

[Second Reprint]
SENATE, No. 381

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

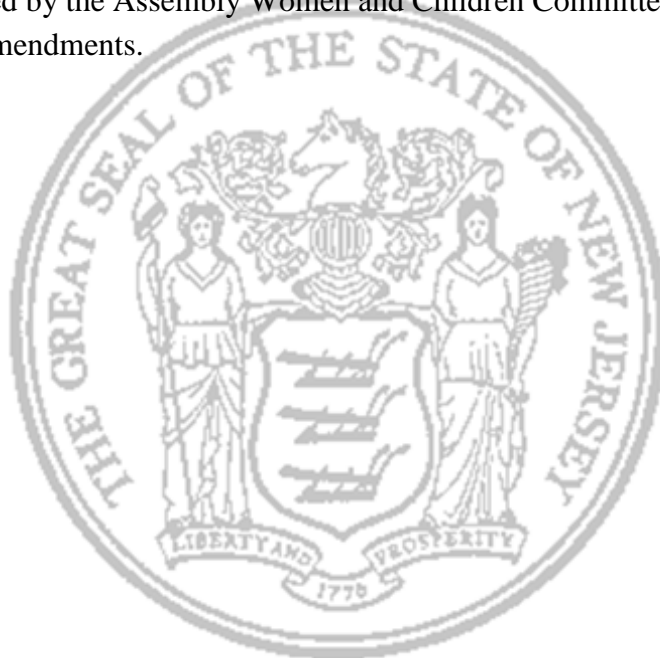
Senators Pou, Ruiz and Turner

SYNOPSIS

Establishes supervised community reintegration program in DOC for certain victims of domestic abuse.

CURRENT VERSION OF TEXT

As reported by the Assembly Women and Children Committee on March 15, 2021, with amendments.



(Sponsorship Updated As Of: 8/27/2020)

1 AN ACT establishing a supervised community reintegration
 2 program, supplementing Title 30 of the Revised Statutes, and
 3 amending P.L.1979, c.441.

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

7
 8 ²1. (New section) As used in P.L. , c. (C.) (pending
 9 before the Legislature as this bill):

10 “Abuser” means the named perpetrator of the domestic violence in
 11 the documentation provided pursuant to paragraph (3) of subsection a.
 12 of this section.

13 Certified Domestic Violence Specialist" means a person who has
 14 fulfilled the requirements of certification as a Domestic Violence
 15 Specialist established by the New Jersey Association of Domestic
 16 Violence Professionals.

17 "Designated domestic violence agency" means a countywide
 18 organization with a primary purpose to provide services to victims of
 19 domestic violence, and which provides services that conform to the
 20 core domestic violence services profile as defined in the Division of
 21 Child Protection and Permanency in the Department of Children and
 22 Families and is under contract with the division for the express
 23 purpose of providing those services.²

24
 25 ²[1.] ²2. (New section) a. There is hereby established in the
 26 Department of Corrections a supervised community reintegration
 27 program. ²The department shall consult with a Statewide domestic
 28 violence advocacy organization in the establishment and
 29 administration of the program.² The purpose of the program is to
 30 foster the successful community reintegration of certain domestic
 31 violence victims who meet the following criteria:

32 (1) the ²[person] inmate² was convicted of crimes committed
 33 against the ²[person's] inmate's² abuser ²["Abuser" is defined for
 34 purposes of P.L. , c. (C.) (pending before the Legislature as
 35 this bill) as the named perpetrator of the domestic violence in the
 36 documentation provided pursuant to paragraph (1) of subsection e. of
 37 this section] as defined in section 2 of P.L. , c. (C.) (pending
 38 before the Legislature as this bill)²;

39 (2) the inmate is serving a sentence of imprisonment ¹and meets
 40 the eligibility criteria pursuant to rules and regulations established by
 41 the department for residential community programs¹;

42 (3) the inmate is found to present a low risk of re-offense; and

43 (4) the other requirements of this section are met.

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:

¹Senate SLP committee amendments adopted August 25, 2020.

²Assembly AWC committee amendments adopted March 15, 2021.

1 b. An eligible inmate approved for participation in the program
2 ²established pursuant to this section² shall undergo a period of
3 ¹**reentry training** rehabilitative services¹, be required to agree to ¹**a**
4 **reintegration plan setting out the conditions of participation**
5 participate¹ in the program, and gradually transition to supervision in
6 the community, which may include assignment to a ¹**secure**¹
7 residential community ¹**placement** release program¹ and
8 participation in a work release program.

9 c. ¹**Notwithstanding any provision of P.L.1979, c.441 (C.30:4-**
10 **123.45 et al.), N.J.S.2C:7-2, N.J.S.2C:43-11, or any other law to the**
11 **contrary, the State Parole Board** ¹**The department** may authorize the
12 participation of an eligible inmate in the ¹**supervised community**
13 **reintegration** residential community release¹ program in accordance
14 with the requirements of ²**this**² section ²3 of P.L. , c. (C.)
15 (pending before the Legislature as this bill)². An eligible inmate
16 participating in the ¹**supervised community reintegration** residential
17 community release¹ program shall remain in the custody of the
18 Commissioner of Corrections and ¹**be subject to custody, supervision,**
19 **and conditions as provided in section 15 of P.L.1979, c.441 (C.30:4-**
20 **123.59), as well as those set out in this section. Any participating**
21 **inmate also shall be subject to the same sanctions for violation of a**
22 **condition of the program that apply for violations of a condition of**
23 **parole as provided in sections 16 through 21 of P.L.1979, c.441**
24 **(C.30:4-123.60 through 30:4-123.65), including removal from the**
25 **program and a return to prior custody status** be subject to the
26 department's rules and regulations¹.

27 ²**d.** A request for consideration to participate in the
28 ¹**supervised** residential¹ community ¹**reintegration** release¹
29 program shall be submitted ¹by the inmate¹ to the ¹**appropriate panel**
30 **of the State Parole Board. The request shall be submitted**
31 department¹ in a manner and form prescribed by the ¹**board**
32 department¹.

33 e. (1) For the purposes of ¹**this act** P.L. c. (C.) (pending
34 before the Legislature as this bill¹, a person shall be considered a
35 victim of domestic violence if the person provides one or more of the
36 following:

37 (a) a restraining order or other documentation of equitable relief
38 issued ¹to the person¹ by a court of competent jurisdiction ¹against the
39 abuser¹;

40 (b) a police record documenting the domestic violence ¹between
41 the person and the abuser¹;

42 (c) documentation that the perpetrator of the domestic violence
43 has been convicted of one or more of the offenses enumerated in
44 section 3 of P.L.1991, c.261 (C.2C:25-19);

45 (d) medical documentation of the domestic violence;

(e) certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency that the person is a victim of domestic violence; or

(f) other documentation or certification of the domestic violence provided by a social worker ¹[, member of the clergy, shelter worker,¹ or other professional who has assisted the person in dealing with domestic violence ¹or any sufficient documentary evidence that the person has been a victim of domestic violence by the abuser.¹

(2) As used in this subsection:

"Certified Domestic Violence Specialist" means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals.

"Designated domestic violence agency" means a countywide organization with a primary purpose to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined in the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing those services.²

²[2.] ^{3.}² (New section) ²a.² An ¹eligible¹ inmate may ¹[be eligible to]¹ apply ¹[for a hearing to the State Parole Board] to the Department of Corrections seeking participation in the ¹[supervised] residential¹ community ¹[reintegration] release¹ program ²in a manner and form prescribed by the department². The application ²[also shall provide information affirming] contain² the following:

¹[(1)] ²[a.¹] (1)² the crime for which the inmate is serving a sentence of imprisonment was committed against the alleged abuser and no one else; ²[and]²

¹[(2)] ²[b.¹] (2)² the inmate has not been convicted of a crime of violence against a person other than the alleged abuser ²; and

(3) documentation that the inmate is a victim of domestic violence, including:

(a) a restraining order or other documentation of equitable relief issued to the inmate by a court of competent jurisdiction against the abuser;

(b) a police record documenting the domestic violence between the inmate and the abuser;

(c) documentation that the abuser has been convicted of one or more of the offenses enumerated in section 3 of P.L.1991, c.261 (C.2C:25-19);

(d) medical documentation of the domestic violence;

(e) certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency that the inmate is a victim of domestic violence; or

1 (f) other documentation or certification of the domestic violence
2 provided by a social worker or other professional who has assisted the
3 inmate in dealing with domestic violence or any sufficient
4 documentary evidence that the inmate has been a victim of domestic
5 violence by the abuser.

6 b. Prior to considering an eligible inmate's application to
7 participate in the residential community release program, the
8 Department of Corrections shall cause to be completed application
9 review materials, including a psychological evaluation of the
10 applicant, an objective risk assessment, and a summary of the
11 applicant's conduct regarding the offense, history, and evidence of
12 abuse, and classification of institutional record since conviction.²

13
14 ²[3. (New section) Prior to the ¹[State Parole Board panel]
15 Department of Corrections¹ considering an application, the
16 ¹[Department of Corrections] department¹ shall cause to be
17 completed application review materials, including a psychological
18 evaluation of the applicant, an objective risk assessment, and a
19 summary of the applicant's conduct regarding the offense, history, and
20 evidence of abuse, and classification of institutional record since
21 conviction.]²

22
23 ²[¹4. (New section) a. The application shall first be
24 considered by the appropriate panel of the State Parole Board,
25 which may include a hearing at the discretion of the board;
26 provided, however, that no application shall be passed on to the full
27 board for consideration unless a hearing is held.

28 b. The panel shall recommend that the application be
29 considered by the full parole board if it finds the following:

30 (1) the crime for which the inmate is serving a sentence of
31 imprisonment was committed against the abuser and no one else;

32 (2) the inmate has not been convicted of a crime of violence
33 against a person other than the alleged abuser; and

34 (3) upon a review of the institutional record, victim input, and
35 all other relevant information, including the results of the risk
36 assessment and a psychological evaluation, the panel concludes that
37 the inmate presents a low risk of re-offense. Notwithstanding the
38 foregoing, if the board panel determines that an adult inmate has
39 seriously or persistently violated specifically defined institutional
40 rules or has engaged in conduct indictable in nature while
41 incarcerated, the inmate shall not be recommended for participation.

42 c. Any recommendation for participation that is forwarded to
43 the board also shall make recommendations for provisions of a
44 reintegration plan and any special conditions of participation
45 appropriate for the applicant. The conditions shall include
46 identification of a community sponsor, medical, custody and

1 training conditions, as well as the types of supervision that may be
2 appropriate for the inmate.】¹²

3
4 ¹【5.】 4.¹ (New section) ¹【If an application is recommended for
5 consideration by the full State Parole Board membership, the board
6 shall conduct a hearing to consider the application.】¹ If ¹【it】 the
7 Department of Corrections¹ finds that the requirements set out in
8 ²【section ¹【4】 1】 sections 2 and 3² of P.L. , c. (C.) (pending
9 before the Legislature as this bill) are met, ¹【it】 the department¹ may
10 ¹【order that the inmate】 approve that inmate to¹ be admitted to the
11 ¹【supervised】 residential¹ community ¹【reintegration】 release¹
12 program, and shall determine any special conditions of participation
13 that shall apply.

14
15 ¹【6.】 5.¹ (New section) a. ¹【At】 Pursuant to rules and
16 regulations established by the Department of Corrections, at¹ least
17 ¹【30】 10 working¹ days prior to ²【commencing its review】 final
18 determination² of an application for participation in the program, the
19 ¹【State Parole Board】 department¹ shall notify the appropriate county
20 prosecutor or the Attorney General, if ¹【the matter was prosecuted by
21 ¹【him, and any victim or member of the family of a victim who would
22 ¹【be entitled to notice relating to a parole or the consideration of a parole
23 ¹【under the provisions of P.L.1979, c.441 (C.30:4-123.45 et al.)】
24 appropriate¹. The notice shall be given in the manner prescribed by
25 the ¹【board】 department¹ and shall contain all ¹【such】¹ information
26 and documentation relating to the application as the ¹【board】
27 department¹ shall deem appropriate and necessary, as well as
28 information on the program and the consideration process.

29 b. Upon receipt of the notice, the county prosecutor or Attorney
30 General, as the case may be, ¹【and the victim or members of the
31 ¹【victim's family, as the case may be,】¹ may submit comments to the
32 ¹【appropriate board panel and also may be heard by the panel if a
33 ¹【hearing is held by the panel and by the board】 department¹.

34 c. The information contained in any notice given by ¹【a panel】
35 the department¹ pursuant to this section and the contents of any
36 comments submitted by a recipient in response thereto shall be
37 confidential and shall not be disclosed to any person who is not
38 authorized to receive or review that information or those comments.

39 d. ¹【Nothing in this section shall be construed to impair any
40 ¹【party's right to be heard pursuant to P.L.1979, c.441 (C.30:4-
41 ¹【123.45 et al.)】.

42 e.】¹ The ¹【appropriate board panel】 department¹ shall provide
43 written notice of its decision to the county prosecutor or Attorney
44 General, as the case may be ¹【, and any victim or members of a
45 ¹【victim's family given notice pursuant to subsection a. of this section.

1 f. Whenever an eligible inmate is permitted to participate in the
2 supervised community reintegration program pursuant to this section,
3 the appropriate board shall require, as a condition precedent to release,
4 that a reintegration plan be prepared to include:

- 5 (1) identification of a community sponsor;
6 (2) verification of the availability of appropriate placement in a
7 secure residential community placement, when necessary; and
8 (3) such other conditions of participation specific to the inmate as
9 may be determined by the board¹.

10 Nothing in this subsection shall be construed to limit the authority
11 of the ¹["State Parole Board, an appropriate board panel, or parole
12 officer of the State Parole Board"] department¹ to address a violation of
13 a condition for participation in the program, including through
14 dismissal from the program for a violation of conditions or a failure to
15 meet the requirements of the ²["reintegration plan"] program².

16
17 ¹["7"] 6¹. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is
18 amended to read as follows:

19 7. a. Each adult inmate sentenced to a term of incarceration in a
20 county penal institution, or to a specific term of years at the State
21 Prison or the correctional institution for women shall become
22 primarily eligible for parole after having served any judicial or
23 statutory mandatory minimum term, or one-third of the sentence
24 imposed where no mandatory minimum term has been imposed less
25 commutation time for good behavior pursuant to N.J.S.2A:164-24 or
26 R.S.30:4-140 and credits for diligent application to work and other
27 institutional assignments pursuant to P.L.1972, c.115 (C.30:8-28.1 et
28 seq.) ¹["section 1 of P.L.1981, c.140 (C.30:8-28.4)"]¹, or R.S.30:4-92.
29 Consistent with the provisions of the New Jersey Code of Criminal
30 Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7), commutation and
31 work credits shall not in any way reduce any judicial or statutory
32 mandatory minimum term and such credits accrued shall only be
33 awarded subsequent to the expiration of the term.

34 b. Each adult inmate sentenced to a term of life imprisonment
35 shall become primarily eligible for parole after having served any
36 judicial or statutory mandatory minimum term, or 25 years where no
37 mandatory minimum term has been imposed less commutation time
38 for good behavior and credits for diligent application to work and
39 other institutional assignments. If an inmate sentenced to a specific
40 term or terms of years is eligible for parole on a date later than the date
41 upon which he would be eligible if a life sentence had been imposed,
42 then in such case the inmate shall be eligible for parole after having
43 served 25 years, less commutation time for good behavior and credits
44 for diligent application to work and other institutional assignments.
45 Consistent with the provisions of the New Jersey Code of Criminal
46 Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7), commutation and
47 work credits shall not in any way reduce any judicial or statutory

1 mandatory minimum term and such credits accrued shall only be
2 awarded subsequent to the expiration of the term.

3 c. Each adult inmate sentenced to a specific term of years
4 pursuant to the "New Jersey Controlled Dangerous Substances Act,"
5 P.L.1970, c.226 (C.24:21-1 et al.) shall become primarily eligible for
6 parole after having served one-third of the sentence imposed less
7 commutation time for good behavior and credits for diligent
8 application to work and other institutional assignments.

9 d. Each adult inmate sentenced to an indeterminate term of years
10 as a young adult offender pursuant to N.J.S.2C:43-5 shall become
11 primarily eligible for parole consideration pursuant to a schedule of
12 primary eligibility dates developed by the board, less adjustment for
13 program participation. In no case shall the board schedule require that
14 the primary parole eligibility date for a young adult offender be greater
15 than the primary parole eligibility date required pursuant to this section
16 for the presumptive term for the crime authorized pursuant to
17 subsection f. of N.J.S.2C:44-1.

18 e. Each adult inmate sentenced for an offense specified in
19 N.J.S.2C:47-1 shall become primarily eligible for parole as follows:

20 (1) If the court finds that the offender's conduct was not
21 characterized by a pattern of repetitive, compulsive behavior or finds
22 that the offender is not amenable to sex offender treatment, or if after
23 sentencing the Department of Corrections in its most recent
24 examination determines that the offender is not amenable to sex
25 offender treatment, the offender shall become primarily eligible for
26 parole after having served any judicial or statutory mandatory
27 minimum term or one-third of the sentence imposed where no
28 mandatory minimum term has been imposed. Neither such term shall
29 be reduced by commutation time for good behavior pursuant to
30 R.S.30:4-140 or credits for diligent application to work and other
31 institutional assignments pursuant to R.S.30:4-92.

32 (2) Young adult offenders shall be eligible for parole pursuant to
33 the provisions of N.J.S.2C:47-5, except no offender shall become
34 primarily eligible for parole prior to the expiration of any judicial or
35 statutory mandatory minimum term.

36 f. (Deleted by amendment, P.L.2019, c.363)

37 g. Each adult inmate of a county jail, workhouse, or penitentiary
38 shall become primarily eligible for parole upon service of 60 days of
39 his aggregate sentence or as provided for in subsection a. of this
40 section, whichever is greater. Whenever any such inmate's parole
41 eligibility is within six months of the date of such sentence, the judge
42 shall state such eligibility on the record which shall satisfy all public
43 and inmate notice requirements. The chief executive officer of the
44 institution in which county inmates are held shall generate all reports
45 pursuant to subsection d. of section 10 of P.L.1979, c.441 (C.30:4-
46 123.54). The parole board shall have the authority to promulgate time
47 periods applicable to the parole processing of inmates of county penal
48 institutions, except that no inmate may be released prior to the primary

1 eligibility date established by this subsection, unless consented to by
2 the sentencing judge. No inmate sentenced to a specific term of years
3 at the State Prison or the correctional institution for women shall
4 become primarily eligible for parole until service of a full nine months
5 of his aggregate sentence.

6 h. When an inmate is sentenced to more than one term of
7 imprisonment, the primary parole eligibility terms calculated pursuant
8 to this section shall be aggregated by the board for the purpose of
9 determining the primary parole eligibility date. The board shall
10 promulgate rules and regulations to govern aggregation under this
11 subsection.

12 i. The primary eligibility date shall be computed by a designated
13 representative of the board and made known to the inmate in writing
14 not later than 90 days following the commencement of the sentence.
15 In the case of an inmate sentenced to a county penal institution such
16 notice shall be made pursuant to subsection g. of this section. Each
17 inmate shall be given the opportunity to acknowledge in writing the
18 receipt of such computation. Failure or refusal by the inmate to
19 acknowledge the receipt of such computation shall be recorded by the
20 board but shall not constitute a violation of this subsection.

21 j. Except as provided in this subsection, each inmate sentenced
22 pursuant to N.J.S.2A:113-4 for a term of life imprisonment,
23 N.J.S.2A:164-17 for a fixed minimum and maximum term or
24 subsection b. of N.J.S.2C:1-1 shall not be primarily eligible for parole
25 on a date computed pursuant to this section, but shall be primarily
26 eligible on a date computed pursuant to P.L.1948, c.84 (C.30:4-123.1
27 et seq.), which is continued in effect for this purpose. Inmates
28 classified as second, third or fourth offenders pursuant to section 12 of
29 P.L.1948, c.84 (C.30:4-123.12) shall become primarily eligible for
30 parole after serving one-third, one-half, or two-thirds of the maximum
31 sentence imposed, respectively, less in each instance commutation
32 time for good behavior and credits for diligent application to work and
33 other institutional assignments; provided, however, that if the
34 prosecuting attorney or the sentencing court advises the board that the
35 punitive aspects of the sentence imposed on such inmates will not have
36 been fulfilled by the time of parole eligibility calculated pursuant to
37 this subsection, then the inmate shall not become primarily eligible for
38 parole until serving an additional period which shall be one-half of the
39 difference between the primary parole eligibility date calculated
40 pursuant to this subsection and the parole eligibility date calculated
41 pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12). If the
42 prosecuting attorney or the sentencing court advises the board that the
43 punitive aspects of the sentence have not been fulfilled, such advice
44 need not be supported by reasons and will be deemed conclusive and
45 final. Any such decision shall not be subject to judicial review except
46 to the extent mandated by the New Jersey and United States
47 Constitutions. The board shall, reasonably prior to considering any

1 such case, advise the prosecuting attorney and the sentencing court of
2 all information relevant to such inmate's parole eligibility.

3 k. Notwithstanding any provisions of this section to the contrary,
4 a person sentenced to imprisonment pursuant to paragraph (2), (3), or
5 (4) of subsection b. of N.J.S.2C:11-3 shall not be eligible for parole.

6 l. Notwithstanding the provisions of subsections a. through j. of
7 this section, the appropriate board panel, as provided in section 1 of
8 P.L.1997, c.214 (C.30:4-123.51c), may release an inmate serving a
9 sentence of imprisonment on medical parole at any time.

10 m. ¹Notwithstanding the provisions of this section, the ¹The
11 State Parole Board, pursuant to the provisions of
12 P.L. , c. (C.) (pending before the Legislature as this
13 bill), ¹may release ¹shall consider ¹an inmate serving a sentence of
14 imprisonment ¹for parole ¹.

15 (cf: P.L. 2019, c.363, s.10)

16
17 ¹[8] 7¹. (New section) The State Parole Board ¹and the
18 Department of Corrections¹, in accordance with the provisions of
19 the "Administrative Procedure Act" P.L.1968, c.410 (C.52:14B-1 et
20 seq.), ¹[shall] may¹ promulgate rules and regulations to effectuate
21 the purposes of this act.

22
23 ¹[9] 8.¹ This act shall take effect ¹[immediately] on the first
24 day of the ²[thirteenth] 13th² month next following enactment¹.