

ASSEMBLY, No. 1196

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 the relocation and residency of certain
2 probationers and parolees, and amending N.J.S.2A:168-14.

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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. N.J.S.2A:168-14 is amended to read as follows:

8 2A:168-14. Governor authorized to enter into compact with states;
9 form; contents of compact; investigations; duties of receiving state;
10 retaking of probationers or parolees by sending state; extradition
11 waived; rules and regulations; compact operative on ratification; force
12 and effect of compact; renunciation

13 The governor of this state is hereby authorized and directed to enter
14 into a compact on behalf of the state of New Jersey with any of the
15 states of the United States legally joining therein in the form
16 substantially as follows:

17 A compact entered into by and among the contracting states,
18 signatories hereto, with the consent of the congress of the United
19 States of America, granted by an act entitled "An act granting the
20 consent of congress to any 2 or more states to enter into agreements
21 or compacts for co-operative effort and mutual assistance in the
22 prevention of crime and for other purposes."

23 The contracting states solemnly agree:

24 1. That it shall be competent for the duly constituted judicial and
25 administrative authorities of a state party to this compact (herein
26 called "sending state") to permit any person convicted of an offense
27 within such state and placed on probation or released on parole to
28 reside in any other state party to this compact (herein called "receiving
29 state") while on probation or parole, if

30 a. Such person is in fact a resident of [or has his family residing
31 within] the receiving state and can obtain employment there;

32 b. Though not a resident of the receiving state [and not having his

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 family residing there], the receiving state consents to such person
2 being sent there; provided, however, that such consent shall not be
3 given without an in-person interview first being conducted and it shall
4 appear from that interview that the probationer or parolee, as the case
5 may be, has sufficiently rehabilitated himself so that he does not
6 constitute a risk to the community.

7 Before granting such permission, opportunity shall be granted to the
8 receiving state to investigate the home and prospective employment of
9 such person. Furthermore, such permission shall not be granted
10 without 30 days prior notice to the chief law enforcement officer of
11 the municipality and the prosecutor of the county wherein the
12 probationer or parolee seeks permission to reside. Should either the
13 chief law enforcement officer of the municipality or the county
14 prosecutor object to the residency of the probationer or parolee, as the
15 case may be, he shall file his objection in writing with the New Jersey
16 State Parole Board during that 30 day period. The board shall give all
17 due consideration to any such objections before granting that
18 probationer or parolee permission reside in that community.

19 A resident of the receiving state, within the meaning of this section,
20 is one who has been an actual inhabitant of such state continuously for
21 more than 1 year prior to his coming to the sending state and has not
22 resided within the sending state more than 6 continuous months
23 immediately preceding the commission of the offense for which he has
24 been convicted.

25 2. That each receiving state will assume the duties of visitation of
26 and supervision over probationers or parolees of any sending state and
27 in the exercise of those duties will be governed by the same standards
28 that prevail for its own probationers and parolees.

29 3. That duly accredited officers of a sending state may at all times
30 enter a receiving state and there apprehend and retake any person on
31 probation or parole. For that purpose no formalities will be required
32 other than establishing the authority of the officer and the identity of
33 the person to be retaken. All legal requirements to obtain extradition
34 of fugitives from justice are hereby expressly waived on the part of
35 states party hereto, as to such persons. The decision of the sending
36 state to retake a person on probation or parole shall be conclusive
37 upon and not reviewable within the receiving state; provided, however,
38 that if at the time when a state seeks to retake a probationer or parolee
39 there should be pending against him within the receiving state any
40 criminal charge, or he should be suspected of having committed within
41 such state a criminal offense, he shall not be retaken without the
42 consent of the receiving state until discharged from prosecution or
43 from imprisonment for such offense.

44 4. That the duly accredited officers of the sending state will be
45 permitted to transport prisoners being retaken through any and all
46 states parties to this compact, without interference.

1 5. That the governor of each state may designate an officer who,
2 acting jointly with like officers of other contracting states, if and when
3 appointed, shall promulgate such rules and regulations as may be
4 deemed necessary to more effectively carry out the terms of this
5 compact.

6 6. That this compact shall become operative immediately upon its
7 ratification by any state as between it and any other state or states so
8 ratifying. When ratified it shall have the full force and effect of law
9 within such state, the form of ratification to be in accordance with the
10 laws of the ratifying state.

11 7. That this compact shall continue in force and remain binding
12 upon each ratifying state until renounced by it. The duties and
13 obligations hereunder of a renouncing state shall continue as to
14 parolees or probationers residing therein at the time of withdrawal
15 until retaken or finally discharged by the sending state. Renunciation
16 of this compact shall be by the same authority which ratified it, by
17 sending 6 months' notice in writing of its intention to withdraw from
18 the compact to the other states party hereto.

19 (cf: N.J.S.2A:168-14)

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21 2. This act shall take effect immediately.

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STATEMENT

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26 This bill would change the requirements governing the relocation
27 of out-of-state probationers and parolees to New Jersey.

28 Under the provisions of this bill, out-of-state probationers and
29 parolees would be eligible for relocation to New Jersey only if (1) they
30 were residents of the State prior to their incarceration in another state
31 or (2) if it appears, after an in-person interview with the State Parole
32 Board, that the probationer or parolee is sufficiently rehabilitated so
33 as not to constitute a risk to the community.

34 The bill also provides that the chief law enforcement officer of the
35 municipality and the prosecutor of the county wherein the probationer
36 or parolee proposes to reside be given a 30 day notice before any
37 formal permission to relocate is granted. During that 30 day period,
38 either the chief law enforcement officer or the county prosecutor may
39 file written objections to the relocation with the State Parole Board.
40 The bill requires the board to give all due consideration to those
41 objections before granting the probationer or parolee permission to
42 relocate in that community or county.

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3 Changes the requirements governing the relocation of out-of-state
4 probationers and parolees to New Jersey.