

[Fourth 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

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Co-Sponsored by:

**Assemblymen Johnson, Zwicker, Assemblywoman Chaparro,
Assemblyman Spearman, Assemblywomen Carter, Jasey, Assemblyman
Giblin, Assemblywoman McKnight, Assemblyman Verrelli,
Assemblywomen Timberlake, Lopez, Speight and Assemblyman Wimberly**

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 Budget Committee on September 21, 2020, with amendments.

(Sponsorship Updated As Of: 9/24/2020)

1 AN ACT concerning public health emergency credits, amending
 2 N.J.S.2C:47-3, and ³amending and³ 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-
 12 1 et 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 ²**[the modification of]** substantial modifications to
 19 department-wide² correctional facility operations.

20 b. Except as provided in subsection ¹**[c.] d.**¹ of this section,
 21 public health emergency credits shall be awarded to any inmate in
 22 the custody of the ¹**[Department]** Commissioner¹ of Corrections
 23 who ¹:

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

26 (2) is scheduled to be released from the custody of the
 27 Commissioner of Corrections within ²**[twelve months]** 365 days².

28 c.¹ The ¹public health emergency¹ credits ¹awarded pursuant to
 29 this section¹ shall provide further remission from both the
 30 maximum and minimum term of the inmate's sentence ², including
 31 the statutory mandatory minimum term,² at the rate of ¹**[six]**
 32 ²**[four**¹ months] 122 days² 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 ¹**[12]**
 35 ²**[eight**¹ months] 244 days² of remission for any declared
 36 emergency.

37 ¹**[c.] d.**¹ Public health emergency credits shall not be awarded
 38 to an inmate ²serving a sentence in a State correctional facility
 39 for ⁴:

40 (1) murder pursuant to N.J.S.2C:11-3;

41 (2) aggravated sexual assault pursuant to subsection a. of
 42 N.J.S.2C:14-2; or

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.

²Assembly floor amendments adopted July 30, 2020.

³Assembly AAP committee amendments adopted August 24, 2020.

⁴Assembly ABU committee amendments adopted September 21, 2020.

(3)⁴ any offense enumerated in N.J.S.2C:47-1 and² whose conduct was characterized by a pattern of repetitive, compulsive behavior ²[pursuant to N.J.S.2C:47-3]² .

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

¹f. An inmate who was in the custody of the Commissioner of Corrections during the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020 concerning the coronavirus disease 2019 pandemic shall receive public health emergency credits in accordance with this section.

g. ³[Except as provided in subsection h. of this section, an] An³ inmate scheduled to be released from the custody of the Commissioner of Corrections following an award of public health emergency credits pursuant to this section shall be released on the scheduled release date based on the award of public health emergency credits.

h. An inmate who is ³[scheduled to be released on or within five days following the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) shall be released either on the date of the entry of an order entered pursuant to section ²[6] 5² of P.L. , c. (C.) (pending before the Legislature as this bill), or the date ²[the prosecutor notifies]² the court ²determines² that no order shall be entered ²[pursuant to subsection b. of section 5 of P.L. , c. (C.) (pending before the Legislature as this bill)] because there is no identifiable victim of the crime for which the inmate is serving a sentence² , whichever occurs sooner; however, under no circumstances shall the inmate be released later than five days following the effective date] released from custody following an award of public health emergency credits pursuant to this section shall be prohibited from making contact with any victim of the crime for which the inmate was serving a sentence, as set forth in section 5³ of P.L. , c. (C.) (pending before the Legislature as this bill) ³, which prohibition shall remain in force until the time that the inmate was scheduled to be released from custody prior to the award of public health emergency credits³ .

i. ³[The] Prior to releasing an inmate from the custody of the commissioner following an award of public health emergency credits pursuant to section 1 of P.L. , c. (C.) (pending before the Legislature as this bill), the³ commissioner shall ³[provide a copy of any order entered] :

(1) notify the inmate in writing of the prohibition against making contact with any victim of the crime for which the inmate was convicted³ pursuant to section ²[6] 5² of P.L. , c. (C.)

(pending before the Legislature as this bill) ³ **[to the inmate prior to the inmate's release from the custody of the commissioner];**

(2) notify the inmate in writing that a violation of the prohibition against contact with a victim is a crime of the fourth degree;

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

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

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

(1) eligibility for Medicaid;

(2) housing information;

(3) identification information; and

(4) eligibility for any other benefits and services.

l. Subject to the availability of the testing resources of the Department of Corrections, an inmate shall be tested for COVID-19 prior to the inmate's release from the custody of the commissioner following an award of public health emergency credits pursuant to section 1 of P.L. , c. (C.) (pending before the Legislature as this bill) if the inmate is released during the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020 concerning the coronavirus disease 2019 pandemic³ .¹

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

2C:47-3. Disposition.

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

1 b. If the court finds that the offender's conduct was
2 characterized by a pattern of repetitive, compulsive behavior and
3 that the offender is amenable to sex offender treatment and is
4 willing to participate in such treatment, the court shall, upon the
5 recommendation of the Department of Corrections, sentence the
6 offender to a term of incarceration to be served in the custody of the
7 commissioner at the Adult Diagnostic and Treatment Center for sex
8 offender treatment as provided in subsection h. of this section, or
9 place the offender on probation with the requirement, as a condition
10 of probation, that he receive outpatient psychological or psychiatric
11 treatment as prescribed.

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

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

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

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

1 g. Notwithstanding the provisions of R.S.30:4-140 **【or】** ,
2 R.S.30:4-92, section 1 of P.L. c. (C.) (pending before the
3 Legislature as this bill), or any other law, a sentence imposed
4 pursuant to subsection f. of this section shall not be reduced by
5 commutation time for good behavior or credits for diligent
6 application to work and other institutional assignments for any year
7 or fractional part of a year that the offender is confined in a facility
8 other than the Adult Diagnostic and Treatment Center; provided,
9 however, if the offender is at any time transferred to the Adult
10 Diagnostic and Treatment Center pursuant to subsection f. of this
11 section, the sentence imposed on the offender shall be reduced by
12 commutation time for good behavior and credits for diligent
13 application to work and other institutional assignments for any year
14 or fractional part of a year that the offender is incarcerated at the
15 Adult Diagnostic and Treatment Center following the date of such
16 transfer.

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

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

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

1 transfer, the Department of Corrections shall conduct a
2 psychological examination. If, upon the completion of a
3 psychological examination, the Department of Corrections
4 determines that the offender is amenable to sex offender treatment
5 and is willing to participate in such treatment, the commissioner
6 shall order the offender to be transferred to the Adult Diagnostic
7 and Treatment Center as soon as practicable.

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

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

such treatment; provided, however, if the offender is subsequently determined by the Department of Corrections to be amenable to sex offender treatment and willing to participate in such treatment and is transferred to the Adult Diagnostic and Treatment Center, the sentence imposed on the offender shall be reduced by commutation time for good behavior and credits for diligent application to work and other institutional assignments for any year or fractional part of a year that the offender is incarcerated at the Adult Diagnostic and Treatment Center following the date of such transfer.

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

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

(cf: P.L.1998, c.72, s.3)]²

²[3.] ² (New section) a. Except as provided in subsection b. of this section, ¹[the procedures and standards for the award of credits set forth in R.S.30:4-92; section 3 of P.L.2009, c.330 (C.30:4-92a);] the award of public health emergency credits pursuant to¹ section 1 of P.L. , c. (C.) (pending before the Legislature as this bill) ¹; and R.S.30:4-140]¹ shall apply to any juvenile serving a sentence in a State correctional facility operated by the Juvenile Justice Commission ¹who ²due to the expiration of the juvenile's term of commitment² is scheduled to be released from custody within ²[twelve months¹] 365 days² .

b. Public health emergency credits shall not be awarded to any juvenile ²serving a sentence in a State correctional facility operated by the Juvenile Justice Commission for ⁴:

(1) murder pursuant to N.J.S.2C:11-3;

(2) aggravated sexual assault pursuant to subsection a. of N.J.S.2C:14-2; or

(3)⁴ any offense enumerated in N.J.S.2C:47-1 and² who is deemed a repetitive, compulsive sex offender.

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

1 d. ³Except as provided in subsection e. of this section, a ³A
 2 juvenile scheduled to be released from the custody of the Juvenile
 3 Justice Commission following an award of public health emergency
 4 credits ³pursuant to³ pursuant to section 1 of P.L. ,
 5 c. (C.) (pending before the Legislature as this bill) shall be
 6 released on the scheduled release date based on the award of public
 7 health emergency credits.

8 e. ²(1) Notwithstanding the provisions of subsection d. of this
 9 section ³and subject to the provisions of paragraph (2) of this
 10 subsection³ , a juvenile scheduled to be released from the custody
 11 of the Juvenile Justice Commission following an award of public
 12 health emergency credits pursuant to section 1 of P.L. ,
 13 c. (C.) (pending before the Legislature as this bill) whose
 14 scheduled release date is less than 45 days after the effective date of
 15 P.L. , c. (C.) (pending before the Legislature as this bill)
 16 shall be released within 45 days after the effective date, in order to
 17 allow the Juvenile Justice Commission to devise and implement a
 18 release plan for the juvenile and arrange for services to be provided
 19 to the juvenile upon release.

20 ²(2) ²A juvenile who is ³scheduled to be released ²on or within
 21 five days following the effective date of P.L. , c. (C.)
 22 (pending before the Legislature as this bill). ²in accordance with
 23 paragraph (1) of this subsection² shall be released either on the date
 24 of the entry of an order entered pursuant to section ²[9] ⁸ of
 25 P.L. , c. (C.) (pending before the Legislature as this bill),
 26 or the date ²[the prosecutor notifies]² the court ²determines² that
 27 no order shall be entered ²[pursuant to subsection b. of section 8 of
 28 P.L. , c. (C.) (pending before the Legislature as this bill)]
 29 because there is no identifiable victim of the crime for which the
 30 juvenile is serving a sentence² , whichever occurs sooner; however,
 31 under no circumstances shall the juvenile be released later than
 32 ²[five] ²fifty² days following the effective date] released from
 33 custody following an award of public health emergency credits
 34 pursuant to this section shall be prohibited from making contact
 35 with a victim as set forth in section ³5 of P.L. , c. (C.)
 36 (pending before the Legislature as this bill) ³ , which prohibition
 37 shall remain in force until the time that the juvenile was scheduled
 38 to be released prior to the award of public health emergency
 39 credits³ .

40 f. ³[The] Prior to releasing a juvenile from the custody of the
 41 Juvenile Justice Commission following an award of public health
 42 emergency credits pursuant to section 1 of P.L. , c. (C.)
 43 (pending before the Legislature as this bill), the³ Executive Director
 44 of the Juvenile Justice Commission shall ³provide a copy of any
 45 order entered :

(1) notify the juvenile in writing of the prohibition against making contact with any victim of the crime for which the juvenile was serving a sentence³ pursuant to section ²[9] ³[8²] ⁵ of P.L. , c. (C.) (pending before the Legislature as this bill) ³[to the juvenile prior to the juvenile's release from the custody of the Juvenile Justice Commission];

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

(3) require the juvenile to acknowledge in writing the receipt of the notifications provided pursuant to this subsection³ .¹

²[¹4.] ³.² (New section) a. The Commissioner of Corrections shall immediately identify any inmate who is scheduled to be released from custody within ²[12 months] 365 days² as a result of the award of public health emergency credits pursuant to section 1 of P.L. , c. (C.) (pending before the Legislature as this bill).

b. ²[The] Notwithstanding any provision of law to the contrary, the² Commissioner of Corrections shall provide notice to the ³[appropriate court and to the]³ prosecutor of the county in which the inmate was convicted or the Attorney General if the matter was prosecuted by the Attorney General. The notice shall include:

(1) the name of any inmate who is scheduled to be released from the custody of the Commissioner of Corrections within ²[12 months] 365 days² as a result of the award of public health emergency credits;

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

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

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

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

(2) resources for victims of domestic violence; and

(3) procedures ³established by the court³ for filing a petition to dissolve ³[an order entered pursuant to] the prohibition established pursuant³ section ²[6] ⁵ of P.L. , c. (C.) (pending before the Legislature as this bill) ³prohibiting an inmate from making contact with any victim of the crime for which the inmate is serving a sentence³ .¹

1 ²[¹5.] 4.² (New section) a. Upon receipt of notice from the
2 Commissioner of Corrections that an inmate is scheduled to be
3 released from custody within ²[12 months] 365 days² based on the
4 award of public health emergency credits pursuant to section 1 of
5 P.L. , c. (C.) (pending before the Legislature as this bill),
6 the prosecutor or Attorney General ²[shall, not less than five days]
7 may,² prior to the inmate's scheduled release date:
8 (1) use any reasonable means available to notify any identifiable
9 victim of the crime for which the inmate is incarcerated of the
10 inmate's scheduled release date;
11 (2) notify the identifiable victim that ³[an order will be entered
12 prohibiting]³ the law prohibits the inmate from having any contact
13 with the victim ²[unless the victim requests that an order not be
14 entered]² ³unless a petition is filed with the court to dissolve the
15 prohibition³ ;
16 (3) notify the victim of the ³[date that the order ²[, if entered,]²
17 will expire] duration of the prohibition against contact³ ;
18 (4) notify the victim of the penalties imposed for the inmate's
19 violation of the ³[order] prohibition against contact³ ;
20 (5) provide information to the victim concerning the procedures
21 for filing a petition ³with the court³ to dissolve ³[an order
22 prohibiting] the prohibition against³ the inmate ³[from]³ having
23 ³[any]³ contact with the victim; and
24 (6) provide information to the victim concerning the procedures
25 for filing an application for a ³[final]³ restraining order pursuant to
26 the "Prevention of Domestic Violence Act of 1991," P.L.1991,
27 c.261 (C.2C:25-17 et seq.), and resources for victims of domestic
28 violence.
29 b. ³[The prosecutor or Attorney General, as appropriate, shall
30 immediately notify the court ²[and the Department of Corrections
31 whether:
32 (1)] of the identity of any identifiable victim who shall be the
33 subject of² an order prohibiting the inmate from having any contact
34 with the victim ²[shall be entered, based on the prosecutor's contact
35 with the victim or the prosecutor's inability to contact the victim; or
36 (2) an order prohibiting the inmate from having any contact with
37 the victim shall not be entered based on a request by the victim]² .
38 c.]³ The Attorney General shall make available to the public on
39 the Internet website of the Department of Law and Public Safety, in
40 both English and Spanish, information concerning:
41 (1) the procedures for filing an application for a ³[final]³
42 restraining order pursuant to the "Prevention of Domestic Violence
43 Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);
44 (2) resources for victims of domestic violence; and

(3) procedures for filing ³with the court³ a petition to dissolve ³[an order entered pursuant to] the prohibition established pursuant to³ section ²[6] ⁵² of P.L. , c. (C.) (pending before the Legislature as this bill) ³prohibiting an inmate or juvenile, as the case may be, from making contact with the victim³ .¹

²[¹6.] ³[5.² (New section) a. ²[Upon] Notwithstanding the provisions of any law to the contrary, upon² receipt of notice from the Department of Corrections pursuant to section ²[4] ³² of P.L. c. (C.) (pending before the Legislature as this bill), and notice from the prosecutor pursuant to section ²[5] ⁴² of P.L. c. (C.) (pending before the Legislature as this bill), the court shall enter an order in accordance with this section.

b. The court shall enter an order prohibiting the inmate from having any contact with ²[an] any² identifiable victim ²[if:

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

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

c. Any order entered pursuant to subsection b. of this section shall ²:

(1)² expire on the date, as provided by the Commissioner of Corrections pursuant to section ²[4] ³² of P.L. c. (C.) (pending before the Legislature as this bill), that the inmate was scheduled to be released prior to the award of public health emergency credits ²; and

(2) include information concerning the procedures for filing a petition to dissolve the order² .

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

e. An inmate shall be guilty of a crime of the fourth degree if the inmate purposely or knowingly violates an order entered pursuant to subsection b. of this section.¹³

³5. (New section) a. An inmate who is released from the custody of the Commissioner of Corrections or a juvenile who is released from the custody of the Juvenile Justice Commission following an award of public health emergency credits pursuant to section 1 of P.L. , c. (C.) (pending before the Legislature as this bill), from the date of release until the date the inmate or juvenile, as the case may be, was scheduled to be released prior to the award of public health emergency credits, shall be prohibited

1 from purposely or knowingly making contact with any victim of the
2 crime for which the inmate or juvenile was serving a sentence.

3 For purposes of this subsection, making contact with a victim
4 shall include contact made personally by the inmate or juvenile, as
5 the case may be, or through an agent, and shall include but not be
6 limited to: personal, written, electronic, or telephone contact or
7 communication; or entering the residence, property, school, or place
8 of employment of the victim.

9 b. A violation of subsection a. of this section shall be a crime
10 of the fourth degree.

11 c. (1) A petition may be filed with the court to dissolve the
12 prohibition established pursuant to the provisions this section
13 prohibiting an inmate or juvenile, as the case may be, from making
14 contact with the victim in accordance with procedures established
15 by the court.

16 (2) The Director of the Administrative Director of the Courts
17 shall provide the Department of Corrections, Juvenile Justice
18 Commission, and Attorney General with information concerning the
19 procedures established by the court for filing a petition to dissolve
20 the prohibition established pursuant to this section prohibiting an
21 inmate or juvenile, as the case may be, from making contact with
22 any victim of the crime for which the inmate or juvenile was
23 serving a sentence.³

24
25 ²~~17.1~~ ^{6.2} (New section) a. The Executive Director of the
26 Juvenile Justice Commission shall immediately identify any
27 juvenile who is scheduled to be released from the custody of the
28 Juvenile Justice Commission within ²~~twelve months~~ 365 days² as
29 a result of the award of public health emergency credits pursuant to
30 section 1 of P.L. , c. (C.) (pending before the Legislature as
31 this bill).

32 b. ²~~The~~ Notwithstanding any provisions of law to the
33 contrary, the² Executive Director of the Juvenile Justice
34 Commission shall provide notice to the ³~~appropriate court and to~~
35 the³ prosecutor of the county in which the juvenile was
36 adjudicated delinquent or the Attorney General if the matter was
37 prosecuted by the Attorney General. The notice shall include:

38 (1) the name of any juvenile who ², due to the expiration of the
39 juvenile's term of commitment,² is scheduled to be released from
40 the custody of the Juvenile Justice Commission within ²~~twelve~~
41 months² 365 days² as a result of the award of public health
42 emergency credits;

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

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

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

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

(2) resources for victims of domestic violence; and

(3) procedures for filing ³with the court³ a petition to dissolve ³[an order entered pursuant to] the prohibition established pursuant to³ section ²[9] ³[8²] ⁵³ of P.L. , c. (C.) (pending before the Legislature as this bill) ³prohibiting a juvenile from making contact with any victim of the crime for which the juvenile was serving a sentence³ .¹

²[¹⁸.] ⁷.² (New section) ³[a.]³ ²[Upon] Notwithstanding the provisions of any law to the contrary, upon² 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 ²[12 months] 365 days² 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, ²[not less than five days]² prior to the juvenile's scheduled release date ²[shall] , may² :

³[(1)] a.³ 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;

³[(2)] b.³ notify the identifiable victim that ³[an order will be entered prohibiting] the law prohibits³ the juvenile from having any contact with the victim ²[unless the victim requests that an order not be entered]² ³unless a petition is filed with the court to dissolve the prohibition in accordance with the procedures established by the court³ ;

³[(3)] c.³ notify the victim of the ³[date that the order ²[, if entered,]² will expire] duration of the prohibition against the juvenile having contact with the victim³ ;

³[(4)] d.³ notify the victim of the penalties imposed for the juvenile's violation of the ³[order] prohibition against contact³ ;

³[(5)] e.³ provide information to the victim concerning how ³[the victim may file]³ a petition ³may be filed with the court³ to dissolve ³[an order prohibiting] the prohibition against³ the juvenile ³[from]³ having ³[any]³ contact with the victim; and

³[(6)] f.³ provide information to the victim concerning the procedures for filing an application for a ³[final]³ restraining order

1 pursuant to the "Prevention of Domestic Violence Act of 1991,"
 2 P.L.1991, c.261 (C.2C:25-17 et seq.), and resources for victims of
 3 domestic violence.

4 ³[b. The prosecutor or Attorney General, as appropriate, shall
 5 immediately notify the court and the Juvenile Justice Commission
 6 ²[whether:

7 (1) ¹ of the identity of any identifiable victim who shall be the
 8 subject of² an order prohibiting the juvenile from having any
 9 contact with the victim ²[shall be entered, based on the prosecutor's
 10 contact with the victim or the prosecutor's inability to contact the
 11 victim; or

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

15
 16 ²[¹9.] ³[8.² (New section) a. Upon receipt of notice from the
 17 Department of Corrections pursuant to section ²[7] ⁶² of
 18 P.L. c. (C.) (pending before the Legislature as this bill), and
 19 notice from the prosecutor pursuant to section ²[8] ⁷² of
 20 P.L. c. (C.) (pending before the Legislature as this bill), the
 21 court shall enter an order in accordance with this section.

22 b. The court shall enter an order prohibiting the juvenile from
 23 having any contact with ²[an] any² identifiable victim ²[if:

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

26 (2) the prosecutor was unable to contact the identifiable
 27 victim]² .

28 c. Any order entered pursuant to subsection b. of this section
 29 shall ²:

30 (1)² expire on the date, as provided by the Executive Director of
 31 the Juvenile Justice Commission pursuant to section ²[7] ⁶² of
 32 P.L. c. (C.) (pending before the Legislature as this bill), that
 33 the juvenile was scheduled to be released prior to the award of
 34 public health emergency credits ²; and

35 (2) include information concerning the procedures for filing a
 36 petition to dissolve the order² .

37 d. The court shall provide a copy of any order entered pursuant
 38 to subsection b. of this section to the Executive Director of the
 39 Juvenile Justice Commission immediately upon entry of the order
 40 but no later than the date on which the juvenile is scheduled to be
 41 released pursuant to section ²[3] ²² of P.L. c. (C.) (pending
 42 before the Legislature as this bill).

43 e. A juvenile shall be guilty of a crime of the fourth degree if
 44 the juvenile purposely or knowingly violates an order entered
 45 pursuant to subsection b. of this section.¹³

1 ³8. (New section) a. Whenever a public health emergency,
2 pursuant to the "Emergency Health Powers Act," P.L.2005, c.222
3 (C.26:13-1 et seq.), has been declared by the Governor and is in
4 effect, the term of supervision of a parolee shall be reduced by the
5 award of public health emergency credits pursuant to this section if
6 the public health emergency arises as a result of a communicable or
7 infectious disease.

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

13 c. The public health emergency credits awarded pursuant to
14 this section shall reduce the term of supervision of a parolee at the
15 rate of 122 days for each month, or portion thereof, served during
16 the declared emergency. A parolee shall not be awarded public
17 health emergency credits in excess of 244 days of remission for any
18 declared emergency.

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

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

25 f. Nothing in this section shall be deemed to limit a parolee's
26 eligibility to receive parole compliance credits pursuant to section 5
27 of P.L.2019, c.364 (C.30:4-123.55e).³

28
29 ³9. Section 5 of P.L.2019, c.364 (C.30:4-123.55e) is amended to
30 read as follows:

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

38 Credits awarded pursuant to this section shall cease to accrue
39 upon the issuance of a warrant by the State Parole Board and
40 initiation of parole revocation proceedings. Any credits earned
41 pursuant to this section shall be forfeited upon the revocation of
42 parole.

43 Any compliance credits awarded pursuant to this section based
44 on actions for which parole revocation proceedings were initiated,
45 but did not result in a revocation of parole and return to custody,
46 shall be forfeited upon a determination by the board panel or board
47 that the actions for which compliance credits were awarded violated
48 a condition of parole.

1 Nothing in this section shall be deemed to limit a parolee's
2 eligibility to receive public health emergency credits pursuant to
3 section 8 of P.L. , c. (C.) (pending before the Legislature
4 as this bill).³
5 (cf: P.L.2019, c.364, s.5)

6
7 ¹[4.] ²[10.¹] ³[9.²] 10.³ This act shall take effect
8 ¹[immediately] on the ²[sixth] ²sixteenth² day ²next² following the
9 date of enactment; however, the Commissioner of Corrections,
10 Attorney General, Executive Director of the Juvenile Justice
11 Commission, ³Chairman of the State Parole Board, ³ and Director of
12 the Administrative Office of the Courts shall take any anticipatory
13 action necessary in advance thereof to effectuate the purposes of
14 this ²[bill¹] act² .