

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 21

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 16, 1997

The Senate Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 21 (1R).

This bill amends the provisions of the "Parole Act of 1979" (P.L.1979, c.441; C.30:4-123.45 et seq.) to change the standard by which the parole board determines whether an inmate should be paroled, allow the parole board to weigh all relevant information in an inmate's record when considering that inmate's parole eligibility at second and subsequent hearings and eliminate good time and work credits for inmates denied parole. The bill also prohibits the parole of an inmate who has not cooperated in his or her own rehabilitation while in prison and prohibits parole in those cases where there is a reasonable expectation that the inmate would violate one of the statutorily mandated conditions of parole. This standard would be applicable at both the initial review and at the second or any subsequent review.

Currently, under section 9 of P.L.1979, c.441 (C.30:4-123.53), the parole board may refuse to grant parole to an inmate only if information provided in a preparole report to the board or developed at a parole hearing indicates by a preponderance of the evidence that a substantial likelihood exists the inmate will commit another crime. This bill would grant more discretion to the board in these matters.

Similarly, under section 12 of P.L.1979, c.441 (C.30:4-123.56), the parole board currently is required to release any inmate who has been previously denied parole unless new information obtained in a new preparole report or produced at the hearing indicates by a preponderance of the evidence that there is a substantial likelihood the inmate will commit a crime upon release. Under the bill's provisions, at the second and subsequent parole hearings, the parole board would not be required to base its decision strictly on information developed since the previous denial of parole, but could consider information provided at earlier parole hearings. The Governor's Study Commission on Parole described the provision permitting the parole board to consider only new information in a subsequent parole decision as "one

of the most significant and inappropriate limitations that existing law places on the board's discretion."

Finally, the bill eliminates the use of good time and work credits to accelerate an inmate's future eligibility date after the inmate was denied parole. The Study Commission on Parole found that the period of incarceration after parole denial offers the inmate an opportunity to address unresolved issues, including mental health and substance abuse problems. The commission stated that accelerating the eligibility date in such cases "only reinforces the public perception that inmates actually serve less time than required by the original sentence ... or the parole board."

The provisions of this bill are based upon the recommendations of the Governor's Study Commission on Parole.

The committee adopted an amendment to make the bill effective immediately upon enactment.

As amended and released by the committee, this bill is identical to the Senate Substitute for Senate Bill No. 339.