

Legislature Takes up Flurry of Prison-Reform Measures at Year's End

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Among the measures is one to foster closer ties between children and incarcerated parents, another to reduce sexual assault of female prisoners



New Jersey lawmakers are continuing to take steps to improve life for the incarcerated in different ways, including a guarantee of some measure of dignity for those behind bars.

Almost lost amid loud protests and a number of contentious votes on Monday were votes in one or both houses of the Legislature on five measures focused on prisoners. These included one [recommended recently](#) by a re-entry commission, two others prompted by sexual assaults of female inmates by

guards and another that would end the practice of shackling pregnant prisoners.

Still, the passage of these and other measures — including one restoring the right to vote to those on probation and parole and another easing the expungement of minor drug and other offenses, both of [which Gov. Phil Murphy signed Wednesday](#) — prompted several Republicans in both houses to grouse about Democrats caring more about lawbreakers than law-abiding citizens.

‘Criminals’ and other ‘favored constituencies’

“Today on our agenda we have myriad bills that violate the rule of law and we’re expected to vote against our oath of office because there are certain favored constituencies: criminals, illegal aliens,” said Sen. Gerald Cardinale (R-Bergen) during the Senate session on Monday as he opposed another measure allowing undocumented immigrants to get driver’s license. Murphy is expected to sign that bill today.

Assemblywoman Yvonne Lopez (D-Middlesex), a sponsor of [A-3979](#) known as the Dignity for Incarcerated Primary Caretaker Parents Act, said those who are in prison must be treated as humans.

“For far too long inmates and their families have suffered from outdated policies and a lack of basic rights,” she said.

Lopez’s bill is designed to make it easier for incarcerated parents to stay in touch with their children and give them — specifically women — some rights by requiring the state corrections commissioner and administrators of all county jails to adopt a number of [pro-family policies](#). These include placing primary caretaker parent inmates in a facility as close to their children as possible, promoting visitation policies, providing inmates with parenting classes and prohibiting the use of solitary confinement or shackles on pregnant inmates.

The bill passed both houses Monday, largely along party lines: 50-13 in the Assembly and 28-11 in the Senate. It now awaits action by Murphy, who has

been supportive of other criminal-justice and prison reforms.

“New Jersey took a first step in passing one of the strongest inmate-advocacy bills in the nation,” Lopez continued. “The Dignity Act will afford inmates the protections they deserve to improve reentry and make the prison experience rehabilitative instead of punitive.”

Advocates who are pushing for measures like this one across the country say incarcerated parents face unique challenges as their imprisonment impacts the entire family. In New Jersey, according to the bill's sponsors, current policies used by corrections officials can make it hard for these parents to maintain relationships with their children. And many parents have to choose between using their limited funds to call home to talk with their children or to purchase feminine hygiene products in the commissary; the bill would help ease that problem by requiring correctional facilities to provide women with hygiene products at no cost.

Restoring dignity to prisoners

“Inmates do not deserve to be stripped of their dignity and especially not their right to maintain a relationship with their children,” said Sen. Linda Greenstein (D-Mercer), a sponsor of the bill in the upper house. “Our criminal justice system needs reform, and one of those reforms is to put families first. This legislation underscores the importance of visitation and a renewed approach for our correctional facilities to understand and respect the unique rights of incarcerated caregivers.”

State lawmakers have been active in advancing a host of criminal-justice and prison reforms in recent years. The largest change was the [virtual elimination of cash bail](#), which began in 2017. But legislators had to wait for the election of a progressive governor in Murphy to see the enactment of other actions, including some incremental easing of the expungement process and the establishment of limits on the use of [solitary confinement](#).

On Monday, both houses sent Murphy two other measures specifically aimed at tackling the problem of sexual assault in prison. In recent years, a half-dozen

prison guards have been charged with official misconduct and the sexual assault of inmates at the Edna Mahan Correctional Facility for Women, the state's only women's prison.

The Assembly passed without opposition [S-2533/A-4091](#), which requires the state Office of Victim-Witness Advocacy to provide services to those who are incarcerated and are crime victims. Under the measure, victim advocates would make unannounced visits to correctional facilities housing female inmates and conduct surveys to identify inmate victims of sexual assault or sexual misconduct.

Additionally, the Assembly approved [SJR-74/AJR-134](#), which would create a 17-member study commission to examine issues involving sexual assault behind bars. The commission would be given a number of responsibilities, including:

- Assess the state's compliance with the federal Prison Rape Elimination Act;
- Examine current policies and procedures for investigating sexual assault and misconduct allegations against corrections officers and other workers;
- Consider establishing a citizen-oversight board to monitor Mahan;
- Determine if current policies regarding inmate searches and surveillance should be changed to further protect inmates;
- Consider issues involving the sexual victimization of male inmates.

The Senate passed a significant reform measure entitled Earn Your Way Out ([S-761/A-1986](#)) designed to help more inmates return to society and with a better chance at succeeding that had been vetoed by former Gov. Chris Christie. It would require the state Department of Corrections to develop re-entry plans for inmates to [ease their transition](#) and also establish a presumption of parole for nonviolent offenders who haven't committed any serious infractions for at least two years and meet other criteria.

Senators endorsed the bill 28-11, with most votes cast along party lines. The Assembly had approved the measure last month by a comfortable majority, but because it was amended, the lower house needs to OK it again. That won't happen before early next year, shortly before the end of the current legislative session.

The final bill that passed the Assembly seeks to codify one of 100 recommendations embodied in a report released two months ago by the New Jersey Reentry Services Commission. The bill, [A-5832](#), would require state and county corrections officials to test every prisoner for hepatitis B and hepatitis C unless they opt out. The commission urged this testing because as many as 35% of inmates are hepatitis carriers but most don't know they have the treatable disease.

Only four Republican Assembly members opposed the measure in the lower house, but it still has to make its way through the Senate before January 14 if it is to have a chance of becoming law this term.

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