

[First Reprint]

**ASSEMBLY, No. 4090**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED JUNE 4, 2018

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Assemblywoman BRITNEE N. TIMBERLAKE**

**District 34 (Essex and Passaic)**

**SYNOPSIS**

Limits cross gender strip searches in State correctional facilities.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on January 31, 2019.



**(Sponsorship Updated As Of: 11/8/2019)**

1 AN ACT concerning cross gender strip searches in State correctional  
2 facilities and supplementing Title 30 of the Revised Statutes.

3

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

6

7 1. The Commissioner of Corrections shall establish a policy to  
8 limit cross gender searches and surveillance in State correctional  
9 facilities. The policy shall:

10 a. require a strip or body cavity search of an inmate to be  
11 conducted by an officer of the same gender who is specially trained  
12 to conduct these searches;

13 b. authorize an exception to the requirements in subsection a.  
14 of this section only in cases of an emergency or other extraordinary  
15 or unforeseen circumstances;

16 c. require a non-security employee to conduct the search if a  
17 facility does not have sufficient correctional police officers of the  
18 same gender as the inmate population;

19 d. require the strip or body cavity search to conform with  
20 hygienic procedures and professional practices;

21 e. prohibit correctional police officers from viewing inmates of  
22 the opposite gender who are nude or performing bodily functions  
23 except in an emergency or other extraordinary or unforeseen  
24 circumstances;

25 f. require a facility to install privacy panels in shower and  
26 toilet areas when possible;

27 g. require a verbal announcement to be made when correctional  
28 police officers or other employees of the opposite gender are in an  
29 area of the facility;

30 h. when necessary to determine a transgender inmate's genital  
31 status, require the examination of the inmate to be conducted in a  
32 private setting by a medical practitioner; <sup>1</sup>**[and]**<sup>1</sup>

33 i. <sup>1</sup>prohibit a correctional police officer or non-security  
34 employee from conducting a strip search on an inmate solely for the  
35 purpose of determining the inmate's biological sex or gender;

36 j. prohibit lesbian, gay, bisexual, transgender, and questioning  
37 (LGBTQ) inmates from being subject to a more invasive strip or  
38 body cavity search than non-LGBTQ inmates; in the event an  
39 additional search is necessary, require the correctional police officer  
40 or non-security employee to obtain supervisor approval;

41 k. require that a transgender inmate be permitted to indicate a  
42 preference for the gender of the correctional police officer or non-  
43 security employee who will perform the strip or body cavity search  
44 on the inmate and require that the request is to be honored unless

**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:

<sup>1</sup>Assembly floor amendments adopted January 31, 2019.

1 exigent circumstances require an immediate strip or body cavity  
2 search by available personnel, as determined by a supervisor;  
3 l. require a transgender inmate who chooses to have a cross  
4 gender search conducted pursuant to subsection k. of this section to  
5 sign a cross gender search preference form; and  
6 m.<sup>1</sup> include any other restrictions deemed appropriate by the  
7 commissioner.  
8  
9 2. This act shall take effect on the first day of the fourth month  
10 next following enactment, but the Commissioner of Corrections  
11 may take any anticipatory action necessary to implement the  
12 provisions of this act.