

[Passed Both Houses]

ASSEMBLY, No. 24

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 20, 1997

By Assemblyman GEIST, Assemblywomen HECK, Allen,
Assemblymen Blee, Kramer, LeFevre, Talarico, Azzolina,
Bucco, DeSopo, Senators Scott, Inverso, Sacco, Kosco and
McGreevey

1 AN ACT concerning parole and amending of P.L.1979, c.441.

2

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

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6 1. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to
7 read as follows:

8 15. a. Each adult parolee shall at all times remain in the legal
9 custody of the Commissioner of Corrections and each juvenile parolee
10 shall at all times remain in the legal custody of the Juvenile Justice
11 Commission established pursuant to section 2 of P.L.1995, c.284
12 (C.52:17B-170), except that the Commissioner of Corrections or the
13 Executive Director of the Juvenile Justice Commission, after providing
14 notice to the Attorney General, may consent to the supervision of a
15 parolee by the federal government pursuant to the Witness Security
16 Reform Act, Pub.L.98-473 (18 U.S.C.3251 et seq.). A parolee, except
17 those under the Witness Security Reform Act, shall remain under the
18 supervision of the Bureau of Parole of the Department of Corrections
19 or the Juvenile Justice Commission, as appropriate, in accordance with
20 the rules of the board.

21 b. Each parolee shall agree, as evidenced by his signature to abide
22 by specific conditions of parole established by the appropriate board
23 panel which shall be enumerated in writing in a certificate of parole
24 and shall be given to the parolee upon release. Such conditions shall
25 include, among other things, a requirement that the parolee conduct
26 himself in society in compliance with all laws and refrain from
27 committing any crime, a requirement that the parolee will not own or
28 possess any firearm as defined in subsection f. of N.J.S.2C:39-1 or any

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 other weapon enumerated in subsection r. of N.J.S.2C:39-1, a
2 requirement that the parolee refrain from the use, possession or
3 distribution of a controlled dangerous substance, controlled substance
4 analog or imitation controlled dangerous substance as defined in
5 N.J.S.2C:35-2 and N.J.S.2C:35-11, a requirement that the parolee
6 obtain permission from his parole officer for any change in his
7 residence, and a requirement that the parolee report at reasonable
8 intervals to an assigned parole officer. In addition, based on prior
9 history of the parolee or information provided by a victim or a
10 member of the family of a murder victim, the member or board panel
11 certifying parole release pursuant to section 11 of P.L.1979, c.441
12 (C.30:4-123.55) may impose any other specific conditions of parole
13 deemed reasonable in order to reduce the likelihood of recurrence of
14 criminal or delinquent behavior. Such special conditions may include,
15 among other things, a requirement that the parolee make full or partial
16 restitution, the amount of which restitution shall be set by the
17 sentencing court upon request of the board. In addition, the member
18 or board panel certifying parole release may, giving due regard to a
19 victim's request, impose a special condition that the parolee have no
20 contact with the victim, which special condition may include, but need
21 not be limited to, restraining the parolee from entering the victim's
22 residence, place of employment, business or school, and from
23 harassing or stalking the victim or victim's relatives in any way.

24 c. The appropriate board panel may in writing relieve a parolee of
25 any parole conditions, and may permit a parolee to reside outside the
26 State pursuant to the provisions of the Uniform Act for Out-of-State
27 Parolee Supervision (N.J.S.2A:168-14 et seq.), the Interstate Compact
28 on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4), and, with the
29 consent of the Commissioner of the Department of Corrections or the
30 Executive Director of the Juvenile Justice Commission after providing
31 notice to the Attorney General, the federal Witness Security Reform
32 Act, if satisfied that such change will not result in a substantial
33 likelihood that the parolee will commit an offense which would be a
34 crime under the laws of this State. The appropriate board panel may
35 revoke such permission, except in the case of a parolee under the
36 Witness Security Reform Act, or reinstate relieved parole conditions
37 for any period of time during which a parolee is under its jurisdiction.

38 d. The appropriate board panel may parole an inmate to any
39 residential facility funded in whole or in part by the State if the inmate
40 would not otherwise be released pursuant to section 9 of P.L.1979,
41 c.441 (C.30:4-123.53) without such placement. But if the residential
42 facility provides treatment for mental illness or mental retardation, the
43 board panel only may parole the inmate to the facility pursuant to the
44 laws and admissions policies that otherwise govern the admission of
45 persons to that facility, and the facility shall have the authority to
46 discharge the inmate according to the laws and policies that otherwise

1 govern the discharge of persons from the facility, on 10 days' prior
2 notice to the board panel. The board panel shall acknowledge receipt
3 of this notice in writing prior to the discharge. Upon receipt of the
4 notice the board panel shall resume jurisdiction over the inmate.

5 e. The assigned parole officer shall provide assistance to the
6 parolee in obtaining employment, education or vocational training or
7 in meeting other obligations.

8 f. The board panel on juvenile commitments and the assigned
9 parole officer shall insure that the least restrictive available alternative
10 is used for any juvenile parolee.

11 g. If the board has granted parole to any inmate from a State
12 correctional facility or juvenile facility and the court has imposed a fine
13 on such inmate, the appropriate board panel shall release such inmate
14 on condition that the parolee make specified fine payments to the
15 Bureau of Parole or the Juvenile Justice Commission. For violation of
16 such conditions, or for violation of a special condition requiring
17 restitution, parole may be revoked only for refusal or failure to make
18 a good faith effort to make such payment.

19 h. Upon collection of the fine the same shall be paid over by the
20 Department of Corrections or by the Juvenile Justice Commission to
21 the State Treasury.

22 (cf: P.L.1995, c.280, s.39)

23
24 2. This act shall take effect immediately, and be applicable to
25 inmates who become eligible for parole after the effective date.

26 27 28 STATEMENT

29
30 This bill would expand the rights of crime victims and afford them
31 greater protection when the perpetrators of those crimes are released
32 from prison. The bill permits victims and the families of murder
33 victims to present information for consideration by the Parole Board
34 in establishing the conditions of an inmate's release on parole. The bill
35 further authorizes the Parole Board member or panel certifying parole
36 release, based on information provided by a victim, to impose special
37 conditions barring the parolee from contacting the victim, entering the
38 victim's home or workplace, or harassing or stalking the victim.

39 Under current law, a victim injured as a result of a first or second-
40 degree crime or the nearest relative of a murder victim may present a
41 statement to be considered by the Parole Board in deciding whether
42 to grant parole or testify at a parole hearing. This bill would broaden
43 the role of victims by giving them input into the conditions by which
44 parolees must abide upon their release. It is based on a
45 recommendation of the Study Commission on Parole.

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- 2
- 3 Allows victim input in setting conditions of parole.