

ASSEMBLY, No. 571

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman TURNER and Assemblyman ZISA

1 AN ACT concerning community supervision and supplementing Title
2 2C of the New Jersey Statutes.

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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. a. A person who is subject to community supervision pursuant
8 to section 2 of P.L.1994, c.130 (C.2C:43-6.4) or who is released from
9 the Adult Diagnostic and Treatment Center shall be required to
10 participate in an aftercare program established pursuant to
11 N.J.S.2C:47-4.

12 A person who is required to participate in an aftercare program may
13 choose a treatment provider other than a private entity which has
14 contracted with the State if the offender pays for all aftercare
15 treatment with his own funds. The treatment provider shall be
16 approved by the Department of Corrections and shall certify to the
17 department that the offender is participating in the treatment program.

18 b. A person who is granted release from community supervision
19 after petitioning the Superior Court pursuant to section 2 of P.L.1994,
20 c.130 (C.2C:47-6.4) will no longer be required to participate in an
21 aftercare program. A person may, however, participate in an aftercare
22 program voluntarily at his own expense.

23 c. A person who is required to participate in an aftercare program
24 and fails to satisfactorily participate in the program as required, as
25 certified by a participating treatment provider, shall be guilty of a
26 crime of the fourth degree.

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28 2. a. A person who is required to participate in an aftercare
29 program pursuant to P.L. , c. (C.)(now pending before the
30 Legislature as this bill) shall pay to the commissioner a portion of the
31 cost of his aftercare treatment based upon his financial ability to pay.
32 The commissioner shall determine the offender's financial ability to pay
33 based upon proof submitted by the offender. The offender shall submit
34 to the commissioner his financial records each year. The portion to be
35 paid by an offender shall be reviewed annually.

1 b. The commissioner may grant permission for the payment to be
2 made within a specified period of time or in specified installments. All
3 fees provided for in this section shall be in addition to any other
4 penalty or fee authorized by law.

5 c. All moneys collected pursuant to this section shall be forwarded
6 to the Department of the Treasury to be deposited in a nonlapsing
7 revolving fund to be known as the "Community Supervision Aftercare
8 Fund." Monies in the fund shall be appropriated on an annual basis for
9 the purposes of funding the aftercare treatment program established
10 pursuant to P.L. , c. (C.)(now pending before the Legislature as
11 this bill).

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13 3. This act shall take effect immediately and shall apply to all
14 persons subject to section 2 of P.L.1994, c.130 (C.2C:43-6.4) on the
15 effective date; but it shall remain inoperative until the enactment of
16 P.L. , c. (C.)(now pending before the Legislature as Assembly
17 Bill No.).

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20 STATEMENT

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22 This bill would mandate the development of an aftercare treatment
23 program as part of community supervision imposed pursuant to
24 P.L.1994, c.130 (C.2C:43-6.4). Under the provisions of the bill, a
25 person subject to community supervision would be required to
26 participate in aftercare treatment. A person required to participate in
27 aftercare treatment would no longer be required to participate if that
28 person is released from community supervision. The bill allows the
29 person to participate voluntarily, however, at his own expense. If a
30 person fails to satisfactorily participate during community supervision,
31 he would be guilty of a fourth degree crime.

32 The bill directs the Commissioner of Corrections to determine if an
33 offender is capable of paying for the aftercare treatment, or any
34 portion thereof. The offender would be required to pay the
35 commissioner for that portion he is financially able to, as determined
36 by the commissioner, and the State would fund the balance. The
37 offender's financial situation would be monitored annually to determine
38 financial ability, and the portion he pays adjusted accordingly.

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43 Requires aftercare treatment program as part of community
44 supervision.