

ASSEMBLY, No. 2334

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 6, 2006

Sponsored by:

Assemblyman JON M. BRAMNICK

District 21 (Essex, Morris, Somerset and Union)

SYNOPSIS

Requires inmates with sufficient means to pay their incarceration costs.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT requiring certain inmates to pay the cost of their
2 incarceration and supplementing Title 30 of the Revised Statutes.

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

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7 1. a. The Commissioner of Corrections shall establish and
8 collect a fee to cover the costs of confinement for each year that a
9 person is committed to the custody of the Department of
10 Corrections.

11 b. The fee established in subsection a. of this section shall be
12 equivalent to the average cost to the department of incarcerating an
13 inmate for one year. This fee shall be prorated with respect to
14 persons incarcerated for 334 days or less. The calculation of the
15 number of days of incarceration shall include time served prior to
16 conviction.

17 c. The determination of an inmate's assets, liabilities and
18 dependents for the purposes of this act shall be ascertained from
19 information contained in the presentence investigation report and
20 findings and orders of the sentencing court.

21 d. An inmate whose assets are equal to or below the State
22 median household income level are exempt from the provisions of
23 this act.

24 e. If the inmate's financial situation changes subsequent to the
25 preparation of the presentence investigation report, the
26 commissioner shall have discretion to waive the fee or impose a
27 lesser fee if the inmate demonstrates to the commissioner's
28 satisfaction:

29 (1) that the inmate is unable to pay the fee and is unlikely to
30 become able to pay; or

31 (2) that imposition of the fee would unduly burden the inmate's
32 dependents.

33 f. Fees collected pursuant to this section may be used to enhance
34 alcohol and drug abuse prevention programs.

35 g. The commissioner shall be responsible for establishing and
36 collecting the fee covering the costs of confinement for any inmate
37 confined in a facility defined in section 2 of P.L.1969, c.22 (C.30:4-
38 91.2).

39

40 2. a. The State shall have a lien against the property and income
41 of each inmate confined in a State correctional institution for the
42 amount of the fee established in section 1 of this act. Nothing
43 herein shall preclude the State from recovering for any costs of
44 confinement not covered by any lien.

45 b. To perfect the lien, the State Treasurer or commissioner may
46 issue a certificate to the clerk of the Superior Court stating that the
47 person identified in the certificate is indebted under the provisions
48 of this act in such an amount as shall be stated in the certificate. The

1 certificate shall reference the statute under which the indebtedness
2 arises. Thereupon the clerk shall immediately enter upon the record
3 of docketed judgments the name and date of birth of such inmate as
4 debtor; the State as creditor; the address of such inmate if shown in
5 the certificate; the amount of the debt so certified; a reference to the
6 statute under which the debt is assessed; and the date of making
7 such entries. The docketing of the certificate shall have the same
8 force and effect as a civil judgment docketed in the Superior Court
9 and the State shall have all the remedies and may take all of the
10 proceedings for the collection thereof which may be had or taken
11 upon the recovery of a judgment in action, but without prejudice to
12 any right to appeal. Upon entry by the clerk of the certificate in the
13 record of docketed judgments in accordance with the provisions of
14 this subsection, interest in the amount specified by court rule for
15 post-judgment interest shall accrue from the date of the docketing
16 of the certificate; provided, however, payment of the interest may
17 be waived by the State Treasurer. In the event that the debt remains
18 unpaid following the issuance of the certificate of debt and the State
19 Treasurer takes any further collections action including referral of
20 the matter to the Attorney General or his designee, the fee imposed
21 in lieu of the actual cost of collection may be 20% of the debt or
22 \$200, whichever is greater.

23 c. The clerk of the Superior Court shall enter the certificate of
24 debt in the Civil Judgment and Order Docket, as provided in the
25 Rules of Court.

26 All certificates of debt and other papers incidental thereto
27 required for the purposes of this section shall be received and
28 recorded by the clerk of the Superior Court, without payment of
29 fees.

30 d. To discharge any lien or liens filed pursuant to this section,
31 the State Treasurer or his duly constituted agent shall file with the
32 clerk of the Superior Court, a duly acknowledged certificate setting
33 forth the fact that the lien of record should be discharged.

34 The State Treasurer is authorized to compromise for settlement
35 any lien filed under the provisions of this section for costs of an
36 inmate's confinement. A memorandum of compromise and
37 settlement signed by the State Treasurer shall be sufficient
38 authorization for a complete discharge of the lien.

39 e. Any person desiring to secure immediate discharge of any lien
40 may deposit with the court cash in an amount sufficient to cover the
41 amount of the lien, or post a bond in an amount and with sureties
42 approved by the court. Upon proper notice to the State of such
43 deposit or bond, a satisfaction of the lien shall be filed forthwith
44 with the clerk of the Superior Court.

45 f. Any person affected in any manner, whether directly or
46 indirectly by any lien filed under the provisions of this section, and
47 desiring to examine the validity of the lien or the facts and
48 circumstances surrounding the entry of the lien, may do so in an

1 action brought in the county where the lien was filed. The action
2 shall be brought against the State and the court may proceed in the
3 action in a summary manner and enter such judgment as it may
4 deem appropriate.

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6 3. This act shall take effect on the first day of the fourth month
7 following enactment.

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STATEMENT

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12 This bill would require the Commissioner of Corrections to
13 establish and collect a fee each year from inmates in State
14 correctional facilities to pay for the costs of their incarceration.
15 Under the bill, an inmate whose assets are equal to or below the
16 State median household income level would be exempt from paying
17 the fee. It is the sponsor's understanding that this is currently
18 approximately \$50,000.

19 The determination of an inmate's assets, liabilities and
20 dependents would be based on information contained in the
21 presentence investigation report and findings and orders of the
22 sentencing court.

23 The fee established by the bill would be equivalent to the
24 average cost to the department of incarcerating an inmate for one
25 year. Currently, it costs an average of \$28,000 per year to
26 incarcerate one inmate. The fee set by the bill is to be prorated with
27 respect to persons incarcerated for 334 days or less. The calculation
28 of the number of days of incarceration would include time served
29 prior to conviction.

30 The bill grants the commissioner discretion to waive or reduce
31 the fee if an inmate's financial situation changes subsequent to the
32 preparation of the presentence investigation report and the inmate is
33 no longer able to pay the fee and is unlikely to become able to pay;
34 or the imposition of the fee would unduly burden the inmate's
35 dependents.

36 Under the bill, the fees could be used for alcohol and drug abuse
37 prevention programs.

38 The bill also authorizes the commissioner to file a lien against
39 the property of these inmates to ensure payment of the fee and
40 establishes procedures for filing of the lien.

41 Under the bill, the commissioner would be responsible for
42 establishing and collecting this fee for inmates confined in a
43 halfway house or similar private nonprofit community based
44 residential treatment centers.