

## ASSEMBLY, No. 26

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# STATE OF NEW JERSEY

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INTRODUCED FEBRUARY 20, 1996

By Assemblyman O'TOOLE and Assemblywoman WRIGHT

1   **AN ACT** concerning the State Parole Board and amending P.L.1979,

2                   c.441.

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

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7       1. Section 3 of P.L.1979, c.441 (C.30:4-123.47) is amended to  
8           read as follows:

9       3. a. There is hereby created and established within the Department  
10          of Corrections a State Parole Board which shall consist of a chairman  
11          [and], eight associate members and one alternate board member. A  
12          vice-chairman shall be designated by the Governor from among the  
13          associate members and shall assume the duties of the chairman when  
14          the chairman is absent. The alternate board member shall assume the  
15          duties of an associate member only when the associate member is  
16          removed, incapacitated or assumes the duties of the chairman. The  
17          chairman and associate members shall be appointed by the Governor  
18          with the advice and consent of the Senate from qualified persons with  
19          training or experience in law, sociology, criminal justice, juvenile  
20          justice or related branches of the social sciences. Members of the  
21          board shall be appointed for terms of six years and the terms of their  
22          successors shall be calculated from the expiration of the incumbent's  
23          term. Members shall serve until their successors are appointed and  
24          have qualified.

25       b. Any vacancy occurring in the membership of the board,  
26          otherwise than by expiration of term, shall be filled in the same manner  
27          as one occurring by expiration of term, but for the unexpired term  
28          only. In the event that any member of the board shall be rendered  
29          incapable of performing his duties, the [Governor shall appoint a  
30          qualified person to] alternate board member shall act in his stead  
31          during the period of his incapacity. Any member of the board may be  
32          removed from office by the Governor for cause.

33       c. The members of the board shall devote their full time to the  
34          performance of their duties and be compensated pursuant to section 2

**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 of P.L.1974, c.55 (C.52:14-15.108). The alternate member shall be  
2 compensated at a rate not to exceed 50 percent of the rate of  
3 compensation of an associate member unless he assumes the full-time  
4 duties of an associate member, which service shall be compensated at  
5 the rate paid an associate member.

6 d. At the time of appointment, the Governor shall designate two  
7 associate members of the board to serve on a panel on juvenile  
8 commitments. The remaining six associate members of the board shall  
9 be appointed by the Governor to panels on adult sentences. The  
10 chairman of the board shall assign four of the associate members so  
11 appointed to two panels on prison sentences, and the remaining two  
12 associate members so appointed to a panel on young adult sentences.  
13 The chairman of the board shall be a member of each panel. Nothing  
14 provided herein shall prohibit the chairman from reassigning any  
15 member appointed to a panel on adult sentences to facilitate the  
16 efficient function of the board.

17 (cf: P.L.1987, c.396, s.1)

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19 2. This act shall take effect on the first day of the fourth month  
20 after enactment.

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23 **STATEMENT**

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25 This bill provides for organizational changes to the State Parole  
26 Board in response to a recommendation by the Study Commission on  
27 Parole. A vice-chairman would be designated by the Governor to act  
28 in the absence of the chairman; and a permanent alternate member  
29 would be added to act in place of a board member who is removed or  
30 incapacitated. The alternate board member would be paid up to 50  
31 percent of the compensation of an associate member unless he assumes  
32 full-time duties of the associate member, at which time he would e  
33 paid at the rate paid an associate member.

34 Now, in the absence of the chairman, the senior board member is  
35 required pursuant to N.J.A.C.10A:71-1.5 to function as the presiding  
36 member of the board or board panel. Under the same section, when  
37 a member of a board panel on adult inmates is disqualified resulting in  
38 the absence of a quorum, the chairman may immediately assign another  
39 member of one of the board panels on adult inmates to serve while the  
40 other member is disqualified. In the absence of a quorum on a juvenile  
41 panel due to a disqualification, the chairman currently must  
42 immediately request the Governor to appoint a qualified person to  
43 serve during the absence of the disqualified board member.

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3 Provides for vice-chairman, permanent alternate member on State

4 Parole Board.