

ASSEMBLY, No. 1195

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 parole and amending and supplementing
2 P.L.1979, c.441.

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

6
7 1. Section 1 of P.L.1979, c.441 (C.30:4-123.45) is amended to
8 read as follows:

9 1. a. This act shall be known and may be cited as the "Parole Act
10 of 1979."

11 b. In this act, unless a different meaning is plainly required:

12 (1) "Adult inmate" means any person sentenced as an adult to a
13 term of incarceration.

14 (2) "Juvenile inmate" means any person under commitment as a
15 juvenile delinquent pursuant to section 24 of P.L.1982, c.77
16 (C.2A:4A-44).

17 (3) "Parole release date" means that date certified by a member of
18 the board for release of an inmate after a review of the inmate's case
19 pursuant to section 11, 13 or 14 of this act.

20 (4) "Primary parole eligibility date" means that date established for
21 parole eligibility for adult inmates pursuant to section 7 or 20 of this
22 act.

23 (5) "Public notice" shall consist of lists including names of all
24 inmates being considered for parole, the county from which he was
25 committed and the crime for which he was incarcerated. At least 30
26 days prior to parole consideration such lists shall be forwarded to the
27 prosecutor's office of each county, the sentencing court, the office of
28 the Attorney General, any other criminal justice agencies whose
29 information and comment may be relevant, and news organizations.
30 Criminal justice agencies shall include the police department, county
31 sheriff's office, and county police chiefs' association of the respective
32 municipality and county in which an inmate will reside if released. In

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 the event that the municipality has no police department, the
2 Superintendent of State Police shall be notified.

3 (6) Removal for "cause" means such substantial cause as is plainly
4 sufficient under the law and sound public policy touching upon
5 qualifications appropriate to a member of the parole board or the
6 administration of said board such that the public interest precludes the
7 member's continuance in office. Such cause includes, but is not limited
8 to, misconduct in office, incapacity, inefficiency and nonfeasance.
9 (cf: P.L.1991, c.91, s.318)

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

13 3. a. There is hereby created and established within the
14 Department of Corrections a State Parole Board which shall consist of
15 a chairman and eight associate members. The chairman and associate
16 members shall be appointed by the Governor with the advice and
17 consent of the Senate from qualified persons with training or
18 experience in law, sociology, criminal justice, juvenile justice or
19 related branches of the social sciences; provided that at least two
20 members shall have at least 25 years of law enforcement experience,
21 exclusive of service in elective office, and at least one member shall
22 have served as a county prosecutor for a minimum of one five-year
23 term. Members of the board shall be appointed for terms of six years
24 and the terms of their successors shall be calculated from the
25 expiration of the incumbent's term. Members shall serve until their
26 successors are appointed and have qualified.

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

35 c. The members of the board shall devote their full time to the
36 performance of their duties and be compensated pursuant to section 2
37 of P.L.1974, c.55 (C.52:14-15.108).

38 d. At the time of appointment, the Governor shall designate two
39 associate members of the board to serve on a panel on juvenile
40 commitments. The remaining six associate members of the board shall
41 be appointed by the Governor to panels on adult sentences. The
42 chairman of the board shall assign four of the associate members so
43 appointed to two panels on prison sentences, and the remaining two
44 associate members so appointed to a panel on young adult sentences.
45 The chairman of the board shall be a member of each panel. Nothing
46 provided herein shall prohibit the chairman from reassigning any

1 member appointed to a panel on adult sentences to facilitate the
2 efficient function of the board.

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

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5 3. Section 10 of P.L.1979, c.441 (C.30:4-123.54) is amended to
6 read as follows:

7 10. a. At least 120 days but not more than 180 days prior to the
8 parole eligibility date of each adult inmate, a report concerning the
9 inmate shall be filed with the appropriate board panel, by the staff
10 members designated by the superintendent or other chief executive
11 officer of the institution in which the inmate is held.

12 b. (1) The report filed pursuant to subsection a. shall contain
13 preincarceration records of the inmate, state the conduct of the inmate
14 during the current period of confinement, include a complete report on
15 the inmate's social, physical and mental condition, include an
16 investigation by the Bureau of Parole of the inmate's parole plans, and
17 present information bearing upon the likelihood that the inmate will
18 commit a crime under the laws of this State if released on parole.

19 (2) At the time of sentencing, the prosecutor shall notify any victim
20 injured as a result of a crime of the first or second degree or the
21 nearest relative of a murder victim of the opportunity to present a
22 statement for the parole report to be considered at the parole hearing
23 or to testify to the parole board concerning his harm at the time of the
24 parole hearing. Each victim or relative shall be responsible for
25 notifying the board of his intention to submit such a statement and to
26 provide an appropriate mailing address.

27 The report may include a statement concerning the continuing
28 nature and extent of any physical harm or psychological or emotional
29 harm or trauma suffered by the victim, the extent of any loss of
30 earnings or ability to work suffered by the victim and the continuing
31 effect of the crime upon the victim's family. At the time public notice
32 is given that an inmate is being considered for parole pursuant to this
33 section, the board shall also notify any victim or nearest relative who
34 has previously contacted the board of the availability to provide a
35 statement for inclusion in the parole report or to present testimony at
36 the parole hearing.

37 The board shall notify such person at his last known mailing
38 address.

39 c. A copy of the report filed pursuant to subsection a. of this
40 section, excepting those documents which have been classified as
41 confidential pursuant to rules and regulations of the board or the
42 Department of Corrections, shall be served on the inmate at the time
43 it is filed with the board [paneL] panel. The inmate may file with the
44 board panel a written statement regarding the report, but shall do so
45 within 105 days prior to the primary parole eligibility date.

46 d. Upon receipt of the public notice pursuant to section 1 of

1 P.L.1979, c.441 (C.30:4-123.45), a county prosecutor or criminal
2 justice agency may request from the parole board a copy of the report
3 on any adult inmate prepared pursuant to subsection a. of this section,
4 which shall be expeditiously forwarded to the county prosecutor or
5 criminal justice agency by the parole board by mail, courier, or other
6 means of delivery. Upon receipt of the report, the prosecutor or
7 criminal justice agency has 10 working days to review the report and
8 notify the parole board of [the prosecutor's] its comments, if any, or
9 notify the parole board of [the prosecutor's] its intent to provide
10 comments. If the county prosecutor or criminal justice agency does
11 not provide comments or notify the parole board of [the prosecutor's]
12 its intent to provide comments within the 10 working days, the parole
13 board may presume that the prosecutor or criminal justice agency does
14 not wish to provide comments and may proceed with the parole
15 consideration. Any comments provided by a county prosecutor or
16 criminal justice agency shall be delivered to the parole board by the
17 same method by which the county prosecutor or criminal justice
18 agency received the report. The confidentiality of the contents in a
19 report which are classified as confidential shall be maintained and shall
20 not be disclosed to any person who is not authorized to receive or
21 review a copy of the report containing the confidential information.

22 e. Any provision of this section to the contrary notwithstanding,
23 the board shall by rule or regulation modify the scope of the required
24 reports and time periods for rendering such reports with reference to
25 county penal institutions.

26 (cf: P.L.1985, c.44, s.2)

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28 4. (New section) Of the next three members appointed to the State
29 Parole Board following the enactment of P.L. ,c. (C.) (now
30 pending in the Legislature as this bill), two members shall have at least
31 25 years of law enforcement experience, exclusive of service in elected
32 office, and one member shall have served as a county prosecutor for
33 a minimum of one five-year term.

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35 5. (New section) Any law or regulation to the contrary
36 notwithstanding, following the effective date of P.L. , c. (C.)
37 (now pending before the Legislature as this bill), person appointed as
38 chief of the Bureau of Parole in the Department of Corrections shall
39 have worked at least 25 years in a law enforcement capacity, exclusive
40 of service in elective office, and achieved the rank of captain or above.

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42 6. This act shall take effect immediately.

STATEMENT

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3 This bill is intended to improve the effectiveness of the parole
4 system by increasing the participation in that system of the State's law
5 enforcement community. Persons who apprehend and prosecute law
6 breakers on a daily basis share a unique knowledge and insight
7 regarding the personae and behavior patterns of criminals. Increasing
8 the role of law enforcement professionals in the parole system will help
9 to avert future tragedies such as the recent murder of a Franklin
10 Township police officer by a paroled career criminal.

11 The bill affords law enforcement agencies, including police
12 departments, sheriff's offices and county police chief's associations in
13 localities where a potential parolee will reside an opportunity for input
14 into parole decisions. These agencies would be required to receive 30
15 days notice prior to consideration of the inmate's parole. The agencies
16 would then be authorized to request a copy of the inmate's pre-parole
17 report prepared for the State Parole Board. Upon receipt of the
18 report, the law enforcement agency would have 10 days to provide its
19 comments on the pending parole to the Parole Board. Presently, only
20 the county prosecutors are permitted by law to make such comments.

21 The bill also insures that the nine-member State Parole Board will
22 always have the benefit of the insight of law enforcement
23 professionals. It mandates that at least two board member have a
24 minimum of 25 years law enforcement experience, exclusive of service
25 in elected office, and that one member have served as a county
26 prosecutor for at least one five-year term. The bill requires that the
27 next three appointees to the board meet these criteria.

28 The bill also seeks to improve the effectiveness of the Bureau of
29 Parole in the Department of Corrections, which supervises released
30 parolees. It requires that any person appointed as chief of that bureau
31 after the bill's effective date shall have worked in a law enforcement
32 capacity for at least 25, exclusive of service in elected office, and
33 achieved the rank of captain or above.

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38 Increases law enforcement participation in parole system.