

ASSEMBLY, No. 1212

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen AUGUSTINE and BAGGER

1 AN ACT concerning parole and amending 2C:47-5 and P.L.1979,
2 c.441.

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

6
7 1. N.J.S.2C:47-5 is amended to read as follows:
8 2C:47-5. Parole.

9 a. Any person committed to confinement under the terms of this
10 chapter shall be released under parole supervision when it shall appear
11 to the satisfaction of the State Parole Board, after a recommendation
12 by a special classification review board appointed by the commissioner
13 that such person is capable of making an acceptable social adjustment
14 in the community and that such person has submitted to a recent
15 psychiatric examination which demonstrated that such person does not
16 pose a danger to the public.

17 b. The Chief Executive Officer of the Adult Diagnostic and
18 Treatment Center shall report in writing at least semiannually to the
19 special classification review board concerning the physical and
20 psychological condition of such person with a recommendation as to
21 his continued confinement or consideration for release on parole.

22 c. Any person paroled pursuant to this section shall be subject to
23 the provisions of Title 30 of the Revised Statutes governing parole and
24 the regulations promulgated pursuant thereto.

25 (cf: P.L.1978, c.95, s.2C:47-5)

26

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

29 10. a. At least 120 days but not more than 180 days prior to the
30 parole eligibility date of each adult inmate, a report concerning the
31 inmate shall be filed with the appropriate board panel, by the staff
32 members designated by the superintendent or other chief executive

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 officer of the institution in which the inmate is held.

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

9 The report regarding the inmate's mental condition shall include the
10 results of a recent psychiatric examination which demonstrated that the
11 inmate does not pose a danger to the public.

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

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

30 The board shall notify such person at his last known mailing
31 address.

32 c. A copy of the report filed pursuant to subsection a. of this
33 section, excepting those documents which have been classified as
34 confidential pursuant to rules and regulations of the board or the
35 Department of Corrections, shall be served on the inmate at the time
36 it is filed with the board panel. The inmate may file with the board
37 panel a written statement regarding the report, but shall do so within
38 105 days prior to the primary parole eligibility date.

39 d. Upon receipt of the public notice pursuant to section 1 of
40 P.L.1979, c.441 (C.30:4-123.45), a county prosecutor may request
41 from the parole board a copy of the report on any adult inmate
42 prepared pursuant to subsection a. of this section, which shall be
43 expeditiously forwarded to the county prosecutor by the parole board
44 by mail, courier, or other means of delivery. Upon receipt of the
45 report, the prosecutor has 10 working days to review the report and
46 notify the parole board of the prosecutor's comments, if any, or notify

1 the parole board of the prosecutor's intent to provide comments. If
2 the county prosecutor does not provide comments or notify the parole
3 board of the prosecutor's intent to provide comments within the 10
4 working days, the parole board may presume that the prosecutor does
5 not wish to provide comments and may proceed with the parole
6 consideration. Any comments provided by a county prosecutor shall
7 be delivered to the parole board by the same method by which the
8 county prosecutor received the report. The confidentiality of the
9 contents in a report which are classified as confidential shall be
10 maintained and shall not be disclosed to any person who is not
11 authorized to receive or review a copy of the report containing the
12 confidential information.

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

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

18

19 3. This act shall take effect immediately.

20

21

22 STATEMENT

23

24 This bill would require any inmate prior to being released on parole
25 to submit to a psychiatric examination which would determine whether
26 the inmate would pose a danger to the public. The results of the
27 examination would be made part of the special classification review
28 board's recommendation with regard to inmates at the Adult
29 Diagnostic and Treatment Center and the report would be included in
30 the preparole report for all other inmates.

31

32

33

34

35 _____
36 Requires inmates to submit to psychiatric examinations prior to release
on parole.