

ASSEMBLY, No. 1194

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman DALTON

1 AN ACT concerning certain parole certifications and amending
2 P.L.1979, 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 11 of P.L.1979, c.441 (C.30:4-123.55) is amended to
8 read as follows:

9 11. a. Prior to the parole eligibility date of each adult inmate, a
10 designated hearing officer shall review the reports required by section
11 10 of this act, and shall determine whether there is a basis for denial
12 of parole in the preparole report or the inmate's statement, or an
13 indication, reduced to writing, that additional information providing a
14 basis for denial of parole would be developed or produced at a
15 hearing. If the hearing officer determines that there is no basis in the
16 preparole report or the inmate's statement for denial of parole and that
17 there is no additional relevant information to be developed or
18 produced at a hearing, he shall at least 60 days prior to the inmate's
19 parole eligibility date recommend in writing to the assigned member of
20 the board panel that parole release be granted.

21 b. If the assigned member of the board panel or in the case of an
22 inmate sentenced to a county penal institution, the assigned member
23 concurs in the hearing officer's recommendation, he shall certify parole
24 release pursuant to section 15 of this act as soon as practicable after
25 the eligibility date and so notify the inmate and the board. In the case
26 of an inmate sentenced to a county penal institution the board shall
27 certify parole release or deny parole as provided by this section, except
28 with regard to time periods for notice and parole processing which are
29 authorized by or otherwise adopted pursuant to subsection g. of
30 section 7 of P.L.1979, c.441 (C.30:4-123.51). If the designated
31 hearing officer does not recommend release on parole or if the
32 assigned member does not concur in a recommendation of 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 designated hearing officer in favor of release, then the parole release
2 of an inmate in a county penal institution shall be treated under the
3 provisions of law otherwise applicable to an adult inmate. In the case
4 of an inmate sentenced to a county penal institution, the performance
5 of public service for the remainder of the term of the sentence shall be
6 a required condition of parole, where appropriate.

7 c. If the hearing officer or the assigned member determines that
8 there is a basis for denial of parole, or that a hearing is otherwise
9 necessary, the hearing officer or assigned member shall notify the
10 appropriate board panel and the inmate in writing of his determination,
11 and of a date for a parole consideration hearing. The board panel shall
12 notify the victim of the crime, if the crime for which the inmate is
13 incarcerated was a crime of the first or second degree, or the victim's
14 nearest relative if the crime was murder, as appropriate, who was
15 previously contacted by the board and who has indicated his intention
16 to the board to testify at the hearing, of the opportunity to testify or
17 submit written statements at the hearing. Said hearing shall be
18 conducted by the appropriate board panel at least 30 days prior to the
19 eligibility date. At the hearing, which shall be informal, the board
20 panel shall receive as evidence any relevant and reliable documents or
21 in person testimony, including that of the victim of the crime or the
22 members of the family of a murder victim if the victim or a family
23 member so desires. If a victim of a crime or the relative of a murder
24 victim chooses not to testify personally at the hearing, the victim or
25 relative may elect to present testimony to a senior hearing officer
26 designated by the board panel. The senior hearing officer shall prepare
27 a report or a transcript of the testimony for presentation to the board
28 panel at the hearing. All such evidence not classified as confidential
29 pursuant to rules and regulations of the board or the Department of
30 Corrections shall be disclosed to the inmate and the inmate shall be
31 permitted to rebut such evidence and to present evidence on his own
32 behalf. The decision of the board panel shall be based solely on the
33 evidence presented at the hearing.

34 d. At the conclusion of the parole consideration hearing, the board
35 panel shall either (1) certify the parole release of the inmate pursuant
36 to section 15 of this act as soon as practicable after the eligibility date
37 and so notify the inmate and the board, or (2) deny parole and file with
38 the board within 30 days of the hearing a statement setting forth the
39 decision, the particular reasons therefor, except information classified
40 as confidential pursuant to rules and regulations of the board or the
41 Department of Corrections, a copy of which statement shall be served
42 upon the inmate together with notice of his right to appeal to the
43 board.

44 e. Upon request by the hearing officer or the inmate, the time
45 limitations contained in sections 10 and 11 may be waived by the
46 appropriate board panel for good cause.

1 f. Notwithstanding the provision of any other law to the contrary,
2 if an inmate incarcerated for murder or for any other crime of the first
3 degree is recommended for parole by the assigned board member or
4 the appropriate board panel, parole shall not be certified until [a
5 majority of] the full parole board, after conducting a hearing, concurs
6 in that recommendation. The board shall notify the victim's family of
7 that hearing and family members shall be afforded the opportunity to
8 testify in person or to submit written statements. The provisions of
9 this subsection shall not apply to an inmate who has his parole revoked
10 and is returned to custody pursuant to the provisions of section 19 of
11 P.L.1979, c.441 (C.30:4-123.63).

12 g. Notwithstanding the provision of any other law to the contrary,
13 if an inmate incarcerated for a crime of the second degree is
14 recommended for parole by the assigned board member or the
15 appropriate board panel, parole shall not be certified until a majority
16 of the full parole board, after conducting a hearing, concurs in that
17 recommendation.

18 (cf: P.L.1993, c.222, s.1)

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20 2. This act shall take effect immediately.

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STATEMENT

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25 This bill requires the full membership of the parole board to certify
26 the parole of an inmate incarcerated for a murder or any other crime
27 of the first degree.

28 This bill requires a majority vote of the full membership of the
29 parole board to certify the parole of an inmate incarcerated for a crime
30 of the second degree.

31 Under current law a majority vote of the parole board is needed for
32 certification only when the inmate seeking parole is serving a term for
33 murder.

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38 Requires unanimous, majority vote of Parole Board for parole of first
39 degree criminals and majority vote for second degree criminals.