

SENATE, No. 251

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators KOSCO and MATHEUSSEN

1 AN ACT concerning parole and supplementing and repealing various  
2 sections of the statutory law.

3

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

6

7 1. This act shall be known and may be cited as the "Review and  
8 Parole Act of 1995."

9

10 2. The Legislature finds and declares that the New Jersey parole  
11 system is in a state of crisis. Public confidence in the parole system  
12 has been undermined by heinous crimes committed by parolees.  
13 Recently, a police officer was viciously shot and killed by a convicted  
14 murderer who had been paroled in Pennsylvania just 11 weeks earlier,  
15 and permitted under an interstate compact to reside in this State.  
16 Another parolee went on a rampage extending from Atlantic City to  
17 New York City over a five day period, killing seven people. These  
18 incidents have left our citizens fearful for the safety of themselves and  
19 their loved ones. When parolees fail, innocent persons all too  
20 frequently suffer the consequences.

21 According to a 1992 study, 38 percent of former inmates are  
22 reconvicted of crimes. Statistics compiled by the federal government  
23 paint an even more discouraging picture of the number of inmates who  
24 complete parole successfully. A United States Department of Justice  
25 survey found that of 5,932 New Jersey inmates granted parole during  
26 a one-year period, only 2,609 successfully completed parole, while  
27 3,263 parolees were reincarcerated.

28 The Parole Act of 1979 created a presumption that an inmate will  
29 not serve his entire sentence and will eventually become eligible for  
30 parole, giving parole officials little discretion to deny parole to an  
31 inmate who should not be released. The time has come to implement  
32 a system whereby inmates would have the burden of demonstrating  
33 that they are ready to reenter society and live crime-free lives. In  
34 addition, officials in the parole system must possess the appropriate  
35 expertise and credentials and must be given the tools to evaluate an

1 inmate's progress and deny parole to those who continue to pose a risk  
2 to society. The citizens of this State deserve a well-functioning, cost  
3 efficient parole system that protects their safety while helping former  
4 offenders lead productive, law-abiding lives.

5  
6 3. As used in this act:

7 "Adult inmate" means any person sentenced as an adult to a term of  
8 incarceration.

9 "Board" means the Review and Parole Board.

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

12 "Parole release date" means that date certified by a member of the  
13 board for release of an inmate after a review of the inmate's case  
14 pursuant to section 17, 28 or 29 of this act.

15 "Pre-parole planning package" means those documents to be  
16 evaluated prior to granting an inmate parole, including the Criminal  
17 Offense and Trial Information Summary, the case plan for that inmate  
18 developed by a parole evaluator, summaries of reassessment interviews  
19 and victim's statements.

20 "Primary parole eligibility date" means that date established for  
21 parole eligibility for adult inmates pursuant to section 13 or 27 of this  
22 act.

23 "Public notice" shall consist of lists including names of all inmates  
24 being considered for parole, the county from which he was committed  
25 and the crime for which he was incarcerated. At least 30 days prior to  
26 parole consideration such lists shall be forwarded to the prosecutor's  
27 office of each county, the sentencing court, the Office of the Attorney  
28 General, any other criminal justice agencies whose information and  
29 comment may be relevant, and news organizations.

30 "Removal for cause" means such substantial cause as is plainly  
31 sufficient under the law and sound public policy touching upon  
32 qualifications appropriate for a member of the parole board or the  
33 administration of the board such that the public interest precludes the  
34 member's continuance in office. Such cause includes, but is not limited  
35 to, misconduct in office, incapacity, inefficiency and nonfeasance.

36 "Violent Crimes Board Panel" means a panel consisting of the four  
37 associate members of the board who comprise the adult panels and the  
38 chairman.

39  
40 4. a. Except as otherwise provided, this act shall apply to all  
41 persons now serving sentences in or hereafter sentenced or committed  
42 to State correctional facilities.

43 b. In the case of persons now serving sentences or committed, the  
44 board established pursuant to this act may postpone the application of  
45 this act for a period of up to six months from the effective date in  
46 order to permit an orderly conversion to the system herein established.

1       5. a. There is hereby created and established a Review and Parole  
2 Board which shall consist of a chairman and eight associate members  
3 who shall be appointed by the Governor with the advice and consent  
4 of the Senate. The board is allocated to the Department of  
5 Corrections for the purpose of complying with Article V, Section IV,  
6 paragraph 1 of the New Jersey Constitution. The Commissioner of  
7 Corrections shall be the request officer for the board within the  
8 meaning of section 6 of P.L.1944, c.112 (C.52:27B-15). All powers,  
9 duties, responsibilities and functions concerning parole shall be  
10 allocated within the authority of the board. In addition, all the powers,  
11 duties and functions of the Bureau of Parole in the Department of  
12 Corrections shall be transferred to the Review and Parole Board on the  
13 effective date of this act.

14       The chairman shall serve at the discretion of the Governor, with the  
15 advice and consent of the Senate. The Governor may appoint a new  
16 chairman from the members of the board at any time. Members of the  
17 board shall be appointed for terms of six years and the terms of their  
18 successors shall be calculated from the expiration of the incumbent's  
19 term. Members shall serve until their successors are appointed and  
20 have qualified.

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

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

32       d. (1) The chairman shall be a qualified person who shall possess  
33 at least 10 years work experience in corrections, probation and parole,  
34 of which a minimum of three years were served in a supervisory or  
35 management capacity. The chairman also shall possess a bachelor's  
36 degree in one of the behavioral sciences, including but not limited to  
37 sociology, psychology, social work or criminal justice. Work  
38 experience shall not be substituted for the required educational  
39 qualifications.

40       (2) An associate member of the board shall possess at least five  
41 years work experience in corrections, parole or probation, of which a  
42 minimum of two years were served in a supervisory or management  
43 capacity. An associate member also shall possess a bachelor's degree  
44 in one of the behavioral sciences, including but not limited to  
45 sociology, psychology, social work or criminal justice. Work  
46 experience shall not be substituted for the required educational

1 qualifications.

2 e. At the time of appointment, the Governor shall designate two  
3 associate members of the board to serve on a panel on juvenile  
4 commitments. The remaining six associate members of the board shall  
5 be appointed by the Governor to panels on adult sentences. The  
6 chairman of the board shall assign four of the associate members so  
7 appointed to two panels on prison sentences, and the remaining two  
8 associate members so appointed to a panel on young adult sentences.  
9 The chairman of the board shall be a member of each panel. Nothing  
10 provided herein shall prohibit the chairman from reassigning any  
11 member appointed to a panel on adult sentences to facilitate the  
12 efficient function of the board.

13

14 6. a. All policies and determinations of the board shall be made by  
15 the majority vote of the members.

16 b. Except where otherwise noted, parole determinations on  
17 individual cases pursuant to this act shall be made by the majority vote  
18 of a quorum of the appropriate board panel established pursuant to this  
19 section.

20 c. The chairman of the board shall be the chief executive officer of  
21 the board and the appointing authority and, after consulting with the  
22 board, shall be responsible for designating the time and place of all  
23 board meetings, for organizing, controlling and directing the work of  
24 the board and its employees, and for preparation and justification of  
25 the board's budget. The nonsecretarial professional and supervisory  
26 employees of the board, except for parole officers, shall serve at the  
27 pleasure of the chairman and shall not be subject to the provisions of  
28 Title 11A of the New Jersey Statutes.

29 d. The board shall promulgate such reasonable rules and  
30 regulations, consistent with this act, as may be necessary for the  
31 proper discharge of its responsibilities. The chairman shall file such  
32 rules and regulations with the Secretary of State. The provisions of  
33 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
34 seq.) shall apply to the promulgation of rules and regulations  
35 concerning policy and administration, but not to other actions taken  
36 under this act, such as parole hearings, parole revocation hearings and  
37 review of parole cases. In determination of its rules and regulations  
38 concerning policy and administration, the board shall consult the  
39 Governor and the Commissioner of Corrections.

40 e. The board, in conjunction with the Department of Corrections,  
41 shall develop a uniform information system in order to closely monitor  
42 the parole process. This system shall include participation in the  
43 Uniform Parole Reports of the National Council on Crime and  
44 Delinquency.

45 f. The board shall transmit a report of its work for the preceding  
46 fiscal year, including information on the causes and extent of parole

1 recidivism, to the Governor, the Legislature and the Criminal  
2 Disposition Commission annually.

3 g. The board shall give public notice prior to considering any adult  
4 inmate for release.

5 h. The board shall give notice to the appropriate prosecutor's office  
6 and to the committing court prior to the initial consideration of any  
7 juvenile inmate for release.

8

9 7. a. Nothing contained in this act shall preclude a member of any  
10 board panel from exercising all the functions, powers, and duties of a  
11 hearing officer upon designation by the chairman; provided, however,  
12 that no member so designated shall participate in the disposition of a  
13 panel or board review of his initial decision.

14 b. A hearing officer assigned to review adult cases shall not be  
15 assigned to review juvenile cases pursuant to sections 28 and 34 of  
16 this act, nor shall a hearing officer assigned to review juvenile cases be  
17 assigned to review adult cases.

18

19 8. a. The Department of Corrections shall provide such office  
20 facilities and clerical assistance as may be necessary to enable the  
21 board to perform properly its duties and to maintain the records  
22 required pursuant to this act.

23 b. The Department of Corrections, the chief executive officers and  
24 staffs of those facilities assigned to the Department of Corrections, the  
25 chief executive officers and staffs of the county jails, workhouses, and  
26 penitentiaries and the chief executive officers and staffs of those  
27 facilities assigned to the Department of Human Services where inmates  
28 or parolees are housed shall render full and complete cooperation to  
29 the board in furnishing to the board all pertinent data and information  
30 relating to particular inmates. It shall be the duty of the clerk of the  
31 court from which the inmate was committed, and of county probation  
32 officers and other officials, to forward to the board any commitment  
33 order, presentence report and the sentencing court's written reasons  
34 for the sentence imposed. The board shall have the power to compel  
35 the appearance of witnesses and the production of documentary  
36 evidence relevant to any proceedings before it. Failure to respond to  
37 any subpoena shall carry the penalty prescribed by law for failure to so  
38 respond in the Superior Court.

39

40 9. a. There shall be created under the authority of the board 10  
41 district parole offices situated throughout the State, each of which  
42 shall be under the direction of a District Parole Supervisor. These  
43 offices shall be responsible for all of the field supervision functions  
44 required under the provisions of this act. In addition, within each  
45 district office there shall be established an Office of Victim Services  
46 which shall be responsible for addressing concerns of the victims of

1 parolees, mediation between victims and parolees and increasing the  
2 sensitivity of parolees to harm suffered by victims.

3 b. There shall be assigned to each district office a sufficient number  
4 of field parole officers to supervise the parolees who are subject to the  
5 jurisdiction of a particular district office and sufficient other staff to  
6 provide the victim services required pursuant to this section.

7

8 10. There shall be created under the authority of the board three  
9 regional offices, one each in the northern, central and southern regions  
10 of the State, which shall be under the direction of a District Parole  
11 Supervisor. These offices shall serve as restitution centers for the  
12 supervision of parolees who have fulfilled all the requirements of  
13 parole except for the payment of fines, fees and other monetary  
14 assessments imposed by the court or pursuant to law. Upon  
15 completion of all other parole requirements, supervision of the parolee  
16 shall be transferred from the district office to the appropriate regional  
17 office. The board shall assign to each regional office a sufficient  
18 number of clerical or other staff to ensure the full and timely collection  
19 of these fines, fees and other monetary assessments. The board shall  
20 have the power to initiate proceedings pursuant to the provisions of  
21 this act in order to accomplish these collections, and the State  
22 Information Management Resources Commission shall provide  
23 appropriate policies to aid in the development of a systematic  
24 collection process.

25

26 11. After a conviction or plea of guilty has been entered and prior  
27 to the transfer of a defendant to the Correctional Reception Center,  
28 the county prosecutor shall prepare a Criminal Offense and Trial  
29 Information Summary which shall include information concerning all  
30 circumstances of the offense; a detailed description of the  
31 circumstances of any plea bargain; a comprehensive description of the  
32 defendant's trial, if appropriate; the injury or harm suffered by the  
33 victim and the victim's family; and any other factors that were  
34 significant in the imposition of the sentence of imprisonment. The  
35 summary shall be forwarded to the chairman or his designee and the  
36 Commissioner of Corrections or his designee.

37

38 12. a. Whenever an adult inmate is received from the sentencing  
39 court by the Correctional Reception Center, a parole evaluator shall  
40 meet with the inmate. After reviewing the Criminal Offense and Trial  
41 Information Summary and any other documents pertaining to that  
42 inmate which have been provided by the sentencing court, the  
43 probation department and the prosecutor's office, the parole evaluator  
44 shall interview the inmate in order to assess the inmate's needs and to  
45 develop a case plan designed to reduce the likelihood of future  
46 criminal behavior. After a thorough and complete review of all this

1 information, the parole evaluator shall assess the current risk if the  
2 inmate were to be released on parole. The parole evaluator also shall  
3 notify the inmate of his primary parole eligibility date.

4 b. A parole evaluator shall conduct a reassessment interview with  
5 each inmate at least annually, or more frequently if appropriate, in  
6 order to determine the inmate's progress since the initial interview and  
7 potential for habilitation.

8  
9 13. a. An adult inmate sentenced to a term of incarceration for a  
10 specific term of years at the State Prison or the correctional institution  
11 for women shall become primarily eligible for parole after having  
12 served any judicial or statutory mandatory minimum term, or one-third  
13 of the sentence imposed where no mandatory minimum term has been  
14 imposed, less commutation time for good behavior pursuant to  
15 N.J.S.2A:164-24 or R.S.30:4-140 and credits for diligent application  
16 to work and other institutional assignments pursuant to P.L.1972,  
17 c.115 (C.30:8-28.1 et seq.) or R.S.30:4-92. Consistent with  
18 N.J.S.2C:11-3, 2C:14-6, 2C:43-6 and 2C:43-7, commutation and work  
19 credits shall not in any way reduce any judicial or statutory mandatory  
20 minimum term and such credits accrued shall only be awarded  
21 subsequent to the expiration of the term.

22 b. Each adult inmate sentenced to a term of life imprisonment shall  
23 become primarily eligible for parole after having served any judicial or  
24 statutory mandatory minimum term, or 25 years where no mandatory  
25 minimum term has been imposed, less commutation time for good  
26 behavior and credits for diligent application to work and other  
27 institutional assignments. If an inmate sentenced to a specific term or  
28 terms of years is eligible for parole on a date later than the date upon  
29 which he would be eligible if a life sentence had been imposed, then in  
30 such case the inmate shall be eligible for parole after having served 25  
31 years, less commutation time for good behavior and credits for diligent  
32 application to work and other institutional assignments. Consistent  
33 with the provisions of N.J.S.2C:11-3, 2C:14-6, 2C:43-6 and 2C:43-7,  
34 commutation and work credits shall not in any way reduce any judicial  
35 or statutory mandatory minimum term and such credits accrued shall  
36 only be awarded subsequent to the expiration of the term.

37 c. Each inmate sentenced to a specific term of years pursuant to the  
38 "Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1  
39 et seq.) shall become primarily eligible for parole after having served  
40 one-third of the sentence imposed less commutation time for good  
41 behavior and credits for diligent application to work and other  
42 institutional assignments.

43 d. Each adult inmate sentenced to an indeterminate term of years  
44 as a young adult offender pursuant to N.J.S.2C:43-5 shall become  
45 primarily eligible for parole consideration pursuant to a schedule of  
46 primary eligibility dates developed by the board, less adjustment for

1 program participation. In no case shall the board schedule require that  
2 the primary parole eligibility date for a young adult offender be greater  
3 than the primary parole eligibility date required pursuant to this section  
4 for the presumptive term for the crime authorized pursuant to  
5 subsection f. of N.J.S.2C:44-1.

6 e. Each adult inmate sentenced to the Adult Diagnostic and  
7 Treatment Center, Avenel, shall become primarily eligible for parole  
8 upon recommendation by the special classification review board  
9 pursuant to N.J.S.2C:47-5, except that no such inmate shall become  
10 primarily eligible prior to the expiration of any mandatory or fixed  
11 minimum term imposed pursuant to N.J.S.2C:14-6.

12 f. Each juvenile inmate committed to an indeterminate term shall  
13 be immediately eligible for parole.

14 g. When an inmate is sentenced to more than one term of  
15 imprisonment, the primary parole eligibility terms calculated pursuant  
16 to this section shall be aggregated by the board for the purpose of  
17 determining the primary parole eligibility date, except that no juvenile  
18 commitment shall be aggregated with any adult sentence. The board  
19 shall promulgate rules and regulations to govern aggregation under  
20 this subsection.

21 h. The primary eligibility date shall be computed by a designated  
22 representative of the board and made known to the inmate in writing  
23 no later than 90 days following the commencement of the sentence. In  
24 the case of an inmate sentenced to a county penal institution such  
25 notice shall be made pursuant to subsection g. of this section. Each  
26 inmate shall be given the opportunity to acknowledge in writing the  
27 receipt of such computation. Failure or refusal by the inmate to  
28 acknowledge the receipt of such computation shall be recorded by the  
29 board but shall not constitute a violation of this subsection.

30 i. Except as provided in this subsection, each inmate sentenced  
31 pursuant to N.J.S.2A:113-4 for a term of life imprisonment,  
32 N.J.S.2A:164-17 for a fixed minimum and maximum term or N.J.S.  
33 2C:1-1(b) shall not be primarily eligible for parole on a date computed  
34 pursuant to this section, but shall be primarily eligible on a date  
35 computed pursuant to P.L.1948, c.84 (C.30:4-123.1 et seq.), which is  
36 continued in effect for this purpose. Inmates classified as second, third  
37 or fourth offenders pursuant to section 12 of P.L.1948, c.84  
38 (C.30:4-123.12) shall become primarily eligible for parole after serving  
39 one-third, one-half or two-thirds of the maximum sentence imposed,  
40 respectively, less in each instance commutation time for good behavior  
41 and credits for diligent application to work and other institutional  
42 assignments; provided, however, that if the prosecuting attorney or the  
43 sentencing court advises the board that the punitive aspects of the  
44 sentence imposed on such inmates will not have been fulfilled by the  
45 time of parole eligibility calculated pursuant to this subsection, then  
46 the inmate shall not become primarily eligible for parole until serving

1 an additional period which shall be one-half of the difference between  
2 the primary parole eligibility date calculated pursuant to this  
3 subsection and the parole eligibility date calculated pursuant to section  
4 12 of P.L.1948, c.84 (C.30:4-123.12). If the prosecuting attorney or  
5 the sentencing court advises the board that the punitive aspects of the  
6 sentence have not been fulfilled, such advice need not be supported by  
7 reasons and will be deemed conclusive and final. Any such decision  
8 shall not be subject to judicial review except to the extent mandated  
9 by the New Jersey and United States Constitutions. The board shall,  
10 reasonably prior to considering any such case, advise the prosecuting  
11 attorney and the sentencing court of all information relevant to such  
12 inmate's parole eligibility.

13

14 14. a. An adult inmate shall not be released on parole at the time  
15 of parole eligibility, unless information supplied in the package filed  
16 pursuant to section 15 of this act or developed or produced at a  
17 hearing held pursuant to section 17 of this act indicates by clear and  
18 convincing evidence that the inmate will not pose a threat to public  
19 safety if released on parole at that time. In reaching this  
20 determination, the board panel or board shall state the reasons for the  
21 record.

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

25

26 15. a. At least 120 days but not more than 180 days prior to the  
27 parole eligibility date of an adult inmate, the pre-parole planning  
28 package concerning that inmate shall be filed with the appropriate  
29 release hearing officer by the staff members designated by the  
30 chairman.

31 At the time of sentencing, the prosecutor shall notify any victim  
32 injured as a result of a crime of the first or second degree or the  
33 nearest relative of a murder victim of the opportunity to present a  
34 statement for the pre-parole package to be considered by the release  
35 hearing officer, at any parole hearing or to testify to the parole board  
36 concerning his harm at the time of any parole hearing. Each victim or  
37 relative shall be responsible for notifying the board of his intention to  
38 submit such a statement and to provide an appropriate mailing address.

39 The package may include a statement concerning the continuing  
40 nature and extent of any physical harm or psychological or emotional  
41 harm or trauma suffered by the victim, the extent of any loss of  
42 earnings or ability to work suffered by the victim and the continuing  
43 effect of the crime upon the victim's family. At the time public notice  
44 is given that an inmate is being considered for parole pursuant to this  
45 section, the board shall also notify any victim or nearest relative who  
46 has previously contacted the board, of the opportunity to provide a

1 statement for inclusion in the parole report or to present testimony at  
2 the parole hearing. The board shall notify such person at his last  
3 known mailing address.

4 b. A copy of the package filed pursuant to subsection a. of this  
5 section, excepting those documents which have been classified as  
6 confidential pursuant to rules and regulations of the board or the  
7 Department of Corrections, shall be served on the inmate at the time  
8 it is filed with the board panel. The inmate may file with the board  
9 panel a written statement regarding the report, but shall do so within  
10 105 days prior to the primary parole eligibility date.

11 c. Upon receipt of the public notice pursuant to section 3 of this  
12 act, a county prosecutor may request from the parole board a copy of  
13 the report on any adult inmate prepared pursuant to subsection a. of  
14 this section, which shall be expeditiously forwarded to the county  
15 prosecutor by the parole board by mail, courier, or other means of  
16 delivery. Upon receipt of the report, the prosecutor shall within 10  
17 working days review the report and notify the parole board of the  
18 prosecutor's comments, if any, or notify the parole board of the  
19 prosecutor's intent to provide comments. If the county prosecutor  
20 does not provide comments or notify the parole board of the  
21 prosecutor's intent to provide comments within the 10 working days,  
22 the release hearing officer may presume that the prosecutor does not  
23 wish to provide comments and may proceed with the parole  
24 consideration. Any comments provided by a county prosecutor shall  
25 be delivered to the parole board by the same method by which the  
26 county prosecutor received the report. The confidentiality of the  
27 contents in a report which are classified as confidential shall be  
28 maintained and shall not be disclosed to any person who is not  
29 authorized to receive or review a copy of the report containing the  
30 confidential information.

31

32 16. a. Parole decisions shall be based on the aggregate of all  
33 pertinent factors, including material supplied by the inmate and reports  
34 and material which may be submitted by any persons or agencies which  
35 have knowledge of the inmate.

36 b. The release hearing officer, board panel or board shall consider  
37 the following factors:

- 38 (1) Commission of a crime while incarcerated;
- 39 (2) Commission of serious disciplinary infractions;
- 40 (3) Nature and pattern of previous convictions;
- 41 (4) Adjustment to previous probation, parole and incarceration;
- 42 (5) The offense the inmate was incarcerated for and facts and  
43 circumstances of the offense;
- 44 (6) Aggravating and mitigating factors surrounding the offense;
- 45 (7) Pattern of less serious disciplinary infractions;
- 46 (8) Participation in institutional programs which could have led to

1 the improvement of problems diagnosed at admission or during  
2 incarceration. This shall include, but not be limited to, participation  
3 in substance abuse programs, academic or vocational education  
4 programs, work assignments that provide on-the-job training and  
5 individual or group counseling;

6 (9) Statements by institutional staff, with supporting  
7 documentation, that the inmate is likely to commit a crime if released;

8 (10) Documented pattern or relationships with institutional staff or  
9 inmates;

10 (11) Documented changes in attitude toward self or others;

11 (12) Documentation reflecting personal goals, personal strengths  
12 or motivation for law-abiding behavior;

13 (13) Mental and emotional health;

14 (14) Parole plans and the investigation thereof;

15 (15) Status of family or marital relationships at the time of  
16 eligibility;

17 (16) Availability of community resources or support services for  
18 inmates who have demonstrated need for same;

19 (17) Statements by the inmate reflecting on the likelihood that he  
20 or she will commit another crime;

21 (18) History of employment, education and military service;

22 (19) Family and marital history;

23 (20) Statement by the court reflecting the reasons for the sentence  
24 imposed;

25 (21) Statements or evidence presented by the appropriate  
26 prosecutor's office, the Office of the Attorney General, or any other  
27 criminal justice agency;

28 (22) Statement or testimony of any victim or the nearest relative  
29 or relatives of a murder victim; and

30 (23) Any other relevant factor.

31 c. Any detainers shall be noted by the release hearing officer, board  
32 panel or board and shall not be grounds for denial of parole.

33

34 17. a. Prior to the parole eligibility date of an adult inmate, a  
35 designated release hearing officer shall review the package required by  
36 section 15 of this act. The officer also shall conduct a risk assessment  
37 concerning the inmate's suitability for release. This risk assessment  
38 shall consider the inmate's social, physical and mental condition,  
39 conduct during the current period of incarceration, and summaries of  
40 reassessment interviews conducted by the parole evaluator. The  
41 release hearing officer shall determine whether there is a basis for  
42 denial of parole in the pre-parole planning package, the risk  
43 assessment, or the inmate's statement, or an indication, reduced to  
44 writing, that additional information providing a basis for denial of  
45 parole would be developed or produced at a hearing. If the hearing  
46 officer determines that there is no basis in the pre-parole planning

1 package, the risk assessment or the inmate's statement for denial of  
2 parole and that there is no additional relevant information to be  
3 developed or produced at a hearing, he shall at least 60 days prior to  
4 the inmate's parole eligibility date recommend in writing to the  
5 assigned member of the board panel that parole release be granted.

6 b. (1) If the inmate did not commit a crime of the first or second  
7 degree which resulted in bodily harm, the decision of the release  
8 hearing officer shall be reviewed by an associate member of the  
9 appropriate board panel. If the release hearing officer recommends  
10 that the inmate be paroled and the board member determines that  
11 recommendation to be appropriate, the board member shall certify a  
12 parole release date as soon as practicable after the eligibility date and  
13 so notify the inmate and the board. If the officer recommends that the  
14 inmate not be paroled and the board member determines that  
15 recommendation to be appropriate, parole shall be denied and another  
16 parole eligibility date shall be established.

17 (2) If the board member determines that the recommendation of the  
18 release hearing officer is inappropriate, or that a hearing by a board  
19 panel is otherwise necessary, the board member shall refer the release  
20 or denial decision to two members of the appropriate board panel for  
21 a hearing.

22 c. If the inmate committed a crime of the first or second degree  
23 which resulted in bodily harm, the recommendation made by the  
24 release hearing officer pursuant to subsection a. of this section shall be  
25 reviewed by the Violent Crimes Board Panel.

26 d. If the release hearing officer, assigned member or Violent  
27 Crimes Board Panel determines that there is a basis for denial of  
28 parole, or that a hearing is otherwise necessary, the hearing officer or  
29 assigned member shall notify the appropriate board panel and the  
30 inmate in writing of his determination, and of a date for a parole  
31 consideration hearing. The board panel shall notify the victim of the  
32 crime, if the crime for which the inmate is incarcerated was a crime of  
33 the first or second degree, or the victim's nearest relative if the crime  
34 was murder, as appropriate, who was previously contacted by the  
35 board and who has indicated his intention to the board to testify at the  
36 hearing, of the opportunity to testify or submit written statements at  
37 the hearing. The hearing shall be conducted by the appropriate board  
38 panel at least 30 days prior to the eligibility date. At the hearing,  
39 which shall be informal, the board panel shall receive as evidence any  
40 relevant and reliable documents including any reports and evaluations  
41 prepared by the parole evaluator as part of the pre-parole planning  
42 package, the release hearing officer's report, any statements submitted  
43 by the victim or victim's family and any other relevant information  
44 pertaining to the inmate's potential risk to public safety. The panel  
45 also may consider any in-person testimony, including that of the victim  
46 of the crime or the members of the family of a murder victim if the

1 victim or a family member so desires. If a victim of a crime or the  
2 relative of a murder victim chooses not to testify personally at the  
3 hearing, the victim or relative may elect to present testimony to a  
4 release hearing officer designated by the board panel. The release  
5 hearing officer shall prepare a report or a transcript of the testimony  
6 for presentation to the board panel at the hearing. All such evidence  
7 not classified as confidential pursuant to rules and regulations of the  
8 board or the Department of Corrections shall be disclosed to the  
9 inmate and the inmate shall be permitted to rebut such evidence and to  
10 present evidence on his own behalf. The decision of the board panel  
11 shall be based solely on the evidence presented at the hearing.

12 e. At the conclusion of the parole consideration hearing, the board  
13 panel shall either (1) certify the parole release of the inmate pursuant  
14 to section 15 of this act as soon as practicable after the eligibility date  
15 and so notify the inmate and the board, or (2) deny parole and file with  
16 the board within 30 days of the hearing a statement setting forth the  
17 decision, the particular reasons therefor, except information classified  
18 as confidential pursuant to rules and regulations of the board or the  
19 Department of Corrections, a copy of which statement shall be served  
20 upon the inmate together with notice of his right to appeal to the  
21 board.

22 f. Upon request by the hearing officer or the inmate, the time  
23 limitations contained in this section and section 15 may be waived by  
24 the appropriate board panel for good cause.

25 g. Notwithstanding the provisions of any other law to the  
26 contrary, if an inmate incarcerated for murder is recommended for  
27 parole by the release hearing officer, parole shall not be certified until  
28 a majority of the full parole board conducts a hearing and concurs in  
29 that recommendation. The board shall notify the victim's family of the  
30 hearing and family members shall be afforded the opportunity to testify  
31 in person or to submit written statements. The provisions of this  
32 subsection shall not apply to an inmate who has his parole revoked and  
33 is returned to custody pursuant to the provisions of section 34 of this  
34 act.

35

36 18. a. Notwithstanding any other provision of law to the contrary,  
37 the State Parole Board shall provide in writing to the prosecutor:

38 (1) Notice of consideration of parole release required to be  
39 provided to victims by the State Parole Board pursuant to provisions  
40 of section 1 of this act; and

41 (2) Notice of the filing by an inmate of any application for  
42 commutation of sentence filed pursuant to N.J.S.2A:167-4 and its  
43 disposition. Notice shall include the inmate's name and identifying  
44 information.

45 b. As used in this section, "prosecutor" means the county  
46 prosecutor of the county in which the inmate was convicted unless the

1 matter was prosecuted by the Attorney General, in which case  
2 "prosecutor" means the Attorney General.

3  
4 19. After parole has been certified and prior to the inmate's release,  
5 a parole evaluator shall assist the inmate in developing an appropriate  
6 community release plan based upon the recommendations of the board  
7 panel and a field parole officer. The parole evaluator shall prepare a  
8 community supervision plan which sets forth objectives that the inmate  
9 shall meet while on parole. This plan shall dictate the field parole  
10 officer's initial supervision strategy.

11  
12 20. After parole has been certified and prior to the inmate's release,  
13 a pre-parole planner assigned to the specific regional officer  
14 responsible for supervision of the inmate shall meet with the inmate.  
15 The pre-parole planner shall determine the feasibility of the community  
16 supervision plan proposed by the parole evaluator in terms of the  
17 resources available in that specific region. The pre-parole planner also  
18 shall hold information sessions designed to prepare inmates for life  
19 outside the institution.

20  
21 21. The field parole officer shall investigate and evaluate the  
22 proposed parole plan, in consultation with the parole evaluator. If the  
23 field parole officer determines that the proposed parole plan requires  
24 modification, a request for such modification shall be submitted to the  
25 board panel by the parole evaluator.

26  
27 22. Within 10 days after the inmate has been released and begins  
28 parole supervision, a comprehensive assessment shall be conducted by  
29 a field parole officer. The case plan developed prior to release shall  
30 be examined and the field parole officer shall determine if  
31 modifications are needed. When this assessment has been completed,  
32 a case plan detailing the parolee's objectives shall be developed, along  
33 with a timetable for achievement of these objectives. This case plan  
34 shall be highly structured and verifiable. The parolee shall be provided  
35 with a copy of the objectives and the timetable. The field parole  
36 officer shall provide rigorous investigation and monitoring of the  
37 parolee's progress in implementing the case supervision plan, which  
38 shall be reassessed at least once every 90 days.

39  
40 23. The board shall provide for three levels of parole supervision,  
41 high, moderate, and low, based upon the risk to public safety  
42 presented by the parolee. Parolees who present the highest risk shall  
43 receive the greatest degree of supervision. A risk assessment shall be  
44 used to assign a parolee to the appropriate officer's caseload, and this  
45 assessment of each parolee shall be conducted at least semi-annually  
46 or more often if appropriate. Field parole officer caseload assignments

1 shall be weighted as determined by the risk level of the parolees  
2 supervised. The supervision of high risk parolees in a specific district  
3 shall be evenly distributed among all field parole officers assigned to  
4 that district.

5  
6 24. The board shall employ the number of parole officers necessary  
7 to supervise, pursuant to the provisions of section 23 of this act, the  
8 parolees who have been committed to its authority. After the effective  
9 date of this act, the board shall employ as a parole officer only a  
10 qualified person who shall possess a bachelor's degree in one of the  
11 behavioral sciences, including but not limited to criminal justice,  
12 sociology, psychology or social work. As used in this section, "parole  
13 officer" shall mean a parole evaluator, pre-parole planner or field  
14 parole officer. A parole officer employed on the effective date of this  
15 act need not meet the requirements of this section.

16  
17 25. The board shall employ the number of revocation hearing  
18 officers needed to conduct hearings concerning parole revocation. A  
19 Revocation Hearing Officer shall be a qualified person who shall  
20 possess a minimum of a 10 years work experience in a parole or  
21 probation agency, of which a minimum of three years were served in  
22 a supervisory or management capacity, and either a Juris Doctor  
23 degree and admission to practice law in this State, or a doctoral degree  
24 in one of the behavioral sciences, including but not limited to criminal  
25 justice, sociology, psychology or social work. Work experience may  
26 not be substituted for the required educational credentials.

27  
28 26. a. Prior to an inmate's release on parole, the board shall issue  
29 a written certificate of parole which shall be delivered to and signed by  
30 the inmate. The certificate shall include all general and specific  
31 conditions of parole imposed prior to release. The pre-parole planner  
32 shall explain the conditions of parole to the inmate and provide the  
33 inmate with a copy of the certificate. The inmate shall agree to abide  
34 by the conditions and sign the certificate.

35 b. The certificate of parole shall include, but not be limited to, the  
36 following general conditions of parole:

37 (1) The inmate shall obey all laws and ordinances;

38 (2) The inmate shall report in person to the field parole officer  
39 responsible for his supervision immediately after he is released on  
40 parole from the institution, unless he has been given other instructions  
41 by the pre-parole planner. The inmate shall report thereafter as  
42 instructed by the field parole officer;

43 (3) The inmate shall notify the field parole officer responsible for  
44 his supervision immediately after any arrest; and after being charged  
45 as the subject of a domestic violence complaint or a restraining order;  
46 and after accepting any pre-trial release including bail;

1 (4) The inmate shall obtain approval from the field parole officer  
2 prior to:

3 (a) Changing his residence or employment location; or

4 (b) Leaving the state of his approved residence.

5 (5) The inmate shall not own or possess for any purpose a firearm  
6 as defined in subsection f. of N.J.S.2C:39-1;

7 (6) The inmate shall not own or possess for any purpose a weapon  
8 as defined in subsection r. of N.J.S.2C:39-1;

9 (7) The inmate shall refrain from the use, possession or distribution  
10 of a controlled dangerous substance, controlled substance analog or  
11 imitation controlled dangerous substance as defined in N.J.S.2C:35-2  
12 or N.J.S.2C:35-11; and

13 (8) The inmate shall make payment to the appropriate regional  
14 office of any assessment, fine, penalty, fee or restitution imposed by  
15 law or the sentencing court.

16 c. In addition to the conditions set forth in subsection b. of this  
17 section, the certificate of parole for a juvenile inmate shall require the  
18 inmate to attend school on a full-time basis if he is under 16 years of  
19 age.

20 d. In addition to the conditions set forth in subsection b. and c. of  
21 this section, other special conditions may be imposed by the district  
22 senior parole officer if those conditions, in the opinion of the officer,  
23 would reduce the likelihood of recurrence of criminal or delinquent  
24 behavior. The parolee shall be given written notice prior to and upon  
25 the imposition of additional special conditions. In addition, the board  
26 shall be given written notice of the additional special conditions.

27 e. Unless otherwise ordered by the board or members certifying  
28 release or the sentencing court, the district's senior parole officer shall  
29 establish a reasonable schedule for payment of any assessment, fine,  
30 penalty, fee or restitution owed by the parolee.

31

32 27. a. Upon a decision to deny parole to an inmate, a two-member  
33 adult board panel shall establish, based upon the following schedule,  
34 a future parole eligibility date upon which the inmate shall be primarily  
35 eligible for parole.

36 (1) Except as provided herein, an inmate serving a sentence for  
37 murder, manslaughter, aggravated sexual assault or kidnapping,  
38 serving any minimum-maximum or a specific sentence in excess of 14  
39 years for a crime not otherwise assigned pursuant to this section, shall  
40 serve an additional 27 months.

41 (2) Except as provided herein, an inmate serving a sentence for  
42 armed robbery or robbery or serving any minimum-maximum or a  
43 specific sentence between eight and 14 years for a crime not otherwise  
44 assigned pursuant to this section shall serve an additional 23 months.

45 (3) Except as provided herein, an inmate serving a sentence for  
46 burglary, narcotic law violation, theft, arson or aggravated assault, or

1 serving any minimum-maximum or specific sentence of at least four  
2 but less than eight years for a crime not otherwise assigned pursuant  
3 to this section, shall serve an additional 20 months.

4 (4) Except as provided herein, an inmate serving a sentence for  
5 escape, bribery, conspiracy, gambling or possession of a dangerous  
6 weapon, or serving any minimum-maximum or specific sentence less  
7 than four years for a crime not otherwise assigned pursuant to this  
8 section shall serve an additional 17 months.

9 b. Upon a decision to deny parole to a young adult inmate, a  
10 two-member young adult board panel shall establish, based upon the  
11 following schedule, a future parole eligibility date upon which the  
12 inmate shall be primarily eligible for parole.

13 (1) Except as provided herein, a young adult inmate serving a  
14 sentence for a crime of the first degree shall serve an additional 24  
15 months.

16 (2) Except as provided herein, a young adult inmate serving a  
17 sentence for a second degree offense of robbery shall serve an  
18 additional 20 months.

19 (3) Except as provided herein, a young adult inmate serving a  
20 sentence for a crime of the second degree shall serve an additional 16  
21 months.

22 (4) Except as provided herein, a young adult inmate serving a  
23 sentence for a second degree offense of manufacturing, distributing or  
24 dispensing a controlled dangerous substance or possession with intent  
25 to manufacture, distribute or dispense a controlled dangerous  
26 substance shall serve an additional 12 months.

27 (5) Except as provided herein, a young adult inmate serving a  
28 sentence for a crime of the third degree shall serve an additional 10  
29 months.

30 (6) Except as provided herein, a young adult inmate serving a  
31 sentence for a crime of the fourth degree shall serve an additional eight  
32 months.

33 c. The future parole eligibility dates required pursuant to a. and b.  
34 above may be increased or decreased by up to nine months when, in  
35 the opinion of the board panel, the severity of the crime for which the  
36 inmate was denied parole and the prior criminal record or other  
37 characteristics of the inmate warrant such adjustment.

38 d. A three-member board panel may establish a future parole  
39 eligibility date which differs from that required by the provisions of  
40 subsections a. or b. and c. if the future parole eligibility date which  
41 would be established pursuant to those subsections is clearly  
42 inappropriate in consideration of the circumstances of the crime, the  
43 characteristics and prior criminal record of the inmate and the inmate's  
44 institutional behavior.

45 (1) If, in the opinion of a two-member board panel denying parole,  
46 the future parole eligibility date which would be established pursuant

1 to subsections a. or b. and c. is clearly inappropriate as provided  
2 herein, the two-member board panel shall refer the inmate's case to a  
3 third board panel member upon conclusion of the hearing. In such  
4 instances, the third board panel member shall review all the records  
5 pertaining to the hearing.

6 (2) The two-member board panel shall notify the inmate in writing  
7 that parole has been denied, that a future parole eligibility date  
8 pursuant to subsections a. or b. and c. has not been established and the  
9 reasons therefor, and that a three-member board panel review will  
10 occur for the purpose of establishing a future parole eligibility term  
11 which differs from the provisions of subsections a. or b. and c.

12 (3) The inmate shall have 30 days from the date notice is received  
13 to prepare and submit to the board panel members a written statement.  
14 The statement may include any information the inmate may deem  
15 relevant to the evaluation of his case by the board panel members.

16 (4) The three-member board panel shall, upon disposition of the  
17 case, state in writing to the inmate the reasons for the establishment of  
18 a future eligibility date which differs from the provisions of subsection  
19 a. or b. and c. of this section.

20 (5) The decision of the three-member board panel to establish a  
21 future parole eligibility date which differs from that required by the  
22 provisions of subsection a. or b. and c. of this section shall be by  
23 unanimous decision only.

24 (6) If the three-member board panel fails to establish, by  
25 unanimous decision, a future parole eligibility date pursuant to this  
26 subsection, the three-member board panel shall refer the inmate's case  
27 to the board for the establishment of a future parole eligibility date,  
28 and shall notify the inmate, in writing, that his case has been referred  
29 to the board.

30 (7) The inmate shall have 30 days from the date notice is received  
31 pursuant to paragraph 6 of subsection d. of this section to prepare and  
32 submit a written statement containing any additional information which  
33 the inmate may deem relevant to the evaluation of his case by the  
34 board.

35 (8) The board's establishment of a future parole eligibility date shall  
36 be based on the review of all records of the panel hearing. Upon  
37 disposition of the case, the board shall state in writing to the inmate  
38 the reasons for the establishment of a future parole eligibility date  
39 which differs from the provisions of subsections a. or b. and c. of this  
40 section.

41 e. The board, upon the conclusion of a hearing conducted by a  
42 board panel pursuant to section 17 of this act may establish a future  
43 parole eligibility date which differs from that required by the  
44 provisions of subsections a., b. and c. of this section if the future  
45 parole eligibility date which would be established pursuant to such  
46 subsection is clearly inappropriate in consideration of the

1 circumstances of the crime, the characteristics and prior criminal  
2 record of the inmate and the inmate's institutional behavior.

3 The board shall include in the notice issued as a result of such a  
4 hearing the reasons for the establishment of a future parole eligibility  
5 date which differs from the provisions of subsections a. or b. and c. of  
6 this section.

7 f. In the case of an inmate sentenced to N.J.S.2A:113-4 for a term  
8 of life imprisonment, N.J.S.2A:164-17 for a fixed minimum and  
9 maximum term or subsection b. of N.J.S.2C:1-1, if a three-member  
10 board panel or the board establishes a future parole eligibility date  
11 which differs from that required by the provisions of subsection a. and  
12 c. above, the inmate shall be scheduled within 18 months from the  
13 month in which the decision to deny parole was rendered. Thereafter,  
14 annual review hearings shall be scheduled until the inmate is within  
15 seven months of the actual parole eligibility date.

16 (1) At the annual review hearing, which shall be conducted by a  
17 board panel as designated by the chairperson, the board panel shall  
18 assess the inmate's progress in institutional or community educational,  
19 training or other programs, progress in substantially altering those  
20 factors which led to the inmate's incarceration, and progress which  
21 may indicate that the punitive aspects of the sentence have been  
22 satisfied in that the rehabilitative potential of the inmate may be a date  
23 earlier than the future parole eligibility date.

24 (2) At the conclusion of the annual review hearing, the board panel  
25 shall:

26 (a) Accept and note documentary evidence of the progress that the  
27 inmate has achieved; and

28 (b) Determine whether the inmate's case shall be referred for a  
29 parole release hearing pursuant to this subchapter; or

30 (c) Determine whether the progress achieved by the inmate merits  
31 a reduction in the future parole eligibility date. If such determination  
32 is made, the board panel shall recommend to the three-member board  
33 panel or the board, as appropriate, that a reduction in future parole  
34 eligibility date be granted; or

35 (d) Deter a decision pending receipt of additional information; or

36 (e) Continue the case until the next annual review.

37 (3) The board panel shall advise the inmate in writing of its  
38 determination.

39 (4) If the board panel determines that the inmate's case shall be  
40 referred for a parole release hearing, the board panel shall provide  
41 personal notice to each member of the three-member board panel or  
42 the board, as appropriate, of its determination.

43 (5) If the board panel recommends that a reduction be granted in  
44 the future parole eligibility term, the three-member board panel or the  
45 board, as appropriate, shall review the inmate's case and the board  
46 panel's recommendation within 60 days of the board panel's

1 determination. The three-member board panel or the board shall,  
2 within 14 days of reviewing the inmate's case, notify the inmate in  
3 writing whether the future parole eligibility date will be reduced and,  
4 if so, the specific time period by which the future parole eligibility date  
5 will be reduced.

6 g. If an inmate's maximum sentence or sentences expire prior to the  
7 future parole eligibility date otherwise established by the board panel  
8 or board, the board panel or board shall direct that the inmate serve his  
9 or her maximum sentence or sentences.

10 h. An inmate shall not be released on parole on the new parole  
11 eligibility date unless new information filed pursuant to a procedure  
12 identical to that set forth in section 15 of this act indicates by clear  
13 and convincing evidence that the inmate will not pose a threat to  
14 public safety if released on parole at that time. The determination of  
15 whether there is such an indication in the pre-parole planning package  
16 or whether there is additional relevant information to be developed or  
17 produced at a hearing, and the determination of whether the inmate  
18 shall be released on the new parole eligibility date shall be made  
19 pursuant to the procedure set forth in this section.

20

21 28. a. An assigned member of the board panel on juvenile  
22 commitments or a designated hearing officer shall periodically, but not  
23 less than quarterly, review the case of each juvenile inmate committed  
24 to determine whether release should be granted pursuant to subsection  
25 b. of section 14 of this act.

26 b. The review shall include a personal interview of the inmate by  
27 the assigned member or the designated hearing officer, and prior to  
28 such review a designated representative of the board panel shall  
29 discuss with and explain to the juvenile inmate all documents relevant  
30 to the case, excepting those documents which have been classified as  
31 confidential pursuant to rules and regulations of the board or the  
32 Department of Corrections.

33 c. If the review is conducted by a hearing officer, the hearing  
34 officer shall, at the conclusion of the review, recommend in writing  
35 any appropriate action to the assigned member of the panel on juvenile  
36 commitments.

37 d. At the conclusion of the review, the assigned member of the  
38 board panel shall either (1) certify parole release of the juvenile as  
39 soon as practicable, or (2) file with the board a statement setting forth  
40 the decision of the member, a copy of which statement shall be served  
41 upon the juvenile, the juvenile's parents or guardians, and the court.

42 e. The board panel on juvenile commitments shall at least yearly  
43 review the case of each juvenile confined to determine the reasons for  
44 the continued confinement of the juvenile. A report of such review  
45 shall be forwarded to the board, the Commissioner of Corrections and  
46 the committing court.

1       29. a. Any denial of parole by a board panel shall, in accordance  
2 with criteria established by the board, be appealable to the full board  
3 by the inmate or one acting on the inmate's behalf. If appealed, the full  
4 board shall decide the appeal, except that any board member who  
5 participated in the decision from which the appeal is taken may not  
6 participate in the disposition of that appeal. The board shall serve  
7 written notice on all parties setting forth the decision, the particular  
8 reasons therefor, and the facts relied on.

9       b. The board may upon its own initiative and for good cause, in a  
10 timely manner, review the decision of any hearing officer, board  
11 member or board panel and take appropriate action pursuant to  
12 sections 14 and 31 of this act.

13       c. If information comes to the attention of the appropriate board  
14 panel which bears upon the likelihood that the inmate will commit a  
15 crime but which was not considered pursuant to sections 17, 20 and  
16 28 of this act, the board panel may suspend any parole release date  
17 certified pursuant to section 17 or 28 for a period of not more than 60  
18 days in order to conduct a rescission hearing to determine whether  
19 parole release on the original parole release date should be denied or  
20 delayed.

21  
22       30. a. Each parolee shall at all times remain in the legal custody  
23 and under the supervision of the chairman, except that the chairman,  
24 after providing notice to the Attorney General, may consent to the  
25 supervision of a parolee by the federal government pursuant to the  
26 Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. § 3251 et  
27 seq.).

28       b. The appropriate board panel may in writing relieve a parolee of  
29 any parole conditions, and may permit a parolee to reside outside the  
30 State pursuant to the provisions of the Uniform Act for Out-of-State  
31 Parolee Supervision, N.J.S.2A:168-14 et seq., the Interstate Compact  
32 on Juveniles, P.L.1955, c.55 (C.9:23-1 et seq.), and, with the consent  
33 of the chairman after providing notice to the Attorney General, the  
34 federal Witness Security Reform Act, if satisfied that such change will  
35 not result in a substantial likelihood that the parolee will commit an  
36 offense which would be a crime under the laws of this State. The  
37 appropriate board panel may revoke such permission, except in the  
38 case of a parolee under the Witness Security Reform Act, or reinstate  
39 relieved parole conditions for any period of time during which a  
40 parolee is under its jurisdiction.

41       c. The appropriate board panel may parole an inmate to any  
42 residential facility funded in whole or in part by the State if the inmate  
43 would not otherwise be released pursuant to section 14 without such  
44 placement. But if the residential facility provides treatment for mental  
45 illness or mental retardation, the board panel only may parole the  
46 inmate to the facility pursuant to the laws and admissions policies that

1 otherwise govern the admission of persons to that facility, and the  
2 facility shall have the authority to discharge the inmate according to  
3 the laws and policies that otherwise govern the discharge of persons  
4 from the facility, on 10 days' prior notice to the board panel. The  
5 board panel shall acknowledge receipt of this notice in writing prior to  
6 the discharge. Upon receipt of the notice the board panel shall resume  
7 jurisdiction over the inmate.

8 d. The board panel on juvenile commitments and the assigned  
9 parole officer shall insure that the least restrictive available alternative  
10 is used for any juvenile parolee.

11 e. If the board has granted parole to any inmate from a State  
12 correctional facility and the court has imposed a fine, fee or any other  
13 assessment on such inmate, the appropriate board panel shall release  
14 the inmate on the condition that he make specified payments to the  
15 appropriate district or regional parole office. Upon collection of the  
16 payment, the board shall forward such monies to the State Treasury.  
17 For violation of these conditions or any condition requiring restitution,  
18 parole may be revoked if the inmate has refused or failed to make a  
19 good faith effort to make such payment. In addition, the court may  
20 order a parolee to perform community service of such a type and on  
21 such conditions as the chairman shall require. The parolee shall  
22 receive credit for each hour of community service performed in an  
23 amount equal to the minimum hourly wage required under law which  
24 shall be applied toward the balance of any fines, fees or assessments  
25 owed.

26

27 31. a. Any parolee who violates a condition of parole may be  
28 subject to an order pursuant to section 32 of this act providing that the  
29 parolee be required to conform to one or more additional conditions  
30 of parole, or that he forfeit all or a part of commutation time credits  
31 granted pursuant to R.S.30:4-140.

32 b. Any parolee who has violated the conditions of his parole, may  
33 have his parole revoked and may be returned to custody pursuant to  
34 sections 32 and 33 of this act. The board shall be notified immediately  
35 upon the arrest or indictment of a parolee. The board shall not revoke  
36 parole on the basis of new criminal charges which have not resulted in  
37 a disposition at the trial level, except that the chairman or his designee  
38 may at any time detain the parolee and commence revocation  
39 proceedings pursuant to sections 33 and 34 of this act when he  
40 determines that the new charges against the parolee are of a serious  
41 nature and it appears that the parolee otherwise poses a danger to the  
42 public safety. In such case, a parolee shall be informed that if he  
43 testifies at the revocation proceedings, his testimony and the evidence  
44 derived therefrom shall not be used against him in a subsequent  
45 criminal prosecution.

46 c. Any parolee who is convicted of a crime committed while on

1 parole shall have his parole revoked and shall be returned to custody  
2 unless the parolee demonstrates, by clear and convincing evidence at  
3 a hearing pursuant to section 33 of this act, that there is good cause  
4 not to return him to confinement.

5  
6 32. a. If the parole officer assigned to supervise a parolee has  
7 probable cause to believe that the parolee has violated a condition of  
8 his parole which is not a basis for return to custody pursuant to  
9 subsection b. or c. of section 31, the parole officer may require that  
10 the parolee appear before a designated representative of the board for  
11 a review of the parolee's adjustment.

12 b. If the board's designated representative finds that a parolee has  
13 violated a condition of his parole which is not a basis for return to  
14 custody pursuant to subsection b. or c. of section 31, the designated  
15 representative may subject the parolee to one or both of the actions set  
16 forth in subsection a. of section 31.

17 c. A parolee or the parolee's assigned parole officer may apply to  
18 the board's designated representative for modification of the conditions  
19 of parole.

20 d. Any action to modify the conditions of parole and any forfeiture  
21 of commutation time credits shall be appealable to the appropriate  
22 board panel, which may take appropriate action pursuant to subsection  
23 31 of this act without conducting a hearing.

24  
25 33. a. (1) If a parole officer assigned to supervise a parolee has  
26 probable cause to believe that the parolee has violated a condition of  
27 his parole which is a basis for return to custody pursuant to subsection  
28 b. of section 31 of this act, a designated representative of the chairman  
29 may issue a warrant for the arrest of the parolee if evidence indicates  
30 that the parolee may not appear at the preliminary hearing or if the  
31 parolee poses a danger to the public safety. With the parole warrant,  
32 a law enforcement officer may apprehend the delinquent parolee.

33 (2) If a field parole officer assigned to supervise a parolee has  
34 probable cause to believe that the parolee has committed a crime, is  
35 about to commit a crime or is about to flee the jurisdiction, the  
36 violation is a basis for return to custody pursuant to subsection b. of  
37 section 31 of this act, and the situation is one of immediate emergency  
38 that cannot await the issuance of a warrant by a designated  
39 representative, the parole officer, by the parole officer's own warrant,  
40 may apprehend the parolee and cause his detention in a suitable facility  
41 designated by the Department of Corrections or cause the parolee's  
42 confinement in an appropriate institution pending return to a facility  
43 designated by the Department of Corrections, to await the conduction  
44 of a preliminary hearing. The warrant shall be in the form prescribed  
45 by the board and, when signed by the field parole officer in charge of  
46 the case, shall be a sufficient instrument and authority to all law

1 enforcement or peace officers to assist in the apprehension of the  
2 parolee. It shall also be sufficient authority for detention of the  
3 parolee in a suitable facility, to await the conduction of the preliminary  
4 hearing. Upon enforcement of the warrant, the appropriate board  
5 panel shall be promptly notified. No parolee held in custody on a  
6 parole warrant shall be released on bail.

7 b. Within 14 days, a parolee taken into custody under this section  
8 shall be granted a preliminary hearing to be conducted by a revocation  
9 hearing officer not previously involved in the case, unless the parolee  
10 or the revocation hearing officer requests a postponement, which may  
11 be granted by the appropriate board panel for good cause, but in no  
12 event shall the postponement exceed 14 days.

13 c. The preliminary hearing shall be for the purpose of determining:

14 (1) Whether there is probable cause to believe that the parolee  
15 violated a condition of his parole which is the basis for return to  
16 custody pursuant to subsection b. of section 31, and

17 (2) Whether revocation and return to custody is desirable.

18 d. Prior to the preliminary hearing the parolee shall be provided  
19 with written notice of:

20 (1) The conditions of parole alleged to have been violated;

21 (2) The time, date, place and circumstances of the alleged  
22 violation;

23 (3) The possible action which may be taken by the board after a  
24 parole revocation hearing;

25 (4) The time, date and place of the preliminary hearing;

26 (5) The right, pursuant to P.L.1974, c.33 (C.2A:158A-5.1 et seq.),  
27 to representation by an attorney or such other qualified person the  
28 parolee may retain; and

29 (6) The right to confront and cross-examine witnesses.

30 e. The revocation hearing officer who conducts the hearing shall  
31 make a summary or other record of the hearing.

32 f. If the evidence presented at the preliminary hearing does not  
33 support a finding of probable cause to believe that the parolee has  
34 violated a condition of his parole which is a basis for return to custody  
35 pursuant to subsection b. of section 31, or if it is otherwise determined  
36 that revocation is not desirable, the revocation hearing officer, in  
37 accordance with the provisions of subsection a. of section 31 and  
38 section 32 of this act, may issue an order modifying parole and  
39 releasing the offender, or continuing parole and releasing the offender.

40 g. If the evidence presented at the preliminary hearing supports a  
41 finding of probable cause to believe that the parolee has violated a  
42 condition of his parole, the revocation hearing officer shall determine  
43 whether the parolee shall be retained in custody or released on specific  
44 conditions pending action by the appropriate board panel.

45 h. Conviction of a crime committed while on parole shall be  
46 deemed to constitute probable cause to believe that the parolee has

1 violated a condition of parole.

2

3 34. a. If the revocation hearing officer finds probable cause  
4 pursuant to paragraph (1) of subsection c. of section 33 and finds that  
5 revocation is desirable pursuant to paragraph (2) of subsection c. of  
6 section 33, or if the parolee is convicted of a criminal offense  
7 committed while on parole, the board shall order a revocation hearing  
8 to be conducted by a revocation hearing officer, other than the officer  
9 previously designated pursuant to section 33 of this act, within 60 days  
10 after the date a parolee is taken into custody as a parole violator. The  
11 parolee or the revocation hearing officer may request postponement  
12 of the revocation hearing, which may be granted by appropriate board  
13 panel for good cause, but in no event shall such postponement, if  
14 requested by the hearing officer, exceed 120 days.

15 b. Prior to the revocation hearing, the parolee shall be given  
16 written notice of:

17 (1) The time, date and place of the parole revocation hearing;

18 (2) The right, pursuant to P.L.1974, c.33 (C.2A:158A-5.1 et seq.),  
19 to representation by an attorney or such other qualified person as the  
20 parolee chooses;

21 (3) The right to confront and cross-examination witnesses, and to  
22 rebut documentary evidence against him; and

23 (4) The right to testify, to present evidence and to subpoena  
24 witnesses in his own behalf, provided a prima facie showing is made  
25 that the prospective witnesses will provide material testimony.

26 c. The hearing officer shall maintain a full and complete record of  
27 the parole revocation hearing.

28 d. After consideration of all evidence presented, if there is clear  
29 and convincing evidence that a parolee has violated a condition of his  
30 parole which is a basis for return to custody pursuant to subsection b.  
31 or c. of section 31, and if revocation and return to custody is desirable  
32 in the instant matter, the appropriate board panel may revoke parole  
33 and return the parolee to custody, for a specified length of time, or in  
34 accordance with the provisions of sections 31 and 32 of this act, or the  
35 appropriate board panel may issue an order modifying parole and  
36 releasing the parolee or continuing parole and releasing the parolee.

37 e. No more than 21 days following the hearing conducted pursuant  
38 to this section, the parolee and his representative shall be informed in  
39 writing of the decision, the particular reasons therefor, and the facts  
40 relied on.

41

42 35. a. The board shall develop a schedule of future parole  
43 eligibility dates for parole violators whose parole has been revoked  
44 pursuant to section 34 of this act. In developing this schedule,  
45 particular emphasis shall be placed on the severity and circumstances  
46 of a parole violation and on the characteristics of the parole violator.

1 The board shall establish special provisions for release of the parole  
2 violator to begin serving any new sentence, which emphasize the  
3 length of time remaining to be served on the prior sentence and the  
4 length of any new sentence.

5 b. A future parole eligibility date for a parole violator returned to  
6 custody for reasons other than new criminal charges shall not be set  
7 more than one full year from the date of the parolee's return to  
8 custody.

9 c. Any parole violator ordered confined for commission of a crime  
10 while on parole shall serve at least six months or that portion of the  
11 custodial term remaining, whichever is less, before parole release.

12 d. Any period of confinement for parole violation shall be deemed  
13 to be a parole eligibility term for purposes of aggregation pursuant to  
14 subsection g. of section 13 of this act.

15

16 36. Time served prior to parole, plus any time served on parole,  
17 less any time after a warrant was issued pursuant to section 33 but  
18 before the parolee is arrested, plus time served after revocation of  
19 parole, shall not exceed the term specified in the original sentence.

20

21 37. The appropriate board panel may give any parolee a complete  
22 discharge from parole prior to the expiration of the full maximum term  
23 for which he was sentenced, provided that:

24 a. the parolee has made a satisfactory adjustment while on parole;

25 b. continued supervision is not required; and,

26 c. the parolee has made full payment of any fine or restitution.

27

28 38. a. The appropriate board panel and the Department of  
29 Corrections may enter into formal agreements with individual parolees  
30 or inmates reduced to writing and signed by all parties, which stipulate  
31 individual programs of education, training, or other activity which  
32 shall result in a specified reduction of the parolee's parole term  
33 pursuant to section 37 of this act, upon such successful completion of  
34 the program.

35 b. Any parolee or inmate shall be permitted to apply to the board  
36 for such an agreement. The board panel shall review all such  
37 applications and may approve any application consistent with eligibility  
38 requirements promulgated by the board pursuant to section 6 of this  
39 act.

40 c. Upon approval of the parolee or inmate's application, the board  
41 panel shall be responsible for specifying the components necessary for  
42 any such agreement. Upon acceptance of the agreement by the  
43 Department of Corrections, by the board panel and by the parolee or  
44 the inmate, the board panel shall reduce the agreement to writing. The  
45 parolee or inmate and the Department of Corrections shall be given a  
46 copy of any such agreement.

1 d. Any such agreement shall be terminated by the board panel in  
2 the event the parolee or inmate fails to refuses to satisfactorily  
3 complete each component of the agreement. The inmate or parolee  
4 shall be notified in writing of any such termination and the reasons  
5 therefor. Any such termination may be appealed to the full board  
6 pursuant to section 29 of this act.

7  
8 39. All records, files and documents of the State Parole Board  
9 created pursuant to P.L.1948, c.84 (C.30:4-123.1 et seq.) and  
10 P.L.1979, c.441 (C.30:4-123.45 et al.) shall be transferred to the  
11 Review and Parole Board, and all rules, regulations and functions of  
12 the State Parole Board, and the Boards of Trustees relating to the  
13 parole, shall continue in force until duly modified or repealed by the  
14 board.

15  
16 40. All acts and parts of acts which are inconsistent with the  
17 provisions of this act are, to the extent of such inconsistency,  
18 superseded; provided however, that no provisions of the New Jersey  
19 Code of Criminal Justice shall be superseded hereby.

20  
21 41. Whenever a person is sentenced to a term of imprisonment in  
22 a county correctional institution pursuant to subsection c. of  
23 N.J.S.2C:43-10, the sentence shall be imposed as follows:

24 a. In the case of a person convicted of a crime, the person shall be  
25 placed on probation and sentenced to a term of imprisonment fixed by  
26 the court of not more than 364 days to be served as a condition of  
27 probation; or

28 b. In the case of a person convicted of a disorderly persons offense,  
29 the person shall be placed on probation and sentenced to a term of  
30 imprisonment fixed by the court of not more than 90 days to be served  
31 as a condition of probation.

32  
33 42. After the effective date of this act, with respect to the  
34 functions, powers and duties hereby transferred to the Review and  
35 Parole Board, whenever in any statute, rule or regulation reference is  
36 made to the State Parole Board the same shall mean and refer to the  
37 Review and Parole Board.

38  
39 43. The following are hereby repealed:  
40 P.L.1979, c.441 (C.30:1B-123.45 through 30:1B-123.69);  
41 Section 5 of P.L.1982, c.71 (C.30:4-123.52);  
42 Section 4 of P.L.1994, c.131 (C.30:4-123.55a).

43  
44 44. This act shall take effect on the first day of the sixth month  
45 after enactment; however, the Chairman of the State Parole Board and  
46 the Commissioner of Corrections may take such anticipatory action as

1 may be needed to provide for its implementation.

2

3

4

#### STATEMENT

5

6 This bill, the "Review and Parole Act of 1995," proposes major  
7 revisions to this State's parole system.

8 The Parole Act of 1979 created the presumption that an inmate  
9 would not serve the entire sentence imposed. Currently, the State has  
10 the burden of demonstrating the reasons why an inmate should not be  
11 released. Under this bill, the inmate would bear the burden of  
12 demonstrating through clear and convincing evidence that he should  
13 be released, and such release would occur only after a careful review  
14 process. The parole decision would be based upon a structured review  
15 of an inmate's readiness, recorded from the time before incarceration  
16 through the parole eligibility date. The bill creates a Review and  
17 Parole Board to replace the existing parole board to maximize public  
18 safety by carefully assessing an inmate's progress before release from  
19 incarceration. The decision to release an inmate would be made by the  
20 appropriate Review and Parole Board Panel on recommendation from  
21 a release hearing officer.

22 The board would consist of nine members appointed by the  
23 Governor, for a term of six years, with the advice and consent of the  
24 State Senate. The Governor may appoint any board member to be  
25 Chairman of the Review and Parole Board. The chairman would serve  
26 at the pleasure of the Governor and may be replaced by the Governor  
27 with another board member at any time, with the advice and consent  
28 of the Senate. The chairman would be required to possess at least 10  
29 years experience in corrections, parole or probation, at least three of  
30 which were spent in a supervisory or management capacity, and a  
31 bachelor's degree in the behavioral sciences, such as sociology,  
32 psychology, social work, or criminal justice. Work experience could  
33 not be substituted for the required educational credentials.

34 The associate members of the Review and Parole Board would be  
35 required to possess at least five years experience in corrections, parole  
36 or probation, at least two of which were spent in a supervisory or  
37 management capacity, and a bachelor's degree in the behavioral  
38 sciences such as sociology, psychology, social work, or criminal  
39 justice. Work experience could not be substituted for the required  
40 educational credentials.

41 All parole officers hired after the bill's effective date, including  
42 release hearing officers, parole evaluators, pre-parole planners, and  
43 field parole officers would be required to possess a minimum of a  
44 bachelor's degree in the behavioral sciences.

45 Revocation hearing officers would be required to possess a  
46 minimum of a Juris Doctor degree and admission to practice law in the

1 State of New Jersey, or a Ph.D in sociology, psychology, social work,  
2 or criminal justice, coupled with at least 10 years experience in a  
3 parole or probation agency, at least three of which were served in a  
4 supervisory or management capacity. Work experience could not be  
5 substituted for the required educational credentials.

6 Under the provisions of this bill, all responsibilities, functions, and  
7 employees comprising the parole process, including the Parole Board  
8 and staff, the Bureau of Parole in the Department of Corrections, and  
9 all others, including those involved with parole and assigned to  
10 Department of Corrections institutions and central offices, would be  
11 transferred to the Review and Parole Board. All non-parole services  
12 would remain within the Department of Corrections.

13 Currently, the Bureau of Parole has 13 district offices. Under this  
14 bill there would be 10 district offices, and regional offices in the  
15 northern, southern and central regions of the State. District offices  
16 would be headed by a senior parole officer. A victim services  
17 component would be established in each district office to address  
18 victim concerns, to provide mediation services and foster a sensitivity  
19 within the parolee for harm done to victims. The regional offices also  
20 would function as restitution centers where certain parolee caseloads  
21 would be transferred. These caseloads are comprised of persons who  
22 are not eligible to be released from field officer caseloads due to  
23 unpaid fines, fees and assessments imposed by the courts or pursuant  
24 to law. This type of restitution system would relieve the field offices  
25 of 20,000 cases annually. In addition, the court would be able to order  
26 a parolee to perform community service as specified by the chairman.  
27 The parolee would be credited at minimum wage for each hour of  
28 community service performed, and this credit would be applied to the  
29 balance of any fines, fees or other assessments owed.

30 Unlike the procedures of the current parole system, release  
31 decisions under this bill would derive from a risk assessment process,  
32 which would begin upon receipt of the inmate in the State correctional  
33 system. All parole functions currently being performed by the Bureau  
34 of Parole's institutional parole officers and parole counselors would be  
35 performed by parole evaluators. Whenever an inmate is received at  
36 the Correctional Reception Unit from the sentencing court, a parole  
37 evaluator would immediately begin to assess the risk involved in  
38 releasing the inmate upon eligibility. The parole evaluator would  
39 utilize the criminal offense and trial information summary prepared by  
40 the county prosecutor's office, which would detail all the  
41 circumstances of the offense, all elements involved in any decision to  
42 plea-bargain, a detailed description of the trial if appropriate, any harm  
43 to a victim, or any other factors that were significant in the imposition  
44 of sentence. At least annually, the parole evaluator would conduct a  
45 reassessment interview to determine an inmate's progress and  
46 rehabilitative potential.

1 Prior to the inmate's primary parole eligibility date, the inmate  
2 would meet with a release hearing officer, who would conduct a final  
3 risk assessment of the offender's suitability for release. The officer  
4 would recommend the inmate for parole release consideration or  
5 parole denial. For non-violent offenders, the release hearing officer's  
6 decision would be reviewed by an associate member of the appropriate  
7 board panel. If the recommendation is appropriate and in favor of  
8 parole release, the board member would certify a parole release date.  
9 If the recommendation is not in favor of release, parole would be  
10 denied and a future eligibility date would be established based on the  
11 schedule in the bill. Currently, if a hearing officer recommends denial,  
12 a parole consideration hearing must be held by a board panel. If the  
13 officer's recommendation is not appropriate or a hearing is otherwise  
14 necessary, the board panel member would refer the release or denial  
15 decision for a hearing before two members of the appropriate board  
16 panel. For an inmate who committed a crime of the first or second  
17 degree which resulted in bodily harm, the release hearing officer's  
18 decision would be reviewed by the Violent Crimes Board Panel, which  
19 would consist of the four members from the two adult panels and the  
20 chairman as the fifth member. The procedure for murder cases would  
21 remain unchanged; a hearing would be held before the full board. The  
22 factors to be considered in the parole decision are enumerated in the  
23 bill.

24 The board would deny parole in any case where an inmate has not  
25 demonstrated by clear and convincing evidence that he does not pose  
26 a threat to public safety. Under current law, the inmate must be  
27 released at the time of parole eligibility unless a preponderance of the  
28 evidence indicates that there is a substantial likelihood that the inmate  
29 will commit a crime.

30 Prior to the release of an inmate who has been granted parole, a  
31 parole evaluator would prepare an objectives based community  
32 supervision plan which will be forwarded to a field parole officer. The  
33 officer would use this community supervision plan as the basis for the  
34 initial supervision.

35 During the pre-release process, representatives of the regional  
36 offices, known as pre-parole planners, would visit inmates with set  
37 parole release dates in order to 1) determine the feasibility of the  
38 community supervision plan given the resources available in the region  
39 where the inmate will be paroled, and 2) hold information sessions to  
40 prepare inmates for life outside the institution.

41 The field parole officer also would meet with the parole evaluator  
42 to conduct a case conference. Subsequent to the case conference, the  
43 field parole officer would conduct an investigation of the proposed  
44 parole plan. If the proposed community parole plan requires  
45 modification, a request would be submitted to the board panel through  
46 the parole evaluator for consideration of the proposed changes.

1 Currently, no meaningful pre-parole planning process occurs. This  
2 program of continuous evaluation and planning will help to build  
3 stronger parolees by providing assistance while they are incarcerated  
4 and also showing them what to expect when they are paroled.

5 Once an inmate has been released on parole supervision, a detailed  
6 assessment of the case shall be conducted by the field parole officer.  
7 Working from the case plan developed during pre-release, the officer  
8 will determine if modifications are necessary. Once the assessment  
9 process is complete, an objectives based case plan will be executed in  
10 accordance with the time frames established.

11 Under the provisions of the bill, a risk assessment would be used to  
12 assign a parolee's case to the appropriate officer caseload. Those  
13 parolees who present the highest risk to public safety would be  
14 classified as such and receive the highest degree of supervision. Risk  
15 reassessments would be conducted at least semi-annually.

16 Under current law, the parole board is responsible for county  
17 parolees. This bill would remove the county parole responsibility from  
18 the new Review and Parole Board. In a county setting, an inmate may  
19 be on parole for only a few days. This is a drain on resources and a  
20 burden on parole officer caseloads. Under the provisions of this bill,  
21 a person sentenced to a term of imprisonment in a county correctional  
22 institution would be placed on probation and would serve a period of  
23 imprisonment as a condition of probation.

24 The Parole Act of 1979 and subsequent amendments granted a  
25 parole officer the authority to arrest a parolee either with a warrant  
26 from the board or on his own in an emergency situation. This bill  
27 consolidates the warrant authority. Since field supervision (currently  
28 conducted by the Bureau of Parole in the Department of Corrections)  
29 would be moved under the Review and Parole Board, a field parole  
30 officer will have the power to arrest a parolee who has violated a  
31 condition of parole under the warrant authority of the board. The  
32 officer would still have the emergency power to arrest, but this power  
33 will originate from the board's warrant issuing authority.

34 While this bill repeals the Parole Act of 1979 in its entirety, the bill  
35 does not revise current law governing parole eligibility. It also  
36 incorporates the current schedule promulgated by the Commissioner  
37 of Corrections concerning eligibility after parole has been denied. The  
38 bill also does not revise current law concerning parole revocation.

39

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41

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43 "Review and Parole Act of 1995."