

ASSEMBLY, No. 687

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ZISA

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

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

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6 1. Section 12 of P.L.1979, c.441 (C.30:4-123.56) is amended to  
7 read as follows:

8 12. a. The board shall develop a schedule of future parole eligibility  
9 dates for adult inmates denied release at their eligibility date. In  
10 developing such schedule, particular emphasis shall be placed on the  
11 severity of the offense for which he was denied parole and on the  
12 characteristics of the offender, such as, but not limited to, the prior  
13 criminal record of the inmate and the need for continued incapacitation  
14 of the inmate.

15 b. If the release on the eligibility date is denied, the board panel  
16 which conducted the hearing shall refer to the schedule published  
17 pursuant to subsection a., and include in its statement denying parole  
18 notice of the date of future parole consideration. If such date differs  
19 from the date otherwise established by the schedule, the board panel  
20 shall include particular reasons therefor. Such future parole eligibility  
21 date shall take into account usual remissions of sentence for good  
22 behavior and diligent application to work and other assignments. Such  
23 future parole eligibility date may also be altered pursuant to section 8  
24 of this act.

25 c. An inmate shall be released on parole on the new parole  
26 eligibility date unless [new] information filed pursuant to a procedure  
27 identical to that set forth in section 10 indicates by a preponderance of  
28 the evidence that there is a substantial likelihood that the inmate will  
29 commit a crime under the laws of this State if released on parole at  
30 such time. The [determination of whether there is such an indication  
31 in the new preparole report or whether there is additional relevant  
32 information to be developed or produced at a hearing, and the]

**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 determination of whether the inmate shall be released on the new  
2 parole eligibility date shall be made pursuant to the procedure set forth  
3 in sections 11 and 12.

4 (cf: P.L.1979, c.441, s.12)

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6 2. This act shall take effect immediately.

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STATEMENT

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11 This bill would give the parole board more discretion in reviewing  
12 the case of an inmate who has been previously denied parole.  
13 Currently, the parole board is required to allow the inmate to be  
14 released on parole unless new information obtained in a new preparole  
15 report indicates that the inmate should not be released. Under the  
16 provisions of this bill, the parole board would not be required to base  
17 its decision on any new information in the report, but rather it could  
18 base its determination on the existing information in the preparole  
19 report.

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25 Allows parole board more discretion in reviewing parole eligibility of  
inmate who was previously denied parole.