

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 254

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1997

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 254 (1R) with amendments.

Senate Bill No. 254 (1R), as amended, will eliminate the use of good time and work credits to determine parole eligibility dates for incarcerated criminal offenders. Under current law, an inmate in a State correctional facility is eligible for parole after serving one-third of the sentence imposed (unless a specific term of parole ineligibility is imposed); this one-third minimum may be reduced further by good time and work credits.

This bill also changes parole procedures. If an inmate has been imprisoned for a crime involving serious bodily injury or the threat of serious bodily injury, the inmate would not be released on parole unless the inmate demonstrates by a preponderance of the evidence that there is no substantial likelihood that the inmate will commit another crime. If an inmate has been imprisoned for a crime not involving violence or the threat of violence, the standard for release would be a determination by the parole board that there is no substantial likelihood that the inmate will commit a crime. Under current law, an inmate must be released on parole unless the Parole Board determines by a preponderance of the evidence that there is a substantial likelihood that the inmate will commit a crime if released at that time.

The above provisions of this bill will apply to inmates sentenced for offenses committed on or after the enactment of this bill.

Finally, the bill also permits the addition of time to the parole eligibility date of an inmate who violates prison rules or who does not diligently complete work assignments. Time also may be added to the parole eligibility date of an inmate who does not fully cooperate or participate in any counseling, education or treatment program to which the inmate is assigned.

COMMITTEE AMENDMENTS

The committee amendments are clarifying and technical in nature.

FISCAL IMPACT

The Office of Legislative Services estimates, based on information provided by the Department of Corrections, that this bill would result in increases in the length of stay for a large percentage of incarcerated inmates. Additional operating costs would begin to accrue in the 10th month after enactment and increase monthly over a six-year period. (The primary impact of the bill is projected to be achieved within 6 years.) At the end of year six, the population will increase by 3,500 inmates at an annual cost of \$91,000,000. Capital costs would total \$280,000,000 over the six-year period.

The other change proposed in the bill, which would shift the burden of demonstrating parole-readiness from the Parole Board to the inmate, would also increase the length of stay by increasing the number of inmates denied release. However, the impact cannot be determined at this time.

It should be noted that the bill also would result in a reduction in parole caseloads, and therefore a savings in parole supervision costs, because offenders would remain incarcerated rather than be released on parole. Assuming that current parole requirements remain the same, the savings could be about \$1,250 per inmate.