

**SENATE BILL NO. 2953
(Second Reprint)**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Senate Bill No. 2953 (Second Reprint) with my recommendations for reconsideration.

Senate Bill No. 2953 (Second Reprint) would make various revisions to P.L.2020, c.45, which was enacted into law last year following the Legislature's concurrence with my recommendations for reconsideration of Senate Bill No. 2331. P.L.2020, c.45 supports individuals newly released from incarceration by ensuring that they have access to the documents and social assistance that help to facilitate a successful transition back into the community. Among other things, Senate Bill No. 2953 (Second Reprint) would revise the 2020 law to increase the supply of prescription drugs to be provided to State inmates prior to release, from a two-week supply of medication to a 30-day supply of medication, a three-month supply of long-acting injectables, and, to the extent consistent with clinical guidelines, two additional refills. Additionally, the bill would require the Department of Corrections ("department" or "DOC") Commissioner ("Commissioner") to provide a benefits card approved for the purpose of obtaining benefits under Medicaid, Work First New Jersey ("WFNJ"), and the Supplemental Nutrition Assistance Program ("SNAP").

The bill would extend the law to require the chief executive officers, wardens, and keepers of county correctional facilities to provide inmates being released from county facilities after being incarcerated for 90 days or longer with the same information and documentation that is currently provided to inmates prior to release from State facilities. To further enhance the reentry services available to county inmates upon release, the bill requires each county to appoint a county reentry coordinator to evaluate the unique treatment and social services needs, and offer relevant information

and assistance, to each inmate in a county correctional facility in the State.

The bill also revises P.L.2020, c.45 to require that the Commissioner, chief executive officer, warden, or keeper, as appropriate, ensure that the address of an applicable regional non-profit inmate reentry organization is used for the purpose of establishing proof of residence on an application for benefits whenever an inmate is unable to identify a residence at the time of application. The bill also requires that all State, county, and municipal agencies accept the reentry organization's address as a valid residential address.

Finally, and perhaps most critically, the bill removes an outdated and counterproductive provision of law that prohibits an individual with a drug-related felony conviction from accessing general public assistance under WFNJ. I removed this restriction when I signed the Fiscal Year 2022 Annual Appropriations Act into law and I support permanently removing it from our statutes.

I commend the sponsors of this legislation for seeking to enhance the resources available to former inmates as they re-enter society. This bill builds upon the progress of P.L.2020, c.45 in several important ways. As mentioned, it extends the law to cover county inmates and reinforces the commitment to focusing reentry efforts on our county correctional facilities by requiring every county to appoint a reentry coordinator. It also further improves the benefits application process in order to facilitate enrollment of eligible inmates.

However, some of the provisions of the bill replicate some of the same flaws that led me to conditionally veto Senate Bill No. 2331 prior to its enactment. As originally introduced, Senate Bill No. 2331 would have required DOC to provide inmates with a three-month supply of prescription medication upon release. My recommended

revisions, which were ultimately incorporated prior to the bill's enactment, removed this language to continue to provide inmates with a two-week supply of prescription medication, and allow for an additional 30-day prescription and two additional refills, to the extent consistent with clinical guidelines, for the duration of the public health emergency and state of emergency declared in response to Coronavirus disease 2019 (COVID-19). This bill again seeks to increase the amount of medication made available to an inmate upon release, this time to a 30-day supply of prescription medication and a three-month supply of long lasting injectables, plus two additional refills to the extent consistent with clinical guidelines.

Both DOC and the Department of Human Services ("DHS") have raised serious concerns about supplying inmates with more than a two-week supply of prescription medication. The days and weeks following release from incarceration are a particularly high-risk period for overdose death. A study in Washington State found that, in the two weeks following their release, people who had been incarcerated in State prisons were 129 times more likely to die from an overdose when compared to the general public. Another recent study published in the American Journal of Public Health determined that former inmates are 40 times more likely to die from an opioid overdose within two weeks of release. Accordingly, as I did with Senate Bill No. 2331, I offer recommendations to amend the bill to address this concern.

The bill's language requiring DOC and county correctional facilities to provide Medicaid, SNAP, and WFNJ benefits cards to inmates upon release is also unworkable, as neither DOC nor the county facilities govern these programs and therefore cannot issue the cards. Instead, pursuant to P.L.2020, c.45, DOC assists inmates with applying for Medicaid, SNAP, and WFNJ benefits and qualifying inmates are provided a confirmation number in their release packet. Importantly, the bill fails to recognize that eligible individuals are prohibited

from enrolling in Medicaid, WFNJ, and SNAP until they are no longer incarcerated. For individuals whose enrollment in Medicaid was paused during incarceration, the process is relatively seamless, as Medicaid can simply reenroll them, provided they remain eligible. For inmates not previously enrolled in Medicaid, DOC works with the inmate and DHS during the 30 days prior to release to process the application, so that eligibility can be established and suspended until the inmate is released from incarceration.

In the case of SNAP and WFNJ, the DOC assists individuals with the "One-App" application prior to release as part of an inmate's release plan. I have been advised by DHS that New Jersey is one of a handful of states that has secured a federal waiver to allow individuals who are incarcerated to apply for SNAP from prison during the 30 days prior to release. In addition, the DHS's recently updated application system enables county welfare agencies and boards of social services to more readily identify inmate applications so that agencies can process these applications and coordinate enrollment with dates of release.

I am therefore recommending several revisions to address these, and other related concerns. For example, I propose revising the bill's modifications to the prescription drug requirement to retain the two-week supply of prescription medication, while also allowing for a two-week prescription order with two additional refills, to the extent consistent with clinical guidelines. I am also recommending modifying the provisions related to reentry organizations to eliminate arbitrary restrictions on the reentry organizations that an inmate can use to establish residency, and to require an inmate's consent prior to using a reentry organization as the inmate's residential address. Recognizing that consent is meaningless unless each inmate is made aware of the opportunity, my recommendations also require the DOC and the county correctional facilities to ensure that

all State inmates and all county inmates incarcerated for 90 days or longer are educated on their ability to select a reentry organization as a residential address in the course of the benefits application process.

I am also recommending revisions that will require the Commissioner to assist inmates in obtaining their birth certificates at least 180 days prior to release, rather than requiring the Commissioner to provide the birth certificate no later than 60 days prior to release, as required in the bill. This will ensure that there is sufficient lead time for DOC to help secure the birth certificate prior to an inmate's date of release without creating opportunities for the document to be lost or stolen if the birth certificate is actually provided to the inmate two months prior to release.

Therefore, I herewith return Senate Bill No. 2953 (Second Reprint) and recommend that it be amended as follows:

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| <u>Page 2, Section 1, Line 33:</u> | After "bill)" insert "A copy of the inmate's birth certificate, as issued by the Department of Health, Office of Vital Statistics, if the inmate was born in New Jersey;" |
| <u>Page 2, Section 1, Line 36:</u> | Delete "30-day" and insert "two-week" |
| <u>Page 2, Section 1, Line 37:</u> | Delete "a three-month supply of long-acting injectables," |
| <u>Page 2, Section 1, Line 38:</u> | After "guidelines," insert "a two-week prescription order with" |
| <u>Page 3, Section 1, Lines 15-27:</u> | Delete in their entirety |
| <u>Page 3, Section 2, Line 30:</u> | Delete "provide to" and insert "offer" |
| <u>Page 3, Section 2, Line 30:</u> | After "inmate" insert ", upon request" |
| <u>Page 3, Section 2, Line 30:</u> | Delete "60" and insert "180" |
| <u>Page 3, Section 2, Line 31:</u> | After "facility" insert ", assistance with obtaining" |
| <u>Page 3, Section 2, Line 31:</u> | After "certificate" insert ", as issued by the Department of |

Health, Office of Vital Statistics,"

- Page 3, Section 2, Line 32: After "Jersey." insert "The commissioner shall ensure that all inmates who were born in New Jersey are notified of their ability to obtain the commissioner's assistance in accessing their birth certificates pursuant to this section."
- Page 5, Section 4, Line 1: After "shall" insert ", with the inmate's consent,"
- Page 5, Section 4, Line 1: After "of" delete "the" and insert "a"
- Page 5, Section 4, Line 2: Delete in its entirety
- Page 5, Section 4, Line 3: Delete "inmate"
- Page 5, Section 4, Line 4: After "requirements." insert "The commissioner shall ensure that all inmates who are unable to identify a residence at the time of application for benefits are educated on their ability to select the address of the reentry organization as a residential address pursuant to this subsection."
- Page 5, Section 4, Lines 7-8: Delete "applicable Department of Community Affairs regional non-profit inmate"
- Page 5, Section 4, Line 10: After "benefits" insert "in accordance with subsection d. of this section"
- Page 5, Section 4, Line 13: Delete "benefits under the"
- Page 5, Section 4, Lines 14-16: Delete in their entirety
- Page 5, Section 4, Line 17: Delete "deemed presumptively eligible for"
- Page 5, Section 4, Line 17: After "assistance" insert "shall be screened for"
- Page 5, Section 4, Line 18: Before "immediate" delete "and"
- Page 5, Section 4, Line 18: Delete "and shall receive this assistance for a" and insert "."
- Page 5, Section 4, Lines 19-20: Delete in their entirety
- Page 5, Section 5, Line 31: Delete in its entirety
- Page 5, Section 5, Line 32: Delete "non-profit inmate"
- Page 5, Section 5, Line 32: After "organization" insert "selected as a residential address pursuant to subsection d. of section 3 of this bill"

Page 6, Section 6, Line 21: Delete "30-day" and insert "two-week"

Page 6, Section 6, Line 22: Delete "a three-month supply of long-acting injectables,"

Page 6, Section 6, Line 23: After "guidelines," insert "a two-week prescription order with"

Page 6, Section 6, Line 30: After "parentage;" insert "and"

Page 6, Section 6, Line 40: Delete "; and" and insert "."

Page 6, Section 6, Lines 41-44: Delete in their entirety

Page 7, Section 6, Lines 1-8: Delete in their entirety

Page 7, Section 8, Line 29: After "shall" insert ", with the inmate's consent,"

Page 7, Section 7, Line 29: Delete "applicable"

Page 7, Section 7, Line 30: Delete in its entirety

Page 7, Section 7, Line 31: After "organization" insert "selected as a residential address pursuant to subsection d. of section 3 of this bill"

Page 7, Section 9, Line 36: Delete "The chief executive officer,"

Page 7, Section 9, Lines 37-41: Delete in their entirety

Page 7, Section 9, Lines 42-43: Delete "issue the identification card and"

Page 7, Section 9, Line 45: Delete "the" and insert "a non-driver"

Page 8, Section 10, Line 26: After "that" delete "the" and insert "such"

Page 8, Section 10, Line 44: Delete "Department of Corrections" and insert "county correctional facilities"

Page 8, Section 10, Line 47: After "facility" insert ", with the inmate's consent,"

Page 8, Section 10, Line 48: Delete "appropriate regional non-profit inmate"

Page 9, Section 10, Line 2: After "requirements." insert "The chief executive officer, warden, or keeper of each county correctional facility shall ensure that all inmates incarcerated for 90 days or longer are educated on their ability to select a reentry organization as a residential address pursuant to this subsection."

Page 9, Section 10, Line 5: Delete "appropriate regional non-profit inmate"

Page 9, Section 10, Line 10: Delete "benefits under the"

Page 9, Section 10, Lines 11-13: Delete in their entirety

Page 9, Section 10, Line 14: Delete "deemed presumptively eligible for"

Page 9, Section 10, Line 14: After "assistance" insert "shall be screened for"

Page 9, Section 10, Line 15: Before "immediate" delete "and"

Page 9, Section 10, Line 15: Delete "and shall receive this assistance for a" and insert "."

Page 9, Section 10, Lines 16-17: Delete in their entirety

Page 11, Section 11, Line 5: Insert "f. The county reentry coordinator shall consult and coordinate with the county board of social services or welfare agency, as appropriate, when providing information or assistance with respect to a benefit or service administered by the board or welfare agency."

Page 11, Section 14, Line 40: Delete "regularly" and insert "annually"

Page 12, Section 16, Line 35: Delete "nonprofit inmate"

Page 12, Section 16, Lines 35-36: Delete "approved by the Department of Community Affairs"

Page 12, Section 16, Line 44: After "seq.) insert ", provided the inmate consents to the use of the reentry organization's address as their mailing address"

Page 15, Section 18, Lines 18-26: Delete in their entirety

Page 15, Section 19, Line 28: Delete "19." and insert "18."

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Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor