

**ASSEMBLY, No. 1986**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Assemblyman JAMEL C. HOLLEY**

**District 20 (Union)**

**Assemblywoman PATRICIA EGAN JONES**

**District 5 (Camden and Gloucester)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

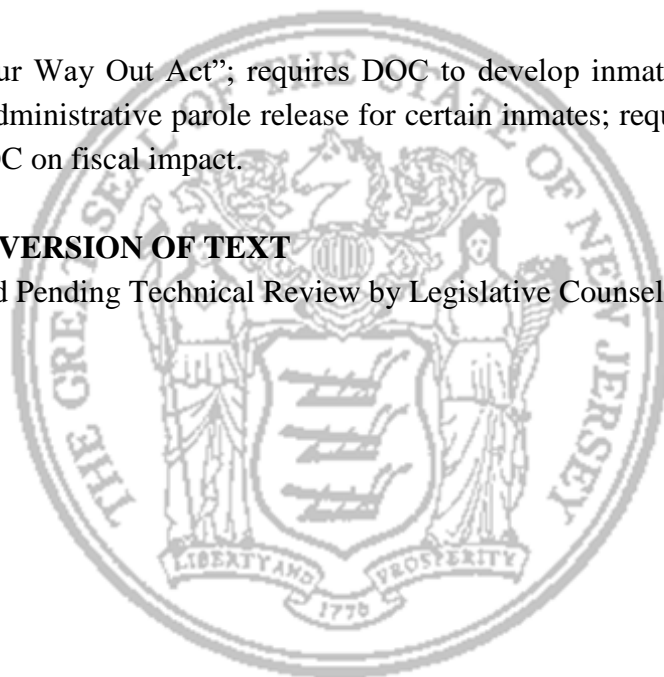
**Assemblywoman McKnight, Assemblymen Giblin, Johnson, Assemblywomen Quijano, Jasey, Chaparro, Jimenez, Assemblyman Karabinchak, Assemblywomen Muoio, Pinkin, Assemblyman McKeon and Assemblywoman Reynolds-Jackson**

**SYNOPSIS**

“Earn Your Way Out Act”; requires DOC to develop inmate reentry plan; establishes administrative parole release for certain inmates; requires study and report by DOC on fiscal impact.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 6/22/2018)**

1 AN ACT concerning prisoner reentry, and amending and  
2 supplementing various parts of the statutory law.

3

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

6

7 1. (New section) This act shall be known and may be cited as  
8 the “Earn Your Way Out Act.”

9

10 2. (New section) As used in this act:

11 “Administrative parole release” means the release of an adult  
12 inmate who has met the criteria set forth in section 4 of P.L. ,  
13 c. (C. ) (pending before the Legislature as this bill) at the  
14 time of primary or subsequent parole eligibility. Administrative  
15 parole release occurs after a hearing officer reviews the preparole  
16 report and the inmate is certified for release by an assigned member  
17 of the board panel. Administrative parole release shall not require a  
18 parole consideration hearing.

19 “Reentry plan” means a plan prepared by appropriate staff within  
20 the Department of Corrections Division of Reentry and  
21 Rehabilitative Services designed to prepare an inmate for successful  
22 integration as a productive, law-abiding citizen upon release from  
23 incarceration.

24

25 3. (New section) a. The Commissioner of Corrections shall  
26 establish a Division of Reentry and Rehabilitative Services to  
27 coordinate reentry preparation and other rehabilitative services  
28 within all State correctional facilities, and act as a liaison to the  
29 State Parole Board, pursuant to P.L. , c. (C. ) (pending  
30 before the Legislature as this bill).

31 Appropriate staff within the division shall be responsible for  
32 engaging with each inmate to develop and implement an  
33 individualized, comprehensive reentry plan for services during the  
34 inmate’s incarceration. This plan may be refined and updated  
35 during incarceration as needed, and shall include recommendations  
36 for community services prior to the inmate’s actual return to the  
37 community. The comprehensive reentry plan shall be designed to  
38 prepare an inmate for successful integration as a productive, law-  
39 abiding citizen upon release from incarceration. Appropriate staff  
40 within the division shall coordinate with appropriate departments  
41 within the Department of Corrections, the State Parole Board, and  
42 the community, to determine what medical, psychiatric,  
43 psychological, educational, vocational, substance abuse, and social  
44 rehabilitative services shall be incorporated into a comprehensive  
45 reentry plan in order to prepare each inmate for successful

**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 integration upon release. The Department of Corrections shall  
2 establish guidelines, timelines, and procedures to govern the  
3 institutional reentry plan process.

4 b. The division, in coordination with the State Parole Board  
5 and the community, shall compile and disseminate to inmates  
6 information concerning organizations and programs, whether faith-  
7 based or secular programs, which provide assistance and services to  
8 inmates reentering society after a period of incarceration. In  
9 compiling this information, the coordinator shall consult with non-  
10 profit entities, including but not limited to the New Jersey Institute  
11 for Social Justice, that provide informational services concerning  
12 reentry, and the Executive Director of the Office of Faith-based  
13 Initiatives in the Department of State, and the Corrections  
14 Ombudsperson in, but not of, the Department of the Treasury.

15 c. The division shall ensure that all inmates are made aware of  
16 and referred to organizations which provide services in the county  
17 where the inmate is to reside after being released from  
18 incarceration. The division shall assist inmates in gaining access to  
19 programs and procuring the appropriate services.

20 d. The Department of Corrections may employ professional  
21 and clerical staff as necessary within the limits of available  
22 appropriations.

23  
24 4. (New section) a. Notwithstanding the provisions of  
25 subsection a. of section 9 of P.L.1979, c.441 (C.30:4-123.53), an  
26 adult inmate shall be administratively released on parole at the time  
27 of primary or subsequent parole eligibility provided that:

28 (1) the inmate has not been previously convicted of, adjudicated  
29 delinquent for, or is currently serving a sentence imposed for any  
30 crime enumerated in subsection d. of section 2 of P.L.1997, c.117  
31 (C.2C:43-7.2); subsection b. of section 2 of P.L.1994, c.133  
32 (C.2C:7-2); or section 3 of P.L.1998, c.71 (C.30:4-27.26);

33 (2) the inmate has not committed any prohibited acts required to  
34 be reported to the prosecutor pursuant to regulations promulgated  
35 by the commissioner during the current period of incarceration, and  
36 has not committed any serious disciplinary infraction, designated in  
37 regulations promulgated by the commissioner as a prohibited act  
38 that is considered to be the most serious and results in the most  
39 severe sanctions, within the previous two years;

40 (3) the inmate has completed relevant rehabilitation programs  
41 available at the correctional facility or applied for but was unable to  
42 complete or was denied access to these programs due to  
43 circumstances beyond the inmate's control including, but not  
44 limited to, capacity limitations or exclusionary policies of these  
45 programs; and

46 (4) crime victims have received notification as required by law.

47 b. In the case of an inmate who meets the criteria set forth in  
48 this section for administrative parole release, a hearing shall not be

1 required pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55).  
2 An inmate released on parole pursuant to subsection a. of this  
3 section shall, during the term of parole supervision, remain in the  
4 legal custody of the Commissioner of Corrections, be supervised by  
5 the Division of Parole of the State Parole Board, and be subject to  
6 the provisions and conditions established by the appropriate board  
7 panel in accordance with the procedures and standards set forth in  
8 section 15 of P.L.1979, c.441 (C.30:4-123.59). If the parolee  
9 violates a condition of parole, the parolee shall be subject to the  
10 provisions of sections 16 through 19 of P.L.1979, c.441 (C.30:4-  
11 123.60 through C.30:4-123.63) and may have his parole revoked  
12 and be returned to custody. If revocation and return to custody are  
13 deemed appropriate, the appropriate board panel shall revoke the  
14 parolee's release and return the parolee to custody and confinement  
15 pursuant to the provisions of section 3 of P.L.1997, c.117 (C.30:4-  
16 123.51b).

17 c. Denials of administrative parole release shall be appealable  
18 in accordance with section 14 of P.L.1979, c.441 (C.30:4-123.58).

19 d. A criminal justice program at a four-year public institution  
20 of higher education in this State shall conduct a study of all inmates  
21 whose primary parole eligibility date was within the five years  
22 immediately preceding the implementation of P.L. c. (C. )  
23 (pending before the Legislature as this bill) and the five years  
24 immediately following the implementation of P.L. c. (C. )  
25 (pending before the Legislature as this bill). The study shall  
26 include, but not be limited to, the number of inmates who met the  
27 criteria set forth in subsection a. of this section, the number of  
28 inmates who did not meet the criteria, and the reasons an inmate did  
29 not meet the criteria.

30

31 5. (New section) Notwithstanding the provisions of subsection  
32 a. of section 7 of P.L.1979, c.441 (C.30:4-123.51), any person  
33 granted parole, except a person serving a parole term set forth in  
34 subsection c. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) or  
35 section 2 of P.L.1994, c.130 (C.2C:43-6.4), shall have the parole  
36 term reduced by parole compliance credits at a rate of five days per  
37 month for each month the person is in compliance with the  
38 conditions of parole, and has not committed a serious or persistent  
39 infraction not overturned by appeal or administrative review. Any  
40 person granted parole who is not in compliance with the conditions  
41 of parole and receives a sanction requiring satisfaction of a  
42 condition of parole shall not receive parole compliance credits until  
43 the parole condition is successfully completed. Upon completing  
44 the condition, parole compliance credits shall be awarded for the  
45 time period between imposition of a sanction and completion of the  
46 condition.

1       6. (New section) The Commissioner of Corrections shall  
2 establish and maintain a centralized database of information  
3 contained on each disciplinary report prepared by a corrections  
4 officer in response to an inmate committing any prohibited act  
5 required to be reported to the prosecutor pursuant to regulations  
6 promulgated by the commissioner that resulted in a conviction  
7 during the current period of incarceration.

8  
9       7. Section 1 of P.L.1979, c.441 (C.30:4-123.45) is amended to  
10 read as follows:

11       1. a. This act shall be known and may be cited as the "Parole  
12 Act of 1979."

13       b. In this act, unless a different meaning is plainly required:

14       (1) "Adult inmate" means any person sentenced as an adult to a  
15 term of incarceration.

16       (2) "Juvenile inmate" means any person under commitment as a  
17 juvenile delinquent pursuant to section 25 of P.L.1982, c.77  
18 (C.2A:4A-44).

19       (3) "Parole release date" means that date certified by a member  
20 of the board for release of an inmate after a review of the inmate's  
21 case pursuant to section 11, 13 or 14 of this act.

22       (4) "Primary parole eligibility date" means that date established  
23 for parole eligibility for adult inmates pursuant to section 7 or 20 of  
24 this act.

25       (5) "Public notice" shall consist of lists including names of all  
26 inmates being considered for parole, the county from which **【he**  
27 **was】** the inmates were committed and the **【crime】** crimes for which  
28 **【he was】** the inmates were incarcerated. At least 30 days prior to  
29 parole consideration such lists shall be forwarded to the office of  
30 the public defender of each county or the private attorney of record  
31 for the inmates, the prosecutor's office of each county, the  
32 sentencing court, the office of the Attorney General, any other  
33 criminal justice agencies whose information and comment may be  
34 relevant, and news organizations.

35       (6) Removal for "cause" means such substantial cause as is  
36 plainly sufficient under the law and sound public policy touching  
37 upon qualifications appropriate to a member of the parole board or  
38 the administration of said board such that the public interest  
39 precludes the member's continuance in office. Such cause includes,  
40 but is not limited to, misconduct in office, incapacity, inefficiency  
41 **【and】**, nonfeasance , and violations of the Parole Board's Code of  
42 Ethics .

43       (7) "Commission" means the Juvenile Justice Commission  
44 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-  
45 170).

46       (8) "Parole officer" means, with respect to an adult inmate, an  
47 officer assigned by the Chairman of the State Parole Board or his

1 designee and, with respect to a juvenile inmate, a person assigned  
2 by the commission.

3 (cf: P.L.2001, c.79, s.2)

4  
5 8. Section 9 of P.L.1979, c.441 (C.30:4-123.53) is amended to  
6 read as follows:

7 9. a. An adult inmate who is not eligible for administrative  
8 parole release pursuant to section 4 of P.L. c. (C. ) (pending  
9 before the Legislature as this bill) shall be released on parole at the  
10 time of primary parole eligibility, unless information supplied in the  
11 report filed pursuant to section 10 of P.L.1979, c.441 (C.30:4-  
12 123.54) or developed or produced at a hearing held pursuant to  
13 section 11 of P.L.1979, c.441 (C.30:4-123.55) indicates by a  
14 preponderance of the evidence that the inmate has failed to  
15 cooperate in his or her own rehabilitation or that there is a  
16 reasonable expectation that the inmate will violate conditions of  
17 parole imposed pursuant to section 15 of P.L.1979, c.441 (C.30:4-  
18 123.59) if released on parole at that time. **【In reaching such**  
19 **determination, the】** The board panel or board shall state the  
20 following on the record ;

21 (1) the reasons **【therefor.**

22 For the purposes of this subsection, "failed to cooperate in his or  
23 her own rehabilitation" shall include, in the case of an inmate who  
24 suffers from mental illness as defined in section 2 of P.L.1987,  
25 c.116 (C.30:4-27.2) that does not require institutionalization, that  
26 the inmate failed to fully participate in or cooperate with all  
27 prescribed treatment offered during incarceration**】** for a denial of  
28 parole, specifically providing evidence to support the denial of  
29 parole based on factors that may be deemed subjective; and

30 (2) the reasons for the established future parole eligibility date,  
31 specifically providing an explanation of why and how the board  
32 panel or board determined the amount of time an inmate must wait  
33 for a subsequent parole hearing.

34 b. A juvenile inmate shall be released on parole when it shall  
35 appear that the juvenile, if released, will not cause injury to persons  
36 or substantial injury to property.

37 (cf: P.L.1998, c.112, s.1)

38  
39 9. Section 10 of P.L.1979, c.441 (C.30:4-123.54) is amended to  
40 read as follows:

41 10. a. At least 120 days but not more than 180 days prior to the  
42 parole eligibility date of each adult inmate, a report concerning the  
43 inmate shall be filed with the appropriate board panel, by the staff  
44 members designated by the superintendent or other chief executive  
45 officer of the institution in which the inmate is held.

46 b. (1) The report filed pursuant to subsection a. shall contain  
47 preincarceration records of the inmate, including any history of civil  
48 commitment, any disposition which arose out of any charges

1 suspended pursuant to N.J.S.2C:4-6 including records of the  
2 disposition of those charges and any acquittals by reason of insanity  
3 pursuant to N.J.S.2C:4-1, state the conduct of the inmate during the  
4 current period of confinement, include a complete report on the  
5 inmate's social and physical condition, include an investigation by  
6 the Division of Parole of the inmate's parole plans, and present  
7 information bearing upon the likelihood that the inmate will commit  
8 a crime under the laws of this State if released on parole. The  
9 report shall also include a complete psychological evaluation of the  
10 inmate in any case in which the inmate was convicted of a first or  
11 second degree crime involving violence and:

12 (a) the inmate has a prior acquittal by reason of insanity  
13 pursuant to N.J.S.2C:4-1 or had charges suspended pursuant to  
14 N.J.S.2C:4-6; or

15 (b) the inmate has a prior conviction for murder pursuant to  
16 N.J.S.2C:11-3, aggravated sexual assault or sexual assault pursuant  
17 to N.J.S.2C:14-2, kidnapping pursuant to N.J.S.2C:13-1,  
18 endangering the welfare of a child which would constitute a crime  
19 of the second degree pursuant to N.J.S.2C:24-4, or stalking which  
20 would constitute a crime of the third degree pursuant to P.L.1992,  
21 c.209 (C.2C:12-10); or

22 (c) the inmate has a prior diagnosis of psychosis.

23 The inmate shall disclose any information concerning any history  
24 of civil commitment.

25 The preincarceration records of the inmate contained in the  
26 report shall include any psychological reports prepared in  
27 connection with any court proceedings.

28 (2) At the time of sentencing, the prosecutor shall notify any  
29 victim injured as a result of a crime of the first or second degree or  
30 the nearest relative of a murder victim of the opportunity to present  
31 a written or videotaped statement for the parole report to be  
32 considered at the parole hearing or to testify to the parole board  
33 concerning his harm at the time of the parole hearing. Each victim  
34 or relative shall be responsible for notifying the board of his  
35 intention to submit such a statement and to provide an appropriate  
36 mailing address.

37 The report may include a written or videotaped statement  
38 concerning the continuing nature and extent of any physical harm or  
39 psychological or emotional harm or trauma suffered by the victim,  
40 the extent of any loss of earnings or ability to work suffered by the  
41 victim and the continuing effect of the crime upon the victim's  
42 family. At the time public notice is given that an inmate is being  
43 considered for parole pursuant to this section, the board shall also  
44 notify any victim or nearest relative who has previously contacted  
45 the board of the availability to provide a written or videotaped  
46 statement for inclusion in the parole report or to present testimony  
47 at the parole hearing.

1       The board shall notify such person at his last known mailing  
2       address.

3       (3) If the inmate meets the requirements for administrative  
4       parole release pursuant to section 4 of P.L. c. (C. ) (pending  
5       before the Legislature as this bill) the report shall indicate such  
6       eligibility.

7       c. A copy of the report filed pursuant to subsection a. of this  
8       section, excepting those documents which have been classified as  
9       confidential pursuant to rules and regulations of the board or the  
10      Department of Corrections, shall be served on the inmate at the time  
11      it is filed with the board panel. The inmate may file with the board  
12      panel a written statement regarding the report, but shall do so within  
13      105 days prior to the primary parole eligibility date.

14      d. Upon receipt of the public notice pursuant to section 1 of  
15      P.L.1979, c.441 (C.30:4-123.45), a county prosecutor , a public  
16      defender, or a private attorney of record may request from the  
17      parole board a copy of the report on any adult inmate prepared  
18      pursuant to subsection a. of this section, which shall be  
19      expeditiously forwarded to the county prosecutor by the parole  
20      board by mail, courier, or other means of delivery. Upon receipt of  
21      the report, the prosecutor has 10 working days to review the report  
22      and notify the parole board of the prosecutor's comments, if any, or  
23      notify the parole board of the prosecutor's intent to provide  
24      comments. If the county prosecutor does not provide comments or  
25      notify the parole board of the prosecutor's intent to provide  
26      comments within the 10 working days, the parole board may  
27      presume that the prosecutor does not wish to provide comments and  
28      may proceed with the parole consideration. Any comments  
29      provided by a county prosecutor shall be delivered to the parole  
30      board by the same method by which the county prosecutor received  
31      the report. The confidentiality of the contents in a report which are  
32      classified as confidential shall be maintained and shall not be  
33      disclosed to any person who is not authorized to receive or review a  
34      copy of the report containing the confidential information.

35      e. Any provision of this section to the contrary  
36      notwithstanding, the board shall by rule or regulation modify the  
37      scope of the required reports and time periods for rendering such  
38      reports with reference to county penal institutions.

39      f. Notwithstanding any provision of this section, the board may  
40      modify the time periods for submitting the reports required pursuant  
41      to this section in processing an inmate whose parole eligibility date  
42      is accelerated pursuant to section 11 of P.L.1979, c.441 (C.30:4-  
43      123.55).

44      (cf: P.L.2001, c.141, s.3)

45

46      10. Section 11 of P.L.1979, c.441 (C.30:4-123.55) is amended to  
47      read as follows:



1 11. a. Prior to the parole eligibility date of each adult inmate, a  
2 designated hearing officer shall review the reports required by  
3 section 10 of P.L.1979, c.441 (C.30:4-123.54), and shall determine  
4 whether:

5 (1) the inmate is eligible for administrative parole release  
6 pursuant to section 4 of P.L. c. (C. ) (pending before the  
7 Legislature as this bill). If an inmate is eligible for administrative  
8 parole release, the hearing officer shall at least 60 days prior to the  
9 inmate's parole eligibility date recommend in writing to the  
10 assigned member of the board panel that administrative parole  
11 release be granted pursuant to section 4 of P.L. c. (C. )  
12 (pending before the Legislature as this bill); or

13 (2) there is a basis for denial of parole in the preparole report,  
14 any risk assessment prepared in accordance with the provisions of  
15 subsection e. of section 8 of P.L.1979, c.441 (C.30:4-123.52), or the  
16 inmate's statement, or an indication, reduced to writing, that  
17 additional information providing a basis for denial of parole would  
18 be developed or produced at a hearing. If the hearing officer  
19 determines that there is no basis in the preparole report, the risk  
20 assessment, or the inmate's statement for denial of parole and that  
21 there is no additional relevant information to be developed or  
22 produced at a hearing, he shall at least 60 days prior to the inmate's  
23 parole eligibility date recommend in writing to the assigned  
24 member of the board panel that parole release be granted.

25 b. If the assigned member of the board panel or in the case of  
26 an inmate sentenced to a county penal institution, the assigned  
27 member concurs in the hearing officer's recommendation, he shall  
28 certify parole release pursuant to section 15 of P.L.1979, c.441  
29 (C.30:4-123.59) as soon as practicable after the eligibility date and  
30 so notify the inmate and the board. In the case of an inmate  
31 recommended for administrative parole release by the hearing  
32 officer pursuant to section 4 P.L. , c. (pending before the  
33 Legislature as this bill), the assigned member shall review the  
34 reports required by section 10 of P.L.1979, c.441 (C.30:4-123.54) to  
35 confirm eligibility and if the inmate is eligible, shall certify parole  
36 release pursuant to section 15 of P.L.1979, c.441 (C.30:4-123.59) as  
37 soon as practicable after the eligibility date and notify the inmate  
38 and the board. In the case of an inmate sentenced to a county penal  
39 institution the board shall certify parole release or deny parole as  
40 provided by this section, except with regard to time periods for  
41 notice and parole processing which are authorized by or otherwise  
42 adopted pursuant to subsection g. of section 7 of P.L.1979, c.441  
43 (C.30:4-123.51). If the designated hearing officer does not  
44 recommend release on parole or if the assigned member does not  
45 concur in a recommendation of the designated hearing officer in  
46 favor of release, then the parole release of an inmate in a county  
47 penal institution shall be treated under the provisions of law  
48 otherwise applicable to an adult inmate. In the case of an inmate

1 sentenced to a county penal institution, the performance of public  
2 service for the remainder of the term of the sentence shall be a  
3 required condition of parole, where appropriate.

4 c. If the hearing officer or the assigned member determines that  
5 there is a basis for denial of parole, or that a hearing is otherwise  
6 necessary, the hearing officer or assigned member shall notify the  
7 appropriate board panel and the inmate in writing of his  
8 determination, and of a date for a parole consideration hearing. The  
9 board panel shall notify the victim of the crime, if the crime for  
10 which the inmate is incarcerated was a crime of the first or second  
11 degree, or the victim's nearest relative if the crime was murder, as  
12 appropriate, who was previously contacted by the board and who  
13 has indicated his intention to the board to testify at the hearing, of  
14 the opportunity to testify or submit written or videotaped statements  
15 at the hearing. Said hearing shall be conducted by the appropriate  
16 board panel at least 30 days prior to the eligibility date. At the  
17 hearing, which shall be informal, the board panel shall receive as  
18 evidence any relevant and reliable documents or videotaped or in  
19 person testimony, including that of the victim of the crime or the  
20 members of the family of a murder victim if the victim or a family  
21 member so desires. If a victim of a crime or the relative of a  
22 murder victim chooses not to testify personally at the hearing, the  
23 victim or relative may elect to present testimony to a senior hearing  
24 officer designated by the board panel. The senior hearing officer  
25 shall notify the victim of the right to have this testimony  
26 videotaped. The senior hearing officer shall prepare a report,  
27 transcript or videotape, if applicable, of the testimony for  
28 presentation to the board panel at the hearing. All such evidence  
29 not classified as confidential pursuant to rules and regulations of the  
30 board or the Department of Corrections shall be disclosed to the  
31 inmate and the inmate shall be permitted to rebut such evidence and  
32 to present evidence on his own behalf. The decision of the board  
33 panel shall be based solely on the evidence presented at the hearing.

34 d. At the conclusion of the parole consideration hearing, the  
35 board panel shall either (1) certify the parole release of the inmate  
36 pursuant to section 15 of this act. as soon as practicable after the  
37 eligibility date and so notify the inmate and the board, or (2) deny  
38 parole and file with the board within 30 days of the hearing a  
39 statement setting forth the decision, the particular reasons therefor,  
40 except information classified as confidential pursuant to rules and  
41 regulations of the board or the Department of Corrections, a copy of  
42 which statement shall be served upon the inmate together with  
43 notice of his right to appeal to the board.

44 e. Upon request by the hearing officer or the inmate, the time  
45 limitations contained in section 10 of P.L.1979, c.441 (C.30:4-  
46 123.54) and this section may be waived by the appropriate board  
47 panel for good cause.

1 f. Notwithstanding the provision of any other law to the  
2 contrary, if an inmate incarcerated for murder is recommended for  
3 parole by the assigned board member or the appropriate board  
4 panel, parole shall not be certified until a majority of the full parole  
5 board, after conducting a hearing, concurs in that recommendation.  
6 The board shall notify the victim's family of that hearing and family  
7 members shall be afforded the opportunity to testify in person or to  
8 submit written or videotaped statements. The provisions of this  
9 subsection shall not apply to an inmate who has his parole revoked  
10 and is returned to custody pursuant to the provisions of section 19  
11 of P.L.1979, c.441 (C.30:4-123.63).

12 g. Notwithstanding the provision of any other law or regulation  
13 to the contrary, the board may promulgate rules and regulations for  
14 the processing of any inmate whose parole eligibility date is  
15 accelerated. For purposes of this section, a parole eligibility date is  
16 accelerated when an inmate becomes eligible for parole at the time  
17 of or within 120 days of an event or circumstance beyond the  
18 control of the parole board, such as sentencing, resentencing or  
19 other amendment, including the awarding of additional credit to the  
20 original sentence, restoration of authorized institutional time credits  
21 or the application of authorized institutional time credits on a future  
22 eligibility date established pursuant to subsection a. of section 12 of  
23 P.L.1979, c.441 (C.30:4-123.56) or subsection a. of section 20 of  
24 P.L.1979, c.441 (C.30:4-123.64). The rules and regulations shall  
25 provide for the preparation and review of a preparole report and  
26 shall require that a parole consideration hearing be held not more  
27 than 120 days after the board has received notice that an accelerated  
28 parole eligibility date has been established.  
29 (cf: P.L. 2001, c.141, s.4)

30  
31 11. R.S.30:4-140 is amended to read as follows:

32 30:4-140. For every year or fractional part of a year of a  
33 custodial sentence imposed upon any person **【committed to any**  
34 **State correctional institution for a minimum-maximum term】** there  
35 shall be remitted to him from both the maximum and minimum term  
36 of his sentence, for continuous orderly deportment, the progressive  
37 time credits indicated in the schedule herein. When a sentence  
38 contains a fractional part of a year in either the minimum or  
39 maximum thereof, then time credits in reduction of such fractional  
40 part of a year shall be calculated at the rate set out in the schedule  
41 for each full month of such fractional part of a year of sentence.  
42 **【No time credits shall be calculated as provided for herein on time**  
43 **served by any person in custody between his arrest and the**  
44 **imposition of sentence.】** In case of any flagrant misconduct the  
45 board of managers may declare a forfeiture of the time previously  
46 remitted, either in whole or in part, as to them shall seem just

1 Schedule  
2

A	B	C
Minimum and Maximum Sentences in Years	Progressive Credits for Minimum and Maximum Sentences in Years (days)	Credits for Each Full Month of Fractional Part of a Year in Excess of Column A (days)
1	72	7
2	156	8
3	252	8
4	348	8
5	444	8
6	540	8
7	636	10
8	756	10
9	876	10
10	996	10
11	1,116	10
12	1,236	11
13	1,368	11
14	1,500	11
15	1,632	11
16	1,764	11
17	1,896	12
18	2,040	12
19	2,184	12
20	2,328	12
21	2,472	12
22	2,616	13
23	2,772	13
24	2,928	13
25	3,084	15
26	3,264	15
27	3,444	15
28	3,624	15
29	3,804	15
30	3,984	16

3  
4 Any sentence in excess of 30 years shall be reduced by time  
5 credits for continuous orderly deportment at the rate of 192 days for  
6 each such additional year or 16 days for each full month of any  
7 fractional part of a year. Nothing herein contained shall be deemed  
8 to limit or affect a convict's eligibility for parole consideration as  
9 provided for in section 10, chapter 84, P.L.1948, as amended, in any  
10 situation where the sentence or consecutive sentences imposed upon

1 a convict shall exceed 25 years.

2 (cf: P.L.1957, c.27, s.1)

3  
4 12. (New section) The Commissioner of Corrections shall  
5 allocate a portion of any cost savings realized from the enactment  
6 of P.L. , c. (pending before the Legislature as this bill) to the  
7 Office of Victim Services for the operating costs of the Focus on  
8 the Victim Program and other services to facilitate inmates'  
9 successful reentry.

10  
11 13. (New section) a. The Commissioner of Corrections, in  
12 consultation with the Chairman of the State Parole Board, shall  
13 conduct a study to determine the fiscal impact of establishing,  
14 pursuant to the provisions of section 3 of P.L. c. (C. )  
15 (pending before the Legislature as this bill), a Division of Reentry  
16 and Rehabilitative Services, and the responsibilities associated with  
17 establishing the division. In conducting the study, the  
18 commissioner shall analyze the costs to the State resulting from  
19 initial implementation and annual operating expenditures resulting  
20 from the establishment of a division, and estimate any cost savings  
21 that may be realized from the enactment of P.L. c. (C. )  
22 (pending before the Legislature as this bill).

23 b. The commissioner shall issue a report to the Governor and,  
24 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
25 Legislature no later than one year following the date of enactment  
26 that shall include at a minimum:

27 (1) a determination whether the provisions of section 3 of  
28 P.L. c. (C. ) (pending before the Legislature as this bill)  
29 will result in additional net costs to the department on a recurring  
30 fiscal year basis or if the provisions are cost-neutral within the  
31 department; and

32 (2) if it is determined that implementation of section 3 of  
33 P.L. c. (C. ) (pending before the Legislature as this bill)  
34 will result in additional net costs to the department, the report shall  
35 include an itemized list of the type and amount of the additional net  
36 costs.

37  
38 14. This act shall take effect on the first day of the third month  
39 following enactment, provided however, that section 3 of this act  
40 shall take effect either on the earlier of:

41 a. the first day of the third month following one year after the  
42 date of enactment if the report issued pursuant to section 13 by the  
43 commissioner concludes that section 3 will result in no additional  
44 net costs to the department on a recurring fiscal year basis or is  
45 cost-neutral within the department; or

46 b. if the report concludes otherwise, upon the effective date of  
47 an enactment by law of an appropriation of funds for the express  
48 purpose of the implementation of section 3.

## STATEMENT

This bill, the “Earn Your Way Out Act,” would enact various corrections and parole reforms, including: requiring the Department of Corrections (DOC) to develop a reentry plan for each inmate; establishing administrative parole release for certain inmates; providing for parole compliance credits; creating an inmate disciplinary database; and mandating an impact study of the bill’s reforms by an institution of higher education’s criminal justice program. In addition, the bill requires the DOC to conduct a study and issue a report concerning the fiscal impact of the bill.

The bill requires the Commissioner of Corrections to establish a Division of Reentry and Rehabilitative Services to coordinate reentry preparation and other rehabilitative services within all State correctional facilities, and to act as a liaison to the State Parole Board. Staff within the division is responsible for developing and implementing an individualized, comprehensive reentry plan designed to prepare each inmate for successful integration as a productive, law-abiding citizen upon release.

Under the bill, administrative parole release means the release of an adult inmate who has met the criteria set forth in the bill at the time of primary or subsequent parole eligibility, and occurs after a hearing officer reviews the preparole report of an inmate and the inmate is certified for release. Administrative parole release does not require a parole consideration hearing.

Under current law, an adult inmate is released on parole at the time of parole eligibility, unless the inmate has failed to cooperate in his or her own rehabilitation or there is a reasonable expectation that the inmate will violate conditions of parole.

The bill provides that an adult inmate will be administratively released on parole at the time of primary or subsequent parole eligibility if:

1) the inmate has not been convicted of a violent crime under the No Early Release Act, a sex offense under Megan’s Law, or a sexually violent offense;

2) the inmate has not committed any prohibited acts required to be reported to the county prosecutor pursuant to regulations promulgated by the Commissioner of Corrections that resulted in a conviction during the current term of incarceration, or any serious disciplinary infraction, as designated in regulations to be a prohibited act that is considered the most serious and results in the most severe sanctions, within the previous two years;

3) the inmate has completed relevant rehabilitation programs during incarceration, or made application to participate in these programs but was unable to complete such programs or denied access because of circumstances beyond the inmate’s control; and

4) crime victims have received notification as required by current law.

Any denial of administrative parole release is to be appealable in accordance with the parole appeal procedures under current law.

1       A parolee released on administrative parole release is to remain in the  
2 legal custody of the Commissioner of Corrections, be supervised by the  
3 Division of Parole of the State Parole Board, and be subject to the  
4 provisions and conditions established by the appropriate board panel. If  
5 the parolee violated a condition of parole, the parole may be revoked and  
6 the parolee returned to custody.

7       For any inmate who is denied parole, the bill requires the Parole  
8 Board to state on the record the reasons for the denial, specifically  
9 providing evidence to support the denial based on factors that may be  
10 deemed to be subjective, as well as the reasons for the established future  
11 parole eligibility date.

12       The bill enables all parolees, other than those who are ineligible for  
13 parole reductions, to earn compliance credits. Under the bill, a parolee's  
14 term is reduced by five days for each month the parolee remains in  
15 compliance with the conditions of parole and does not commit a serious  
16 or persistent infraction (not overturned by appeal or administrative  
17 review).

18       Additionally, with respect to periods of incarceration, the bill  
19 provides that inmates may be awarded commutation credits following  
20 arrest for time served in a county jail. Currently, commutation credits are  
21 not available to inmates who serve time in a county jail prior to serving  
22 time in a State correctional institution.

23       The bill directs the Commissioner of Corrections to establish and  
24 maintain a centralized database of information contained in each  
25 disciplinary report prepared by a corrections officer in response to an  
26 inmate committing a prohibited act, required to be reported to the county  
27 prosecutor pursuant to regulations promulgated by the commissioner, that  
28 resulted in a conviction.

29       The Commissioner of Corrections also is required to allocate a  
30 portion of any cost savings realized from the bill's enactment to the  
31 Office of Victim Services for the operating costs of the Focus on the  
32 Victim Program and other services to facilitate successful reentry.

33       The bill requires a study to be conducted by a criminal justice  
34 program at a four-year public institution of higher education in this State  
35 to determine the impact that administrative parole release, as established  
36 in the bill, has on the inmate population. The study would specifically  
37 focus on those inmates whose primary parole eligibility date was within  
38 the five years immediately preceding and the five years immediately  
39 following the bill's date of enactment.

40       In addition, the bill requires the Commissioner of Corrections, in  
41 consultation with the Chairman of the State Parole Board, to conduct a  
42 study to determine the fiscal impact of establishing a Division of Reentry  
43 and Rehabilitative Services. In conducting the study, the commissioner is  
44 required to analyze the costs to the State resulting from initial  
45 implementation and annual operating expenditures resulting from the  
46 establishment of a division, and estimate any cost savings that may be  
47 realized from enactment of the bill.

48       The bill requires the commissioner to issue a report to the Governor  
49 and the Legislature no later than one year following the date of  
50 enactment. The report is required to include, at a minimum: 1) a

1 determination that the provisions of section 3 of the bill, establishing a  
2 Division of Reentry and Rehabilitative Services, and the responsibilities  
3 associated with establishing the division, will result in additional net costs  
4 to the department on a recurring fiscal year basis or whether the  
5 provisions are cost-neutral within the department; and 2) if it is  
6 determined that implementation of section 3 of the bill will result in  
7 additional net costs to the department, the report shall include an itemized  
8 list of the type and amount of the additional net costs.

9 This bill is to take effect on the first day of the third month following  
10 enactment. However, section 3 is to take effect either: on the first day of  
11 the sixteenth month following enactment if the report issued pursuant to  
12 section 13 concludes that section 3 will result in no additional net costs to  
13 the department on a recurring fiscal year basis or is cost-neutral or, if the  
14 report concludes otherwise, upon the effective date of an enactment by  
15 law of an appropriation of funds for the express purpose of implementing  
16 section 3.