

P.L. 1997, CHAPTER 213, *approved August 18, 1997*
Assembly, No. 21 (*Second Reprint*)

1 AN ACT concerning the standard for parole release and amending
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 9 of P.L.1979, c.441 (C.30:4-123.53) is amended to
8 read as follows:

9 9. a. An adult inmate shall be released on parole at the time of
10 parole eligibility, unless information supplied in the report filed
11 pursuant to section 10 of **[this act] P.L.1979, c.441 (C. 30:4-123.54)**
12 or developed or produced at a hearing held pursuant to section 11 of
13 **[this act] P.L.1979, c.441 (C.30:4-123.55)** indicates by a
14 preponderance of the evidence that **[there is a substantial likelihood]**
15 **the inmate has failed to cooperate in his or her own rehabilitation or**
16 **that there is a reasonable expectation that the inmate will [commit a**
17 **crime under the laws of this State] violate conditions of parole**
18 **imposed pursuant to section 15 of P.L.1979, c.441 (C.30:4-123.59)** if
19 released on parole at **[such] that** time. In reaching such determination,
20 the board panel or board shall state on the record the reasons therefor.

21 b. A juvenile inmate shall be released on parole when it shall
22 appear that the juvenile, if released, will not cause injury to persons or
23 substantial injury to property.

24 (cf: P.L.1979, c.441, s.9)

25
26 2. Section 12 of P.L.1979, c.441 (C.30:4-123.56) is amended to
27 read as follows:

28 12. a. The board shall develop a schedule of future parole

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted March 3, 1997.

² Senate SLP committee amendments adopted June 16, 1997.

1 eligibility dates for adult inmates denied release at their eligibility date.
2 In developing such schedule, particular emphasis shall be placed on the
3 severity of the offense for which he was denied parole and on the
4 characteristics of the offender, such as, but not limited to, the prior
5 criminal record of the inmate and the need for continued incapacitation
6 of the inmate.

7 b. If the release on the eligibility date is denied, the board panel
8 which conducted the hearing shall refer to the schedule published
9 pursuant to subsection a., and include in its statement denying parole
10 notice of the date of future parole consideration. If such date differs
11 from the date otherwise established by the schedule, the board panel
12 shall include particular reasons therefor. [Such] The future parole
13 eligibility date shall not be altered to take into account [usual]
14 remissions of sentence for good behavior and diligent application to
15 work and other assignments[. Such]; provided however, the future
16 parole eligibility date may [also] be altered pursuant to section 8 of
17 [this act] P.L.1979, c. 441 (C.30:4-123.52).

18 c. An inmate shall be released on parole on the new parole
19 eligibility date unless [new] information filed pursuant to a procedure
20 identical to that set forth in section 10 of P.L.1979, c.441 (C.30:4-
21 123.54) indicates by a preponderance of the evidence that ¹[there is
22 a substantial likelihood] the inmate has failed to cooperate in his or her
23 own rehabilitation or that there is a reasonable expectation¹ that the
24 inmate will ¹[commit a crime under the laws of this State] violate
25 conditions of parole imposed pursuant to section 15 of P.L.1979,
26 c.441 (C.30:4-123.59)¹ if released on parole at ¹[such] that¹ time.
27 The determination of whether [there is such an indication in the new
28 preparole report or whether there is additional relevant information to
29 be developed or produced at a hearing, and the determination of
30 whether] the inmate shall be released on the new parole eligibility date
31 shall be made pursuant to the procedure set forth in [sections]section
32 11 of P.L.1979, c.441(C.30:4-123.55) and [12]this section.
33 (cf: P.L.1979, c.441, s.12)

34
35 3. This act shall take effect immediately ²[and apply to persons
36 whose parole eligibility date arises on or after the effective date of this
37 act]².
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42 Allows board to consider all relevant information at subsequent parole
43 hearings, changes parole standard, eliminates certain credits to inmates
denied parole.