

# SENATE JOINT RESOLUTION

No. 137

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## STATE OF NEW JERSEY

### 219th LEGISLATURE

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INTRODUCED NOVEMBER 22, 2021

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator DECLAN J. O'SCANLON, JR.**

**District 13 (Monmouth)**

**SYNOPSIS**

Makes permanent the “Commission to Protect New Jersey Inmates from Sexual Assault and Sexual Misconduct.”

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 12/2/2021)

1   **A JOINT RESOLUTION** making permanent the “Commission to Protect  
2       New Jersey Inmates from Sexual Assault and Sexual Misconduct”  
3       and supplementing Title 30 of the Revised Statutes.

4  
5       **BE IT RESOLVED** *by the Senate and General Assembly of the State*  
6       *of New Jersey:*

7  
8       1. There is established the “Commission to Protect New Jersey  
9       Inmates from Sexual Assault and Sexual Misconduct.” The commission  
10      shall consist of the following 17 members:

11      a. four legislative members, who shall include two members of the  
12      Senate, who shall not be of same political party, and two members of  
13      the General Assembly, who shall not be of the same political party. The  
14      President of the Senate, the Speaker of the General Assembly, the  
15      Minority Leader of the Senate, and the Minority Leader of the General  
16      Assembly each shall appoint one legislative member;

17      b. four ex officio members or their designees, who shall include the  
18      following: the Commissioner of Corrections, the Attorney General, the  
19      Director of the Division on Women in the Department of Children and  
20      Families, and the Public Defender; and

21      c. nine public members appointed by the Governor, who shall  
22      include the following: a former inmate of the Edna Mahan Correctional  
23      Facility for Women; a victims’ rights advocate; a representative of an  
24      organization that defends civil rights or promotes social justice; a  
25      faculty member of a college or university located in this State with  
26      expertise in women’s issues; a representative of a collective bargaining  
27      unit representing correctional police officers; a representative of the  
28      New Jersey Coalition Against Sexual Assault; a person with expertise  
29      on the Prison Rape Elimination Act (PREA); a representative of a  
30      Quaker organization promoting lasting peace with justice; and a  
31      representative of an organization working for racial, social, and  
32      economic justice, and greater unity in the community.

33  
34      2. a. The commission shall organize within 30 days of the  
35      appointment of its members. The commission shall elect a  
36      chairperson from among its members, and the chairperson shall select  
37      a secretary who need not be a member of the commission.

38      b. The public members shall be appointed for a three-year term,  
39      except that of the initial appointments, three public members shall  
40      serve for one year, three public members shall serve for two years,  
41      and three public members shall serve for three years. Vacancies in  
42      the membership of the commission shall be filled in the same manner  
43      provided for in the original appointments.

44      c. The members of the commission shall serve without  
45      compensation but may be reimbursed for travel and other  
46      miscellaneous expenses necessary to perform their duties, within the  
47      limits of funds made available to the commission for its purposes.

1       d. The commission may meet at the call of its chairperson at the  
2 times and in the places it may deem appropriate and necessary to  
3 fulfill its duties, and may conduct public hearings at any place it shall  
4 designate.

5       e. The commission may request at these hearings the appearance  
6 of officials of any State agency or political subdivision of the State  
7 and may solicit testimony of interested groups and the general public,  
8 including but not limited to officials, employees, contractors,  
9 volunteers, and former and current inmates of State correctional  
10 facilities.

11       f. The commission shall be entitled to call to its assistance and  
12 avail itself of the services of the employees of any State, county, or  
13 municipal department, board, bureau, commission, or agency as it  
14 may require and as may be available to it for its purposes, including  
15 a State university or college, and to employ stenographic and clerical  
16 assistance and incur traveling and other miscellaneous expenses  
17 necessary to perform its duties, within the limits of funds  
18 appropriated or otherwise made available to it for its purposes.

19       g. Seven members of the commission shall constitute a quorum  
20 for the transaction of business.

21

22       3. The commission shall examine issues affecting the safety and  
23 rights of inmates in State correctional facilities, including, but not  
24 limited to, matters concerning official misconduct convictions,  
25 pending criminal charges, and civil allegations by Edna Mahan  
26 inmates of sexual assault, sexual misconduct, and sexual harassment  
27 against correctional police officers, other staff members, contractors,  
28 and volunteers working in the facility. The commission specifically  
29 shall:

30       a. assess the degree of a facility's compliance with the  
31 provisions of PREA, including the PREA audit process and whether  
32 these audits should be unannounced, and determine how current  
33 standards can be strengthened to further protect the inmates from  
34 sexual assault and sexual misconduct;

35       b. ascertain the current policy and procedures for investigating  
36 allegations of crimes and offenses by an inmate of sexual assault and  
37 sexual misconduct against correctional police officers, other staff  
38 members, contractors, and volunteers, including, but not limited to:

39       (1) the current means of reporting allegations of sexual assault or  
40 sexual misconduct, including complaints made via existing hotlines,  
41 and whether the allegations should be reported to a neutral third party  
42 that is not an employee of the Department of Corrections.

43       (2) the parameters governing the investigation of a complaint and  
44 how it is determined if an allegation is substantiated or  
45 unsubstantiated and whether the Special Investigations Division of  
46 the department can fairly and impartially conduct these  
47 investigations;

P.L.2020, Joint Resolution No. 3 (SJR-79) established this commission on a temporary basis to examine issues affecting the safety and rights of inmates in State correctional facilities, such as official misconduct convictions, pending criminal charges, and civil allegations by Edna Mahan inmates of sexual assault, sexual misconduct, and sexual harassment against correctional police

1 officers, other staff members, contractors, and volunteers working in  
2 the facility.

3 The temporary commission is required to issue a preliminary  
4 report of its findings and recommendations no later than six months  
5 after the organizational meeting of the commission. A final report,  
6 including legislative proposals, is due within one year of the  
7 organizational meeting of the temporary commission. But if the  
8 temporary commission concludes it needs more time to deliberate the  
9 issues, it may continue those deliberations for two periods of six  
10 months each. The temporary commission is to expire when it submits  
11 its final report.

12 This joint resolution makes this temporary commission permanent  
13 when the temporary commission expires. The permanent  
14 commission would be required to submit annual reports, including  
15 recommendations for legislation. The annual reports of the  
16 permanent commission are to be made available on the official  
17 Department of Corrections website.