

[Third 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,  
Assemblywomen Timberlake, Lopez and Speight**

### **SYNOPSIS**

Requires public health emergency credits to be awarded to certain inmates and parolees during public health emergency; prohibits contact with victim upon release of inmate awarded credits.

### **CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on August 24, 2020, with amendments.

(Sponsorship Updated As Of: 9/21/2020)

1 AN ACT concerning public health emergency credits, amending  
 2 N.J.S.2C:47-3, and <sup>3</sup>amending and<sup>3</sup> supplementing Title 30 of  
 3 the Revised 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 <sup>2</sup>**[the modification of]** substantial modifications to  
 19 department-wide<sup>2</sup> correctional facility operations.

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

24 (1)<sup>1</sup> is serving a sentence or receiving jail credits applicable to  
 25 the sentence <sup>1</sup>; and

26 (2) is scheduled to be released from the custody of the  
 27 Commissioner of Corrections within <sup>2</sup>**[twelve months]** 365 days<sup>2</sup>.

28 c.<sup>1</sup> The <sup>1</sup>public health emergency<sup>1</sup> credits <sup>1</sup>awarded pursuant to  
 29 this section<sup>1</sup> shall provide further remission from both the  
 30 maximum and minimum term of the inmate's sentence <sup>2</sup>, including  
 31 the statutory mandatory minimum term,<sup>2</sup> at the rate of <sup>1</sup>**[six]**  
 32 <sup>2</sup>**[four**<sup>1</sup> months] 122 days<sup>2</sup> for each month, or portion thereof,  
 33 served during the declared emergency. An inmate shall not be  
 34 awarded public health emergency credits in excess of <sup>1</sup>**[12]**  
 35 <sup>2</sup>**[eight**<sup>1</sup> months] 244 days<sup>2</sup> of remission for any declared  
 36 emergency.

37 <sup>1</sup>**[c.] d.**<sup>1</sup> Public health emergency credits shall not be awarded  
 38 to an inmate <sup>2</sup>serving a sentence in a State correctional facility for  
 39 any offense enumerated in N.J.S.2C:47-1 and<sup>2</sup> whose conduct was  
 40 characterized by a pattern of repetitive, compulsive behavior  
 41 <sup>2</sup>**[pursuant to N.J.S.2C:47-3]**<sup>2</sup>.

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

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:

<sup>1</sup>Assembly AJU committee amendments adopted July 20, 2020.

<sup>2</sup>Assembly floor amendments adopted July 30, 2020.

<sup>3</sup>Assembly AAP committee amendments adopted August 24, 2020.

- 1 <sup>1</sup>f. An inmate who was in the custody of the Commissioner of  
2 Corrections during the Public Health Emergency and State of  
3 Emergency declared by the Governor in Executive Order 103 of  
4 2020 concerning the coronavirus disease 2019 pandemic shall  
5 receive public health emergency credits in accordance with this  
6 section.
- 7 g. <sup>3</sup>【Except as provided in subsection h. of this section, an】  
8 An<sup>3</sup> inmate scheduled to be released from the custody of the  
9 Commissioner of Corrections following an award of public health  
10 emergency credits pursuant to this section shall be released on the  
11 scheduled release date based on the award of public health  
12 emergency credits.
- 13 h. An inmate who is <sup>3</sup>【scheduled to be released on or within  
14 five days following the effective date of P.L. , c. (C. )  
15 (pending before the Legislature as this bill) shall be released either  
16 on the date of the entry of an order entered pursuant to section <sup>2</sup>【6】  
17 <sup>5</sup>2 of P.L. , c. (C. ) (pending before the Legislature as this  
18 bill), or the date <sup>2</sup>【the prosecutor notifies】<sup>2</sup> the court <sup>2</sup>determines<sup>2</sup>  
19 that no order shall be entered <sup>2</sup>【pursuant to subsection b. of section  
20 5 of P.L. , c. (C. ) (pending before the Legislature as this  
21 bill)】 because there is no identifiable victim of the crime for which  
22 the inmate is serving a sentence<sup>2</sup> , whichever occurs sooner;  
23 however, under no circumstances shall the inmate be released later  
24 than five days following the effective date】 released from custody  
25 following an award of public health emergency credits pursuant to  
26 this section shall be prohibited from making contact with any victim  
27 of the crime for which the inmate was serving a sentence, as set  
28 forth in section <sup>5</sup>3 of P.L. , c. (C. ) (pending before the  
29 Legislature as this bill) <sup>3</sup>, which prohibition shall remain in force  
30 until the time that the inmate was scheduled to be released from  
31 custody prior to the award of public health emergency credits<sup>3</sup> .
- 32 i. <sup>3</sup>【The】 Prior to releasing an inmate from the custody of the  
33 commissioner following an award of public health emergency  
34 credits pursuant to section 1 of P.L. , c. (C. ) (pending  
35 before the Legislature as this bill), the<sup>3</sup> commissioner shall  
36 <sup>3</sup>【provide a copy of any order entered】 :
- 37 (1) notify the inmate in writing of the prohibition against  
38 making contact with any victim of the crime for which the inmate  
39 was convicted<sup>3</sup> pursuant to section <sup>2</sup>【6】 <sup>5</sup>2 of P.L. , c. (C. )  
40 (pending before the Legislature as this bill) <sup>3</sup>【to the inmate prior to  
41 the inmate's release from the custody of the commissioner】;
- 42 (2) notify the inmate in writing that a violation of the  
43 prohibition against contact with a victim is a crime of the fourth  
44 degree;

1       (3) require the inmate to acknowledge in writing the receipt of  
2 the written notifications related to the contact prohibition provided  
3 pursuant to this subsection.

4       j. In addition to the requirements set forth in subsection i. of  
5 this section and any other relevant provision under current law  
6 related to the provision of information and services to inmates, prior  
7 to releasing an inmate from the custody of the commissioner  
8 following an award of public health emergency credits pursuant to  
9 section 1 of P.L. , c. (C. ) (pending before the Legislature  
10 as this bill), the commissioner shall compile and disseminate to  
11 inmates information concerning organizations and programs,  
12 whether faith-based or secular programs, which provide assistance  
13 and services to inmates reentering society after a period of  
14 incarceration.

15       k. Within 30 days prior to an inmate's release from the custody  
16 of the commissioner following an award of public health emergency  
17 credits pursuant to section 1 of P.L. , c. (C. ) (pending before  
18 the Legislature as this bill), the commissioner shall provide any  
19 available information related to the inmate's:

20       (1) eligibility for Medicaid;

21       (2) housing information;

22       (3) identification information; and

23       (4) eligibility for any other benefits and services.

24       l. Subject to the availability of the testing resources of the  
25 Department of Corrections, an inmate shall be tested for COVID-19  
26 prior to the inmate's release from the custody of the commissioner  
27 following an award of public health emergency credits pursuant to  
28 section 1 of P.L. , c. (C. ) (pending before the Legislature  
29 as this bill) if the inmate is released during the Public Health  
30 Emergency and State of Emergency declared by the Governor in  
31 Executive Order 103 of 2020 concerning the coronavirus disease  
32 2019 pandemic<sup>3</sup> .<sup>1</sup>

33  
34       <sup>2</sup>[2. N.J.S.2C:47-3 is amended to read as follows:

35       2C:47-3. Disposition.

36       a. If the report of the examination reveals that the offender's  
37 conduct was characterized by a pattern of repetitive, compulsive  
38 behavior and further reveals that the offender is amenable to sex  
39 offender treatment and is willing to participate in such treatment,  
40 the court shall determine whether the offender's conduct was so  
41 characterized and whether the offender is amenable to sex offender  
42 treatment and is willing to participate in such treatment and shall  
43 record its findings on the judgment of conviction.

44       b. If the court finds that the offender's conduct was  
45 characterized by a pattern of repetitive, compulsive behavior and  
46 that the offender is amenable to sex offender treatment and is  
47 willing to participate in such treatment, the court shall, upon the  
48 recommendation of the Department of Corrections, sentence the

1 offender to a term of incarceration to be served in the custody of the  
2 commissioner at the Adult Diagnostic and Treatment Center for sex  
3 offender treatment as provided in subsection h. of this section, or  
4 place the offender on probation with the requirement, as a condition  
5 of probation, that he receive outpatient psychological or psychiatric  
6 treatment as prescribed.

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

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

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

23 f. If the court finds that the offender's conduct was  
24 characterized by a pattern of repetitive, compulsive behavior and  
25 that the offender is amenable to sex offender treatment, but that the  
26 offender is not willing to participate in such treatment, the court  
27 shall sentence the offender to a term of incarceration to be served in  
28 a facility designated by the commissioner pursuant to section 2 of  
29 P.L.1969, c.22 (C.30:4-91.2). The offender shall become primarily  
30 eligible for parole in accordance with the provisions of  
31 N.J.S.2C:47-5; provided, however, no offender shall become  
32 primarily eligible for parole prior to the expiration of any judicial or  
33 statutory mandatory minimum term. An offender who meets the  
34 criteria of this subsection may, on a biennial basis, request to be  
35 transferred to the Adult Diagnostic and Treatment Center. Within  
36 90 days after receiving a request for a transfer, the Department of  
37 Corrections shall conduct a psychological examination. If, upon the  
38 completion of a psychological examination, the Department of  
39 Corrections determines that the offender is amenable to sex  
40 offender treatment and is willing to participate in such treatment,  
41 the commissioner may order the offender to be transferred to the  
42 Adult Diagnostic and Treatment Center.

43 g. Notwithstanding the provisions of R.S.30:4-140 **[or]** ,  
44 R.S.30:4-92, section 1 of P.L. c. (C. ) (pending before the  
45 Legislature as this bill), or any other law, a sentence imposed  
46 pursuant to subsection f. of this section shall not be reduced by  
47 commutation time for good behavior or credits for diligent  
48 application to work and other institutional assignments for any year

1 or fractional part of a year that the offender is confined in a facility  
2 other than the Adult Diagnostic and Treatment Center; provided,  
3 however, if the offender is at any time transferred to the Adult  
4 Diagnostic and Treatment Center pursuant to subsection f. of this  
5 section, the sentence imposed on the offender shall be reduced by  
6 commutation time for good behavior and credits for diligent  
7 application to work and other institutional assignments for any year  
8 or fractional part of a year that the offender is incarcerated at the  
9 Adult Diagnostic and Treatment Center following the date of such  
10 transfer.

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

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

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

1 shall order the offender to be transferred to the Adult Diagnostic  
2 and Treatment Center as soon as practicable.

3 (3) If a sentence is imposed pursuant to section 2 of  
4 P.L.1997, c.117 (C.2C:43-7.2) or if any other judicial or statutory  
5 mandatory minimum term of more than seven years is imposed, the  
6 offender shall be confined in a facility designated by the  
7 commissioner pursuant to section 2 of P.L.1969, c.22 (C.30:4-91.2).  
8 At least 30 days prior to the date which precedes the expiration date  
9 of the mandatory minimum term by five years, the Department of  
10 Corrections shall complete a psychological examination of the  
11 offender to determine the offender's amenability to sex offender  
12 treatment and willingness to participate in such treatment; provided,  
13 however, no such examination shall be required if less than two  
14 years has elapsed since the Department of Corrections completed a  
15 psychological examination pursuant to N.J.S.2C:47-1. If the report  
16 of the examination reveals that the offender is amenable to sex  
17 offender treatment and is willing to participate in such treatment,  
18 the offender shall be transferred to the Adult Diagnostic and  
19 Treatment Center as soon as practicable. If the report of the  
20 examination reveals that the offender is not amenable to sex  
21 offender treatment, the offender shall not be transferred to the Adult  
22 Diagnostic and Treatment Center. If the report of the examination  
23 reveals that the offender is amenable to sex offender treatment, but  
24 is not willing to participate in such treatment, the offender shall not  
25 be transferred to the Adult Diagnostic and Treatment Center. An  
26 offender may, on a biennial basis, request to be transferred to the  
27 Adult Diagnostic and Treatment Center. Within 90 days after  
28 receiving a request for a transfer, the Department of Corrections  
29 shall conduct a psychological examination. If upon completion of a  
30 psychological examination the Department of Corrections  
31 determines that the offender is amenable to sex offender treatment  
32 and is willing to participate in such treatment, the commissioner  
33 shall order the offender to be transferred to the Adult Diagnostic  
34 and Treatment Center as soon as practicable.

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

1 time for good behavior and credits for diligent application to work  
 2 and other institutional assignments for any year or fractional part of  
 3 a year that the offender is incarcerated at the Adult Diagnostic and  
 4 Treatment Center following the date of such transfer.

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

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

15 (cf: P.L.1998, c.72, s.3)]<sup>2</sup>

16  
 17 <sup>2</sup>[3.] <sup>2</sup> (New section) a. Except as provided in subsection b.  
 18 of this section, <sup>1</sup>[the procedures and standards for the award of  
 19 credits set forth in R.S.30:4-92; section 3 of P.L.2009, c.330  
 20 (C.30:4-92a);] the award of public health emergency credits  
 21 pursuant to<sup>1</sup> section 1 of P.L. , c. (C. ) (pending before the  
 22 Legislature as this bill) <sup>1</sup>[; and R.S.30:4-140]<sup>1</sup> shall apply to any  
 23 juvenile serving a sentence in a State correctional facility operated  
 24 by the Juvenile Justice Commission <sup>1</sup>who <sup>2</sup>due to the expiration of  
 25 the juvenile's term of commitment<sup>2</sup> is scheduled to be released from  
 26 custody within <sup>2</sup>[twelve months<sup>1</sup>] 365 days<sup>2</sup> .

27 b. Public health emergency credits shall not be awarded to any  
 28 juvenile <sup>2</sup>serving a sentence in a State correctional facility operated  
 29 by the Juvenile Justice Commission for any offense enumerated in  
 30 N.J.S.2C:47-1 and<sup>2</sup> who is deemed a repetitive, compulsive sex  
 31 offender.

32 <sup>1</sup>c. A juvenile who was serving a sentence in a State  
 33 correctional facility operated by the Juvenile Justice Commission  
 34 during the Public Health Emergency and State of Emergency  
 35 declared by the Governor in Executive Order 103 of 2020  
 36 concerning the coronavirus disease 2019 pandemic shall receive  
 37 public health emergency credits in accordance with section 1 of  
 38 P.L. , c. (C. ) (pending before the Legislature as this bill).

39 d. <sup>3</sup>[Except as provided in subsection e. of this section, a] <sup>3</sup>A<sup>3</sup>  
 40 juvenile scheduled to be released from the custody of the Juvenile  
 41 Justice Commission following an award of public health emergency  
 42 credits <sup>3</sup>[pursuant to]<sup>3</sup> pursuant to section 1 of P.L. ,  
 43 c. (C. ) (pending before the Legislature as this bill) shall be  
 44 released on the scheduled release date based on the award of public  
 45 health emergency credits.



1 e. <sup>2</sup>(1) Notwithstanding the provisions of subsection d. of this  
 2 section <sup>3</sup>**and subject to the provisions of paragraph (2) of this**  
 3 **subsection**<sup>3</sup>, a juvenile scheduled to be released from the custody  
 4 of the Juvenile Justice Commission following an award of public  
 5 health emergency credits pursuant to section 1 of P.L. ,  
 6 c. (C. ) (pending before the Legislature as this bill) whose  
 7 scheduled release date is less than 45 days after the effective date of  
 8 P.L. , c. (C. ) (pending before the Legislature as this bill)  
 9 shall be released within 45 days after the effective date, in order to  
 10 allow the Juvenile Justice Commission to devise and implement a  
 11 release plan for the juvenile and arrange for services to be provided  
 12 to the juvenile upon release.

13 (2)<sup>2</sup> A juvenile who is <sup>3</sup>**scheduled to be released** <sup>2</sup>**on or within**  
 14 **five days following the effective date of P.L. , c. (C. )**  
 15 **(pending before the Legislature as this bill)]** in accordance with  
 16 paragraph (1) of this subsection<sup>2</sup> shall be released either on the date  
 17 of the entry of an order entered pursuant to section <sup>2</sup>**[9]** <sup>8</sup><sup>2</sup> of  
 18 P.L. , c. (C. ) (pending before the Legislature as this bill),  
 19 or the date <sup>2</sup>**[the prosecutor notifies]**<sup>2</sup> the court <sup>2</sup>**determines**<sup>2</sup> that  
 20 no order shall be entered <sup>2</sup>**[pursuant to subsection b. of section 8 of**  
 21 **P.L. , c. (C. ) (pending before the Legislature as this bill)]**  
 22 because there is no identifiable victim of the crime for which the  
 23 juvenile is serving a sentence<sup>2</sup>, whichever occurs sooner; however,  
 24 under no circumstances shall the juvenile be released later than  
 25 <sup>2</sup>**[five]** <sup>2</sup>**fifty**<sup>2</sup> days following the effective date] released from  
 26 custody following an award of public health emergency credits  
 27 pursuant to this section shall be prohibited from making contact  
 28 with a victim as set forth in section <sup>3</sup>5<sup>3</sup> of P.L. , c. (C. )  
 29 (pending before the Legislature as this bill) <sup>3</sup>, which prohibition  
 30 shall remain in force until the time that the juvenile was scheduled  
 31 to be released prior to the award of public health emergency  
 32 credits<sup>3</sup>.

33 f. <sup>3</sup>**[The]** Prior to releasing a juvenile from the custody of the  
 34 Juvenile Justice Commission following an award of public health  
 35 emergency credits pursuant to section 1 of P.L. , c. (C. )  
 36 (pending before the Legislature as this bill), the<sup>3</sup> Executive Director  
 37 of the Juvenile Justice Commission shall <sup>3</sup>**[provide a copy of any**  
 38 **order entered]** :

39 (1) notify the juvenile in writing of the prohibition against  
 40 making contact with any victim of the crime for which the juvenile  
 41 was serving a sentence<sup>3</sup> pursuant to section <sup>2</sup>**[9]** <sup>3</sup>**[8<sup>2</sup>]** <sup>5</sup><sup>3</sup> of  
 42 P.L. , c. (C. ) (pending before the Legislature as this bill)  
 43 <sup>3</sup>**[to the juvenile prior to the juvenile's release from the custody of**  
 44 **the Juvenile Justice Commission]** :

1       (2) notify the juvenile that a violation of the prohibition against  
2 contact with the victim is a crime of the fourth degree; and

3       (3) require the juvenile to acknowledge in writing the receipt of  
4 the notifications provided pursuant to this subsection<sup>3</sup> .<sup>1</sup>

5  
6       <sup>2</sup>[14.] 3.<sup>2</sup> (New section) a. The Commissioner of Corrections  
7 shall immediately identify any inmate who is scheduled to be  
8 released from custody within <sup>2</sup>[12 months] 365 days<sup>2</sup> as a result of  
9 the award of public health emergency credits pursuant to section 1  
10 of P.L. , c. (C. ) (pending before the Legislature as this  
11 bill).

12       b. <sup>2</sup>[The] Notwithstanding any provision of law to the  
13 contrary, the<sup>2</sup> Commissioner of Corrections shall provide notice to  
14 the <sup>3</sup>[appropriate court and to the]<sup>3</sup> prosecutor of the county in  
15 which the inmate was convicted or the Attorney General if the  
16 matter was prosecuted by the Attorney General. The notice shall  
17 include:

18       (1) the name of any inmate who is scheduled to be released from  
19 the custody of the Commissioner of Corrections within <sup>2</sup>[12  
20 months] 365 days<sup>2</sup> as a result of the award of public health  
21 emergency credits;

22       (2) the date on which the inmate is scheduled to be released  
23 from custody based on the award of public health emergency  
24 credits; and

25       (3) the date on which the inmate was scheduled to be released  
26 from custody prior to the award of public health emergency credits.

27       c. The Commissioner of Corrections shall make available to  
28 the public on the Internet website of the Department of Corrections,  
29 in both English and Spanish, information concerning:

30       (1) the procedures for filing an application for a <sup>3</sup>[final]<sup>3</sup>  
31 restraining order pursuant to the "Prevention of Domestic Violence  
32 Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

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

34       (3) procedures <sup>3</sup>established by the court<sup>3</sup> for filing a petition to  
35 dissolve <sup>3</sup>[an order entered pursuant to] the prohibition established  
36 pursuant<sup>3</sup> section <sup>2</sup>[6] <sup>5</sup>2 of P.L. , c. (C. ) (pending before  
37 the Legislature as this bill) <sup>3</sup>prohibiting an inmate from making  
38 contact with any victim of the crime for which the inmate is serving  
39 a sentence<sup>3</sup> .<sup>1</sup>

40  
41       <sup>2</sup>[15.] 4.<sup>2</sup> (New section) a. Upon receipt of notice from the  
42 Commissioner of Corrections that an inmate is scheduled to be  
43 released from custody within <sup>2</sup>[12 months] 365 days<sup>2</sup> based on the  
44 award of public health emergency credits pursuant to section 1 of  
45 P.L. , c. (C. ) (pending before the Legislature as this bill),

1 the prosecutor or Attorney General <sup>2</sup>[shall, not less than five days]  
2 may, <sup>2</sup>prior to the inmate's scheduled release date:  
3 (1) use any reasonable means available to notify any identifiable  
4 victim of the crime for which the inmate is incarcerated of the  
5 inmate's scheduled release date;  
6 (2) notify the identifiable victim that <sup>3</sup>[an order will be entered  
7 prohibiting] <sup>3</sup>the law prohibits the inmate from having any contact  
8 with the victim <sup>2</sup>[unless the victim requests that an order not be  
9 entered] <sup>2</sup> <sup>3</sup>unless a petition is filed with the court to dissolve the  
10 prohibition <sup>3</sup> ;  
11 (3) notify the victim of the <sup>3</sup>[date that the order <sup>2</sup>[, if entered,] <sup>2</sup>  
12 will expire] duration of the prohibition against contact <sup>3</sup> ;  
13 (4) notify the victim of the penalties imposed for the inmate's  
14 violation of the <sup>3</sup>[order] prohibition against contact <sup>3</sup> ;  
15 (5) provide information to the victim concerning the procedures  
16 for filing a petition <sup>3</sup>with the court <sup>3</sup> to dissolve <sup>3</sup>[an order  
17 prohibiting] the prohibition against <sup>3</sup> the inmate <sup>3</sup>[from] <sup>3</sup> having  
18 <sup>3</sup>[any] <sup>3</sup> contact with the victim; and  
19 (6) provide information to the victim concerning the procedures  
20 for filing an application for a <sup>3</sup>[final] <sup>3</sup> restraining order pursuant to  
21 the "Prevention of Domestic Violence Act of 1991," P.L.1991,  
22 c.261 (C.2C:25-17 et seq.), and resources for victims of domestic  
23 violence.  
24 b. <sup>3</sup>[The prosecutor or Attorney General, as appropriate, shall  
25 immediately notify the court <sup>2</sup>[and the Department of Corrections  
26 whether:  
27 (1) ] of the identity of any identifiable victim who shall be the  
28 subject of <sup>2</sup> an order prohibiting the inmate from having any contact  
29 with the victim <sup>2</sup>[shall be entered, based on the prosecutor's contact  
30 with the victim or the prosecutor's inability to contact the victim; or  
31 (2) an order prohibiting the inmate from having any contact with  
32 the victim shall not be entered based on a request by the victim] <sup>2</sup> .  
33 c.] <sup>3</sup>The Attorney General shall make available to the public on  
34 the Internet website of the Department of Law and Public Safety, in  
35 both English and Spanish, information concerning:  
36 (1) the procedures for filing an application for a <sup>3</sup>[final] <sup>3</sup>  
37 restraining order pursuant to the "Prevention of Domestic Violence  
38 Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);  
39 (2) resources for victims of domestic violence; and  
40 (3) procedures for filing <sup>3</sup>with the court <sup>3</sup> a petition to dissolve  
41 <sup>3</sup>[an order entered pursuant to] the prohibition established pursuant  
42 to <sup>3</sup> section <sup>2</sup>[6] <sup>5</sup> of P.L. , c. (C. ) (pending before the  
43 Legislature as this bill) <sup>3</sup>prohibiting an inmate or juvenile, as the  
44 case may be, from making contact with the victim <sup>3</sup> . <sup>1</sup>

1       <sup>2</sup>[<sup>1</sup>6.] <sup>3</sup>[5.<sup>2</sup> (New section) a. <sup>2</sup>[Upon] Notwithstanding the  
 2       provisions of any law to the contrary, upon<sup>2</sup> receipt of notice from  
 3       the Department of Corrections pursuant to section <sup>2</sup>[4] <sup>3</sup><sup>2</sup> of  
 4       P.L. c. (C. ) (pending before the Legislature as this bill),  
 5       and notice from the prosecutor pursuant to section <sup>2</sup>[5] <sup>4</sup><sup>2</sup> of  
 6       P.L. c. (C. ) (pending before the Legislature as this bill), the  
 7       court shall enter an order in accordance with this section.

8       b. The court shall enter an order prohibiting the inmate from  
 9       having any contact with <sup>2</sup>[an] any<sup>2</sup> identifiable victim <sup>2</sup>[if:

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

12       (2) the prosecutor was unable to contact the identifiable  
 13       victim]<sup>2</sup> .

14       c. Any order entered pursuant to subsection b. of this section  
 15       shall <sup>2</sup>:

16       (1)<sup>2</sup> expire on the date, as provided by the Commissioner of  
 17       Corrections pursuant to section <sup>2</sup>[4] <sup>3</sup><sup>2</sup> of P.L. c. (C. )  
 18       (pending before the Legislature as this bill), that the inmate was  
 19       scheduled to be released prior to the award of public health  
 20       emergency credits <sup>2</sup>; and

21       (2) include information concerning the procedures for filing a  
 22       petition to dissolve the order<sup>2</sup> .

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

28       e. An inmate shall be guilty of a crime of the fourth degree if  
 29       the inmate purposely or knowingly violates an order entered  
 30       pursuant to subsection b. of this section.<sup>1</sup><sup>3</sup>

31  
 32       <sup>3</sup>5. (New section) a. An inmate who is released from the  
 33       custody of the Commissioner of Corrections or a juvenile who is  
 34       released from the custody of the Juvenile Justice Commission  
 35       following an award of public health emergency credits pursuant to  
 36       section 1 of P.L. , c. (C. ) (pending before the Legislature  
 37       as this bill), from the date of release until the date the inmate or  
 38       juvenile, as the case may be, was scheduled to be released prior to  
 39       the award of public health emergency credits, shall be prohibited  
 40       from purposely or knowingly making contact with any victim of the  
 41       crime for which the inmate or juvenile was serving a sentence.

42       For purposes of this subsection, making contact with a victim  
 43       shall include contact made personally by the inmate or juvenile, as  
 44       the case may be, or through an agent, and shall include but not be  
 45       limited to: personal, written, electronic, or telephone contact or  
 46       communication; or entering the residence, property, school, or place  
 47       of employment of the victim.

1        b. A violation of subsection a. of this section shall be a crime  
2 of the fourth degree.

3        c. (1) A petition may be filed with the court to dissolve the  
4 prohibition established pursuant to the provisions this section  
5 prohibiting an inmate or juvenile, as the case may be, from making  
6 contact with the victim in accordance with procedures established  
7 by the court.

8        (2) The Director of the Administrative Director of the Courts  
9 shall provide the Department of Corrections, Juvenile Justice  
10 Commission, and Attorney General with information concerning the  
11 procedures established by the court for filing a petition to dissolve  
12 the prohibition established pursuant to this section prohibiting an  
13 inmate or juvenile, as the case may be, from making contact with  
14 any victim of the crime for which the inmate or juvenile was  
15 serving a sentence.<sup>3</sup>

16  
17        <sup>2</sup>[17.] 6.<sup>2</sup> (New section) a. The Executive Director of the  
18 Juvenile Justice Commission shall immediately identify any  
19 juvenile who is scheduled to be released from the custody of the  
20 Juvenile Justice Commission within <sup>2</sup>[twelve months] <sup>2</sup>365 days<sup>2</sup> as  
21 a result of the award of public health emergency credits pursuant to  
22 section 1 of P.L. , c. (C. ) (pending before the Legislature as  
23 this bill).

24        b. <sup>2</sup>[The] Notwithstanding any provisions of law to the  
25 contrary, the<sup>2</sup> Executive Director of the Juvenile Justice  
26 Commission shall provide notice to the <sup>3</sup>[appropriate court and to  
27 the]<sup>3</sup> prosecutor of the county in which the juvenile was  
28 adjudicated delinquent or the Attorney General if the matter was  
29 prosecuted by the Attorney General. The notice shall include:

30        (1) the name of any juvenile who <sup>2</sup>, due to the expiration of the  
31 juvenile's term of commitment,<sup>2</sup> is scheduled to be released from  
32 the custody of the Juvenile Justice Commission within <sup>2</sup>[twelve  
33 months] <sup>2</sup>365 days<sup>2</sup> as a result of the award of public health  
34 emergency credits;

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

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

40        c. The Executive Director of the Juvenile Justice Commission  
41 shall make available to the public on the Internet website of the  
42 Juvenile Justice Commission, in both English and Spanish,  
43 information concerning:

44        (1) the procedures for filing an application for a <sup>3</sup>[final]<sup>3</sup>  
45 restraining order pursuant to the "Prevention of Domestic Violence  
46 Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

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

(3) procedures for filing <sup>3</sup>with the court<sup>3</sup> a petition to dissolve <sup>3</sup>[an order entered pursuant to] the prohibition established pursuant to<sup>3</sup> section <sup>2</sup>[9] <sup>3</sup>[8<sup>2</sup>] <sup>5</sup> of P.L. , c. (C. ) (pending before the Legislature as this bill) <sup>3</sup>prohibiting a juvenile from making contact with any victim of the crime for which the juvenile was serving a sentence<sup>3</sup> .<sup>1</sup>

<sup>2</sup>[<sup>1</sup>8.] 7.<sup>2</sup> (New section) <sup>3</sup>[a.]<sup>3</sup> <sup>2</sup>[Upon] Notwithstanding the provisions of any law to the contrary, upon<sup>2</sup> receipt of notice from the Executive Director of the Juvenile Justice Commission that a juvenile is scheduled to be released from the custody of the Juvenile Justice Commission within <sup>2</sup>[12 months] 365 days<sup>2</sup> based on the award of public health emergency credits pursuant to section 1 of P.L. , c. (C. ) (pending before the Legislature as this bill), the prosecutor or Attorney General, <sup>2</sup>[not less than five days]<sup>2</sup> prior to the juvenile's scheduled release date <sup>2</sup>[shall] , may<sup>2</sup> :

<sup>3</sup>[(1)] a.<sup>3</sup> use any reasonable means available to notify any identifiable victim of the crime for which the juvenile is serving a sentence in a State correctional facility operated by the Juvenile Justice Commission of the juvenile's scheduled release date;

<sup>3</sup>[(2)] b.<sup>3</sup> notify the identifiable victim that <sup>3</sup>[an order will be entered prohibiting] the law prohibits<sup>3</sup> the juvenile from having any contact with the victim <sup>2</sup>[unless the victim requests that an order not be entered]<sup>2</sup> <sup>3</sup>unless a petition is filed with the court to dissolve the prohibition in accordance with the procedures established by the court<sup>3</sup> ;

<sup>3</sup>[(3)] c.<sup>3</sup> notify the victim of the <sup>3</sup>[date that the order <sup>2</sup>[, if entered,]<sup>2</sup> will expire] duration of the prohibition against the juvenile having contact with the victim<sup>3</sup> ;

<sup>3</sup>[(4)] d.<sup>3</sup> notify the victim of the penalties imposed for the juvenile's violation of the <sup>3</sup>[order] prohibition against contact<sup>3</sup> ;

<sup>3</sup>[(5)] e.<sup>3</sup> provide information to the victim concerning how <sup>3</sup>[the victim may file]<sup>3</sup> a petition <sup>3</sup>may be filed with the court<sup>3</sup> to dissolve <sup>3</sup>[an order prohibiting] the prohibition against<sup>3</sup> the juvenile <sup>3</sup>[from]<sup>3</sup> having <sup>3</sup>[any]<sup>3</sup> contact with the victim; and

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

<sup>3</sup>[b.The prosecutor or Attorney General, as appropriate, shall immediately notify the court and the Juvenile Justice Commission <sup>2</sup>[whether:

(1)] of the identity of any identifiable victim who shall be the subject of<sup>2</sup> an order prohibiting the juvenile from having any



1     b. Except as provided in subsection d. of this section, public  
2 health emergency credits shall be awarded to any person who is  
3 serving a sentence of parole supervision if the full maximum term  
4 for which the parolee was sentenced, or the term authorized by the  
5 parolee's disposition, expires within 365 days.

6     c. The public health emergency credits awarded pursuant to  
7 this section shall reduce the term of supervision of a parolee at the  
8 rate of 122 days for each month, or portion thereof, served during  
9 the declared emergency. A parolee shall not be awarded public  
10 health emergency credits in excess of 244 days of remission for any  
11 declared emergency.

12     d. Public health emergency credits shall not be awarded to a  
13 parolee who has been sentenced to a special sentence of community  
14 supervision for life or parole supervision for life.

15     e. A parolee for whom a warrant has been issued by the State  
16 Parole Board and parole revocation proceedings have been initiated  
17 shall be ineligible to receive public health emergency credits.

18     f. Nothing in this section shall be deemed to limit a parolee's  
19 eligibility to receive parole compliance credits pursuant to section 5  
20 of P.L.2019, c.364 (C.30:4-123.55e).<sup>3</sup>

21  
22     <sup>3</sup>9. Section 5 of P.L.2019, c.364 (C.30:4-123.55e) is amended to  
23 read as follows:

24     5. Notwithstanding the provisions of subsection a. of section 7  
25 of P.L.1979, c.441 (C.30:4-123.51), any person granted parole,  
26 except a person serving a parole term set forth in subsection c. of  
27 section 2 of P.L.1997, c.117 (C.2C:43-7.2) or section 2 of P.L.1994,  
28 c.130 (C.2C:43-6.4), shall have the parole term reduced by parole  
29 compliance credits at a rate of one day for every six days of parole  
30 supervision the person has completed.

31     Credits awarded pursuant to this section shall cease to accrue  
32 upon the issuance of a warrant by the State Parole Board and  
33 initiation of parole revocation proceedings. Any credits earned  
34 pursuant to this section shall be forfeited upon the revocation of  
35 parole.

36     Any compliance credits awarded pursuant to this section based  
37 on actions for which parole revocation proceedings were initiated,  
38 but did not result in a revocation of parole and return to custody,  
39 shall be forfeited upon a determination by the board panel or board  
40 that the actions for which compliance credits were awarded violated  
41 a condition of parole.

42     Nothing in this section shall be deemed to limit a parolee's  
43 eligibility to receive public health emergency credits pursuant to  
44 section 8 of P.L. , c. (C. ) (pending before the Legislature  
45 as this bill).<sup>3</sup>

46 (cf: P.L.2019, c.364, s.5)



1       <sup>1</sup>[4.] <sup>2</sup>[10.<sup>1</sup>] <sup>3</sup>[9.<sup>2</sup>] 10.<sup>3</sup> This act shall take effect  
2       <sup>1</sup>[immediately] on the <sup>2</sup>[sixth] sixteenth<sup>2</sup> day <sup>2</sup>next<sup>2</sup> following the  
3       date of enactment; however, the Commissioner of Corrections,  
4       Attorney General, Executive Director of the Juvenile Justice  
5       Commission, <sup>3</sup>Chairman of the State Parole Board, <sup>3</sup> and Director of  
6       the Administrative Office of the Courts shall take any anticipatory  
7       action necessary in advance thereof to effectuate the purposes of  
8       this <sup>2</sup>[bill<sup>1</sup>] act<sup>2</sup> .