

[First Reprint]

ASSEMBLY, No. 4087

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JUNE 4, 2018

Sponsored by:

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District 37 (Bergen)

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Assemblywomen McKnight, Pinkin and Murphy

SYNOPSIS

Requires reporting of inmate abuse by employees of State correctional facilities and establishes reporting and investigation program.

CURRENT VERSION OF TEXT

As amended by the General Assembly on January 13, 2020.



(Sponsorship Updated As Of: 1/14/2020)

1 AN ACT concerning inmates and supplementing Title 30 of the
2 Revised Statutes.

3

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

6

7 1. For the purposes of this act:

8 “Employee” means a person employed by the State to work at a
9 State correctional facility or a person employed by a private entity
10 under contract with the State to provide contracted services at a
11 State correctional facility.

12 “State correctional facility” means a correctional facility listed in
13 section 8 of P.L.1976, c.98 (C.30:1B-8).

14

15 2. a. Any employee of a State correctional facility, who, as a
16 result of information obtained in the course of his employment, has
17 reasonable cause to suspect or believe that an inmate is being or has
18 been abused by any other employee of the State correctional facility
19 shall report the information in a timely manner to the person
20 designated by the Commissioner of Corrections to receive the report
21 pursuant to subsection b. of section 3 of P.L. , c. (C.)
22 (pending before the Legislature as this bill).

23 b. Any other person having reasonable cause to suspect or
24 believe that an inmate is being or has been abused by an employee
25 of a State correctional facility may report the information to the
26 person designated by the Commissioner of Corrections to receive
27 the report pursuant to subsection b. of section 3 of P.L. , c. (C.)
28 (pending before the Legislature as this bill).

29 c. The report shall contain the name of the inmate; the name of
30 the employee who is suspected of abusing the inmate, if known; the
31 name of the correctional facility and the unit in which the inmate is
32 confined, if known; information regarding the nature of the
33 suspected abuse; and any other information which might be helpful
34 in an investigation of the case and the protection of the inmate.

35

36 3. a. The Commissioner of Corrections shall establish an inmate
37 abuse reporting program for State correctional facilities. The program
38 shall provide, at a minimum, that employees of a State correctional
39 facility are:

40 (1) trained in recognizing probable incidents of or behavior that
41 constitutes inmate abuse and other abuse prevention strategies;

42 (2) informed of the duty to report the suspected inmate abuse
43 pursuant to this act; and

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:

¹Assembly floor amendments adopted January 13, 2020.

1 (3) provided with the name and telephone number of the person
2 designated by the Commissioner of Corrections who shall be notified
3 of any suspected inmate abuse.

4 b. The Commissioner of Corrections shall designate one or more
5 employees of the Department of Corrections who are not employees of
6 any State correctional facility to serve as a contact person for an
7 employee of a State correctional facility or any other person to notify
8 if the employee or person has reasonable cause to suspect that an
9 inmate is being or has been abused by any other employee of the
10 correctional facility.

11 c. The designated contact person shall transmit all reported
12 incidents or allegations of inmate abuse to the Commissioner of
13 Corrections or a designee. The commissioner shall cause a prompt
14 investigation of any report of inmate abuse.

15 d. The Commissioner of Corrections ¹or a designee¹ shall
16 promptly report all instances of suspected inmate abuse, as determined
17 by an investigation, to the county prosecutor of the county in which
18 the State correctional facility is located. The report to the county
19 prosecutor shall be in accordance with regulations ¹or internal
20 policies¹ adopted by the commissioner in consultation with the County
21 Prosecutors Association of New Jersey and the Attorney General.

22 e. Upon receipt of a report pursuant to subsection d. of this
23 section, the county prosecutor may conduct a review of the suspected
24 inmate abuse and take any appropriate action.

25 f. Nothing in this section shall preclude the Special Investigations
26 Division in the Department of Corrections from conducting an
27 investigation.

28
29 4. a. The name of any person who reports suspected inmate abuse
30 pursuant to this act shall not be disclosed ¹publicly¹, unless the person
31 who reported the abuse specifically requests the disclosure ¹[or] ,
32 there is¹ a judicial proceeding ¹[results] resulting¹ from the report ¹,
33 or the disclosure is in accordance with the law¹.

34 b. A person who reports suspected abuse pursuant to this act or
35 who testifies in any administrative or judicial proceeding arising from
36 the report or testimony shall have immunity from any civil or criminal
37 liability ¹and shall not be retaliated against¹ on account of the report or
38 testimony, unless the person has acted in bad faith or with malicious
39 purpose.

40
41 5. ¹[Any] a. After all administrative appeals are exhausted and a
42 final adjudication is made, any¹ person required to report suspected
43 inmate abuse pursuant to this act who fails to make the report shall be
44 liable to a penalty of not more than \$5,000. The penalty shall be
45 collected and enforced ¹[pursuant to Title 11A of the New Jersey
46 Statutes] by summary proceedings pursuant to the provisions of the

1 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et
2 seq.)¹. Each violation of this act shall constitute a separate offense.

3 ¹b. Notwithstanding the penalty imposed pursuant to subsection a.
4 of this section, any person required to report suspected inmate abuse
5 pursuant to this act who fails to make the report shall be subject to
6 internal departmental disciplinary action by the Department of
7 Corrections.¹

8
9 6. The Commissioner of Corrections shall adopt rules and
10 regulations pursuant to the "Administrative Procedure Act,"
11 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of
12 this act.

13
14 ¹7. An inmate chosen by inmates in a housing unit as the liaison
15 between the correctional facility administration and the inmate
16 population shall be provided with a copy of P.L. , c. (C.)
17 (pending before the Legislature as this bill). The liaison also shall
18 be provided with a summary of the requirements under P.L. , c.
19 (C.) (pending before the Legislature as this bill) for
20 dissemination to the inmates in the housing unit.¹

21
22 ¹**[7.]8.**¹ This act shall take effect on the first day of the
23 seventh month after enactment, but the Commissioner of
24 Corrections may take any administrative action in advance of the
25 effective date as may be necessary.