

# ASSEMBLY, No. 4202

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

**Sponsored by:**

**Assemblywoman BONNIE WATSON COLEMAN**

**District 15 (Mercer)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex)**

**Assemblywoman L. GRACE SPENCER**

**District 29 (Essex and Union)**

**Assemblywoman ELEASE EVANS**

**District 35 (Bergen and Passaic)**

**Assemblywoman CLEOPATRA G. TUCKER**

**District 28 (Essex)**

**Assemblyman ALBERT COUTINHO**

**District 29 (Essex and Union)**

**Co-Sponsored by:**

**Assemblyman Schaer and Assemblywoman Pou**

**SYNOPSIS**

Concerns parole eligibility and supervision, prison visitation, and training and education standards for incarcerated persons.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 12/1/2009)

1 AN ACT concerning inmates, revising various parts of the statutory  
2 law and supplementing Title 30 of the Revised Statutes.

3

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

6

7 1. (New section) The Commissioner of Corrections, in  
8 consultation with the Commissioner of Labor and Workforce  
9 Development, shall establish a mandatory workforce skills training  
10 program in each State correctional facility under the jurisdiction of  
11 the Department of Corrections.

12 a. The requirement of participating in a workforce skills  
13 training program shall apply to an inmate who:

14 (1) is in the custody of the Department of Corrections on the  
15 effective date of P.L. , c. (C. ) (pending before the  
16 Legislature as this bill);

17 (2) has 18 months or more remaining to be served before a  
18 mandatory release date; and

19 (3) is not exempted due to a medical, developmental, or learning  
20 disability.

21 b. The mandatory workforce skills training program  
22 requirement may be deferred for an inmate who is serving a  
23 sentence exceeding 10 years.

24 c. The workforce skills training program shall contain a  
25 computer literacy component, including instruction on word  
26 processing, typing, Internet navigation, and use of e-mail.

27 d. An inmate who satisfactorily participates in the mandatory  
28 workforce skills training program shall be eligible for commutation  
29 time for good behavior pursuant to R.S.30:4-140 or credits for  
30 diligent application to work and other institutional assignments  
31 pursuant to R.S.30:4-92.

32 e. The commissioner shall report to the State Parole Board the  
33 progress of an inmate participating in the mandatory workforce  
34 skills training program.

35 f. The commissioner, in consultation with the Commissioner of  
36 Labor and Workforce Development, shall promulgate, pursuant to  
37 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
38 seq.) the rules and regulations that are necessary to implement the  
39 provisions of P.L. , c. (C. ) (pending before the Legislature  
40 as this bill). These rules and regulations shall include, but not be  
41 limited to, provisions to:

42 (1) determine when an inmate shall be exempted from the  
43 mandatory workforce skills training requirement due to a medical,  
44 developmental, or learning disability as authorized under paragraph  
45 (3) of subsection a. of this section; and

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 (2) authorize these exempted inmates to voluntarily participate  
2 in the mandatory workforce skills training program.

3

4 2. (New section) a. The Commissioner of Corrections, in  
5 consultation with the Commissioner of Education, shall establish a  
6 program of mandatory education in each State correctional facility  
7 under the jurisdiction of the Department of Corrections for each  
8 inmate who fails to attain a minimal educational standard.

9 b. The minimal educational standard set forth in subsection a.  
10 of this section shall be the attainment of a high school equivalency  
11 certificate or high school diploma.

12 c. The requirement of attaining a minimal educational standard  
13 shall apply to an inmate who:

14 (1) is in the custody of the Department of Corrections on the  
15 effective date of P.L. , c. (C. ) (pending before the  
16 Legislature as this bill);

17 (2) has 18 months or more remaining to be served before a  
18 mandatory release date;

19 (3) is not exempted due to a medical, developmental, or learning  
20 disability; and

21 (4) does not possess a high school equivalency certificate or  
22 high school diploma.

23 d. The mandatory education requirement may be deferred for  
24 an inmate who is serving a sentence exceeding 10 years.

25 e. An inmate who satisfactorily participates in the mandatory  
26 education program shall be eligible for commutation time for good  
27 behavior pursuant to R.S.30:4-140 or credits for diligent application  
28 to work and other institutional assignments pursuant to R.S.30:4-92.

29 f. The commissioner shall report to the State Parole Board the  
30 academic progress of an inmate participating in the mandatory  
31 education program.

32 g. The commissioner may utilize digital technology and on-line  
33 education methods to meet the mandatory education requirement  
34 established by this section provided these alternate methods are  
35 documented to be as effective with inmate populations as live  
36 instruction.

37 h. The commissioner shall establish a schedule for the  
38 incremental implementation of the minimal educational standard  
39 required by this section. The schedule shall be completed within  
40 five years of the effective date of this act.

41 i. The commissioner, in consultation with the Commissioner of  
42 Education, shall promulgate, pursuant to the "Administrative  
43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the rules and  
44 regulations that are necessary to implement the provisions of  
45 P.L. , c. (C. ) (pending before the Legislature as this bill).  
46 These rules and regulations shall include, but not be limited to,  
47 provisions to:

48 (1) determine when an inmate shall be exempted from the

1 mandatory education program due to a medical, developmental, or  
2 learning disability as authorized under paragraph (3) of subsection  
3 c. of this section;

4 (2) authorize these exempted inmates to voluntarily participate  
5 in the mandatory education program; and

6 (3) offer and encourage these exempted inmates who possess the  
7 capability to participate in an alternate educational program.

8  
9 3. (New section) In addition to credits received pursuant to  
10 R.S.30:4-92 and R.S.30:4-140, the commissioner also may award  
11 inmates special credits to provide further remission from time of  
12 sentence for achievements in education and workforce training.

13  
14 4. R.S.30:4-127 is amended to read as follows:

15 30:4-127. a. An assignment judge of the Superior Court may  
16 grant, on a written application to him of a majority of the board of  
17 managers of the State Charities Aid Association of New Jersey, to  
18 such person as may be named in such application an order enabling  
19 such person to visit, inspect and examine, **[in] on** behalf of such  
20 association, any of the county, town, township or city  
21 **[poorhouses,] prisons, jails, penitentiaries, reformatories, [ and**  
22 **lunatic or orphan asylums,]** located within any of the counties of  
23 which he is the assignment judge. Every such order shall specify  
24 the institutions to be visited, inspected and examined, and the name  
25 of the person by whom the visitation, inspection and examination  
26 are to be made, and shall be in force for one year from the date on  
27 which it shall have been granted, unless sooner revoked.

28 b. An assignment judge of the Superior Court may grant, on a  
29 written application to him from a nonincarcerated person who has  
30 previously been convicted for a violation of the criminal laws of  
31 this State or the criminal laws of another jurisdiction and been  
32 denied access to visit persons incarcerated in a correctional or penal  
33 institution in this State, an order enabling the person to visit persons  
34 who are incarcerated in any correctional or penal institution in this  
35 State, if the person establishes to the judge that such visits are for  
36 motivational purposes that are likely to be beneficial to the  
37 rehabilitation of the incarcerated persons visited. Every such order  
38 shall specify that all correctional and penal institutions in this State  
39 may be visited by the person who applies for a court order pursuant  
40 to this subsection.

41 (cf: P.L.1953, c.29, s.41)

42  
43 5. Section 12 of P.L.1979, c.441 (C.30:4-123.56) is amended  
44 to read as follows:

45 12. a. The board shall develop a schedule of future parole  
46 eligibility dates for adult inmates denied release at their eligibility  
47 date. In developing such schedule, particular emphasis shall be  
48 placed on the severity of the offense for which he was denied parole

1 and on the characteristics of the offender, such as, but not limited  
2 to, the prior criminal record of the inmate and the need for  
3 continued incapacitation of the inmate, however, in no case shall  
4 any parole eligibility date scheduled pursuant to this subsection be  
5 more than three years following the date on which an inmate was  
6 denied release.

7 b. If the release on the eligibility date is denied, the board  
8 panel which conducted the hearing shall refer to the schedule  
9 published pursuant to subsection a., and include in its statement  
10 denying parole notice of the date of future parole consideration. If  
11 such date differs from the date otherwise established by the  
12 schedule, the board panel shall include particular reasons therefore,  
13 however, in no case shall such date be more than three years  
14 following the date on which the inmate was denied release. The  
15 future parole eligibility date shall not be altered to take into account  
16 remissions of sentence for good behavior and diligent application to  
17 work and other assignments; provided however, the future parole  
18 eligibility date may be altered pursuant to section 8 of P.L.1979, c.  
19 441 (C.30:4-123.52).

20 c. An inmate shall be released on parole on the new parole  
21 eligibility date unless information filed pursuant to a procedure  
22 identical to that set forth in section 10 of P.L.1979, c.441 (C.30:4-  
23 123.54) indicates by a preponderance of the evidence that the  
24 inmate has failed to cooperate in his or her own rehabilitation or  
25 that there is a reasonable expectation that the inmate will violate  
26 conditions of parole imposed pursuant to section 15 of P.L.1979,  
27 c.441 (C.30:4-123.59) if released on parole at that time. The  
28 determination of whether the inmate shall be released on the new  
29 parole eligibility date shall be made pursuant to the procedure set  
30 forth in section 11 of P.L.1979, c.441 (C.30:4-123.55) and this  
31 section.

32 For the purposes of this subsection, "failed to cooperate in his or  
33 her own rehabilitation" shall include, in the case of an inmate who  
34 suffers from mental illness as defined in section 2 of P.L.1987,  
35 c.116 (C.30:4-27.2) that does not require institutionalization, that  
36 the inmate failed to fully participate in or cooperate with all  
37 prescribed treatment offered during incarceration.  
38 (cf: P.L.1998, c.112, s.2)

39

40 6. Section 23 of P.L.1979, c.441 (C.30:4-123.67) is amended to  
41 read as follows:

42 23. a. The appropriate board panel and the Department of  
43 Corrections or the Juvenile Justice Commission established  
44 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) **[may]**  
45 **shall** enter into formal agreements with officials of the board,  
46 officials of the Department of Corrections or the Juvenile Justice  
47 Commission and individual parolees or inmates reduced to writing  
48 and signed by all parties, which agreements stipulate individual

1 programs of education, training, or other activity which shall result  
2 in a specified reduction of the parolee's parole term pursuant to  
3 section 22 of P.L.1979, c.441 (C.30:4-123.66) or the inmate's  
4 primary parole eligibility date pursuant to section 8 of P.L.1979,  
5 c.441 (C.30:4-123.52), upon such successful completion of the  
6 program. The formal agreements required under this subsection  
7 shall be entered into within two months of an inmate's admission to  
8 a correctional facility.

9 b. Any parolee or inmate shall be permitted to apply to the  
10 board for such an agreement. The board panel shall **[review]**  
11 accept all such applications. The board panel **[may]** shall approve  
12 any application consistent with eligibility requirements promulgated  
13 by the board pursuant to section 4 of P.L.1979, c.441 (C.30:4-  
14 123.48). The commission may, by regulation, specify eligibility  
15 requirements for agreements with juvenile parolees and inmates and  
16 the procedures for effecting such agreements and reviewing  
17 juveniles' application for such agreements.

18 c. Upon approval of the parolee or inmate's application, the  
19 board panel shall be responsible for specifying the components  
20 necessary for any such agreement. Upon acceptance of the  
21 agreement by the Department of Corrections or by the commission,  
22 by the board panel and by the parolee or the inmate, the board panel  
23 shall reduce the agreement to writing and monitor compliance with  
24 the agreement at least once every 12 months. The parolee or inmate  
25 and the Department of Corrections or the Juvenile Justice  
26 Commission shall be given a copy of any such agreement.

27 d. Any such agreement shall be terminated by the board panel  
28 in the event the parolee or inmate fails to refuses to satisfactorily  
29 complete each component of the agreement. The inmate or parolee  
30 shall be notified in writing of any such termination and the reasons  
31 therefor. Any such termination may be appealed to the full board  
32 pursuant to section 14 of P.L.1979, c.441 (C.30:4-123.58).  
33 (cf: P.L.1995, c.280, s.46)

34  
35 7. (New section) a. An inmate sentenced to a term of  
36 incarceration in a State correctional institution who (1) has declined  
37 to participate in the parole consideration hearing process or (2) has  
38 been denied parole release pursuant to the provisions of section 11  
39 of P.L.1979, c.441 (C.30:4-123.55) shall, notwithstanding the  
40 provisions of section 12 of P.L.1979, c. 441 (C.30:4-123.56), be  
41 released on parole on a date which precedes the date on which the  
42 aggregate of the inmate's court imposed term of incarceration is to  
43 end by six months; provided, however, that the early release  
44 authorized under the provisions of this subsection shall not apply to  
45 any inmate subject to a judicial or statutory mandatory minimum  
46 term of incarceration. An inmate subject to a mandatory minimum  
47 term of incarceration shall remain in the custody of the  
48 Commissioner of Corrections until the completion of that term.

1       b. In computing the date on which the inmate's court imposed  
2 term of incarceration is to end, the calculations shall include any  
3 reductions for good behavior remitted to the inmate in accordance  
4 with the provisions of R.S.30:4-140 and credits for diligent  
5 application to work and other institutional assignments granted the  
6 inmates pursuant to R.S.30:4-92; provided, however, that  
7 commutation time for good behavior and credits for diligent  
8 application to work and other institutional assignments shall not be  
9 utilized to reduce any judicial or statutory mandatory minimum  
10 term of incarceration imposed on an inmate.

11       c. An inmate released on parole pursuant to subsection a. of  
12 this section shall, during the term of parole supervision, remain in  
13 the legal custody of the Commissioner of Corrections; be  
14 supervised by the Division of Parole of the State Parole Board; and  
15 be subject to the provisions and conditions established by the  
16 appropriate board panel in accordance with the procedures and  
17 standards set forth in section 15 of P.L.1979, c.441 (C.30:4-123.59).  
18 If the parolee violates a condition of parole, the parolee shall be  
19 subject to the provisions of section 16 through section 19 of  
20 P.L.1979, c.441 (C.30:4-123.60 through C.30:4-123.63) and may  
21 have his parole revoked and be returned to custody. If revocation  
22 and return to custody are deemed appropriate, the appropriate board  
23 panel shall revoke the parolee's release and return the parolee to  
24 custody and confinement for the remainder of his sentence.

25       d. An inmate released on parole pursuant to this section and  
26 whose parole is revoked shall not be credited for any time served  
27 during that period of parole and shall not be eligible for parole  
28 during the remainder of his sentence.

29       e. For the purpose of establishing a primary parole eligibility  
30 date pursuant to subsection h. of section 67 of P.L.1979, c.441  
31 (C.30:4-123.51), the period of incarceration required to be served  
32 pursuant to subsections c. and d. of this section shall not be  
33 aggregated with a term of imprisonment imposed on the parolee for  
34 the commission of any offense.

35       f. The provisions of this section shall not apply to any inmate  
36 paroled pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55)  
37 and returned to custody upon the revocation of parole by the  
38 appropriate board panel pursuant to the provisions of section 16  
39 through section 20 of P.L.1979, c.441 (C.30:4-123.60 through  
40 C.30:4-123.64).

41       g. The provisions of this section shall not apply to an inmate  
42 serving a sentence subject to the provisions of section 2 of  
43 P.L.1997, c.117 (C.2C:43-7.2) or a sentence imposed for the  
44 offense of aggravated sexual assault, sexual assault, aggravated  
45 criminal sexual contact, kidnapping pursuant to paragraph (2) of  
46 subsection c. of N.J.S.2C:13-1, endangering the welfare of a child  
47 by engaging in sexual conduct which would impair or debauch the  
48 morals of a child pursuant to subsection a. of N.J.S.2C:24-4,

1 endangering the welfare of a child pursuant to paragraph (3) of  
2 subsection b. of N.J.S.2C:24-4, endangering the welfare of a child  
3 pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4, luring,  
4 or an attempt to commit any of these offenses.

5 h. The provisions of section 22 of P.L.1979, c.441 (C.30:4-  
6 123.66) shall not apply to an inmate released on parole pursuant to  
7 this section.

8 i. Written notice of the parole release of an inmate pursuant to  
9 this section shall be provided to the prosecutor of that inmate in  
10 accordance with the provisions of section 3 of P.L.1994, c.131  
11 (C.30:4-6.1).

12 j. Except as otherwise provided, the provisions of this section  
13 shall apply to all inmates in the custody of the Commissioner of  
14 Corrections on and after the effective date of P.L. , c. (C. )  
15 (pending before the Legislature as this bill). In the case of inmates  
16 in the custody of the commissioner on the effective date of P.L. ,  
17 c. (C. ) (pending before the Legislature as this bill), the Parole  
18 Board may postpone, for a period not to exceed six months, the  
19 application of P.L. , c. (C. ) (pending before the Legislature as  
20 this bill) in order to permit the board an opportunity to identify,  
21 investigate and process the development and establishment of  
22 specific policies and plans, including the availability of treatment  
23 services, if deemed appropriate, for inmates eligible for release  
24 under P.L. , c. (C. ) (pending before the Legislature as this  
25 bill).

26 k. In accordance with the provisions of the "Administrative  
27 Procedure Act," P.L.1968, c.4120 (C.52:14B-1 et seq.), the Parole  
28 Board shall promulgate rules and regulations necessary to effectuate  
29 the purposes of this act.

30  
31 8. Section 3 of this act shall take effect immediately; section 7  
32 of this act shall take effect on the first day of the fourth month  
33 following enactment; sections 1, 2, 5, and 6 of this act shall take  
34 effect on the first day of the seventh month after enactment; section  
35 4 shall take effect on the first day of the 13th month following  
36 enactment. The Commissioners of Corrections, the Commissioner  
37 of Education, and Labor and Workforce Development, and the State  
38 Parole Board may take any anticipatory action prior to the effective  
39 date necessary to implement the provisions of this act.

40

41

42

#### STATEMENT

43

44 This bill contains various provisions related to policies  
45 concerning the rehabilitation and education of persons who are  
46 currently incarcerated.

47 The bill would direct the Commissioner of Corrections to work  
48 with the Commissioner of Labor and Workforce Development to



1 establish a mandatory workforce skills training program in each of  
2 this State's correctional facilities.

3 This bill also would require the Commissioner of Corrections to  
4 work with the Commissioner of Education to establish a program of  
5 mandatory education in this State's correctional facility under  
6 which inmates would be required to attain a high school  
7 equivalency certificate or high school diploma.

8 The bill also permits the commissioner to award inmates special  
9 credits to provide further remission from their sentence for  
10 achievements in education and workforce skills training.

11 The bill also requires that a high school equivalency certificate  
12 issued to an inmate be issued by the Department of Education and  
13 designated as issued by the department. Currently, it is designated  
14 on these certificates that they are issued by the Department of  
15 Corrections.

16 This bill permits certain persons who have been convicted in the  
17 past to obtain a court order that allows them to visit prisons, if they  
18 can show that such visits are likely to motivate and assist in the  
19 rehabilitation of incarcerated persons. The orders granted under  
20 this bill would allow a person to visit any correctional institution in  
21 this State.

22 The provisions of the bill that concern parole would cap, at a  
23 maximum of three years, the length of time that the parole board  
24 could require an inmate denied release to serve before having  
25 another hearing. Currently, the board must develop a schedule of  
26 future parole eligibility dates for adult inmates denied release at  
27 their eligibility date. The schedule places particular emphasis on  
28 the severity of the offense for which the inmate was denied parole  
29 and on the characteristics of the offender.

30 Further, the bill would also provide that inmates and parolees  
31 could enter into formal agreements with various institutions which  
32 would stipulate individual programs of education, training, or other  
33 activities which would result in a specified reduction of the  
34 parolee's parole term. The inmates' compliance with the agreement  
35 would be monitored at least once every twelve months.

36 Finally, this bill would establish a mandatory six-month period  
37 of post-release supervision for all State inmates.