

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 23

STATE OF NEW JERSEY

DATED: MARCH 3, 1997

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 23 with Assembly committee amendments.

Assembly Bill No. 23 implements three recommendations of the Governor's Study Commission on Parole by amending three sections of the "Parole Act of 1979" (P.L.1979, c.441; C.30:4-123.45 et seq.).

First, the bill amends the law to require the preparation of a risk assessment evaluation for inmates eligible for consideration for parole. This risk assessment is to be included as part of the preparole report which is used by the Parole Board to evaluate whether an inmate should be released on parole. The document, which is to be organized and presented in a form prescribed by the board, is to contain evaluations of both static and dynamic criteria, and is to include information relating to the inmate's criminal history, conduct during confinement, education and family background and any other information the board may deem necessary and appropriate. Using such risk assessments should help the board by providing an objective instrument that can be used to project more reliable appraisals of the likelihood of a particular inmate's risk of failure on parole and for assessing the level of supervision needed for individual parolees.

Second, the bill permits parole board panels to require an inmate to undergo in-depth preparole psychological evaluations as often as the panels deems necessary, to provide the panel with current and accurate information to assess an inmate's suitability for parole. Currently, under a federal district court ruling, the board only may request that an inmate undergo a psychological evaluation prior to a parole hearing. The bill also requires that these evaluations be included in the inmate's preparole report.

Third, the bill requires all psychological reports prepared in connection with any court proceeding to be included in the preparole report required under current law. This would include reports such as those used to determine a defendant's fitness to stand trial, raise and rebut a defense at trial, support plea negotiations or demonstrate mitigating factors at sentencing. The commission's report states that these reports are to supplement any psychological evaluations otherwise required by the board and assist the Parole Board in determining when parole of an inmate is not appropriate, thus

providing "greater protection to the community."

The committee, at the sponsor's request, amended the bill to specify that the psychological evaluations an appropriate board panel or the Parole Board requires of an inmate under this bill are to be conducted by a psychologist employed by the Parole Board or, where appropriate after consultation with the Department of Corrections, by a psychologist at the Adult Diagnostic and Treatment Center.

The committee also amended the bill to postpone for six months the requirement that an objective risk assessment be included in each inmate's preparole report. It is the committee's understanding that such a temporary delay is necessary because the Department of Corrections is still in the process of developing not only the form of the assessment, but also the specific items to be incorporated within it.