

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 23

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. 23 (1R).

This bill 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 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 deem necessary, to provide the panels 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 bill specifies 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 adopted an amendment to clarify that the Parole Board, rather than the Department of Corrections, is to perform the risk assessment. The other committee amendment is technical in nature.

As amended and released by the committee, this bill is identical to Senate Bill No. 2204, which also was amended and released by the committee on this date.