

[Third 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:

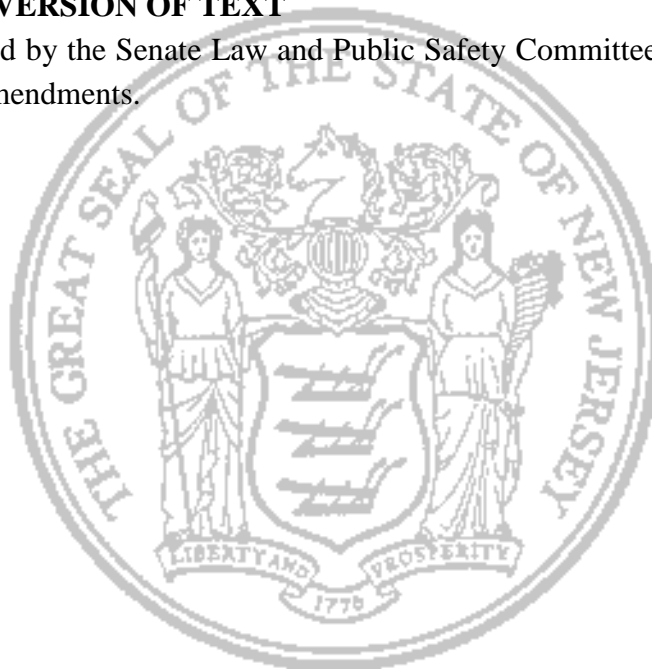
Senators Weinberg, Diegnan, Turner and Cruz-Perez

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 Senate Law and Public Safety Committee on August 25, 2020, with amendments.



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

1 AN ACT concerning public health emergency credits, amending
 2 N.J.S.2C:47-3, and ³amending and³ supplementing Title 30 of the
 3 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 R.S.30:4-
 10 140, whenever a public health emergency, pursuant to the "Emergency
 11 Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), has been
 12 declared by the Governor and is in effect, the commissioner also shall
 13 award inmates public health emergency credits in accordance with this
 14 section if the public health emergency:

15 (1) arises as a result of a communicable or infectious disease; and
 16 (2) results in ²[the modification of] substantial modifications to
 17 department-wide² correctional facility operations.

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

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

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

25 c.¹ The ¹public health emergency¹ credits ¹awarded pursuant to
 26 this section¹ shall provide further remission from both the maximum
 27 and minimum term of the inmate's sentence ², including the statutory
 28 mandatory minimum term,² at the rate of ¹[six] ²[four¹ months] 122
 29 days² for each month, or portion thereof, served during the declared
 30 emergency. An inmate shall not be awarded public health emergency
 31 credits in excess of ¹[12] ²[eight¹ months] 244 days² of remission for
 32 any declared emergency.

33 ¹[c.] d.¹ Public health emergency credits shall not be awarded to
 34 an inmate ²serving a sentence in a State correctional facility for any
 35 offense enumerated in N.J.S.2C:47-1 and² whose conduct was
 36 characterized by a pattern of repetitive, compulsive behavior
 37 ²[pursuant to N.J.S.2C:47-3]² .

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

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

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.

³Senate SLP committee amendments adopted August 25, 2020.

1 concerning the coronavirus disease 2019 pandemic shall receive public
2 health emergency credits in accordance with this section.

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

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

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

32 (1) notify the inmate in writing of the prohibition against making
33 contact with any victim of the crime for which the inmate was
34 convicted³ pursuant to section ²【6】 ⁵² of P.L. , c. (C.)
35 (pending before the Legislature as this bill) ³【to the inmate prior to the
36 inmate's release from the custody of the commissioner】;

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

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

42 j. In addition to the requirements set forth in subsection i. of this
43 section and any other relevant provision under current law related to
44 the provision of information and services to inmates, prior to releasing
45 an inmate from the custody of the commissioner following an award of
46 public health emergency credits pursuant to section 1 of P.L. , c.

1 (C.) (pending before the Legislature as this bill), the commissioner
2 shall compile and disseminate to inmates information concerning
3 organizations and programs, whether faith-based or secular programs,
4 which provide assistance and services to inmates reentering society
5 after a period of incarceration.

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

- 11 (1) eligibility for Medicaid;
12 (2) housing information;
13 (3) identification information; and
14 (4) eligibility for any other benefits and services.

15 l. Subject to the availability of the testing resources of the
16 Department of Corrections, an inmate shall be tested for COVID-19
17 prior to the inmate's release from the custody of the commissioner
18 following an award of public health emergency credits pursuant to
19 section 1 of P.L. , c. (C.) (pending before the Legislature as
20 this bill) if the inmate is released during the Public Health Emergency
21 and State of Emergency declared by the Governor in Executive Order
22 103 of 2020 concerning the coronavirus disease 2019 pandemic^{3,1}.

23
24 ²**[3.]** ² (New section) a. Except as provided in subsection b.
25 of this section, ¹**[the procedures and standards for the award of credits**
26 **set forth in R.S.30:4-92; section 3 of P.L.2009, c.330 (C.30:4-92a);]**
27 **the award of public health emergency credits pursuant to¹ section 1 of**
28 **P.L. , c. (C.) (pending before the Legislature as this bill) ¹;**
29 **and R.S.30:4-140¹ shall apply to any juvenile serving a sentence in a**
30 **State correctional facility operated by the Juvenile Justice Commission**
31 **¹who ²due to the expiration of the juvenile's term of commitment² is**
32 **scheduled to be released from custody within ²**[twelve months¹]** 365**
33 **days².**

34 b. Public health emergency credits shall not be awarded to any
35 juvenile ²serving a sentence in a State correctional facility operated by
36 the Juvenile Justice Commission for any offense enumerated in
37 N.J.S.2C:47-1 and² who is deemed a repetitive, compulsive sex
38 offender.

39 ¹c. A juvenile who was serving a sentence in a State correctional
40 facility operated by the Juvenile Justice Commission during the Public
41 Health Emergency and State of Emergency declared by the Governor
42 in Executive Order 103 of 2020 concerning the coronavirus disease
43 2019 pandemic shall receive public health emergency credits in
44 accordance with section 1 of P.L. , c. (C.) (pending before the
45 Legislature as this bill).

46 d. ³**[Except as provided in subsection e. of this section, a] A³**
47 **juvenile scheduled to be released from the custody of the Juvenile**

1 Justice Commission following an award of public health emergency
2 credits ³[pursuant to]³ pursuant to section 1 of P.L. , c. (C.)
3 (pending before the Legislature as this bill) shall be released on the
4 scheduled release date based on the award of public health emergency
5 credits.

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

18 ⁽²⁾² A juvenile who is ³[scheduled to be released ²[on or within
19 five days following the effective date of P.L. , c. (C.) (pending
20 before the Legislature as this bill)] in accordance with paragraph (1)
21 of this subsection² shall be released either on the date of the entry of
22 an order entered pursuant to section ²[9] ⁸ of P.L. , c. (C.)
23 (pending before the Legislature as this bill), or the date ²[the
24 prosecutor notifies]² the court ²determines² that no order shall be
25 entered ²[pursuant to subsection b. of section 8 of P.L. , c. (C.)
26 (pending before the Legislature as this bill)] because there is no
27 identifiable victim of the crime for which the juvenile is serving a
28 sentence² , whichever occurs sooner; however, under no circumstances
29 shall the juvenile be released later than ²[five] fifty² days following
30 the effective date] released from custody following an award of public
31 health emergency credits pursuant to this section shall be prohibited
32 from making contact with a victim as set forth in section ⁵ of P.L. ,
33 c. (C.) (pending before the Legislature as this bill) ³, which
34 prohibition shall remain in force until the time that the juvenile was
35 scheduled to be released prior to the award of public health emergency
36 credits³ .

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

43 (1) notify the juvenile in writing of the prohibition against making
44 contact with any victim of the crime for which the juvenile was
45 serving a sentence³ pursuant to section ²[9] ³[8²] ⁵ of P.L. , c.

1 (C. _____) (pending before the Legislature as this bill) ³to the juvenile
2 prior to the juvenile's release from the custody of the Juvenile Justice
3 Commission] :

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

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

8

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

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

19 (1) the name of any inmate who is scheduled to be released from
20 the custody of the Commissioner of Corrections within ²[12 months]
21 365 days² as a result of the award of public health emergency credits;

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

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

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

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

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

33 (3) procedures ³established by the court³ for filing a petition to
34 dissolve ³[an order entered pursuant to] the prohibition established
35 pursuant³ section ²[6] ⁵² of P.L. _____, c. (C. _____) (pending before the
36 Legislature as this bill) ³prohibiting an inmate from making contact
37 with any victim of the crime for which the inmate is serving a
38 sentence³ .¹

39

40 ²[¹5.] ⁴.² (New section) a. Upon receipt of notice from the
41 Commissioner of Corrections that an inmate is scheduled to be
42 released from custody within ²[12 months] 365 days² based on the
43 award of public health emergency credits pursuant to section 1 of
44 P.L. _____, c. (C. _____) (pending before the Legislature as this bill), the
45 prosecutor or Attorney General ²[shall, not less than five days] may,²
46 prior to the inmate's scheduled release date:

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

4 (2) notify the identifiable victim that ³[an order will be entered
 5 prohibiting]³ the law prohibits the inmate from having any contact
 6 with the victim ²[unless the victim requests that an order not be
 7 entered]² ³unless a petition is filed with the court to dissolve the
 8 prohibition³ ;

9 (3) notify the victim of the ³[date that the order ²[, if entered,]²
 10 will expire] duration of the prohibition against contact³ ;

11 (4) notify the victim of the penalties imposed for the inmate's
 12 violation of the ³[order] prohibition against contact³ ;

13 (5) provide information to the victim concerning the procedures
 14 for filing a petition ³with the court³ to dissolve ³[an order prohibiting]
 15 the prohibition against³ the inmate ³[from]³ having ³[any]³ contact
 16 with the victim; and

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

21 b. ³[The prosecutor or Attorney General, as appropriate, shall
 22 immediately notify the court ²[and the Department of Corrections
 23 whether:

24 (1)] of the identity of any identifiable victim who shall be the
 25 subject of² an order prohibiting the inmate from having any contact
 26 with the victim ²[shall be entered, based on the prosecutor's contact
 27 with the victim or the prosecutor's inability to contact the victim; or

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

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

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

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

37 (3) procedures for filing ³with the court³ a petition to dissolve
 38 ³[an order entered pursuant to] the prohibition established pursuant
 39 to³ section ²[6] ⁵ of P.L. , c. (C.) (pending before the
 40 Legislature as this bill) ³prohibiting an inmate or juvenile, as the case
 41 may be, from making contact with the victim³ .¹

42
 43 ²[16.] ³[5.² (New section) a. ²[Upon] Notwithstanding the
 44 provisions of any law to the contrary, upon² receipt of notice from
 45 the Department of Corrections pursuant to section ²[4] ³ of

1 P.L. c. (C.) (pending before the Legislature as this bill),
2 and notice from the prosecutor pursuant to section ²[5] ⁴ of
3 P.L. c. (C.) (pending before the Legislature as this bill), the
4 court shall enter an order in accordance with this section.

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

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

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

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

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

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

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

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

28
29 ³5. (New section) a. An inmate who is released from the
30 custody of the Commissioner of Corrections or a juvenile who is
31 released from the custody of the Juvenile Justice Commission
32 following an award of public health emergency credits pursuant to
33 section 1 of P.L. , c. (C.) (pending before the Legislature
34 as this bill), from the date of release until the date the inmate or
35 juvenile, as the case may be, was scheduled to be released prior to
36 the award of public health emergency credits, shall be prohibited
37 from purposely or knowingly making contact with any victim of the
38 crime for which the inmate or juvenile was serving a sentence.

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

45 b. A violation of subsection a. of this section shall be a crime
46 of the fourth degree.

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

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

14
 15 ²[17.] 6.² (New section) a. The Executive Director of the
 16 Juvenile Justice Commission shall immediately identify any juvenile
 17 who is scheduled to be released from the custody of the Juvenile
 18 Justice Commission within ²[twelve months] 365 days² as a result of
 19 the award of public health emergency credits pursuant to section 1 of
 20 P.L. , c. (C.) (pending before the Legislature as this bill).

21 b. ²[The] Notwithstanding any provisions of law to the contrary,
 22 the² Executive Director of the Juvenile Justice Commission shall
 23 provide notice to the ³[appropriate court and to the]³ prosecutor of the
 24 county in which the juvenile was adjudicated delinquent or the
 25 Attorney General if the matter was prosecuted by the Attorney
 26 General. The notice shall include:

27 (1) the name of any juvenile who ², due to the expiration of the
 28 juvenile's term of commitment,² is scheduled to be released from the
 29 custody of the Juvenile Justice Commission within ²[twelve months]
 30 365 days² as a result of the award of public health emergency credits;

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

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

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

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

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

43 (3) procedures for filing ³with the court³ a petition to dissolve
 44 ³[an order entered pursuant to] the prohibition established pursuant
 45 to³ section ²[9] ³[8²] 5³ of P.L. , c. (C.) (pending before the
 46 Legislature as this bill) ³prohibiting a juvenile from making contact

1 with any victim of the crime for which the juvenile was serving a
 2 sentence³ .¹

3
 4 ²[18.] 7.² (New section) ³[a.]³ ²[Upon] Notwithstanding the
 5 provisions of any law to the contrary, upon² receipt of notice from the
 6 Executive Director of the Juvenile Justice Commission that a juvenile
 7 is scheduled to be released from the custody of the Juvenile Justice
 8 Commission within ²[12 months] ²365 days² based on the award of
 9 public health emergency credits pursuant to section 1 of P.L. , c.
 10 (C.) (pending before the Legislature as this bill), the prosecutor or
 11 Attorney General, ²[not less than five days]² prior to the juvenile's
 12 scheduled release date ²[shall] , may² :

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

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

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

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

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

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

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

40 (1)] of the identity of any identifiable victim who shall be the
 41 subject of² an order prohibiting the juvenile 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 juvenile from having any contact with
 45 the victim shall not be entered based on a request by the victim]² .¹³

1 ²[¹9.] ³[⁸.² (New section) a. Upon receipt of notice from the
2 Department of Corrections pursuant to section ²[⁷] ⁶ of
3 P.L. c. (C.) (pending before the Legislature as this bill), and
4 notice from the prosecutor pursuant to section ²[⁸] ⁷ of
5 P.L. c. (C.) (pending before the Legislature as this bill), the
6 court shall enter an order in accordance with this section.

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

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

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

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

15 (1)² expire on the date, as provided by the Executive Director of
16 the Juvenile Justice Commission pursuant to section ²[⁷] ⁶ of
17 P.L. c. (C.) (pending before the Legislature as this bill), that
18 the juvenile was scheduled to be released prior to the award of
19 public health emergency credits ²; and

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

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

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

31

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

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

44 c. The public health emergency credits awarded pursuant to
45 this section shall reduce the term of supervision of a parolee at the
46 rate of 122 days for each month, or portion thereof, served during
47 the declared emergency. A parolee shall not be awarded public

1 health emergency credits in excess of 244 days of remission for any
2 declared emergency.

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

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

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

12

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

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

22 Credits awarded pursuant to this section shall cease to accrue
23 upon the issuance of a warrant by the State Parole Board and
24 initiation of parole revocation proceedings. Any credits earned
25 pursuant to this section shall be forfeited upon the revocation of
26 parole.

27 Any compliance credits awarded pursuant to this section based
28 on actions for which parole revocation proceedings were initiated,
29 but did not result in a revocation of parole and return to custody,
30 shall be forfeited upon a determination by the board panel or board
31 that the actions for which compliance credits were awarded violated
32 a condition of parole.

33 Nothing in this section shall be deemed to limit a parolee's
34 eligibility to receive public health emergency credits pursuant to
35 section 8 of P.L. , c. (C.) (pending before the Legislature
36 as this bill).³

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

38

39 ¹[4.] ²[10.1] ³[9.2] 10.³ This act shall take effect
40 ¹[immediately] on the ²[sixth] sixteenth² day ²next² following the
41 date of enactment; however, the Commissioner of Corrections,
42 Attorney General, Executive Director of the Juvenile Justice
43 Commission, ³Chairman of the State Parole Board,³ and Director of
44 the Administrative Office of the Courts shall take any anticipatory
45 action necessary in advance thereof to effectuate the purposes of
46 this ²[bill¹] act².