

**ASSEMBLY, No. 2295**

**STATE OF NEW JERSEY**

**216th LEGISLATURE**

INTRODUCED FEBRUARY 6, 2014

**Sponsored by:**

**Assemblyman VINCENT PRIETO**

**District 32 (Bergen and Hudson)**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

**Assemblyman CARMELO G. GARCIA**

**District 33 (Hudson)**

**Assemblywoman BONNIE WATSON COLEMAN**

**District 15 (Hunterdon and Mercer)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Senators Lesniak, Sacco, Pou and Cunningham**

**SYNOPSIS**

Requires Division of Addiction Services to grant residential drug treatment program licenses to certain programs operating in State correctional facilities and county jails.

**CURRENT VERSION OF TEXT**

As introduced.

**AN ACT** concerning drug treatment programs and supplementing Title 26 of the Revised Statutes and amending P.L.1997, c.14.

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

1. (New section) a. A drug treatment program operating within a State correctional facility or county jail which meets or substantially meets the requirements for licensing as a residential drug treatment program shall be granted such license by the Division of Addiction Services in the Department of Human Services.

b. A drug treatment program which the Director of the Division of Addiction Services determines does not meet or substantially meet the requirements for licensing as a residential drug treatment program shall be advised by the director, within 60 days of the determination, specifically as to which requirement or requirements the program failed to meet. If such drug treatment program addresses the deficiency or deficiencies and can meet or substantially meet the requirements, the program may reapply for licensure as a residential drug treatment program.

c. The Commissioner of the Department of Human Services may promulgate rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to effectuate the purposes of this act.

2. Section 5 of P.L.1997, c.14 (C.44:10-48) is amended to read as follows:

5. a. Only those persons who are United States citizens or eligible aliens shall be eligible for benefits under the Work First New Jersey program. Single adults or couples without dependent children who are legal aliens who meet federal requirements and have applied for citizenship, shall not receive benefits for more than six months unless (1) they

attain citizenship, or (2) they have passed the English language and civics components for citizenship, and are awaiting final determination of citizenship by the federal Immigration and Naturalization Service.

b. The following persons shall not be eligible for assistance and shall not be considered to be members of an assistance unit:

(1) non-needy caretakers, except that the eligibility of a dependent child shall not be affected by the income or resources of a non-needy caretaker;

(2) Supplemental Security Income recipients, except for the purposes of receiving emergency assistance benefits pursuant to section 8 of P.L.1997, c.14 (C.44:10-51);

(3) illegal aliens;

(4) other aliens who are not eligible aliens;

(5) a person absent from the home who is incarcerated in a federal, State, county or local corrective facility or under the custody of correctional authorities, except as provided by regulation of the commissioner;

(6) a person who: is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the jurisdiction from which the person has fled, for a crime or an attempt to commit a crime which is a felony or a high misdemeanor under the laws of the jurisdiction from which the person has fled; or is violating a condition of probation or parole imposed under federal or state law;

(7) a person convicted on or after August 22, 1996 under federal or state law of any offense which is classified as a felony or crime, as appropriate, under the laws of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance as defined in section 102(6) of the federal "Controlled Substances Act" (21 U.S.C. s.802 (6)), who would otherwise be eligible for general public assistance pursuant to P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person who is convicted of any

such offense which has as an element the possession or use only of such a controlled substance may be eligible for Work First New Jersey general public assistance benefits if the person enrolls in or has completed a licensed residential drug treatment program.

Eligibility for benefits for a person entering a licensed residential drug treatment program which does not operate in a State correctional facility or county jail shall commence upon the person's enrollment in the drug treatment program, and shall continue during the person's active participation in, and upon completion of, the drug treatment program, except that during the person's active participation in a drug treatment program and the first 60 days after completion of a drug treatment program, the commissioner shall provide for testing of the person to determine if the person is free of any controlled substance. If the person is determined to not be free of any controlled substance during the 60-day period, the person's eligibility for benefits pursuant to this paragraph shall be terminated; except that this provision shall not apply to the use of methadone by a person who is actively participating in a drug treatment program, as prescribed by the drug treatment program. The commissioner, in consultation with the Commissioner of Health and Senior Services, shall adopt regulations to carry out the provisions of this paragraph, which shall include the criteria for determining active participation in and completion of a drug treatment program.

Eligibility for benefits for a person who completes a licensed residential drug treatment program which operates in a State correctional facility or county jail, in accordance with section 1 of P.L. c. (C. ) (pending before the Legislature as this bill), shall commence upon release from incarceration.

Cash benefits, less a personal needs allowance, for a person receiving general public assistance benefits under the Work First New Jersey program who is enrolled in and actively participating in a licensed residential drug treatment program shall be issued directly to the drug treatment provider to offset the cost of treatment. Upon completion of the drug

treatment program, the cash benefits shall be then issued to the person. In the case of a delay in issuing cash benefits to a person receiving Work First New Jersey general public assistance benefits who has completed the drug treatment program, the drug treatment provider shall transmit to the person those funds received on behalf of that person after completion of the drug treatment program;

(8) a person found to have fraudulently misrepresented his residence in order to obtain means-tested, public benefits in two or more states or jurisdictions, who shall be ineligible for benefits for a period of 10 years from the date of conviction in a federal or state court; or

(9) a person who intentionally makes a false or misleading statement or misrepresents, conceals or withholds facts for the purpose of receiving benefits, who shall be ineligible for benefits for a period of six months for the first violation, 12 months for the second violation, and permanently for the third violation.

c. A person who makes a false statement with the intent to qualify for benefits and by reason thereof receives benefits for which the person is not eligible is guilty of a crime of the fourth degree.

d. Pursuant to the authorization provided to the states under 21 U.S.C. s.862a(d)(1), this State elects to exempt from the application of 21 U.S.C. s.862a(a):

(1) needy persons and their dependent children domiciled in New Jersey for the purposes of receiving benefits under the Work First New Jersey program and food assistance under the federal "Food and Nutrition Act of 2008," Pub.L.110-234 (7 U.S.C. s.2011 et seq.); and

(2) single persons and married couples without dependent children domiciled in New Jersey for the purposes of receiving food assistance under Pub.L.110-234.

(cf: P.L.2009, c.328, s.1)

3. This act shall take effect on the first day of the fourth month following the date of enactment, except that the Commissioner of the Department of Human Services may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

#### STATEMENT

This bill requires the Division of Addiction Services to grant residential treatment program licenses to programs operating in State correctional facilities and county jails which meet or substantially meet requirements for licensure. The purpose of this bill is to ensure that these programs are not denied licensure because they are located within a correctional setting.

Under current law, a person convicted under federal or state law of any felony or crime which has an element of the possession, use, or distribution of a controlled dangerous substance, and who would otherwise be eligible for general public assistance benefits, is ineligible to receive the benefits unless the person has enrolled in or completed a licensed residential drug treatment program. This bill would ensure that incarcerated individuals who participate in and complete drug treatment programs which meet or substantially meet requirements for licensure as residential programs are not denied eligibility for general public assistance benefits upon release from incarceration.

Additionally, licensed residential drug treatment programs are eligible for certain grants and additional benefits which other types of drug treatment programs are not. This bill would allow programs in correctional facilities, which meet or substantially meet the licensing criteria, to be afforded this eligibility.