

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2370

STATE OF NEW JERSEY

DATED: JULY 20, 2020

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2370.

As reported by the committee, Assembly Bill No. 2370 establishes compassionate release for certain inmates and repeals the current medical parole law.

Under the bill, a court may release an inmate who qualifies for compassionate release at any time if the inmate is found to be suffering from: 1) a grave medical condition; 2) a terminal condition, disease or syndrome; or 3) a permanent physical incapacity.

The bill defines “grave medical condition” to mean a prognosis that an inmate has more than six months but not more than 12 months to live or has a medical condition that did not exist at the time of sentencing that for at least three months has required the inmate to receive 24-hour care. The bill defines “terminal condition, disease or syndrome” to mean a prognosis that the inmate has six months or less to live. Finally, the bill defines “permanent physical incapacity” to mean a prognosis that an inmate has a medical condition that did not exist at the time of sentencing and renders the inmate permanently unable to perform activities of basic daily living, requiring 24-hour care.

The bill provides that the Department of Corrections (DOC) is to establish a process for an inmate to obtain a diagnosis from two licensed physicians to determine whether he or she is eligible for compassionate release. The diagnosis is required to include, but not be limited to:

- a description of the condition, disease or syndrome, or permanent physical incapacity;
- a prognosis concerning the likelihood of recovery, if appropriate;
- a description of the inmate’s physical incapacity; and
- a description of the type of ongoing treatment that would be required if the inmate is granted compassionate release.

If the inmate is diagnosed with a grave medical condition, under the bill, the inmate’s attorney or public defender may initiate the process of petitioning for compassionate release. If the inmate is diagnosed with a terminal condition, disease or syndrome, or permanent physical incapacity, the DOC is to provide the inmate and the inmate’s attorney or public defender with a Certificate of

Eligibility for Compassionate Release. The inmate may petition the Superior Court for compassionate release based on the certificate of eligibility.

The bill requires a hearing to be held on an expedited basis. In addition, the county prosecutor or Attorney General is required to provide a copy of the petition to any victim or family member who is entitled to notice. The court is to provide a copy of its written decision to the inmate, the county prosecutor or Attorney General, and any victim or member of a victim's family who is to be provided with notice.

If an inmate is granted compassionate release under the bill, the court is required to ensure that the parole board has created a release plan that includes: 1) identification of a community sponsor; 2) verification of the availability of appropriate medical services sufficient to meet the inmate's treatment needs; and 3) verification of appropriate housing.

The bill provides that the Commissioner of Corrections is to ensure that the inmate is provided assistance in completing an application for Medicaid benefits. The State Parole Board is to initiate proceedings to return the inmate to confinement if he or she is no longer debilitated by a terminal condition, disease or syndrome, or permanent physical incapacity and, therefore, capable of committing a crime.

Finally, the bill repeals the current medical parole law. Under current law, an inmate suffering from a terminal condition or permanent physical incapacity may be eligible for medical parole, with the exception of inmates serving a sentence for certain crimes. Under current law, a decision concerning the medical parole of an inmate is conducted by the parole board.