[Fourth 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 Assembly Budget Committee on September 21, 2020, with amendments.

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

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

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

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

   (2) results in substantial modifications to department-wide correctional facility operations.

b. Except as provided in subsection c. of this section, public health emergency credits shall be awarded to any inmate in the custody of the Commissioner of Corrections who

   (1) is serving a sentence or receiving jail credits applicable to the sentence, and

   (2) is scheduled to be released from the custody of the Commissioner of Corrections within twelve months of the declared emergency. An inmate shall not be awarded public health emergency credits in excess of

   [six months] 365 days of remission for any declared emergency.

   c.1 Public health emergency credits shall not be awarded to an inmate serving a sentence in a State correctional facility for

   (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

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.

1Senate SCM committee amendments adopted July 22, 2020.
2Senate floor amendments adopted July 30, 2020.
4Assembly ABU committee amendments adopted September 21, 2020.
any offense enumerated in N.J.S.2C:47-1 and whose conduct was characterized by a pattern of repetitive, compulsive behavior pursuant to N.J.S.2C:47-3].

(d) Nothing in this section shall be deemed to limit 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.).

(f) 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. Except as provided in subsection h. of this section, an 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 scheduled to be released on or within five days following the effective date of P.L. , 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 5 of P.L. , c. ( ) (pending before the Legislature as this bill), or the date the prosecutor notifies the court that no order shall be entered pursuant to subsection b. of section 5 of P.L. , c. ( ) (pending before the Legislature as this bill) because there is no identifiable victim of the crime for which the inmate is serving a sentence, 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 5 of P.L. , c. ( ) (pending before the Legislature as this bill), 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 credits.

i. 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. ( ) (pending before the Legislature as this bill), the commissioner shall 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 convicted pursuant to section 5 of P.L. , c. ( )
(pending before the Legislature as this bill) 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. (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. (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. (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 pandemic.

2[3.2] (New section) a. Except as provided in subsection b. of this section, [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 to section 1 of P.L. , c. (pending before the Legislature as this bill) [; and R.S.30:4-140] shall apply to any juvenile serving a sentence in a State correctional facility operated by the Juvenile Justice Commission due to the expiration of
the juvenile’s term of commitment² is scheduled to be released from
custody within ³[12 months¹] 365 days².

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

c. 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).

d. Except as provided in subsection e. of this section, A
juvenile scheduled to be 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) shall be
released on the scheduled release date based on the award of public
health emergency credits.

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

(2) A juvenile who is 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) in accordance with
paragraph (1) of this subsection shall be released either on the date
of the entry of an order entered pursuant to section ²[8] of
P.L. , c. (C. ) (pending before the Legislature as this bill),
or the date the prosecutor notifies the court that no order shall be entered pursuant to subsection b. of section 8 of
P.L. , c. (C. ) (pending before the Legislature as this bill)
because there is no identifiable victim of the crime for which the
juvenile is serving a sentence, whichever occurs sooner; however,
under no circumstances shall the juvenile 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 a victim as set forth in section 3 of P.L. (pending before the Legislature as this bill), which prohibition
shall remain in force until the time that the juvenile was scheduled
to be released prior to the award of public health emergency
credits.

Prior to releasing a juvenile from the custody of the
Juvenile Justice Commission following an award of public health
emergency credits pursuant to section 1 of P.L. (pending before the Legislature as this bill), the Executive Director
of the Juvenile Justice Commission shall provide a copy of any
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 sentence pursuant to section 2 of P.L. (pending before the Legislature as this bill);
2. require the juvenile to acknowledge in writing the receipt of
the notifications provided pursuant to this subsection.

The Commissioner of Corrections shall immediately identify any inmate who is scheduled to be released
from custody within 12 months as a result of the award of public health emergency credits pursuant to section 1 of P.L. (pending before the Legislature as this bill).

Notwithstanding any provision of law to the contrary, the Commissioner of Corrections shall provide notice to the
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 12 months
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 final 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 established by the court for filing a petition to dissolve an order entered pursuant to the prohibition established pursuant to section 2 of P.L.1991, c. (C. ) (pending before the Legislature as this bill) prohibiting an inmate from making contact with any victim of the crime for which the inmate is serving a sentence.

24 (New section) a. Upon receipt of notice from the Commissioner of Corrections that an inmate is scheduled to be released from custody within 12 months 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 shall, not less than five days prior to the inmate’s scheduled release date:

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

(2) notify the identifiable victim that the law prohibits the inmate from having any contact with the victim unless the victim requests that an order not be entered unless a petition is filed with the court to dissolve the prohibition;

(3) notify the victim of the date that the order, if entered, will expire duration of the prohibition against contact;

(4) notify the victim of the penalties imposed for the inmate’s violation of the prohibition against contact;

(5) provide information to the victim concerning the procedures for filing a petition with the court to dissolve an order prohibiting the inmate from having contact with the victim; and


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

(1) of the identity of any identifiable victim who shall be the subject of an order prohibiting the inmate from having any contact

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with the victim 2shall be entered, based on the prosecutor’s contact
with the victim or the prosecutor’s inability to contact the victim; or
(2) an order prohibiting the inmate from having any contact with
the victim shall not be entered based on a request by the victim2.

c. The Attorney General shall make available to the public on
the Internet website of the Department of Law and Public Safety, in
both English and Spanish, information concerning:
(1) the procedures for filing an application for a 3final3 restraining order pursuant to the "Prevention of Domestic Violence
(2) resources for victims of domestic violence; and
(3) procedures for filing 3with the court3 a petition to dissolve
3an order entered pursuant to3 the prohibition established pursuant
to3 section 36a 3of P.L.3, 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.

56. (New section) a. Upon 2Notwithstanding the
provisions of any law to the contrary, upon 2receipt of notice from
the Department of Corrections pursuant to section 44 3of P.L, c. (C. ) (pending before the Legislature as this bill),
and notice from the prosecutor pursuant to section 55 3of 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 3an3 any identifiable victim 3if:
(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
victim2.

c. Any order entered pursuant to subsection b. of this section
shall 2:
(1) expire on the date, as provided by the Commissioner of
Corrections pursuant to section 44 3of 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
subsections 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).
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.\(^1\)

\(^3\) 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 from purposely or knowingly making contact with any victim of the crime for which the inmate or juvenile was serving a sentence.

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

\(^2\) 6. (New section) a. The Executive Director of the Juvenile Justice Commission shall immediately identify any juvenile who is scheduled to be released from the custody of the Juvenile Justice Commission within \(^2\)twelve months\(^2\) 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. Notwithstanding any provisions of law to the contrary, the Executive Director of the Juvenile Justice Commission shall provide notice to the appropriate court and to the prosecutor of the county in which the juvenile was adjudicated delinquent or the
Attorney General if the matter was prosecuted by the Attorney General. The notice shall include:

(1) the name of any juvenile who, due to the expiration of the juvenile’s term of commitment, is scheduled to be released from the custody of the Juvenile Justice Commission within twelve months as a result of the award of public health emergency credits;

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

(3) the date on which the juvenile was scheduled to be released 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 final 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 a petition to dissolve an order entered pursuant to section 9 of P.L. , c. (C.) (pending before the Legislature as this bill) prohibiting a juvenile from making contact with any victim of the crime for which the juvenile was serving a sentence.

Notwithstanding the provisions of any law to the contrary, upon 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 twelve months 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, may:

(1) 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;

(2) notify the identifiable victim that the law prohibits the juvenile from having any contact with the victim unless the victim requests that an order not be entered unless a petition is filed with the court to dissolve the prohibition in accordance with the procedures established by the court.
c. Notify the victim of the date that the order, if entered, will expire; duration of the prohibition against the juvenile having contact with the victim; and

d. Notify the victim of the penalties imposed for the juvenile’s violation of the prohibition against contact;

e. Provide information to the victim concerning how the victim may file a petition to dissolve the prohibition against the juvenile from contact; and


b. The prosecutor or Attorney General, as appropriate, shall immediately notify the court and the Juvenile Justice Commission whether:

1. Of the identity of any identifiable victim who shall be the subject of an order prohibiting the juvenile from having any contact with the victim shall be entered, based on the prosecutor’s contact with the victim or the prosecutor’s inability to contact the victim; or

2. An order prohibiting the juvenile from having any contact with the victim shall not be entered based on a request by the victim.

b. The court shall enter an order prohibiting the juvenile from having any contact with any identifiable victim 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.

Any order entered pursuant to subsection b. of this section shall expire on the date, as provided by the Executive Director of the Juvenile Justice Commission pursuant to section 7 of P.L. c. (pending before the Legislature as this bill), that the juvenile was scheduled to be released prior to the award of public health emergency credits; and

2. Include information concerning the procedures for filing a petition to dissolve the order.
d. The court shall provide a copy of any order entered pursuant to subsection b. of this section to the Executive Director of the Juvenile Justice Commission immediately upon entry of the order but no later than the date on which the juvenile is scheduled to be released pursuant to section 2 of P.L. 2019, c. (C. ) (pending before the Legislature as this bill).

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

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

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

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

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

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

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

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

5. Notwithstanding the provisions of subsection a. of section 7 of P.L.1979, c.441 (C.30:4-123.51), any person granted parole, except a person serving a parole term set forth in subsection c. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) or section 2 of P.L.1994, c.130 (C.2C:43-6.4), shall have the parole term reduced by parole compliance credits at a rate of one day for every six days of parole supervision the person has completed.
Credits awarded pursuant to this section shall cease to accrue upon the issuance of a warrant by the State Parole Board and initiation of parole revocation proceedings. Any credits earned pursuant to this section shall be forfeited upon the revocation of parole.

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

Nothing in this section shall be deemed to limit a parolee’s eligibility to receive public health emergency credits pursuant to section 8 of P.L., c. (C.) (pending before the Legislature as this bill). This act shall take effect immediately on the sixth day following the date of enactment; however, the Commissioner of Corrections, Attorney General, Executive Director of the Juvenile Justice Commission, Chairman of the State Parole Board, and Director of the Administrative Office of the Courts shall take any anticipatory action necessary in advance thereof to effectuate the purposes of this act.