

SENATE, No. 3934

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 5, 2023

Sponsored by:
Senator BRIAN P. STACK
District 33 (Hudson)

SYNOPSIS

Requires certain correctional facilities to allow service and companion animals to assist inmates with disability; makes appropriation.

CURRENT VERSION OF TEXT

As introduced.



S3934 STACK

2

1 AN ACT concerning service and companion animals at certain
2 correctional facilities, supplementing Title 30 of the Revised
3 Statutes, and making an appropriation.

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

7
8 1. As used in this act:

9 “Correctional facility” means any prison or other secure facility
10 in which adult offenders are incarcerated, that is owned, managed,
11 operated by or contracted with the State of New Jersey.

12 “Department” means the Department of Corrections.

13 “Disability” means a physical or sensory disability, infirmity,
14 malformation, or disfigurement which is caused by bodily injury,
15 birth defect, or illness including epilepsy and other seizure
16 disorders, and which shall include, but not be limited to, any degree
17 of paralysis, amputation, lack of physical coordination, blindness or
18 visual impairment, deafness or hearing impairment, muteness or
19 speech impairment, or physical reliance on a service animal,
20 wheelchair, or other remedial appliance or device, or any mental,
21 psychological, or developmental disability.

22 “Incarcerated person companion animal” means any animal
23 commonly referred to as a pet that was bought, bred, raised, or
24 otherwise acquired, in accordance with local ordinances and State
25 and federal law, for the primary purpose of providing
26 companionship to the incarcerated person.

27 “Service animal” means a service animal or a guide dog as
28 defined in subsection e. of section 1 of P.L.2013, c.205
29 (C.2C:29-3.2), or an animal used for any therapeutic purpose.

30
31 2. a. The Commissioner of the Department of Corrections, in
32 consultation with the Commissioner of the Department of Human
33 Services, shall establish a program to allow any inmate with a
34 disability to apply to utilize the assistance of an incarcerated person
35 companion animal or service animal on-site at a State correctional
36 facility in a manner and at certain times as are feasible for the
37 inmate population.

38 b. The Assistant Commissioner of the Division of Operations
39 in the Department of Corrections shall be responsible for
40 implementing and managing the program. In addition to any other
41 duties required of the position, the duties of the Assistant
42 Commissioner of the Division of Operations shall include, but not
43 be limited to:

44 (1) interfacing with agencies that provide incarcerated person
45 companion animals and service animals to inmates with a disability;
46 and

47 (2) appointing appropriate staff to provide information to
48 inmates regarding various mental health disorders that impact the

1 inmate population and information regarding the program
2 established pursuant to P.L. , c. (C.) (pending before the
3 Legislature as this bill), which authorizes an inmate with a
4 disability to apply to utilize the assistance of an incarcerated person
5 companion animal or service animal on-site at a State correctional
6 facility.

7
8 3. a. The Commissioner of Corrections shall establish a process by
9 which an inmate, who utilizes the assistance of a service animal prior
10 to being sentenced to a correctional facility, shall be permitted to
11 submit the inmate's service animal for evaluation to determine
12 whether it is feasible or necessary for the inmate to continue to
13 utilize the assistance of the service animal on-site at a State
14 correctional facility in accordance with the provisions of P.L. ,
15 c. (C.) (pending before the Legislature as this bill).

16 b. The Commissioner of Corrections shall establish a process by
17 which an inmate, who desires to have access to a service animal after
18 being sentenced to a State correctional facility, may submit a written
19 request to the Assistant Commissioner of the Division of Operations
20 on a form and in a manner prescribed by the Commissioner of
21 Corrections. Thereafter, an evaluation of potential service animal
22 placements shall be conducted to determine whether sufficient need
23 and feasibility exists for the request to be granted.

24 c. The Commissioner of Corrections shall establish a process by
25 which an inmate, who desires to have access to an incarcerated person
26 companion animal after being sentenced to a correctional facility may
27 submit a written request to the Assistant Commissioner of the Division
28 of Operations on a form and in a manner prescribed by the
29 Commissioner of Corrections. Within 30 days of the Assistant
30 Commissioner's receipt of a written request, an evaluation of potential
31 incarcerated person companion animal placement shall be conducted
32 to determine whether sufficient need and feasibility exists for the
33 approval of the request.

34 d. Prior to permitting an incarcerated person companion animal
35 or service animal at any correctional facility, an inmate who has an
36 existing service animal, or the agency that is providing access to an
37 incarcerated person companion animal or new service animal, as
38 appropriate, shall provide documentation to the Commissioner of
39 Corrections that the animal has had all necessary vaccines and
40 immunizations as required by law and the rules and regulations
41 established pursuant to section 4 of P.L. , c. (C.) (pending
42 before the Legislature as this bill).

43
44 4. The Commissioner of the Department of Corrections, in
45 consultation with the Commissioner of the Department of Human
46 Services, shall, pursuant to the "Administrative Procedures Act,
47 P.L.1968, c.410 (C.52:14B-1 et seq.) adopt rules and regulations to

S3934 STACK

- 1 effectuate the provisions of this act, which shall include, but not be
2 limited to:
- 3 a. identifying the specific types of incarcerated person
4 companion animals and service animals that are feasible to allow
5 into State-owned correctional facilities at certain times;
 - 6 b. specifying what hours of operation incarcerated person
7 companion animals and service animals may be present on-site; and
 - 8 c. setting forth specific logistical procedures relative to the
9 feeding, care, and maintenance of incarcerated person companion
10 animals and service animals that are on-site at certain times;
 - 11 d. standards for permitting or prohibiting an incarcerated person
12 companion animal or service animal from being on the premises of a
13 State correctional facility at designated times, overnight, or
14 permanently, and in manner that preserves the health and safety of
15 other inmates;
 - 16 e. governing the ongoing relationships between the Department
17 of Corrections and agencies that provide incarcerated person
18 companion animals and service animals to inmates with a disability;
 - 19 f. governing the feasibility or necessity for an inmate who has
20 an existing service animal to keep his or her service animal on-site
21 at all times or at certain times, and to determine whether the
22 existing service animal meets the health, safety, logistical, and other
23 requirements set forth pursuant to this act; and
 - 24 g. governing the process for conducting incarcerated person
25 companion animals and service animal evaluations upon an inmate
26 request to have such an animal on-site, either at all times or at
27 certain designated times, after the inmate's sentencing to a
28 correctional facility.

29
30 5. There is appropriated from the General Fund to the
31 Department of Corrections such funds as shall be necessary for the
32 implementation of this act, as certified by the Commissioner of
33 Corrections, respectively, and subject to the approval of the
34 Director of the Division of Budget and Accounting in the
35 Department of the Treasury.

36
37 6. This act shall take effect on the 60th day following the date of
38 enactment. The Commissioner of Corrections and Commissioner of
39 Human Services may take any anticipatory administrative action in
40 advance thereof as may be necessary for the implementation of this
41 act.

42
43
44 STATEMENT

45
46 This bill empowers the Department of Corrections, in
47 consultation with the Department of Human Services, to establish a
48 program to allow any inmate with a disability to apply to utilize the

1 assistance of an incarcerated person companion animal or service
2 animal on-site at a State correctional facility in a manner and at
3 certain times as are feasible for the inmate population.

4 Pursuant to this bill, the Assistant Commissioner of the Division
5 of Operations in the Department of Corrections (Assistant
6 Commissioner) is to implement and manage the program by: (1)
7 interfacing with agencies that provide incarcerated person
8 companion animals and service animals to inmates with a disability;
9 and (2) appointing appropriate staff to provide information to
10 inmates regarding various mental health disorders that impact the
11 inmate population and information regarding the program
12 established pursuant to this bill, which authorizes an inmate with a
13 disability to apply to utilize the assistance of an incarcerated person
14 companion animal or service animal on-site at a State correctional
15 facility.

16 The Commissioner of Corrections (commissioner) is to establish
17 a process by which an inmate, who utilizes the assistance of a
18 service animal prior to being sentenced to a correctional facility,
19 shall be permitted to submit the inmate's service animal for
20 evaluation to determine whether it is feasible or necessary for the
21 inmate to continue to utilize the assistance of the service animal on-
22 site at a State correctional facility in accordance with the provisions
23 of this bill.

24 Further, the Commissioner is to establish a process by which an
25 inmate, who desires to have access to a service animal after being
26 sentenced to a State correctional facility, may submit a written
27 request to the Assistant Commissioner on a form and in a manner
28 prescribed by the Commissioner. Thereafter, an evaluation of
29 potential service animal placements shall be conducted to determine
30 whether sufficient need and feasibility exists for the request to be
31 granted.

32 The Commissioner also is to establish a process by which an
33 inmate, who desires to have access to an incarcerated person
34 companion animal after being sentenced to a correctional facility
35 may submit a written request to the Assistant Commissioner on a
36 form and in a manner prescribed by the Commissioner. Within 30
37 days of the Assistant Commissioner's receipt of a written request,
38 an evaluation of potential incarcerated person companion animal
39 placement is to be conducted to determine whether sufficient need
40 and feasibility exists for the approval of the request.

41 Prior to permitting an incarcerated person companion animal or
42 service animal at any correctional facility, an inmate who has an
43 existing service animal, or the agency that is providing access to an
44 incarcerated person companion animal or new service animal, as
45 appropriate, is to provide documentation to the Commissioner that
46 the animal has had all necessary vaccines and immunizations as
47 required by law and the rules and regulations established pursuant
48 to this bill.

S3934 STACK

1 The Commissioner, in consultation with the Commissioner of the
2 Department of Human Services, are to adopt rules and regulations
3 to effectuate the provisions of this bill, which are to include, but not
4 be limited to, certain logistical procedures relative to having the
5 incarcerated person companion animals and service animals in
6 State-owned correctional facilities. The bill also appropriated from
7 the General Fund to the Department of Corrections such funds as
8 necessary for the implementation of the bill, as certified by the
9 Commissioner, respectively, and subject to the approval of the
10 Director of the Division of Budget and Accounting in the
11 Department of the Treasury.

12 Service animals have a long history of performing crucial tasks
13 and fulfilling a significant role in the daily activities of many people
14 with disabilities, including but not limited to providing a calming
15 influence and connection to the familiar in unfamiliar or stressful
16 surroundings. And companion animals have been determined to be
17 extremely effective at ameliorating the symptoms of certain mental
18 disabilities. Further, an overarching goal of the criminal justice
19 system is rehabilitation and assisting an inmate's development for
20 successful re-entry into society. The sponsor's position is that
21 allowing inmates with a disability to have access to a service or
22 companion animal on correctional facility grounds will enhance the
23 rehabilitative process and help the inmate reach his or her full
24 potential.