

SENATE, No. 2690

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED APRIL 15, 2013

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

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District 29 (Essex)

SYNOPSIS

Establishes supervised community reintegration program for certain victims of domestic abuse.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing a supervised community reintegration program
2 and supplementing Title 30 of the Revised Statute.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. There is hereby established in the Department of
8 Corrections a supervised community reintegration program. The
9 purpose of the program is to foster the successful community
10 reintegration of certain domestic violence victims who meet the
11 following criteria:

12 (1) the person was convicted of crimes committed against his
13 abuser;

14 (2) the inmate is serving a sentence of imprisonment;

15 (3) the inmate is found to present a low risk of re-offense; and

16 (4) the other requirements of this section are met.

17 b. Eligible inmates approved for participation in the program
18 shall undergo a period of reentry training, be required to agree to a
19 reintegration plan setting out the conditions of participation in the
20 program, and to transition gradually to supervision in the
21 community, which may include assignment to a secure residential
22 community placement and may include participation in a work
23 release program.

24 c. Notwithstanding any provision of P.L. 1979, c.441 (C.30:4-
25 123.45 et seq.), N.J.S.2C:7-2, N.J.S.2C:43-11, or any other law to
26 the contrary, the State Parole Board may authorize the participation
27 of an eligible inmate in the supervised community reintegration
28 program in accordance with the requirements of this section. An
29 eligible inmate participating in the supervised community
30 reintegration program shall remain in the custody of the
31 Commissioner of Corrections and be subject to custody,
32 supervision, and conditions as provided in section 15 of P.L. 1979,
33 c.441 (C.30:4-123.59), as well as those set out in this section. Any
34 participating inmate also shall be subject to such sanctions for
35 violation of a condition of the program as apply for violations of a
36 condition of parole as provided in sections 16 through 21 of P.L.
37 1979, c.441 (C.30:4-123.60 through 30:4-123.65), including
38 removal from the program and a return to prior custody status.

39 d. A request for consideration to participate in the supervised
40 community reintegration program shall be submitted to the
41 appropriate panel of the State Parole Board. The request shall be
42 submitted in a manner and form prescribed by the board.

43
44 2. An inmate may be eligible to apply for a hearing to the State
45 Parole Board seeking participation in the supervised community
46 reintegration program. The application must also provide
47 information affirming the following: (1) the crime for which the
48 inmate is serving a sentence of imprisonment was committed

1 against the alleged abuser and no one else; and (2) the inmate has
2 not been convicted of a crime of violence against another person.

3
4 3. Prior to the State Parole Board panel considering an
5 application, the Department of Corrections shall cause to be
6 completed application review materials, including a psychological
7 evaluation of the applicant, an objective risk assessment, and a
8 summary of the applicant's conduct regarding the offense, history
9 and evidence of abuse, and classification of institutional record
10 since conviction.

11
12 4. a. The application shall first be considered by the
13 appropriate panel of the State Parole Board, which may include a
14 hearing at the discretion of the board; provided, however, that no
15 application shall be passed onto the full board for consideration
16 unless a hearing is held.

17 b. The panel shall recommend that the application be
18 considered by the full parole board if it finds the following:

19 (1) the crime for which the inmate is serving a sentence of
20 imprisonment was committed against the abuser and no one else;

21 (2) the inmate has not been convicted of a crime of violence
22 against another person; and

23 (3) upon a review of the institutional record, victim input, and
24 all other relevant information, including the results of the risk
25 assessment and a psychological evaluation, the panel concludes that
26 the inmate presents a low risk of reoffense. Notwithstanding the
27 foregoing, if the board panel determines that an adult inmate has
28 seriously or persistently violated specifically defined institutional
29 rules or has engaged in conduct indictable in nature while
30 incarcerated, the inmate shall not be recommended for participation.

31 c. Any recommendation for participation that is forwarded to
32 the board shall also make recommendations for provisions of a
33 reintegration plan and any special conditions of participation
34 appropriate for the applicant. The conditions shall include
35 identification of a community sponsor, medical, custody and
36 training conditions, as well as the types of supervision that may be
37 appropriate for the inmate.

38
39 5. If an application is recommended for consideration by the
40 full State Parole Board membership, the board shall conduct a
41 hearing to consider the application. If it finds that the requirements
42 set out in section 4 of P.L. , c. (C.) (pending before the
43 Legislature as this bill) are met, it may order that the inmate be
44 admitted to the supervised community reintegration program, and
45 shall determine any special conditions of participation that shall
46 apply.

47
48 6. a. At least 30 days prior to commencing its review of an
49 application for participation in the program, the State Parole Board

1 shall notify the appropriate sentencing court, county prosecutor, or
2 if the matter was prosecuted by the Attorney General, the Attorney
3 General, and any victim or member of the family of a victim who
4 would be entitled to notice relating to a parole or the consideration
5 of a parole under the provisions of P.L.1979, c.441 (C.30:4-123.45
6 et seq.). The notice shall be given in the manner prescribed by the
7 board and shall contain all such information and documentation
8 relating to the application as the board shall deem appropriate and
9 necessary, as well as information on the program and the
10 consideration process.

11 b. Upon receipt of the notice, the sentencing court, county
12 prosecutor, or Attorney General, as the case may be, and the victim
13 or members of the victim's family, as the case may be, may submit
14 comments to the appropriate board panel and also may be heard by
15 the panel if a hearing is held by the panel and by the board.

16 c. The information contained in any notice given by a panel
17 pursuant to this subsection and the contents of any comments
18 submitted by a recipient in response thereto shall be confidential
19 and shall not be disclosed to any person who is not authorized to
20 receive or review that information or those comments.

21 d. Nothing in this section shall be construed to impair any
22 party's right to be heard pursuant to P.L.1979, c.441 (C.30:4-123.45
23 et seq.).

24 e. The appropriate board panel shall provide written notice of
25 its decision to the sentencing court, the county prosecutor, or
26 Attorney General, as the case may be, and any victim or members
27 of a victim's family given notice pursuant to subsection a. of this
28 section.

29 f. Whenever an eligible inmate is permitted to participate in
30 the supervised community reintegration program pursuant to this
31 section, the appropriate board shall require, as a condition precedent
32 to release, that a reintegration plan be prepared to include:

- 33 (1) identification of a community sponsor;
34 (2) verification of the availability of appropriate residential
35 community placement services, when necessary; and
36 (3) such other conditions of participation specific to the inmate
37 as may be determined by the board.

38 Nothing in this subsection shall be construed to limit the
39 authority of the State Parole Board, an appropriate board panel or
40 parole officer of the State Parole Board to address a violation of a
41 condition for participation in the program, including through
42 dismissal from the program for a violation of conditions or a failure
43 to meet the requirements of the reintegration plan.
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45 7. The State Parole Board, in accordance with the provisions of
46 the "Administrative Procedure Act" P.L.1968, c.410 (C.52:14B-1 et
47 seq.) shall promulgate rules and regulations to effectuate the
48 purposes of this act.

1 8. This act shall take effect immediately.

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STATEMENT

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6 This bill establishes a program to facilitate the reintegration of
7 certain domestic violence victims back into the community.

8 This program, known as the supervised community reintegration
9 program, is designed to assist individuals who have been convicted
10 and incarcerated for committing crimes against their abusers. To
11 qualify for the program, an inmate must be found to present a low
12 risk of re-offense.

13 Inmates selected for the program are to undergo reentry training,
14 agree to a reentry plan outlining their responsibilities under the
15 program, and follow a transition plan that might include a secure
16 residential community placement.

17 When reviewing an inmate's application to participate in the
18 program, the State Parole Board is to give notice to the sentencing
19 court, along with the prosecuting authority (either the county
20 prosecutor or the Attorney General) and any victim or member of
21 the victim's family, advising the parties that they may submit
22 comments to the board.

23 The bill requires that the reintegration plan for each participant
24 must include the name of the inmate's community sponsor,
25 verification that appropriate residential community services are
26 available, and any other conditions the board deems appropriate.

27 Participants who fail to fulfill their responsibilities under their
28 reintegration plan or who violate the provisions of the program are
29 to be removed from the program.