

SENATE, No. 339

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator MARTIN

1 AN ACT concerning parole eligibility in certain circumstances and
2 amending section 12 of P.L.1979, c.441 (C.30:4-123.56).

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

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7 1. Section 12 of P.L.1979, c.441 (C.30:4-123.56) is amended to
8 read as follows:

9 12. a. The board shall develop a schedule of future parole
10 eligibility dates for adult inmates denied release at their eligibility date.
11 In developing such schedule, particular emphasis shall be placed on the
12 severity of the offense for which he was denied parole and on the
13 characteristics of the offender, such as, but not limited to, the prior
14 criminal record of the inmate and the need for continued incapacitation
15 of the inmate.

16 b. If the release on the eligibility date is denied, the board panel
17 which conducted the hearing shall refer to the schedule published
18 pursuant to subsection a., and include in its statement denying parole
19 notice of the date of future parole consideration. If such date differs
20 from the date otherwise established by the schedule, the board panel
21 shall include particular reasons therefor. Such future parole eligibility
22 date shall take into account usual remissions of sentence for good
23 behavior and diligent application to work and other assignments. Such
24 future parole eligibility date may also be altered pursuant to section 8
25 of this act.

26 c. (1) An inmate sentenced prior to the effective date of P.L. ,
27 c. (C.)(now pending before the Legislature as this bill) shall be
28 released on parole on the new parole eligibility date unless new
29 information filed pursuant to a procedure identical to that set forth in
30 section 10 of P.L.1979, c.441 (C.30:4-123.54) indicates by a
31 preponderance of the evidence that there is a substantial likelihood
32 that the inmate will commit a crime under the laws of this State if
33 released on parole at such time. The determination of whether there
34 is such an indication in the new preparole report or whether there is

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 additional relevant information to be developed or produced at a
2 hearing, and the determination of whether the inmate shall be released
3 on the new parole eligibility date shall be made pursuant to the
4 procedure set forth in sections 11 and 12 of P.L.1979, c.441
5 (C.30:4-123.55 and C.30:4-123.55).

6 (2) The provisions of subsection c. of section 9 of P.L.1979,
7 c.441 (C.30:4-123.53) shall govern whether an inmate sentenced on
8 or after the effective date of P.L. c. (C.)(now pending before the
9 Legislature as this bill) shall be released on parole on the new parole
10 eligibility date.

11 (cf: P.L.1979, c.441, s.12)

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13 2. This act shall take effect immediately

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STATEMENT

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18 This bill would give the parole board more discretion in reviewing
19 the case of an inmate who has been previously denied parole.
20 Currently, the parole board is required to allow the inmate to be
21 released on parole unless new information obtained in a new preparole
22 report indicates that the inmate should not be released. Under the
23 provisions of this bill, the same standards outlined above with regard
24 to initial parole determinations would also be applicable to subsequent
25 parole determinations for inmates whose parole had initially been
26 denied. Any relevant information including information contained in
27 the original preparole report could be used in making these
28 determinations.

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33 Modifies procedures used by Parole Board in reviewing cases of
34 inmates initially denied parole.