

# ASSEMBLY, No. 2760

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MARCH 2, 2006

**Sponsored by:**

**Assemblyman JEFF VAN DREW**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman VINCENT PRIETO**

**District 32 (Bergen and Hudson)**

**SYNOPSIS**

Makes prisoners responsible for their own support and maintenance and provides the State with a lien for the cost thereof.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/12/2006)**

1 AN ACT making prisoners in State correctional institutions  
2 responsible for the cost of their maintenance and clothing and  
3 providing a lien therefore and supplementing Title 30 of the  
4 Revised Statutes.

5

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

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9 1. Each adult prisoner of a State correctional institution shall be  
10 liable for the cost to the State of his incarceration based on the per  
11 capita rate for the maintenance and clothing of each prisoner fixed  
12 annually by the Commissioner of the Department of Corrections.

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14 2. The State shall have a lien against the property and income of  
15 each prisoner confined in a State correctional institution for the  
16 total cost of the care and maintenance of the prisoner in the  
17 institution at the per capita cost rate of maintenance fixed in  
18 accordance with law. The lien when properly filed as set forth  
19 herein shall have priority over all unrecorded encumbrances except  
20 for any restitutions, assessments or fines which the adult prisoner is  
21 sentenced to pay.

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23 3. The lien shall be in a form to be prescribed by the State  
24 Department of Corrections and shall contain the name of the  
25 prisoner, date of incarceration, rate of maintenance, and amount of  
26 accumulated delinquent maintenance at the date of filing the lien,  
27 together with notice of the rate of accumulation thereafter. The lien  
28 shall be signed by the Commissioner of the Department of  
29 Corrections or his duly constituted agent. Nothing herein contained  
30 shall preclude the State from recovering for maintenance furnished  
31 but not covered by any lien.

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33 4. The lien shall be filed with the clerk of the county or register  
34 of deeds and mortgages, as the case may be, and shall immediately  
35 attach to and become binding upon all real property in the  
36 ownership of the prisoner in the county wherein the lien is filed and  
37 shall have the force and effect of a money judgment of the Superior  
38 Court.

39 If it is believed that the prisoner is the owner of real property  
40 within the State, but the exact location of same is not known, then  
41 the liens may be filed with the clerk of the Superior Court and shall  
42 become binding upon all real property of the prisoner wherever  
43 situate within the State.

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45 5. If it is found that any prisoner is possessed of any goods,  
46 rights, credits, chattels, moneys or effects which are held by any  
47 person, firm or corporation for the present or subsequent use of the  
48 prisoner, then the lien provided for herein, or a notice of the

1 existence thereof, may be forwarded by registered mail to the  
2 person, firm, or corporation and shall become binding upon any  
3 property rights so held. The person, firm or corporation shall  
4 thereafter be precluded from disposing of the property rights until  
5 the lien is satisfied or until the holder of the lien consents thereto.

6 Any person, firm or corporation disposing of any such property  
7 or moneys after receipt of notice of the lien shall be liable to the  
8 State for the value of the property or moneys of which disposition  
9 has been made except that, when the corporation upon which  
10 service of notice of the lien has been served is a banking institution,  
11 the lien shall be effective against the banking institution only in the  
12 amount of the accumulated delinquent maintenance stated in the  
13 notice.

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15 6. The clerk of the county or register of deeds and mortgages, or  
16 clerk of the Superior Court, as the case may be, shall provide  
17 suitable books in which he shall enter the liens filed hereunder  
18 properly indexed in the name of the prisoner.

19 All liens and other papers incidental thereto required hereunder  
20 shall be received and recorded by the clerk of the county, register of  
21 deeds and mortgages, or clerk of the Superior Court, as the case  
22 may be, without payment of fees.

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24 7. To discharge any lien or liens filed hereunder, the  
25 Commissioner of the Department of Corrections or his duly  
26 constituted agent shall file with the clerk of the county, register of  
27 deeds and mortgages or clerk of the Superior Court, as the case may  
28 be, a duly acknowledged certificate setting forth the fact that the  
29 State desires to discharge the lien of record.

30 The Commissioner of the Department of Corrections is  
31 authorized to compromise for settlement any lien filed under the  
32 provisions of this act for the maintenance of any prisoner. A  
33 memorandum of the compromise and settlement signed by the  
34 commissioner shall be sufficient authorization for a complete  
35 discharge of the lien.

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37 8. Any person desiring to secure immediate discharge of any  
38 lien may deposit with the court cash in sufficient amount to cover  
39 the amount of the lien or post a bond in an amount and with sureties  
40 to be approved by said court. Upon proper notice of this fact being  
41 given to the Department of Corrections a satisfaction of said lien  
42 shall be filed forthwith with the county clerk or register of deeds  
43 and mortgages as the case may be.

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45 9. This act shall take effect 30 days following its enactment.

1 STATEMENT

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3 This bill would make adult inmates in State correctional  
4 institutions responsible for their own support and maintenance. The  
5 cost of each prisoner would be fixed annually by the Commissioner  
6 of Corrections.

7 In order to ensure that the cost of incarceration is collected by  
8 the State, the bill authorized the State to place a lien against the  
9 property and income of inmates for the total cost of their care and  
10 maintenance. The bill sets forth the procedures for the filing of  
11 such liens, which would have priority over all unrecorded  
12 encumbrances except for any restitutions, assessments or fines  
13 which the adult prisoner is sentenced to pay.