

[Second Reprint]

SENATE, No. 2519

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 4, 2020

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Co-Sponsored by:

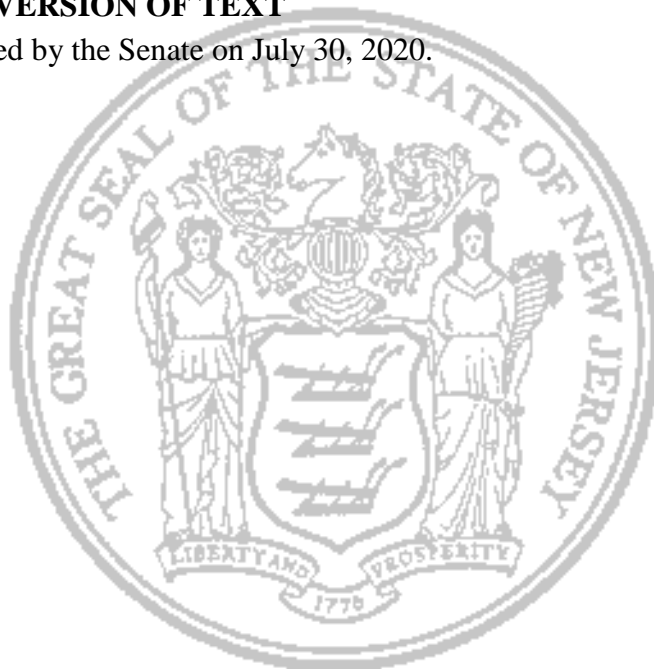
Senators Weinberg, Vitale, Diegnan, Turner and Cruz-Perez

SYNOPSIS

Requires public health emergency credits to be awarded to certain inmates during public health emergency; requires entry of "no contact" order upon release of inmate awarded credits.

CURRENT VERSION OF TEXT

As amended by the Senate on July 30, 2020.



(Sponsorship Updated As Of: 7/9/2020)

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

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

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

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

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

42 ¹**[d.] e.**¹ Nothing in this section shall be deemed to limit ¹**[or**
 43 **affect]**¹ 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:

¹Senate SCM committee amendments adopted July 22, 2020.

²Senate floor amendments adopted July 30, 2020.

1 ¹f. 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. Except as provided in subsection h. of this section, an inmate
8 scheduled to be released from the custody of the Commissioner of
9 Corrections following an award of public health emergency credits
10 pursuant to this section shall be released on the scheduled release
11 date based on the award of public health emergency credits.

12 h. An inmate who is scheduled to be released on or within five
13 days following the effective date of P.L. c. (C.) (pending
14 before the Legislature as this bill) shall be released either on the
15 date of the entry of an order entered pursuant to section ²[6] ⁵ of
16 P.L. c. (C.) (pending before the Legislature as this bill), or
17 the date ²[the prosecutor notifies]² the court ²determines² that no
18 order shall be entered ²[pursuant to subsection b. of section 5 of
19 P.L. c. (C.) (pending before the Legislature as this bill)]
20 because there is no identifiable victim of the crime for which the
21 inmate is serving a sentence², whichever occurs sooner; however,
22 under no circumstances shall the inmate be released later than five
23 days following the effective date of P.L. c. (C.) (pending
24 before the Legislature as this bill).

25 i. The commissioner shall provide a copy of any order entered
26 pursuant to section ²[6] ⁵ of P.L. c. (C.) (pending before
27 the Legislature as this bill) to the inmate prior to the inmate's
28 release from the custody of the commissioner.¹

29
30 ²[2. N.J.S.2C:47-3 is amended to read as follows:

31 2C:47-3. Disposition.

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

40 b. If the court finds that the offender's conduct was
41 characterized by a pattern of repetitive, compulsive behavior and
42 that the offender is amenable to sex offender treatment and is
43 willing to participate in such treatment, the court shall, upon the
44 recommendation of the Department of Corrections, sentence the
45 offender to a term of incarceration to be served in the custody of the
46 commissioner at the Adult Diagnostic and Treatment Center for sex
47 offender treatment as provided in subsection h. of this section, or

1 place the offender on probation with the requirement, as a condition
2 of probation, that he receive outpatient psychological or psychiatric
3 treatment as prescribed.

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

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

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

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

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

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

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

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

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

47 (3) If a sentence is imposed pursuant to section 2 of P.L.1997,
48 c.117 (C.2C:43-7.2) or if any other judicial or statutory mandatory

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

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

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

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

11 (cf: P.L.1998, c.72, s.3)]²

12

13 ²[3.] 2.² (New section) a. Except as provided in subsection b.
14 of this section, ¹[the procedures and standards for the award of
15 credits set forth in R.S.30:4-92; section 3 of P.L.2009, c.330
16 (C.30:4-92a);] the award of public health emergency credits
17 pursuant to¹ section 1 of P.L. c. (C.) (pending before the
18 Legislature as this bill) ¹]; and R.S.30:4-140]¹ shall apply to any
19 juvenile serving a sentence in a State correctional facility operated
20 by the Juvenile Justice Commission ¹who ²due to the expiration of
21 the juvenile's term of commitment² is scheduled to be released from
22 custody within ²[twelve months¹] 365 days² .

23 b. Public health emergency credits shall not be awarded to any
24 juvenile ²serv²ing a sentence in a State correctional facility operated
25 by the Juvenile Justice Commission for any offense enumerated in
26 N.J.S.2C:47-1 and² who is deemed a repetitive, compulsive sex
27 offender.

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

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

41 e. ²(1) Notwithstanding the provisions of subsection d. of this
42 section and subject to the provisions of paragraph (2) of this
43 subsection, a juvenile scheduled to be released from the custody of
44 the Juvenile Justice Commission following an award of public
45 health emergency credits pursuant to section 1 of
46 P.L. c. (C.) (pending before the Legislature as this bill)

1 whose scheduled release date is less than 45 days after the effective
2 date of P.L. , c. (C.) (pending before the Legislature as this
3 bill) shall be released within 45 days after the effective date, in
4 order to allow the Juvenile Justice Commission to devise and
5 implement a release plan for the juvenile and arrange for services to
6 be provided to the juvenile upon release.

7 (2)² A juvenile who is scheduled to be released ²[on or within
8 five days following the effective date of P.L. c. (C.)
9 (pending before the Legislature as this bill)] in accordance with
10 paragraph (1) of this subsection² shall be released either on the date
11 of the entry of an order entered pursuant to section ²[9] 8² of
12 P.L. c. (C.) (pending before the Legislature as this bill), or
13 the date ²[the prosecutor notifies]² the court ²determines² that no
14 order shall be entered ²[pursuant to subsection b. of section 8 of
15 P.L. c. (C.) (pending before the Legislature as this bill)]
16 because there is no identifiable victim of the crime for which the
17 juvenile is serving a sentence², whichever occurs sooner; however,
18 under no circumstances shall the juvenile be released later than
19 ²[five] fifty² days following the effective date of
20 P.L. c. (C.) (pending before the Legislature as this bill).

21 f. The Executive Director of the Juvenile Justice Commission
22 shall provide a copy of any order entered pursuant to section ²[9]
23 8² of P.L. c. (C.) (pending before the Legislature as this
24 bill) to the juvenile prior to the juvenile's release from the custody
25 of the Juvenile Justice Commission.¹

26
27 ²[14.] 3.² (New section) a. The Commissioner of Corrections
28 shall immediately identify any inmate who is scheduled to be
29 released from custody within ²[12 months] 365 days² as a result of
30 the award of public health emergency credits pursuant to section 1
31 of P.L. c. (C.) (pending before the Legislature as this bill).

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

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

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

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

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

4 (1) the procedures for filing an application for a final restraining
5 order pursuant to the "Prevention of Domestic Violence Act of
6 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

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

8 (3) procedures for filing a petition to dissolve an order entered
9 pursuant to section ²[6] ⁵ of P.L. c. (C.) (pending before
10 the Legislature as this bill).¹

11
12 ²[^{15.}] ^{4.}² (New section) a. Upon receipt of notice from the
13 Commissioner of Corrections that an inmate is scheduled to be
14 released from custody within ²[12 months] 365 days² based on the
15 award of public health emergency credits pursuant to section 1 of
16 P.L. c. (C.) (pending before the Legislature as this bill), the
17 prosecutor or Attorney General ²[shall, not less than five days]
18 may,² prior to the inmate's scheduled release date:

19 (1) use any reasonable means available to notify any identifiable
20 victim of the crime for which the inmate is incarcerated of the
21 inmate's scheduled release date;

22 (2) notify the identifiable victim that an order will be entered
23 prohibiting the inmate from having any contact with the victim
24 ²[unless the victim requests that an order not be entered]² ;

25 (3) notify the victim of the date that the order ²[, if entered,]²
26 will expire;

27 (4) notify the victim of the penalties imposed for the inmate's
28 violation of the order;

29 (5) provide information to the victim concerning how the victim
30 may file a petition to dissolve an order prohibiting the inmate from
31 having any contact with the victim; and

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

37 b. The prosecutor or Attorney General, as appropriate, shall
38 immediately notify the court ²[and the Department of Corrections
39 whether:

40 (1) of the identity of any identifiable victim who shall be the
41 subject of² an order prohibiting the inmate from having any contact
42 with the victim ²[shall be entered, based on the prosecutor's contact
43 with the victim or the prosecutor's inability to contact the victim; or

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

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

4 (1) the procedures for filing an application for a final restraining
5 order pursuant to the "Prevention of Domestic Violence Act of
6 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

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

8 (3) procedures for filing a petition to dissolve an order entered
9 pursuant to section ²[6] ⁵ of P.L. c. (C.) (pending before
10 the Legislature as this bill).¹

11
12 ²[^{16.}] ^{5.} (New section) a. ²[Upon] Notwithstanding the
13 provisions of any law to the contrary, upon² receipt of notice from
14 the Department of Corrections pursuant to section ²[4] ³ of
15 P.L. c. (C.) (pending before the Legislature as this bill),
16 and notice from the prosecutor pursuant to section ²[5] ⁴ of
17 P.L. c. (C.) (pending before the Legislature as this bill), the
18 court shall enter an order in accordance with this section.

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

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

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

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

27 (1)² expire on the date, as provided by the Commissioner of
28 Corrections pursuant to section ²[4] ³ of P.L. c. (C.)
29 (pending before the Legislature as this bill), that the inmate was
30 scheduled to be released prior to the award of public health
31 emergency credits ²; and

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

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

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

42
43 ²[^{17.}] ^{6.} (New section) a. The Executive Director of the
44 Juvenile Justice Commission shall immediately identify any
45 juvenile who is scheduled to be released from the custody of the
46 Juvenile Justice Commission within ²[twelve months] 365 days² as

1 a result of the award of public health emergency credits pursuant to
 2 section 1 of P.L. c. (C.) (pending before the Legislature as
 3 this bill).

4 b. ²**【The】** Notwithstanding any provisions of law to the
 5 contrary, the² Executive Director of the Juvenile Justice
 6 Commission shall provide notice to the appropriate court and to the
 7 prosecutor of the county in which the juvenile was adjudicated
 8 delinquent or the Attorney General if the matter was prosecuted by
 9 the Attorney General. The notice shall include:

10 (1) the name of any juvenile who², due to the expiration of the
 11 juvenile's term of commitment,² is scheduled to be released from
 12 the custody of the Juvenile Justice Commission within² **【twelve**
 13 months²】 365 days² as a result of the award of public health
 14 emergency credits;

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

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

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

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

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

28 (3) procedures for filing a petition to dissolve an order entered
 29 pursuant to section ²**【9】 8²** of P.L. c. (C.) (pending before
 30 the Legislature as this bill).¹

31
 32 ²**【18.】 7.²** (New section) a. ²**【Upon】** Notwithstanding the
 33 provisions of any law to the contrary, upon² receipt of notice from
 34 the Executive Director of the Juvenile Justice Commission that a
 35 juvenile is scheduled to be released from the custody of the Juvenile
 36 Justice Commission within² **【12 months】 365 days²** based on the
 37 award of public health emergency credits pursuant to section 1 of
 38 P.L. c. (C.) (pending before the Legislature as this bill), the
 39 prosecutor or Attorney General, ²**【not less than five days】²** prior to
 40 the juvenile's scheduled release date ²**【shall】**, may² :

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

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

- 1 (3) notify the victim of the date that the order ²["], if entered,]²
2 will expire;
- 3 (4) notify the victim of the penalties imposed for the juvenile's
4 violation of the order;
- 5 (5) provide information to the victim concerning how the victim
6 may file a petition to dissolve an order prohibiting the juvenile from
7 having any contact with the victim; and
- 8 (6) provide information to the victim concerning the procedures
9 for filing an application for a final restraining order pursuant to the
10 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
11 (C.2C:25-17 et seq.), and resources for victims of domestic
12 violence.
- 13 b. The prosecutor or Attorney General, as appropriate, shall
14 immediately notify the court and the Juvenile Justice Commission
15 ²["whether:
- 16 (1)] of the identity of any identifiable victim who shall be the
17 subject of² an order prohibiting the juvenile from having any
18 contact with the victim ²["shall be entered, based on the prosecutor's
19 contact with the victim or the prosecutor's inability to contact the
20 victim; or
- 21 (2) an order prohibiting the juvenile from having any contact
22 with the victim shall not be entered based on a request by the
23 victim]² .¹
24
- 25 ²["19.] 8.² (New section) a. Upon receipt of notice from the
26 Department of Corrections pursuant to section ²["7] 6² of
27 P.L. c. (C.) (pending before the Legislature as this bill), and
28 notice from the prosecutor pursuant to section ²["8] 7² of
29 P.L. c. (C.) (pending before the Legislature as this bill), the
30 court shall enter an order in accordance with this section.
- 31 b. The court shall enter an order prohibiting the juvenile from
32 having any contact with ²["an] any² identifiable victim ²["if:
- 33 (1) the prosecutor notifies the court that an identifiable victim
34 does not oppose the entry of an order; or
- 35 (2) the prosecutor was unable to contact the identifiable
36 victim]² .
- 37 c. Any order entered pursuant to subsection b. of this section
38 shall ²:
- 39 (1)² expire on the date, as provided by the Executive Director of
40 the Juvenile Justice Commission pursuant to section ²["7] 6² of
41 P.L. c. (C.) (pending before the Legislature as this bill), that
42 the juvenile was scheduled to be released prior to the award of
43 public health emergency credits ²; and
- 44 (2) include information concerning the procedures for filing a
45 petition to dissolve the order² .

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

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

10

11 ¹[4.] ²[10.1] ^{9.}² This act shall take effect ¹[immediately] on
12 the ²[sixth] sixteenth² day ²next² following the date of enactment;
13 however, the Commissioner of Corrections, Attorney General,
14 Executive Director of the Juvenile Justice Commission, and
15 Director of the Administrative Office of the Courts shall take any
16 anticipatory action necessary in advance thereof to effectuate the
17 purposes of this ²[bill¹] act².