Establishes supervised community reintegration program for certain victims of domestic abuse.
AN ACT establishing a supervised community reintegration program, supplementing Title 30 of the Revised Statutes, and amending P.L.1979, c.441.

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

1. (New section) a. There is hereby established in the Department of Corrections a supervised community reintegration program. The purpose of the program is to foster the successful community reintegration of certain domestic violence victims who meet the following criteria:

(1) the person was convicted of crimes committed against the person’s abuser;

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

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

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

b. An eligible inmate approved for participation in the program shall undergo a period of reentry training, be required to agree to a reintegration plan setting out the conditions of participation in the program, and gradually transition to supervision in the community, which may include assignment to a secure residential community placement and participation in a work release program.

c. Notwithstanding any provision of P.L.1979, c.441 (C.30:4-123.45 et seq.), section 2 of P.L.1994, c.133 (C.2C:7-2), N.J.S.2C:43-11, or any other law to the contrary, the State Parole Board may authorize the participation of an eligible inmate in the supervised community reintegration program in accordance with the requirements of this section. An eligible inmate participating in the supervised community reintegration program shall remain in the custody of the Commissioner of Corrections and be subject to custody, supervision, and conditions as provided in section 15 of P.L.1979, c.441 (C.30:4-123.59), as well as those set out in this section. Any participating inmate also shall be subject to such sanctions for a violation of a condition of the program that apply for violations of a condition of parole as provided in sections 16 through 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.65), including removal from the program and a return to prior custody status.

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

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.
e. (1) For the purposes of this act, a person shall be considered a victim of domestic violence if the person provides one or more of the following:
   (a) a restraining order or other documentation of equitable relief issued by a court of competent jurisdiction;
   (b) a police record documenting the domestic violence;
   (c) documentation that the perpetrator of the domestic violence has been convicted of one or more of the offenses enumerated in section 3 of P.L.1991, c.261 (C.2C:25-19);
   (d) medical documentation of the domestic violence;
   (e) certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency that the person is a victim of domestic violence; or
   (f) other documentation or certification of the domestic violence provided by a social worker, member of the clergy, shelter worker, or other professional who has assisted the person in dealing with domestic violence.

(2) As used in this subsection:
   "Certified Domestic Violence Specialist" means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals.
   "Designated domestic violence agency" means a county-wide organization with a primary purpose to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined in the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing such services.

2. (New section) An inmate may be eligible to apply for a hearing to the State Parole Board seeking participation in the supervised community reintegration program. The application also shall provide information affirming the following: (1) the crime for which the inmate is serving a sentence of imprisonment was committed against the alleged abuser and no one else; and (2) the inmate has not been convicted of a crime of violence against another person.

3. (New section) Prior to the State Parole Board panel considering an application, the Department of Corrections shall cause to be completed application review materials, including a psychological evaluation of the applicant, an objective risk assessment, and a summary of the applicant’s conduct regarding the offense, history and evidence of abuse, and classification of institutional record since conviction.
4. (New section) a. The application shall first be considered by the appropriate panel of the State Parole Board, which may include a hearing at the discretion of the board; provided, however, that no application shall be passed onto the full board for consideration unless a hearing is held.

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

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

2. the inmate has not been convicted of a crime of violence against another person; and

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

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

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

6. (New section) a. At least 30 days prior to commencing its review of an application for participation in the program, the State Parole Board shall notify the appropriate county prosecutor or if the matter was prosecuted by the Attorney General, the Attorney General, and any victim or member of the family of a victim who would be entitled to notice relating to a parole or the consideration of a parole under the provisions of P.L.1979, c.441 (C.30:4-123.45 et seq.). The notice shall be given in the manner prescribed by the board and shall contain all information and documentation relating to the application as the board shall deem appropriate and necessary, as well as information on the program and the consideration process.
b. Upon receipt of the notice, the county prosecutor or Attorney General, as the case may be, and the victim or members of the victim’s family, as the case may be, may submit comments to the appropriate board panel and also may be heard by the panel if a hearing is held by the panel and by the board.

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

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

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

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

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

Nothing in this subsection shall be construed to limit the authority of the State Parole Board, an appropriate board panel, or parole officer of the State Parole Board to address a violation of a condition for participation in the program, including through dismissal from the program for a violation of conditions or a failure to meet the requirements of the reintegration plan.

7. (New section) The State Parole Board, in accordance with the provisions of the “Administrative Procedure Act” P.L.1968, c.410 (C.52:14B-1 et seq.) shall promulgate rules and regulations to effectuate the purposes of this act.

8. Section 7 of L.L.1979, c.441 (C.30:4-123.51) is amended to read as follows:

7. a. Each adult inmate sentenced to a term of incarceration in a county penal institution, or to a specific term of years at the State Prison or the correctional institution for women shall become primarily eligible for parole after having served any judicial or statutory mandatory minimum term, or one-third of the sentence imposed where no mandatory minimum term has been imposed less commutation time for good behavior pursuant to N.J.S.2A:164-24 or R.S.30:4-140 and credits for diligent application to work and
other institutional assignments pursuant to P.L.1972, c.115 (C.30:8-28.1 et seq.) or R.S.30:4-92. Consistent with the provisions of the New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7), commutation and work credits shall not in any way reduce any judicial or statutory mandatory minimum term and such credits accrued shall only be awarded subsequent to the expiration of the term.

b. Each adult inmate sentenced to a term of life imprisonment shall become primarily eligible for parole after having served any judicial or statutory mandatory minimum term, or 25 years where no mandatory minimum term has been imposed less commutation time for good behavior and credits for diligent application to work and other institutional assignments. If an inmate sentenced to a specific term or terms of years is eligible for parole on a date later than the date upon which he would be eligible if a life sentence had been imposed, then in such case the inmate shall be eligible for parole after having served 25 years, less commutation time for good behavior and credits for diligent application to work and other institutional assignments. Consistent with the provisions of the New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7), commutation and work credits shall not in any way reduce any judicial or statutory mandatory minimum term and such credits accrued shall only be awarded subsequent to the expiration of the term.

c. Each inmate sentenced to a specific term of years pursuant to the "Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.) shall become primarily eligible for parole after having served one-third of the sentence imposed less commutation time for good behavior and credits for diligent application to work and other institutional assignments.

d. Each adult inmate sentenced to an indeterminate term of years as a young adult offender pursuant to N.J.S.2C:43-5 shall become primarily eligible for parole consideration pursuant to a schedule of primary eligibility dates developed by the board, less adjustment for program participation. In no case shall the board schedule require that the primary parole eligibility date for a young adult offender be greater than the primary parole eligibility date required pursuant to this section for the presumptive term for the crime authorized pursuant to subsection f. of N.J.S.2C:44-1.

e. Each adult inmate sentenced for an offense specified in N.J.S.2C:47-1 shall become primarily eligible for parole as follows:

(1) If the court finds that the offender's conduct was not characterized by a pattern of repetitive, compulsive behavior or finds that the offender is not amenable to sex offender treatment, or if after sentencing the Department of Corrections in its most recent examination determines that the offender is not amenable to sex offender treatment, the offender shall become primarily eligible for parole after having served any judicial or statutory mandatory
minimum term or one-third of the sentence imposed where no
mandatory minimum term has been imposed. Neither such term
shall be reduced by commutation time for good behavior pursuant
to R.S.30:4-140 or credits for diligent application to work and other
institutional assignments pursuant to R.S.30:4-92.

(2) All other offenders shall be eligible for parole pursuant to
the provisions of N.J.S.2C:47-5, except no offender shall become
primarily eligible for parole prior to the expiration of any judicial or
statutory mandatory minimum term.

f. Each juvenile inmate committed to an indeterminate term
shall be immediately eligible for parole.

g. Each adult inmate of a county jail, workhouse or
penitentiary shall become primarily eligible for parole upon service
of 60 days of his aggregate sentence or as provided for in
subsection a. of this section, whichever is greater. Whenever any
such inmate's parole eligibility is within six months of the date of
such sentence, the judge shall state such eligibility on the record
which shall satisfy all public and inmate notice requirements. The
chief executive officer of the institution in which county inmates
are held shall generate all reports pursuant to subsection d. of
section 10 of P.L.1979, c.441 (C.30:4-123.54). The parole board
shall have the authority to promulgate time periods applicable to the
parole processing of inmates of county penal institutions, except
that no inmate may be released prior to the primary eligibility date
established by this subsection, unless consented to by the
sentencing judge. No inmate sentenced to a specific term of years
at the State Prison or the correctional institution for women shall
become primarily eligible for parole until service of a full nine
months of his aggregate sentence.

h. When an inmate is sentenced to more than one term of
imprisonment, the primary parole eligibility terms calculated
pursuant to this section shall be aggregated by the board for the
purpose of determining the primary parole eligibility date, except
that no juvenile commitment shall be aggregated with any adult
sentence. The board shall promulgate rules and regulations to
govern aggregation under this subsection.

i. The primary eligibility date shall be computed by a
designated representative of the board and made known to the
inmate in writing not later than 90 days following the
commencement of the sentence. In the case of an inmate sentenced
to a county penal institution such notice shall be made pursuant to
subsection g. of this section. Each inmate shall be given the
opportunity to acknowledge in writing the receipt of such
computation. Failure or refusal by the inmate to acknowledge the
receipt of such computation shall be recorded by the board but shall
not constitute a violation of this subsection.

j. Except as provided in this subsection, each inmate sentenced
pursuant to N.J.S.2A:113-4 for a term of life imprisonment,
N.J.S.2A:164-17 for a fixed minimum and maximum term or
subsection b. of N.J.S.2C:1-1 shall not be primarily eligible for
parole on a date computed pursuant to this section, but shall be
primarily eligible on a date computed pursuant to P.L.1948, c.84
(C.30:4-123.1 et seq.), which is continued in effect for this purpose.
Inmates classified as second, third or fourth offenders pursuant to
section 12 of P.L.1948, c.84 (C.30:4-123.12) shall become
primarily eligible for parole after serving one-third, one-half or
two-thirds of the maximum sentence imposed, respectively, less in
each instance commutation time for good behavior and credits for
diligent application to work and other institutional assignments;
provided, however, that if the prosecuting attorney or the
sentencing court advises the board that the punitive aspects of the
sentence imposed on such inmates will not have been fulfilled by
the time of parole eligibility calculated pursuant to this subsection,
then the inmate shall not become primarily eligible for parole until
serving an additional period which shall be one-half of the
difference between the primary parole eligibility date calculated
pursuant to this subsection and the parole eligibility date calculated
pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12). If the
prosecuting attorney or the sentencing court advises the board that
the punitive aspects of the sentence have not been fulfilled, such
advice need not be supported by reasons and will be deemed
conclusive and final. Any such decision shall not be subject to
judicial review except to the extent mandated by the New Jersey
and United States Constitutions. The board shall, reasonably prior
to considering any such case, advise the prosecuting attorney and
the sentencing court of all information relevant to such inmate's
parole eligibility.

k. Notwithstanding any provisions of this section to the
contrary, a person sentenced to imprisonment pursuant to paragraph
(2), (3) or (4) of subsection b. of N.J.S.2C:11-3 shall not be eligible
for parole.

l. Notwithstanding the provisions of subsections a. through j.
of this section, the appropriate board panel, as provided in section 1
of P.L.1997, c.214 (C.30:4-123.51c), may release an inmate serving
a sentence of imprisonment on medical parole at any time.

m. Notwithstanding the provisions of this section, the State
Parole Board, pursuant to the provisions of P.L.____, c._____ (C.____) (pending before the Legislature as this bill), may release an inmate
serving a sentence of imprisonment.
(cf: P.L.2007, c.204, s.6)

9. This act shall take effect immediately.
This bill establishes a program to facilitate the reintegration of certain domestic violence victims back into the community.

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

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

Pursuant to the provisions of the bill, a person is considered a victim of domestic violence if the person provides one or more of the following: a restraining order or other documentation of equitable relief issued by a court; a police record documenting the domestic violence; documentation that the perpetrator of the domestic violence has been convicted of one or more offenses listed in section 3 of P.L.1991, c.261 (C.2C:25-19); medical documentation of the domestic violence; or certification or documentation that the person is a victim of domestic violence from a certified Domestic Violence Specialist, director of a designated domestic violence agency, social worker, member of the clergy, shelter worker, or other professional who has assisted the person.

As defined in the bill, "Certified Domestic Violence Specialist" means a person who has a certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals, and "Designated domestic violence agency" means a county-wide organization, under contract with the Division of Child Protection and Permanency (DCPP) in the Department of Children and Families, that provides services to victims of domestic violence that conform to the core domestic violence services profile as defined by DCPP.

When reviewing an inmate’s application to participate in the program, the State Parole Board is to give notice to the prosecuting authority (either the county prosecutor or the Attorney General) and any victim or member of the victim’s family, advising the parties that they may submit comments to the board.

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

Participants who fail to fulfill their responsibilities under their reintegration plan or who violate the provisions of the program are to be removed from the program.
The bill also clarifies that the State Parole Board may release an inmate from incarceration into the community reintegration program pursuant to criteria established in the bill.