

SENATE BILL NO. 2331

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 2331 with my recommendations for reconsideration.

This bill would support individuals newly released from incarceration by ensuring that they have access to the documents and social assistance necessary for a successful transition back into the community. Among other things, the bill would require the Department of Corrections ("DOC") to provide a non-driver identification card issued by the Motor Vehicle Commission ("MVC") to each inmate, free of charge, prior to the inmate's release from custody. Additionally, the bill would require the DOC Commissioner, in the case of State prisons, and the chief executive officers and wardens, in the case of county correctional facilities, to complete applications for enrollment in social service programs, including Medicaid, Work First New Jersey, and the Supplemental Nutrition Assistance Program ("SNAP"). The bill also would increase the supply of prescription drugs to be provided to inmates prior to release from a two-week supply of medication to a three-month supply of medication.

I commend the sponsors of this legislation for seeking to enhance the resources available to women and men as they re-enter society. Proper photo identification is essential for newly released individuals to obtain healthcare, and to gain access to housing, social services, and employment. Of equal importance, inmates must be made aware of their eligibility for assistance programs prior to release so that they may connect with appropriate supports during their transition.

While I support the broad goals of this legislation, I am recommending several revisions to facilitate its administration, particularly in light of the unique challenges posed by the current COVID-19 emergency. For example, the bill would require the DOC to directly issue the non-driver identification cards to inmates when MVC facilities are ordered to close because of a declared public health emergency or declared state of emergency. I agree that inmates must be provided necessary documentation even, and perhaps especially, when MVC facilities are closed as a result of an emergency. However, the process created by the bill would require the DOC to assume a core function of another agency in times of crisis, when resources may already be stretched thin. Rather than require the DOC to undertake a responsibility it has neither the expertise nor the resources to fulfill, we can achieve the same ends by requiring State, county, and municipal agencies and State non-profits to temporarily accept as a valid form of identification the identification cards issued by the DOC to inmates while they are in custody in lieu of MVC-issued non-driver identification when MVCs are closed during periods of emergency. This will enable releasees to gain access to the services for which they are eligible, without requiring the DOC to assume an additional duty that is outside of its area of expertise.

I also have revised the bill's modifications to the supply of prescription drugs provided to inmates upon release to require a 30-day prescription and two additional refills, in addition to the two-week supply already provided, for the duration of the COVID-19 emergency and to ensure consistency with clinical guidelines.

Finally, my recommended changes remove county correctional facilities from the bill. I am concerned about imposing additional costs and responsibilities on the counties in the midst of the

COVID-19 emergency. I look forward to working with my colleagues in the Legislature to develop reentry policies tailored to the specific needs of the county inmate population when the fiscal circumstance of State and local governments improve.

Therefore, I herewith return Senate Bill No. 2331 and recommend that it be amended as follows:

<u>Page 2, Section 1, Line 10:</u>	Delete "30" and insert "10"
<u>Page 2, Section 1, Line 42:</u>	Delete "three-month" and insert "two-week"
<u>Page 3, Section 2, Line 19:</u>	After "card" insert "issued by the New Jersey Motor Vehicle Commission"
<u>Page 3, Section 2, Line 20:</u>	Delete "45" and insert "10"
<u>Page 3, Section 2, Line 25:</u>	Delete "Governor orders"
<u>Page 3, Section 2, Line 26:</u>	Delete "to close" and insert "are closed"
<u>Page 3, Section 2, Line 29:</u>	After "the" insert "inmate's Department of Corrections identification card shall be accepted by all State, county, and municipal agencies and New Jersey nonprofits in a manner as to allow the releasee to gain access to services for which they are deemed eligible for the duration of the public health emergency."
<u>Page 3, Section 2, Line 29:</u>	Delete "Commissioner of"
<u>Page 3, Section 2, Line 30:</u>	Delete in its entirety
<u>Page 3, Section 3, Lines 32-48:</u>	Delete in their entirety
<u>Page 4, Section 3, Lines 1-31:</u>	Delete in their entirety
<u>Page 4, Line 32:</u>	Insert new section: "3. Notwithstanding the provisions of any law or regulation to the contrary, during the Public Health Emergency or State of Emergency declared by the Governor in Executive Order 103 of 2020, in addition to the two-week supply of medication provided to an inmate prior to release from a State correctional facility pursuant to section 2 of P.L.2009, c.329 (C.30:1B-6.2), and to the extent consistent with

clinical guidelines, an inmate shall be given an additional 30 day prescription order and two additional refills."

<u>Page 4, Section 4, Lines 33-48:</u>	Delete in their entirety
<u>Page 5, Section 4, Lines 1-3:</u>	Delete in their entirety
<u>Page 5, Section 5, Line 5:</u>	Delete "5" and insert "4."
<u>Page 5, Section 5, Line 5:</u>	After "section)" insert "a."
<u>Page 5, Section 5, Line 6:</u>	Delete "complete and forward" and insert "ensure that an inmate is assisted with completing and forwarding"
<u>Page 5, Section 5, Lines 6-7:</u>	Delete "appropriate county welfare agency or board of social services" and insert "Department of Human Services"
<u>Page 5, Section 5, Line 8:</u>	Delete "45" and insert "30"
<u>Page 5, Section 5, Line 8:</u>	After "incarceration" insert ", an online application"
<u>Page 5, Section 5, Line 9:</u>	Delete "applications"
<u>Page 5, Section 5, Lines 9-10:</u>	Delete "applicable social service programs, including but not limited to:" and insert "the Medicaid program, established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.)."
	b. In addition to the requirements of subsection a. of this section, the Commissioner of Corrections shall also ensure that the inmate is assisted in completing and forwarding for processing to the appropriate county welfare agency or board of social services, as soon as practicable but not less than 30 days prior to an inmate's release from incarceration, online applications for enrollment in the following programs:"
<u>Page 5, Section 5, Line 11:</u>	Delete "a." and insert "(1)"
<u>Page 5, Section 5, Line 13:</u>	After ";" insert "and"
<u>Page 5, Section 5, Line 14:</u>	Delete "b." and insert "(2)"
<u>Page 5, Section 5, Line 15:</u>	After "include" insert ", for inmates who are unable to identify a residence at the time of release,"
<u>Page 5, Section 5, Line 18:</u>	Delete "; and" and insert "."

Page 5, Section 5, Line 19:

Delete "the Medicaid program, established pursuant to" and insert "The Department of Human Services shall be required to accept and process the online applications for Medicaid received from the Department of Corrections pursuant to subsection a. of this section."

Page 5, Section 5, Line 20:

Delete in its entirety

Page 5, Section 6, Lines 22-39:

Delete in their entirety

Page 5, Section 7, Line 41:

Delete "7." and insert "5."

Page 5, Section 8, Lines 47-48:

Delete in their entirety

Page 6, Section 8, Lines 1-4:

Delete in their entirety

Page 6, Section 9, Line 6:

Delete "9." and insert "6."

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Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor