

ASSEMBLY, No. 2923

STATE OF NEW JERSEY

INTRODUCED MAY 5, 1997

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 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to
7 read as follows:

8 15. a. Each adult parolee shall at all times remain in the legal
9 custody of the Commissioner of Corrections and each juvenile parolee
10 shall at all times remain in the legal custody of the Juvenile Justice
11 Commission established pursuant to section 2 of P.L.1995, c.284
12 (C.52:17B-170), except that the Commissioner of Corrections or the
13 Executive Director of the Juvenile Justice Commission, after providing
14 notice to the Attorney General, may consent to the supervision of a
15 parolee by the federal government pursuant to the Witness Security
16 Reform Act, Pub.L.98-473 (18 U.S.C.3251 et seq.). A parolee, except
17 those under the Witness Security Reform Act, shall remain under the
18 supervision of the Bureau of Parole of the Department of Corrections
19 or the Juvenile Justice Commission, as appropriate, in accordance with
20 the rules of the board.

21 b. Each parolee shall agree, as evidenced by his signature to abide
22 by specific conditions of parole established by the appropriate board
23 panel which shall be enumerated in writing in a certificate of parole
24 and shall be given to the parolee upon release. Such conditions shall
25 include, among other things, a requirement that the parolee conduct
26 himself in society in compliance with all laws and refrain from
27 committing any crime, a requirement that the parolee will not own or
28 possess any firearm as defined in subsection f. of N.J.S.2C:39-1 or any
29 other weapon enumerated in subsection r. of N.J.S.2C:39-1, a
30 requirement that the parolee refrain from the use, possession or
31 distribution of a controlled dangerous substance, controlled substance
32 analog or imitation controlled dangerous substance as defined in
33 N.J.S.2C:35-2 and N.J.S.2C:35-11, a requirement that the parolee
34 obtain permission from his parole officer for any change in 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 residence, and a requirement that the parolee report at reasonable
2 intervals to an assigned parole officer. In addition, based on prior
3 history of the parolee, the member or board panel certifying parole
4 release pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55) may
5 impose any other specific conditions of parole deemed reasonable in
6 order to reduce the likelihood of recurrence of criminal or delinquent
7 behavior. Such special conditions may include, among other things,
8 a requirement that the parolee make full or partial restitution, the
9 amount of which restitution shall be set by the sentencing court upon
10 request of the board.

11 c. The appropriate board panel may in writing relieve a parolee of
12 any parole conditions, and may permit a parolee to reside outside the
13 State pursuant to the provisions of the Uniform Act for Out-of-State
14 Parolee Supervision (N.J.S.2A:168-14 et seq.), the Interstate Compact
15 on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4), and, with the
16 consent of the Commissioner of the Department of Corrections or the
17 Executive Director of the Juvenile Justice Commission after providing
18 notice to the Attorney General, the federal Witness Security Reform
19 Act, if satisfied that such change will not result in a substantial
20 likelihood that the parolee will commit an offense which would be a
21 crime under the laws of this State. The appropriate board panel may
22 revoke such permission, except in the case of a parolee under the
23 Witness Security Reform Act, or reinstate relieved parole conditions
24 for any period of time during which a parolee is under its jurisdiction.

25 d. The appropriate board panel may parole an inmate to any
26 residential facility funded in whole or in part by the State if the inmate
27 would not otherwise be released pursuant to section 9 of P.L.1979,
28 c.441 (C.30:4-123.53) without such placement. But if the residential
29 facility provides treatment for mental illness or mental retardation, the
30 board panel only may parole the inmate to the facility pursuant to the
31 laws and admissions policies that otherwise govern the admission of
32 persons to that facility, and the facility shall have the authority to
33 discharge the inmate according to the laws and policies that otherwise
34 govern the discharge of persons from the facility, on 10 days' prior
35 notice to the board panel. The board panel shall acknowledge receipt
36 of this notice in writing prior to the discharge. Upon receipt of the
37 notice the board panel shall resume jurisdiction over the inmate.

38 e. The assigned parole officer shall provide assistance to the
39 parolee in obtaining employment, education or vocational training or
40 in meeting other obligations.

41 f. The board panel on juvenile commitments and the assigned
42 parole officer shall insure that the least restrictive available alternative
43 is used for any juvenile parolee.

44 g. If the board has granted parole to any inmate from a State
45 correctional facility or juvenile facility and the court has imposed a fine
46 on such inmate, the appropriate board panel shall release such inmate

1 on condition that the parolee make specified fine payments to the
2 Bureau of Parole or the Juvenile Justice Commission. For violation of
3 such conditions, or for violation of a special condition requiring
4 restitution, parole may be revoked only for refusal or failure to make
5 a good faith effort to make such payment.

6 h. Upon collection of the fine the same shall be paid over by the
7 Department of Corrections or by the Juvenile Justice Commission to
8 the State Treasury.

9 i. No adult inmate shall be released on parole from any correctional
10 facility and no juvenile inmate shall be released on parole from any
11 juvenile facility unless the appropriate board panel shall receive from
12 that inmate a notice and verification of proposed residency. The
13 notice and verification shall include, but not be limited to, the full
14 address of the inmate's proposed residency and the name and address
15 of the individual verifying the availability of the housing
16 accommodations for the inmate. A parolee who fails to establish and
17 maintain a residency at the address verified to the appropriate board
18 panel, without giving prior notice of his intent to move to another
19 residency at a verified address, shall be deemed to have violated a
20 condition of parole and be subject to the provisions of sections 16
21 through 20, inclusive, of P.L.1979, c.441 (C.30:4-123.60 through
22 C.30:4-123.64).

23 (cf: P.L.1995, c.280, s.39)

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25 2. This act shall take effect immediately.

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28 STATEMENT

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30 Under this bill, an inmate being considered for parole would have
31 to provide the appropriate parole board panel with a notice and a
32 verification of proposed residence as a condition for release. The bill
33 specifies that the notice must include the full address of the proposed
34 residence and the name and address of the individual verifying that
35 those housing accommodations are available to the inmate. A failure
36 to establish and maintain a residency at that address, without giving
37 prior notice of an intent to change residency to the appropriate parole
38 board, is to be treated as a violation of the parolee's conditions of
39 parole and make him subject to the procedures and penalties set forth
40 in the statutes for such violations.

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Requires parolees to provide verified address as condition for release.