill: 1) mandatory in-service training for correctional officers on gender responsive policies; 2) nursery programs for newborn children to stay with incarcerated mothers; 3) the transfer of qualifying female inmates to a residential community release program (RCRPs) facility, also known as halfway houses, so a child can stay with the mother for up to two years after birth; 4) support services including parenting classes; and 5) doula services to pregnant inmates. It is unclear as to how many of these services are currently being provided to female inmates.