

SENATE BILL NO. 415
(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Assembly Bill No. 415 (First Reprint) without my approval.

Senate Bill No. 415 (First Reprint) requires an inmate serving the maximum term of incarceration to be offered, upon request, reentry assistance from a non-profit inmate reentry service provider contracted by the Department of Community Affairs ("DCA"). The bill directs the Commissioner of the Department of Corrections ("Commissioner") ("DOC") to advise an inmate who is scheduled to be released following the maximum term of imprisonment of the availability of these services at least six months prior to the inmate's release date. The Commissioner is further required to provide the inmate with information concerning the non-profit inmate reentry organizations contracted by DCA to provide reentry assistance, including the organizations' contact information.

I commend the bill's sponsors for seeking to connect inmates who have served the maximum length of their sentences, so-called "max-outs," with the services they need to successfully transition back into society. Reentry programs provide critical foundational services that support myriad transitional needs, including physical and mental health, shelter, and employment, among other basic needs. Unsurprisingly, studies indicate that individuals released on supervision or into reentry programs are significantly less likely to recidivate than those who are released without such supports.

While I strongly support the bill's goal of increasing the reentry services available to inmates upon release from incarceration, particularly max-out inmates for whom participation in such services is often limited, I am concerned that the bill does not align with DOC's recent efforts to enhance reentry opportunities. As a threshold matter, the language in the bill limiting eligibility

to reentry organizations that are under contract with the DCA excludes many reentry service providers with whom the DOC currently has memoranda of understanding. I have been advised by the DOC that the bill's language could limit eligibility to just two non-profit organizations, in spite of the fact that DOC currently maintains several memoranda of understanding with various community-based agencies that serve newly released inmates.

The bill's exclusive focus on a small number of mostly large and well-established reentry organizations is also inconsistent with the DOC's New Jersey Locally Empowered, Accountable, and Determined ("NJLEAD") Initiative. Recognizing that there is not a one-size-fits-all model for reentry, the NJLEAD Initiative targets funding to locally-based reentry agencies and organizations that are working to develop wraparound reentry services in individual communities. In so doing, NJLEAD bridges the gap between the services currently provided by the DOC and those provided by the DOC's community partners, and enhances and expands critical reentry support to ensure everyone has a second chance. For these reasons, DOC is rightly focused on prioritizing community-based organizations that have historically lacked access to the level of funding available to their larger, more regionally-based counterparts. Importantly, the Fiscal Year 2022 Annual Appropriations Act endorses this community-oriented approach by including \$3 million for NJLEAD, which will be used to fund grant opportunities to community service providers for the purposes outlined above.

In addition to my reservations about the bill's substance, I am also concerned about its fiscal impact. The fiscal note attached to Senate Bill No. 415 (First Reprint) indicates that the bill will increase annual State expenditures by an indeterminate amount, although the Office of Legislative Services notes that, in calendar year 2020, 6,330 State inmates were released after serving the entirety of their sentences and that the average cost of housing an

inmate in a halfway house is approximately \$25,000 annually. The bill could therefore result in annual costs totaling over \$100 million, even accounting for a corresponding reduction in recidivism. I am further advised that the Legislature did not fund the bill in the Fiscal Year 2022 Appropriations Act even though the bill was passed by both Houses just days before the Legislature approved the Annual Appropriations Act.

Rather than attempting to make mid-year changes to our agreed-upon budget structure, a more appropriate approach to dealing with funding choices such as those presented by this bill is through the annual budget process. Funding decisions should not be made in a vacuum or through an ad hoc approach that fails to consider the broader processes for allocating resources to all of the competing programs, services, interests, and obligations of the State that our taxpayers ultimately fund.

Accordingly, I herewith return Senate Bill No. 415 (First Reprint) without my approval.

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Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor