

[First Reprint]

SENATE, No. 2953

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED SEPTEMBER 21, 2020

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

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Senator Pou

SYNOPSIS

Expands scope of inmate reentry assistance and benefits.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on March 11, 2021, with amendments.



(Sponsorship Updated As Of: 10/29/2020)

1 AN ACT concerning services for certain inmates and amending and
2 supplementing various parts of the statutory law.

3

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

6

7 1. Section 2 of P.L.2009, c.329 (C.30:1B-6.2) is amended to
8 read as follows:

9 2. The Commissioner of Corrections shall provide to each
10 inmate at least 10 days prior to release from a State correctional
11 facility:

12 a. A copy of the inmate's criminal history record and written
13 information on the inmate's right to have his criminal records
14 expunged under chapter 52 of Title 2C of the New Jersey Statutes;

15 b. General written information on the inmate's right to vote
16 under R.S.19:4-1;

17 c. General written information on the availability of programs,
18 including faith-based and secular programs, that would assist in
19 removing barriers to the inmate's employment or participation in
20 vocational or educational rehabilitative programs, including but not
21 limited to, information concerning the "Rehabilitated Convicted
22 Offenders Act," P.L.1968, c.282 (C.2A:168A-1 et seq.) and the
23 certificate of rehabilitation under P.L.2007, c.327 (C.2A:168A-
24 7 et seq.);

25 d. A detailed written record of the inmate's participation in
26 educational, training, employment, and medical or other treatment
27 programs while the inmate was incarcerated;

28 e. A written accounting of the fines, assessments, surcharges,
29 restitution, penalties, child support arrearages, and any other
30 obligations due and payable by the inmate upon release;

31 f. (Deleted by amendment, P.L.2020, c.45)

32 g. ¹**[A copy of the inmate's birth certificate if the inmate was**
33 **born in New Jersey;]** (Deleted by amendment, P.L. _____, c. _____)
34 (pending before the Legislature as this bill)¹

35 h. Assistance in obtaining a Social Security card;

36 i. A one-day New Jersey bus or rail pass;

37 j. A **[two-week]** three-month supply of prescription
38 medication and to the extent consistent with clinical guidelines, an
39 additional 30 day prescription order and two additional refills ¹or
40 long-acting injectables¹;

41 k. General written information concerning child support,
42 including child support payments owed by the inmate, information
43 on how to seek child support payments and information on where to

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 thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted March 11, 2021.

1 seek services regarding child support, child custody, and
2 establishing parentage; and

3 l. (1) A medical discharge summary, which shall include
4 instructions on how to obtain from the commissioner a copy of the
5 inmate's full medical record. Upon request from the inmate, the
6 commissioner shall provide a copy of the inmate's full medical
7 record in a safe and secure manner, at no charge to the inmate.

8 (2) Within 90 days of the effective date of this act, the
9 commissioner, in consultation with the State Board of Medical
10 Examiners, shall adopt rules and regulations, pursuant to the
11 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
12 seq.), to ensure that these records are expeditiously and securely
13 provided, in a manner consistent with the provision of medical
14 records by other providers.

15 m. A benefits card approved for the purpose of obtaining
16 benefits under the:

17 (1) Medicaid program, established pursuant to P.L.1968, c.413
18 (C.30:4D-1 et seq.);

19 (2) Supplemental Nutrition Assistance Program, established
20 pursuant to the federal "Food and Nutrition Act of 2008," Pub.L.88-
21 525 (7 U.S.C.s.2011 et seq.); and

22 (3) Work First New Jersey program, established pursuant to
23 P.L.1997, c.38 (C.44:10-55 et seq.), which shall include, for
24 inmates who are unable to identify a residence at the time of
25 release, emergency assistance benefits issued to Work First New
26 Jersey recipients pursuant to section 8 of P.L.1997, c.14 (C.44:10-
27 51).

28 (cf: P.L.2020, c.45, s.1)

29

30 ¹2. (New section) The Commissioner of Corrections shall
31 provide to each inmate at least 60 days prior to release from a State
32 correctional facility a copy of the inmate's birth certificate if the
33 inmate was born in New Jersey.¹

34

35 ¹[2.] 3.¹ Section 2 of P.L.2020, c.45 (C.30:1B-6.15) is
36 amended to read as follows:

37 2. a. The Commissioner of Corrections shall provide a non-
38 driver identification card issued by the New Jersey Motor Vehicle
39 Commission to each inmate, free of charge, as soon as practicable,
40 but not less than 10 days prior to the inmate's release from a State
41 correctional facility. The New Jersey Motor Vehicle Commission
42 shall issue the identification card and accept a former inmate's
43 Department of Corrections identification card as two points for the
44 purposes of applying for the identification card.

45 b. An inmate's Department of Corrections identification card
46 shall be accepted by all State, county, and municipal agencies and
47 New Jersey nonprofit organizations for six months following the
48 date of release from incarceration to allow the released inmate to

1 gain access to services for which the inmate is deemed eligible
2 including, but not limited to, establishing the inmate's identity.

3 **【Whenever the】** c. Notwithstanding the provisions of subsection
4 b. of this section, whenever Motor Vehicle Commission agencies
5 are closed during a declared public health emergency, pursuant to
6 the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-
7 1 et seq.), a state of emergency, pursuant to P.L.1942, c.251
8 (C.App.A:9-33 et seq.), or both, the inmate's Department of
9 Corrections identification card shall be accepted by all State,
10 county, and municipal agencies and New Jersey **【nonprofits】**
11 nonprofit organizations in a manner as to allow the **【releasee】**
12 released inmate to gain access to services for which **【they are】** the
13 inmate is deemed eligible for the duration of the public health
14 emergency.

15 (cf: P.L.2020, c.45, s.2)

16
17 ¹**【3.】** 4.¹ Section 4 of P.L.2020, c.45 (C.30:1B-6.16) is
18 amended to read as follows:

19 4. a. The Commissioner of Corrections shall ensure that an
20 inmate is assisted with completing, obtaining any required
21 signatures or authorizations for, and forwarding for processing to
22 the Department of Human Services as soon as practicable but not
23 less than 30 days prior to an inmate's release from incarceration, an
24 online application for enrollment in the Medicaid program,
25 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

26 b. In addition to the requirements of subsection a. of this
27 section, the Commissioner of Corrections shall also ensure that the
28 inmate is assisted in completing, obtaining any required signatures
29 or authorizations for, and forwarding for processing to the
30 appropriate county welfare agency or board of social services, as
31 soon as practicable but not less than 30 days prior to an inmate's
32 release from incarceration, online applications for enrollment in the
33 following programs:

34 (1) the Supplemental Nutrition Assistance Program, established
35 pursuant to the federal "Food and Nutrition Act of 2008," Pub.L.88-
36 525 (7 U.S.C.s.2011 et seq.); and

37 (2) the Work First New Jersey program, established pursuant to
38 P.L.1997, c.38 (C.44:10-55 et seq.), which shall include , for
39 inmates who are unable to identify a residence at the time of
40 release, the application for emergency assistance benefits issued to
41 Work First New Jersey recipients pursuant to section 8 of P.L.1997,
42 c.14 (C.44:10-51).

43 c. The Department of Human Services shall be required to
44 accept and process the online applications for Medicaid received
45 from the Department of Corrections pursuant to subsection a. of this
46 section.

1 d. If an inmate is unable to identify a residence at the time of
2 application for benefits pursuant to this section, the Commissioner
3 of Corrections shall ensure that the address of the appropriate
4 regional non-profit inmate reentry organization is used for the
5 purposes of establishing proof of residence to meet any applicable
6 eligibility requirements.

7 e. All State, county, and municipal agencies, for the purposes
8 of establishing applicable eligibility requirements, shall:

9 (1) accept the address of the appropriate regional non-profit
10 inmate reentry organization for an inmate who is unable to identify
11 a residence at the time of application for benefits; and

12 (2) accept an inmate's Department of Corrections identification
13 card to establish the inmate's identity.

14 f. An inmate who appears to be eligible for benefits under the
15 Work First New Jersey program based on the inmate's certification
16 of income, resources, and family composition, and based on other
17 information immediately available at the time of application, shall
18 be deemed presumptively eligible for Work First New Jersey
19 assistance and immediate need assistance and shall receive this
20 assistance for a period of not less than 45 days following the
21 inmate's release from incarceration.

22 (cf: P.L.2020, c.45, s.4)

23
24 ¹**[4.] 5.**¹ Section 5 of P.L.2020, c.45 (C.30:1B-6.17) is
25 amended to read as follows:

26 5. a. The Commissioner of Corrections shall provide to the
27 appropriate county welfare agency or board of social services, in
28 advance of an inmate's release, the inmate's name, release date, and
29 contact information, which shall include, but not be limited to, a
30 telephone number or an email address.

31 b. The commissioner shall provide to ¹**[the applicable**
32 **regional]** ¹each¹ non-profit inmate reentry organization ¹approved
33 by the Department of Community Affairs¹, in advance of an
34 inmate's release, the information required in subsection a. of this
35 section ¹unless the inmate requests that the information not be
36 forwarded¹.

37 (cf: P.L.2020, c.45, s.5)

38
39 ¹**[5.] 6.**¹ (New section) a. The chief executive officer,
40 warden, or keeper of each county correctional facility shall provide
41 to each inmate at least 30 days prior to release from a facility:

42 (1) a copy of the inmate's criminal history record and written
43 information on the inmate's right to have the inmate's criminal
44 records expunged under chapter 52 of Title 2C of the New Jersey
45 Statutes;

46 (2) general written information on the inmate's right to vote
47 under R.S.19:4-1;

1 (3) general written information on the availability of programs,
2 including faith-based and secular programs, that would assist in
3 removing barriers to the inmate's employment or participation in
4 vocational or educational rehabilitative programs, including but not
5 limited to, information concerning the "Rehabilitated Convicted
6 Offenders Act," P.L.1968, c.282 (C.2A:168A-1 et seq.) and the
7 certificate of rehabilitation under P.L.2007, c.327 (C.2A:168A-
8 7 et seq.);

9 (4) a detailed written record of the inmate's participation in
10 educational, training, employment, and medical or other treatment
11 programs while the inmate was incarcerated;

12 (5) a written accounting of the fines, assessments, surcharges,
13 restitution, penalties, child support arrearages, and any other
14 obligations due and payable by the inmate upon release;

15 (6) a copy of the inmate's birth certificate if the inmate was born
16 in New Jersey;

17 (7) assistance in obtaining a Social Security card;

18 (8) a one-day New Jersey bus or rail pass;

19 (9) a three-month supply of prescription medication and, to the
20 extent consistent with clinical guidelines, an additional 30 day
21 prescription order and two additional refills ¹or long-acting
22 injectables¹;

23 (10) general written information concerning child support,
24 including child support payments owed by the inmate, information
25 on how to seek child support payments and information on where to
26 seek services regarding child support, child custody, and
27 establishing parentage;

28 (11) a medical discharge summary, which shall include
29 instructions on how to obtain from the superintendent a copy of the
30 inmate's full medical record; upon request from the inmate, the
31 superintendent shall provide a copy of the inmate's full medical
32 record in a safe and secure manner, at no charge to the inmate; the
33 superintendent shall comply with rules and regulations, adopted
34 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
35 (C.52:14B-1 et seq.), that ensure that these records are
36 expeditiously and securely provided in a manner consistent with the
37 provision of medical records by other providers; and

38 (12) a benefits card approved for the purpose of obtaining
39 benefits under the:

40 (a) Medicaid program, established pursuant to P.L.1968, c.413
41 (C.30:4D-1 et seq.);

42 (b) Supplemental Nutrition Assistance Program, established
43 pursuant to the federal "Food and Nutrition Act of 2008," Pub.L.88-
44 525 (7 U.S.C.s.2011 et seq.); and

45 (c) Work First New Jersey program, established pursuant to
46 P.L.1997, c.38 (C.44:10-55 et seq.), which shall include, for
47 inmates who are unable to identify a residence at the time of
48 release, emergency assistance benefits issued to Work First New

1 Jersey recipients pursuant to section 8 of P.L.1997, c.14 (C.44:10-
2 51).

3 b. If an inmate is at any time scheduled for release from a
4 county correctional facility in less than 30 days, the superintendent
5 shall comply with the provisions of subsection a. of this section at
6 least 48 hours prior to the inmate's release.

7

8 **¹[6.] 7.¹** (New section) a. The chief executive officer,
9 warden, or keeper of each county correctional facility shall provide
10 a non-driver identification card issued by the New Jersey Motor
11 Vehicle Commission to each county inmate, free of charge, as soon
12 as practicable, but not less than 10 days prior to the inmate's release
13 from the county correctional facility. The New Jersey Motor
14 Vehicle Commission shall issue the identification card and accept a
15 former inmate's county correctional facility identification card as
16 two points for the purposes of applying for the identification card.

17 b. An inmate's county correctional facility identification card
18 shall be accepted by all State, county, and municipal agencies and
19 New Jersey nonprofit organizations for six months following the
20 date of release from incarceration to allow the released inmate to
21 gain access to services for which the inmate is deemed eligible
22 including, but not limited to, establishing the inmate's identity.

23 c. Notwithstanding the provisions of subsection b. of this
24 section, whenever the Motor Vehicle Commission agencies are
25 closed during a declared public health emergency, pursuant to the
26 "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et
27 seq.), a state of emergency, pursuant to P.L.1942, c.251
28 (C.App.A:9-33 et seq.), or both, the inmate's Department of
29 Corrections identification card shall be accepted by all State,
30 county, and municipal agencies and New Jersey nonprofit
31 organizations in a manner as to allow the released inmate to gain
32 access to services for which they are deemed eligible for the
33 duration of the public health emergency.

34

35 **¹[7.] 8.¹** (New section) a. As soon as practicable but not less
36 than 30 days prior to an inmate's release from incarceration, the
37 chief executive officer, warden, or keeper of each county
38 correctional facility shall ensure that an inmate is assisted with
39 completing, obtaining any required signatures or authorizations for,
40 and forwarding for processing to the Department of Human
41 Services an online application for enrollment in the Medicaid
42 program, established pursuant to P.L.1968, c.413 (C.30:4D-
43 1 et seq.).

44 b. In addition to the requirements of subsection a. of this
45 section, the chief executive officer, warden, or keeper also shall
46 ensure that the inmate is assisted in completing, obtaining any
47 required signatures or authorizations for, and forwarding for
48 processing to the appropriate county welfare agency or board of

1 social services, as soon as practicable but not less than 30 days prior
2 to an inmate's release from incarceration, online applications for
3 enrollment in the following programs:

4 (1) the Supplemental Nutrition Assistance Program, established
5 pursuant to the federal "Food and Nutrition Act of 2008," Pub.L.88-
6 525 (7 U.S.C.s.2011 et seq.); and

7 (2) the Work First New Jersey program, established pursuant to
8 P.L.1997, c.38 (C.44:10-55 et seq.), which shall include , for
9 inmates who are unable to identify a residence at the time of
10 release, the application for emergency assistance benefits issued to
11 Work First New Jersey recipients pursuant to section 8 of P.L.1997,
12 c.14 (C.44:10-51).

13 c. The Department of Human Services shall be required to
14 accept and process the online applications for Medicaid received
15 from the Department of Corrections pursuant to subsection a. of this
16 section.

17 d. If an inmate is unable to identify a residence at the time of
18 application for benefits pursuant to this section, the chief executive
19 officer, warden, or keeper of each county correctional facility shall
20 ensure that the address of the appropriate regional non-profit inmate
21 reentry organization is used for the purposes of establishing proof
22 of residence to meet any applicable eligibility requirements.

23 e. All State, county, and municipal agencies, for the purposes
24 of establishing applicable eligibility requirements, shall:

25 (1) accept the address of the appropriate regional non-profit
26 inmate reentry organization for an inmate who is unable to identify
27 a residence at the time of application for benefits; and

28 (2) accept an inmate's county correctional facility identification
29 card to establish the inmate's identity.

30 f. An inmate who appears to be eligible for benefits under the
31 Work First New Jersey program based on the inmate's certification
32 of income, resources, and family composition, and based on other
33 information immediately available at the time of application, shall
34 be deemed presumptively eligible for Work First New Jersey
35 assistance and immediate need assistance and shall receive this
36 assistance for a period of not less than 45 days following the
37 inmate's release from incarceration.

38

39 **1[8.] 9.1** (New section) An inmate released from a State or
40 county correctional facility shall be authorized to use the address of
41 a nonprofit inmate reentry organization approved by the Department
42 of Community Affairs as a mailing address in an application for
43 benefits under the:

44 a. Medicaid program, established pursuant to P.L.1968, c.413
45 (C.30:4D-1 et seq.);

46 b. Supplemental Nutrition Assistance Program, established
47 pursuant to the federal "Food and Nutrition Act of 2008," Pub.L.88-
48 525 (7 U.S.C.s.2011 et seq.); and

1 c. Work First New Jersey program, established pursuant to
2 P.L.1997, c.38 (C.44:10-55 et seq.).

3
4 **¹[9.] 10.¹** Section 5 of P.L.1997, c.14 (C.44:10-48) is amended
5 to read as follows:

6 5. a. Only those persons who are United States citizens or
7 eligible aliens shall be eligible for benefits under the Work First
8 New Jersey program. Single adults or couples without dependent
9 children who are legal aliens who meet federal requirements and
10 have applied for citizenship, shall not receive benefits for more than
11 six months unless (1) they attain citizenship, or (2) they have passed
12 the English language and civics components for citizenship, and are
13 awaiting final determination of citizenship by the federal
14 Immigration and Naturalization Service.

15 b. The following persons shall not be eligible for assistance and
16 shall not be considered to be members of an assistance unit:

17 (1) non-needy caretakers, except that the eligibility of a
18 dependent child shall not be affected by the income or resources of
19 a non-needy caretaker;

20 (2) Supplemental Security Income recipients, except for the
21 purposes of receiving emergency assistance benefits pursuant to
22 section 8 of P.L.1997, c.14 (C.44:10-51);

23 (3) illegal aliens;

24 (4) other aliens who are not eligible aliens;

25 (5) a person absent from the home who is incarcerated in a
26 federal, State, county or local corrective facility or under the
27 custody of correctional authorities, except as provided by regulation
28 of the commissioner;

29 (6) a person who: is fleeing to avoid prosecution, custody or
30 confinement after conviction, under the laws of the jurisdiction
31 from which the person has fled, for a crime or an attempt to commit
32 a crime which is a felony or a high misdemeanor under the laws of
33 the jurisdiction from which the person has fled; or is violating a
34 condition of probation or parole imposed under federal or state law;

35 (7) **[a** person convicted on or after August 22, 1996 under
36 federal or state law of any offense which is classified as a felony or
37 crime, as appropriate, under the laws of the jurisdiction involved
38 and which has as an element the possession, use, or distribution of a
39 controlled substance as defined in section 102(6) of the federal
40 "Controlled Substances Act" (21 U.S.C. s.802 (6)), who would
41 otherwise be eligible for general public assistance pursuant to
42 P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person who
43 is convicted of any such offense which has as an element the
44 possession or use only of such a controlled substance may be
45 eligible for Work First New Jersey general public assistance
46 benefits if the person enrolls in or has completed a licensed
47 residential or outpatient drug treatment program. An otherwise
48 eligible individual who has a past drug conviction shall be eligible

1 for general public assistance without enrolling in or completing a
2 drug treatment program if either: (1) an appropriate treatment
3 program is not available; or (2) the person is excused from enrolling
4 in a treatment program for good cause pursuant to regulation.

5 Eligibility for benefits for a person entering a licensed drug
6 treatment program which does not operate in a State correctional
7 facility or county jail shall commence upon the person's enrollment
8 in the drug treatment program, and shall continue during the
9 person's active participation in, and upon completion of, the drug
10 treatment program, except that during the person's active
11 participation in a drug treatment program and the first 60 days after
12 completion of a drug treatment program, the commissioner shall
13 provide for testing of the person to determine if the person is free of
14 any controlled substance. If the person is determined to not be free
15 of any controlled substance during the 60-day period, the person's
16 eligibility for benefits pursuant to this paragraph shall be
17 terminated; except that this provision shall not apply to the use of
18 prescription drugs by a person who is actively participating in a
19 drug treatment program, as prescribed by the drug treatment
20 program. The commissioner shall adopt regulations to carry out the
21 provisions of this paragraph, which shall include the criteria for
22 determining active participation in and completion of a drug
23 treatment program.

24 Eligibility for benefits for a person who completes a licensed
25 residential drug treatment program which operates in a State
26 correctional facility or county jail, in accordance with section 1 of
27 P.L.2014, c.1 (C.26:2B-40), shall commence upon release from
28 incarceration.

29 Cash benefits, less a personal needs allowance, for a person
30 receiving general public assistance benefits under the Work First
31 New Jersey program who is enrolled in and actively participating in
32 a licensed drug treatment program shall be issued directly to the
33 drug treatment provider to offset the cost of treatment. Upon
34 completion of the drug treatment program, the cash benefits shall be
35 then issued to the person. In the case of a delay in issuing cash
36 benefits to a person receiving Work First New Jersey general public
37 assistance benefits who has completed the drug treatment program,
38 the drug treatment provider shall transmit to the person those funds
39 received on behalf of that person after completion of the drug
40 treatment program;】 (Deleted by amendment, (P.L.____, c.____)
41 (pending before the Legislature as this bill

42 (8) a person found to have fraudulently misrepresented his
43 residence in order to obtain means-tested, public benefits in two or
44 more states or jurisdictions, who shall be ineligible for benefits for
45 a period of 10 years from the date of conviction in a federal or state
46 court; or

47 (9) a person who intentionally makes a false or misleading
48 statement or misrepresents, conceals or withholds facts for the

1 purpose of receiving benefits, who shall be ineligible for benefits
2 for a period of six months for the first violation, 12 months for the
3 second violation, and permanently for the third violation.

4 c. A person who makes a false statement with the intent to
5 qualify for benefits and by reason thereof receives benefits for
6 which the person is not eligible is guilty of a crime of the fourth
7 degree.

8 d. Pursuant to the authorization provided to the states under 21
9 U.S.C. s.862a(d)(1), this State elects to exempt from the application
10 of 21 U.S.C. s.862a(a):

11 (1) needy persons and their dependent children domiciled in
12 New Jersey for the purposes of receiving benefits under the Work
13 First New Jersey program and food assistance under the federal
14 "Food and Nutrition Act of 2008," Pub.L.110-234 (7 U.S.C. s.2011
15 et seq.); and

16 (2) single persons and married couples without dependent
17 children domiciled in New Jersey for the purposes of receiving food
18 assistance under Pub.L.110-234.

19 (cf: P.L.2016, c.69, s.1)

20

21 ¹11. (New section) The Governor shall appoint an independent
22 investigator to evaluate the Commissioner of Correction's
23 compliance with the provisions of P.L.2020, c.45 and this act
24 (pending before the Legislature as this bill). Within six months of
25 the effective date of this act, the independent investigator shall
26 report findings and conclusions to the Governor and the Legislature,
27 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).¹

28

29 ¹**[10.] 12.**¹ This act shall take effect immediately.