

[First Reprint]

ASSEMBLY, No. 4235

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 8, 2020

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

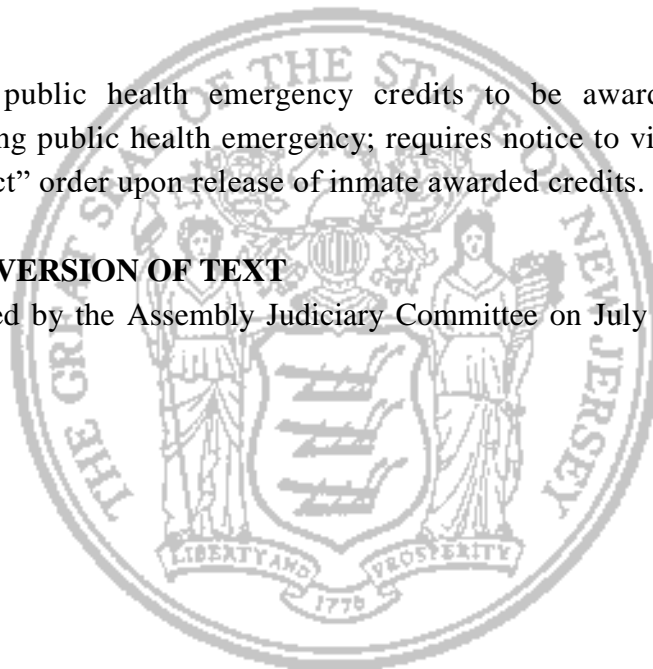
Assemblymen Johnson, Zwicker, Assemblywomen Murphy, Chaparro, Assemblyman Spearman, Assemblywomen Carter, Jasey, Assemblyman Giblin, Assemblywoman McKnight, Assemblyman Verrelli, Assemblywoman Timberlake, Assemblyman Freiman, Assemblywomen Lopez, Vainieri Huttle and Speight

SYNOPSIS

Requires public health emergency credits to be awarded to certain inmates during public health emergency; requires notice to victim and entry of “no contact” order upon release of inmate awarded credits.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on July 20, 2020, with amendments.



(Sponsorship Updated As Of: 7/30/2020)

1 AN ACT concerning public health emergency credits, amending
 2 N.J.S.2C:47-3, and supplementing Title 30 of the Revised
 3 Statutes and P.L.1993, c.133 (C.2A:4A-44).

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

7
 8 1. (New section) a. In addition to credits awarded pursuant to
 9 R.S.30:4-92; section 3 of P.L.2009, c.330 (C.30:4-92a); and
 10 R.S.30:4-140, whenever a public health emergency, pursuant to the
 11 "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et
 12 seq.), has been declared by the Governor and is in effect, the
 13 commissioner also shall award inmates public health emergency
 14 credits in accordance with this section if the public health
 15 emergency:

16 (1) arises as a result of a communicable or infectious disease;
 17 and

18 (2) results in the modification of correctional facility operations.

19 b. Except as provided in subsection ¹**[c.] d.**¹ of this section,
 20 public health emergency credits shall be awarded to any inmate in
 21 the custody of the ¹**[Department] Commissioner**¹ of Corrections
 22 who ¹:

23 (1)¹ is serving a sentence or receiving jail credits applicable to
 24 the sentence ¹; and

25 (2) is scheduled to be released from the custody of the
 26 Commissioner of Corrections within twelve months.

27 c¹. The ¹public health emergency¹ credits ¹awarded pursuant to
 28 this section¹ shall provide further remission from both the
 29 maximum and minimum term of the inmate's sentence at the rate of
 30 ¹**[six] four**¹ months for each month, or portion thereof, served
 31 during the declared emergency. An inmate shall not be awarded
 32 public health emergency credits in excess of ¹**[12] eight**¹ months of
 33 remission for any declared emergency.

34 ¹**[c.] d.**¹ Public health emergency credits shall not be awarded
 35 to an inmate whose conduct was characterized by a pattern of
 36 repetitive, compulsive behavior pursuant to N.J.S.2C:47-3.

37 ¹**[d.] e.**¹ Nothing in this section shall be deemed to limit ¹**[or**
 38 **affect]**¹ an inmate's eligibility for parole consideration as provided
 39 for in section 10 of P.L.1948, c.84 (C.30:4-123.1 et seq.).

40 ¹f. An inmate who was in the custody of the Commissioner of
 41 Corrections during the Public Health Emergency and State of
 42 Emergency declared by the Governor in Executive Order 103 of
 43 2020 concerning the coronavirus disease 2019 pandemic shall

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted July 20, 2020.

1 receive public health emergency credits in accordance with this
2 section.

3 g. Except as provided in subsection h. of this section, an inmate
4 scheduled to be released from the custody of the Commissioner of
5 Corrections following an award of public health emergency credits
6 pursuant to this section shall be released on the scheduled release
7 date based on the award of public health emergency credits.

8 h. An inmate who is scheduled to be released on or within five
9 days following the effective date of P.L. c. (C.) (pending
10 before the Legislature as this bill) shall be released either on the
11 date of the entry of an order entered pursuant to section 6 of
12 P.L. c. (C.) (pending before the Legislature as this bill), or
13 the date the prosecutor notifies the court that no order shall be
14 entered pursuant to subsection b. of section 5 of P.L. c. (C.)
15 (pending before the Legislature as this bill), whichever occurs
16 sooner; however, under no circumstances shall the inmate be
17 released later than five days following the effective date of
18 P.L. c. (C.) (pending before the Legislature as this bill).

19 i. The commissioner shall provide a copy of any order entered
20 pursuant to section 6 of P.L. c. (C.) (pending before the
21 Legislature as this bill) to the inmate prior to the inmate's release
22 from the custody of the commissioner.¹

23

24 2. N.J.S.2C:47-3 is amended to read as follows:

25 2C:47-3. Disposition.

26 a. If the report of the examination reveals that the offender's
27 conduct was characterized by a pattern of repetitive, compulsive
28 behavior and further reveals that the offender is amenable to sex
29 offender treatment and is willing to participate in such treatment,
30 the court shall determine whether the offender's conduct was so
31 characterized and whether the offender is amenable to sex offender
32 treatment and is willing to participate in such treatment and shall
33 record its findings on the judgment of conviction.

34 b. If the court finds that the offender's conduct was
35 characterized by a pattern of repetitive, compulsive behavior and
36 that the offender is amenable to sex offender treatment and is
37 willing to participate in such treatment, the court shall, upon the
38 recommendation of the Department of Corrections, sentence the
39 offender to a term of incarceration to be served in the custody of the
40 commissioner at the Adult Diagnostic and Treatment Center for sex
41 offender treatment as provided in subsection h. of this section, or
42 place the offender on probation with the requirement, as a condition
43 of probation, that he receive outpatient psychological or psychiatric
44 treatment as prescribed.

45 c. A sentence of incarceration or probation imposed pursuant to
46 subsection b. or f. of this section shall be set in accordance with
47 chapters 43, 44 and 45 of this Title.

1 d. The court shall impose sentence in accordance with chapters
2 43, 44 and 45 of this Title and not as provided in subsection b. of
3 this section if it shall appear from the report of the examination
4 made of the offender pursuant to section N.J.S.2C:47-1 that the
5 offender's conduct was not characterized by a pattern of repetitive,
6 compulsive behavior or that the offender is not amenable to sex
7 offender treatment. Notwithstanding the provisions of R.S.30:4-140
8 or R.S.30:4-92 or any other law, a sentence imposed pursuant to
9 this subsection on an offender who is not amenable to sex offender
10 treatment shall not be reduced by commutation time for good
11 behavior or credits for diligent application to work and other
12 institutional assignments.

13 e. (Deleted by amendment, P.L.1998, c.72).

14 f. If the court finds that the offender's conduct was
15 characterized by a pattern of repetitive, compulsive behavior and
16 that the offender is amenable to sex offender treatment, but that the
17 offender is not willing to participate in such treatment, the court
18 shall sentence the offender to a term of incarceration to be served in
19 a facility designated by the commissioner pursuant to section 2 of
20 P.L.1969, c.22 (C.30:4-91.2). The offender shall become primarily
21 eligible for parole in accordance with the provisions of
22 N.J.S.2C:47-5; provided, however, no offender shall become
23 primarily eligible for parole prior to the expiration of any judicial or
24 statutory mandatory minimum term. An offender who meets the
25 criteria of this subsection may, on a biennial basis, request to be
26 transferred to the Adult Diagnostic and Treatment Center. Within
27 90 days after receiving a request for a transfer, the Department of
28 Corrections shall conduct a psychological examination. If, upon the
29 completion of a psychological examination, the Department of
30 Corrections determines that the offender is amenable to sex
31 offender treatment and is willing to participate in such treatment,
32 the commissioner may order the offender to be transferred to the
33 Adult Diagnostic and Treatment Center.

34 g. Notwithstanding the provisions of R.S.30:4-140 **[or]** ,
35 R.S.30:4-92, section 1 of P.L. c. (C.) (pending before the
36 Legislature as this bill), or any other law, a sentence imposed
37 pursuant to subsection f. of this section shall not be reduced by
38 commutation time for good behavior or credits for diligent
39 application to work and other institutional assignments for any year
40 or fractional part of a year that the offender is confined in a facility
41 other than the Adult Diagnostic and Treatment Center; provided,
42 however, if the offender is at any time transferred to the Adult
43 Diagnostic and Treatment Center pursuant to subsection f. of this
44 section, the sentence imposed on the offender shall be reduced by
45 commutation time for good behavior and credits for diligent
46 application to work and other institutional assignments for any year
47 or fractional part of a year that the offender is incarcerated at the

1 Adult Diagnostic and Treatment Center following the date of such
2 transfer.

3 h. An offender sentenced to a term of incarceration pursuant to
4 subsection b. of this section shall be confined as follows:

5 (1) If the court imposes a sentence of seven years or less, the
6 Department of Corrections shall confine the offender to the Adult
7 Diagnostic and Treatment Center as soon as practicable after the
8 date of sentence.

9 (2) If the court imposes a sentence of more than seven years, the
10 Department of Corrections shall confine the offender in a facility
11 designated by the commissioner pursuant to section 2 of
12 P.L.1969, c.22 (C.30:4-91.2). At least 30 days prior to the date
13 which precedes the expiration date of the offender's sentence by
14 five years, including any reductions for commutation time for good
15 behavior and credits for diligent application to work and other
16 institutional assignments, the Department of Corrections shall
17 complete a psychological examination of the offender to determine
18 the offender's amenability to sex offender treatment and willingness
19 to participate in such treatment; provided, however, no such
20 examination shall be required if less than two years has elapsed
21 since the Department of Corrections completed a psychological
22 examination pursuant to N.J.S.2C:47-1. If the report of the
23 examination reveals that the offender is amenable to sex offender
24 treatment and is willing to participate in such treatment, the
25 offender shall be transferred to the Adult Diagnostic and Treatment
26 Center as soon as practicable. If the report of the examination
27 reveals that the offender is not amenable to sex offender treatment,
28 the offender shall not be transferred to the Adult Diagnostic and
29 Treatment Center. If the report of the examination reveals that the
30 offender is amenable to sex offender treatment but is not willing to
31 participate in such treatment, the offender shall not be transferred to
32 the Adult Diagnostic and Treatment Center. An offender may, on a
33 biennial basis, request to be transferred to the Adult Diagnostic and
34 Treatment Center. Within 90 days after receiving a request for a
35 transfer, the Department of Corrections shall conduct a
36 psychological examination. If, upon the completion of a
37 psychological examination, the Department of Corrections
38 determines that the offender is amenable to sex offender treatment
39 and is willing to participate in such treatment, the commissioner
40 shall order the offender to be transferred to the Adult Diagnostic
41 and Treatment Center as soon as practicable.

42 (3) If a sentence is imposed pursuant to section 2 of
43 P.L.1997, c.117 (C.2C:43-7.2) or if any other judicial or statutory
44 mandatory minimum term of more than seven years is imposed, the
45 offender shall be confined in a facility designated by the
46 commissioner pursuant to section 2 of P.L.1969, c.22 (C.30:4-91.2).
47 At least 30 days prior to the date which precedes the expiration date
48 of the mandatory minimum term by five years, the Department of

1 Corrections shall complete a psychological examination of the
2 offender to determine the offender's amenability to sex offender
3 treatment and willingness to participate in such treatment; provided,
4 however, no such examination shall be required if less than two
5 years has elapsed since the Department of Corrections completed a
6 psychological examination pursuant to N.J.S.2C:47-1. If the report
7 of the examination reveals that the offender is amenable to sex
8 offender treatment and is willing to participate in such treatment,
9 the offender shall be transferred to the Adult Diagnostic and
10 Treatment Center as soon as practicable. If the report of the
11 examination reveals that the offender is not amenable to sex
12 offender treatment, the offender shall not be transferred to the Adult
13 Diagnostic and Treatment Center. If the report of the examination
14 reveals that the offender is amenable to sex offender treatment, but
15 is not willing to participate in such treatment, the offender shall not
16 be transferred to the Adult Diagnostic and Treatment Center. An
17 offender may, on a biennial basis, request to be transferred to the
18 Adult Diagnostic and Treatment Center. Within 90 days after
19 receiving a request for a transfer, the Department of Corrections
20 shall conduct a psychological examination. If upon completion of a
21 psychological examination the Department of Corrections
22 determines that the offender is amenable to sex offender treatment
23 and is willing to participate in such treatment, the commissioner
24 shall order the offender to be transferred to the Adult Diagnostic
25 and Treatment Center as soon as practicable.

26 i. Notwithstanding the provisions of R.S. 30:4-140 or R.S.
27 30:4-92 or any other law, a sentence imposed pursuant to subsection
28 b. of this section shall not be reduced by commutation time for good
29 behavior or credits for diligent application to work and other
30 institutional assignments for any year or fractional part of a year
31 from the date the Department of Corrections determines, as a result
32 of a psychological evaluation conducted pursuant to paragraph (2)
33 or (3) of subsection h. of this section, that the offender is not
34 amenable to sex offender treatment or not willing to participate in
35 such treatment; provided, however, if the offender is subsequently
36 determined by the Department of Corrections to be amenable to sex
37 offender treatment and willing to participate in such treatment and
38 is transferred to the Adult Diagnostic and Treatment Center, the
39 sentence imposed on the offender shall be reduced by commutation
40 time for good behavior and credits for diligent application to work
41 and other institutional assignments for any year or fractional part of
42 a year that the offender is incarcerated at the Adult Diagnostic and
43 Treatment Center following the date of such transfer.

44 j. An offender who is sentenced to a term of life imprisonment
45 without eligibility for parole shall not be confined in the Adult
46 Diagnostic and Treatment Center but shall be confined in a facility
47 designated by the commissioner pursuant to section 2 of
48 P.L.1969, c.22 (C.30:4-91.2).

1 k. The commissioner shall be required to provide for the
2 treatment of a sex offender sentenced pursuant to N.J.S.2C:47-1 et
3 seq. only when the offender is incarcerated in the Adult Diagnostic
4 and Treatment Center. This requirement shall not apply when the
5 offender is incarcerated in another facility.

6 (cf: P.L.1998, c.72, s.3)

7
8 3. (New section) a. Except as provided in subsection b. of this
9 section, ¹the procedures and standards for the award of credits set
10 forth in R.S.30:4-92; section 3 of P.L.2009, c.330 (C.30:4-92a);
11 the award of public health emergency credits pursuant to¹ section 1
12 of P.L. c. (C.) (pending before the Legislature as this bill)
13 ¹; and R.S.30:4-140¹ shall apply to any juvenile serving a
14 sentence in a State correctional facility operated by the Juvenile
15 Justice Commission ¹who is scheduled to be released from custody
16 within twelve months¹ .

17 b. Public health emergency credits shall not be awarded to any
18 juvenile who is deemed a repetitive, compulsive sex offender.

19 ¹c. A juvenile who was serving a sentence in a State
20 correctional facility operated by the Juvenile Justice Commission
21 during the Public Health Emergency and State of Emergency
22 declared by the Governor in Executive Order 103 of 2020
23 concerning the coronavirus disease 2019 pandemic shall receive
24 public health emergency credits in accordance with section 1 of
25 P.L. c. (C.) (pending before the Legislature as this bill).

26 d. Except as provided in subsection e. of this section, a juvenile
27 scheduled to be released from the custody of the Juvenile Justice
28 Commission following an award of public health emergency credits
29 pursuant to pursuant to section 1 of P.L. c. (C.) (pending
30 before the Legislature as this bill) shall be released on the scheduled
31 release date based on the award of public health emergency credits.

32 e. A juvenile who is scheduled to be released on or within five
33 days following the effective date of P.L. c. (C.) (pending
34 before the Legislature as this bill) shall be released either on the
35 date of the entry of an order entered pursuant to section 9 of
36 P.L. c. (C.) (pending before the Legislature as this bill), or
37 the date the prosecutor notifies the court that no order shall be
38 entered pursuant to subsection b. of section 8 of P.L. c. (C.)
39 (pending before the Legislature as this bill), whichever occurs
40 sooner; however, under no circumstances shall the juvenile be
41 released later than five days following the effective date of
42 P.L. c. (C.) (pending before the Legislature as this bill).

43 f. The Executive Director of the Juvenile Justice Commission
44 shall provide a copy of any order entered pursuant to section 9 of
45 P.L. c. (C.) (pending before the Legislature as this bill) to
46 the juvenile prior to the juvenile's release from the custody of the
47 Juvenile Justice Commission.¹

- 1 ¹4. (New section) a. The Commissioner of Corrections shall
2 immediately identify any inmate who is scheduled to be released
3 from custody within 12 months as a result of the award of public
4 health emergency credits pursuant to section 1 of
5 P.L. c. (C.) (pending before the Legislature as this bill).
- 6 b. The Commissioner of Corrections shall provide notice to the
7 appropriate court and to the prosecutor of the county in which the
8 inmate was convicted or the Attorney General if the matter was
9 prosecuted by the Attorney General. The notice shall include:
- 10 (1) the name of any inmate who is scheduled to be released from
11 the custody of the Commissioner of Corrections within 12 months
12 as a result of the award of public health emergency credits;
- 13 (2) the date on which the inmate is scheduled to be released
14 from custody based on the award of public health emergency
15 credits; and
- 16 (3) the date on which the inmate was scheduled to be released
17 from custody prior to the award of public health emergency credits.
- 18 c. The Commissioner of Corrections shall make available to
19 the public on the Internet website of the Department of Corrections,
20 in both English and Spanish, information concerning:
- 21 (1) the procedures for filing an application for a final restraining
22 order pursuant to the "Prevention of Domestic Violence Act of
23 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);
- 24 (2) resources for victims of domestic violence; and
- 25 (3) procedures for filing a petition to dissolve an order entered
26 pursuant to section 6 of P.L. c. (C.) (pending before the
27 Legislature as this bill).¹
- 28
- 29 ¹5. (New section) a. Upon receipt of notice from the
30 Commissioner of Corrections that an inmate is scheduled to be
31 released from custody within 12 months based on the award of
32 public health emergency credits pursuant to section 1 of
33 P.L. c. (C.) (pending before the Legislature as this bill), the
34 prosecutor or Attorney General shall, not less than five days prior to
35 the inmate's scheduled release date:
- 36 (1) use any reasonable means available to notify any identifiable
37 victim of the crime for which the inmate is incarcerated of the
38 inmate's scheduled release date;
- 39 (2) notify the identifiable victim that an order will be entered
40 prohibiting the inmate from having any contact with the victim
41 unless the victim requests that an order not be entered;
- 42 (3) notify the victim of the date that the order, if entered, will
43 expire;
- 44 (4) notify the victim of the penalties imposed for the inmate's
45 violation of the order;
- 46 (5) provide information to the victim concerning how the victim
47 may file a petition to dissolve an order prohibiting the inmate from
48 having any contact with the victim; and

1 (6) provide information to the victim concerning the procedures
2 for filing an application for a final restraining order pursuant to the
3 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
4 (C.2C:25-17 et seq.), and resources for victims of domestic
5 violence.

6 b. The prosecutor or Attorney General, as appropriate, shall
7 immediately notify the court and the Department of Corrections
8 whether:

9 (1) an order prohibiting the inmate from having any contact with
10 the victim shall be entered, based on the prosecutor's contact with
11 the victim or the prosecutor's inability to contact the victim; or

12 (2) an order prohibiting the inmate from having any contact with
13 the victim shall not be entered based on a request by the victim.

14 c. The Attorney General shall make available to the public on
15 the Internet website of the Department of Law and Public Safety, in
16 both English and Spanish, information concerning:

17 (1) the procedures for filing an application for a final restraining
18 order pursuant to the "Prevention of Domestic Violence Act of
19 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

20 (2) resources for victims of domestic violence; and

21 (3) procedures for filing a petition to dissolve an order entered
22 pursuant to section 6 of P.L. c. (C.) (pending before the
23 Legislature as this bill).¹

24
25 ¹6. (New section) a. Upon receipt of notice from the
26 Department of Corrections pursuant to section 4 of
27 P.L. c. (C.) (pending before the Legislature as this bill), and
28 notice from the prosecutor pursuant to section 5 of
29 P.L. c. (C.) (pending before the Legislature as this bill), the
30 court shall enter an order in accordance with this section.

31 b. The court shall enter an order prohibiting the inmate from
32 having any contact with an identifiable victim if:

33 (1) the prosecutor notifies the court that an identifiable victim
34 does not oppose the entry of an order; or

35 (2) the prosecutor was unable to contact the identifiable victim.

36 c. Any order entered pursuant to subsection b. of this section
37 shall expire on the date, as provided by the Commissioner of
38 Corrections pursuant to section 4 of P.L. c. (C.) (pending
39 before the Legislature as this bill), that the inmate was scheduled to
40 be released prior to the award of public health emergency credits.

41 d. The court shall provide a copy of any order entered pursuant
42 to subsection b. of this section to the commissioner immediately
43 upon entry of the order but no later than the date on which the
44 inmate is scheduled to be released pursuant to section 1 of
45 P.L. c. (C.) (pending before the Legislature as this bill).

46 e. An inmate shall be guilty of a crime of the fourth degree if
47 the inmate purposely or knowingly violates an order entered
48 pursuant to subsection b. of this section.¹

1 ^{17.} (New section) a. The Executive Director of the Juvenile
2 Justice Commission shall immediately identify any juvenile who is
3 scheduled to be released from the custody of the Juvenile Justice
4 Commission within twelve months as a result of the award of public
5 health emergency credits pursuant to section 1 of
6 P.L. c. (C.) (pending before the Legislature as this bill).

7 b. The Executive Director of the Juvenile Justice Commission
8 shall provide notice to the appropriate court and to the prosecutor of
9 the county in which the juvenile was adjudicated delinquent or the
10 Attorney General if the matter was prosecuted by the Attorney
11 General. The notice shall include:

12 (1) the name of any juvenile who is scheduled to be released
13 from the custody of the Juvenile Justice Commission within 12
14 months as a result of the award of public health emergency credits;

15 (2) the date on which the juvenile is scheduled to be released
16 from custody based on the award of public health emergency
17 credits; and

18 (3) the date on which the juvenile was scheduled to be released
19 from custody prior to the award of public health emergency credits.

20 c. The Executive Director of the Juvenile Justice Commission
21 shall make available to the public on the Internet website of the
22 Juvenile Justice Commission, in both English and Spanish,
23 information concerning:

24 (1) the procedures for filing an application for a final restraining
25 order pursuant to the "Prevention of Domestic Violence Act of
26 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

27 (2) resources for victims of domestic violence; and

28 (3) procedures for filing a petition to dissolve an order entered
29 pursuant to section 9 of P.L. c. (C.) (pending before the
30 Legislature as this bill).¹

31
32 ^{18.} (New section) a. Upon receipt of notice from the Executive
33 Director of the Juvenile Justice Commission that a juvenile is
34 scheduled to be released from the custody of the Juvenile Justice
35 Commission within 12 months based on the award of public health
36 emergency credits pursuant to section 1 of P.L. c. (C.)
37 (pending before the Legislature as this bill), the prosecutor or
38 Attorney General, not less than five days prior to the juvenile's
39 scheduled release date shall:

40 (1) use any reasonable means available to notify any identifiable
41 victim of the crime for which the juvenile is serving a sentence in a
42 State correctional facility operated by the Juvenile Justice
43 Commission of the juvenile's scheduled release date;

44 (2) notify the identifiable victim that an order will be entered
45 prohibiting the juvenile from having any contact with the victim
46 unless the victim requests that an order not be entered;

47 (3) notify the victim of the date that the order, if entered, will
48 expire;

1 (4) notify the victim of the penalties imposed for the juvenile's
2 violation of the order;

3 (5) provide information to the victim concerning how the victim
4 may file a petition to dissolve an order prohibiting the juvenile from
5 having any contact with the victim; and

6 (6) provide information to the victim concerning the procedures
7 for filing an application for a final restraining order pursuant to the
8 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
9 (C.2C:25-17 et seq.), and resources for victims of domestic
10 violence.

11 b. The prosecutor or Attorney General, as appropriate, shall
12 immediately notify the court and the Juvenile Justice Commission
13 whether:

14 (1) an order prohibiting the juvenile from having any contact
15 with the victim shall be entered, based on the prosecutor's contact
16 with the victim or the prosecutor's inability to contact the victim; or

17 (2) an order prohibiting the juvenile from having any contact
18 with the victim shall not be entered based on a request by the
19 victim.¹

20

21 ^{19.} (New section) a. Upon receipt of notice from the
22 Department of Corrections pursuant to section 7 of
23 P.L. c. (C.) (pending before the Legislature as this bill), and
24 notice from the prosecutor pursuant to section 8 of
25 P.L. c. (C.) (pending before the Legislature as this bill), the
26 court shall enter an order in accordance with this section.

27 b. The court shall enter an order prohibiting the juvenile from
28 having any contact with an identifiable victim if:

29 (1) the prosecutor notifies the court that an identifiable victim
30 does not oppose the entry of an order; or

31 (2) the prosecutor was unable to contact the identifiable victim.

32 c. Any order entered pursuant to subsection b. of this section
33 shall expire on the date, as provided by the Executive Director of
34 the Juvenile Justice Commission pursuant to section 7 of
35 P.L. c. (C.) (pending before the Legislature as this bill), that
36 the juvenile was scheduled to be released prior to the award of
37 public health emergency credits.

38 d. The court shall provide a copy of any order entered pursuant
39 to subsection b. of this section to the Executive Director of the
40 Juvenile Justice Commission immediately upon entry of the order
41 but no later than the date on which the juvenile is scheduled to be
42 released pursuant to section 3 of P.L. c. (C.) (pending
43 before the Legislature as this bill).

44 e. A juvenile shall be guilty of a crime of the fourth degree if
45 the juvenile purposely or knowingly violates an order entered
46 pursuant to subsection b. of this section.¹

1 ¹~~4.~~ 10.¹ This act shall take effect ¹~~immediately~~ on the sixth
2 day following the date of enactment; however, the Commissioner of
3 Corrections, Attorney General, Executive Director of the Juvenile
4 Justice Commission, and Director of the Administrative Office of
5 the Courts shall take any anticipatory action necessary in advance
6 thereof to effectuate the purposes of this bill¹ .