

[First Reprint]
SENATE, No. 339

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators MARTIN, ZANE, Sinagra and Matheussen

1 AN ACT concerning parole ¹[eligibility in certain circumstances]
2 procedures¹ and amending ¹[section 12 of]¹ P.L.1979, c.441
3 ¹[(C.30:4-123.56)]¹.

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

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

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

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

27 c. (1) An inmate sentenced prior to the effective date of P.L. . . .
28 c. (C. . .)(now pending before the Legislature as this bill) shall be
29 released on parole on the new parole eligibility date unless new
30 information filed pursuant to a procedure identical to that set forth in
31 section 10 of P.L.1979, c.441 (C.30:4-123.54) indicates by a

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted February 10, 1997.

1 preponderance of the evidence that there is a substantial likelihood
2 that the inmate will commit a crime under the laws of this State if
3 released on parole at such time. The determination of whether there
4 is such an indication in the new preparole report or whether there is
5 additional relevant information to be developed or produced at a
6 hearing, and the determination of whether the inmate shall be released
7 on the new parole eligibility date shall be made pursuant to the
8 procedure set forth in sections 11 and 12 of P.L.1979, c.441
9 (C.30:4-123.55 and C.30:4-123.55).

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

15 (cf: P.L.1979, c.441, s.12)]¹

16
17 ¹1. Section 12 of P.L.1979, c.441 (C.30:4-123.56) is amended to
18 read as follows:

19 12. a. The board shall develop a schedule of future parole
20 eligibility dates for adult inmates denied release at their eligibility date.
21 In developing such schedule, particular emphasis shall be placed on
22 the severity of the offense for which he was denied parole and on the
23 characteristics of the offender, such as, but not limited to, the prior
24 criminal record of the inmate and the need for continued
25 incapacitation of the inmate.

26 b. If the release on the eligibility date is denied, the board panel
27 which conducted the hearing shall refer to the schedule published
28 pursuant to subsection a., and include in its statement denying parole
29 notice of the date of future parole consideration. If such date differs
30 from the date otherwise established by the schedule, the board panel
31 shall include particular reasons therefor. Such future parole eligibility
32 date shall take into account usual remissions of sentence for good
33 behavior and diligent application to work and other assignments. Such
34 future parole eligibility date may also be altered pursuant to section 8
35 of [this act] P.L.1979, c.441 (C.30:4-123.52).

36 c. (1) An inmate sentenced for an offense committed prior to the
37 effective date of P.L. , c. (now pending before the legislature as
38 this bill) shall be released on parole on the new parole eligibility date
39 unless new information filed pursuant to a procedure identical to that
40 set forth in section 10 of P.L.1979, c.441 (C.30:4-123.54) indicates
41 by a preponderance of the evidence that there is a substantial
42 likelihood that the inmate will commit a crime under the laws of this
43 State if released on parole at such time. The determination of whether
44 there is such an indication in the new preparole report or whether
45 there is additional relevant information to be developed or produced
46 at a hearing, and the determination of whether the inmate shall be

1 released on the new parole eligibility date shall be made pursuant to
2 the procedure set forth in [sections]section 11 of P.L.1979,
3 c.441(C.30:4-123.55) and [12] this section.

4 (2) An inmate sentenced for an offense committed on or after the
5 effective date of P.L. , c. (now pending before the Legislature
6 as this bill) shall be released on parole on the new parole eligibility
7 date unless information filed pursuant to a procedure identical to that
8 set forth in section 10 of P.L.1979, c.441 (C.30:4-123.54) indicates
9 by a preponderance of the evidence that there is a substantial
10 likelihood that the inmate will commit a crime under the laws of this
11 State if released on parole at such time. The determination of whether
12 the inmate shall be released on the new parole eligibility date shall be
13 made pursuant to the procedure set forth in section 11 of P.L.1979,
14 c.441 (C.30:4-123.55) and this section.¹

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

16
17 ¹2. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is amended to
18 read as follows:

19 7. a. Each adult inmate sentenced to a term of incarceration in
20 a county penal institution, or to a specific term of years at the State
21 Prison or the correctional institution for women shall become primarily
22 eligible for parole after having served any judicial or statutory
23 mandatory minimum term, or one-third of the sentence imposed where
24 no mandatory minimum term has been imposed less commutation time
25 for good behavior pursuant to N.J.S.2A:164-24 or R.S.30:4-140 and
26 credits for diligent application to work and other institutional
27 assignments pursuant to P.L.1972, c.115 (C. 30:8-28.1 et seq.) or R.S.
28 30:4-92. Consistent with the provisions of the New Jersey Code of
29 Criminal Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7),
30 commutation and work credits shall not in any way reduce any judicial
31 or statutory mandatory minimum term and such credits accrued shall
32 only be awarded subsequent to the expiration of the term.

33 b. Each adult inmate sentenced to a term of life imprisonment shall
34 become primarily eligible for parole after having served any judicial
35 or statutory mandatory minimum term, or 25 years where no
36 mandatory minimum term has been imposed less commutation time
37 for good behavior and credits for diligent application to work and
38 other institutional assignments. If an inmate sentenced to a specific
39 term or terms of years is eligible for parole on a date later than the
40 date upon which he would be eligible if a life sentence had been
41 imposed, then in such case the inmate shall be eligible for parole after
42 having served 25 years, less commutation time for good behavior and
43 credits for diligent application to work and other institutional
44 assignments. Consistent with the provisions of the New Jersey Code
45 of Criminal Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7),
46 commutation and work credits shall not in any way reduce any judicial

1 or statutory mandatory minimum term and such credits accrued shall
2 only be awarded subsequent to the expiration of the term.

3 c. Each inmate sentenced to a specific term of years pursuant to the
4 "Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1
5 through 45) shall become primarily eligible for parole after having
6 served one-third of the sentence imposed less commutation time for
7 good behavior and credits for diligent application to work and other
8 institutional assignments.

9 d. Each adult inmate sentenced to an indeterminate term of years
10 as a young adult offender pursuant to N.J.S.2C:43-5 shall become
11 primarily eligible for parole consideration pursuant to a schedule of
12 primary eligibility dates developed by the board, less adjustment for
13 program participation. In no case shall the board schedule require
14 that the primary parole eligibility date for a young adult offender be
15 greater than the primary parole eligibility date required pursuant to
16 this section for the presumptive term for the crime authorized
17 pursuant to N.J.S.2C:44-1(f).

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

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

26 g. Each adult inmate of a county jail, workhouse or penitentiary
27 shall become primarily eligible for parole upon service of 60 days of
28 his aggregate sentence or as provided for in subsection a. of this
29 section, whichever is greater. Whenever any such inmate's parole
30 eligibility is within six months of the date of such sentence, the judge
31 shall state such eligibility on the record which shall satisfy all public
32 and inmate notice requirements. The chief executive officer of the
33 institution in which county inmates are held shall generate all reports
34 pursuant to subsection d. of section 10 of P.L.1979, c.441
35 (C.30:4-123.54). The parole board shall have the authority to
36 promulgate time periods applicable to the parole processing of
37 inmates of county penal institutions, except that no inmate may be
38 released prior to the primary eligibility date established by this
39 subsection, unless consented to by the sentencing judge. No inmate
40 sentenced to a specific term of years at the State Prison or the
41 correctional institution for women shall become primarily eligible for
42 parole until service of a full nine months of his aggregate sentence.

43 h. When an inmate is sentenced to more than one term of
44 imprisonment, the primary parole eligibility terms calculated pursuant
45 to this section shall be aggregated by the board for the purpose of
46 determining the primary parole eligibility date, except that no juvenile

1 commitment shall be aggregated with any adult sentence. The board
2 shall promulgate rules and regulations to govern aggregation under
3 this subsection.

4 i. The primary eligibility date shall be computed by a designated
5 representative of the board and made known to the inmate in writing
6 not later than 90 days following the commencement of the sentence.
7 In the case of an inmate sentenced to a county penal institution such
8 notice shall be made pursuant to subsection g. of this section. Each
9 inmate shall be given the opportunity to acknowledge in writing the
10 receipt of such computation. Failure or refusal by the inmate to
11 acknowledge the receipt of such computation shall be recorded by the
12 board but shall not constitute a violation of this subsection.

13 j. Except as provided in this subsection, each inmate sentenced
14 pursuant to N.J.S.2A:113-4 for a term of life imprisonment,
15 N.J.S.2A:164-17 for a fixed minimum and maximum term or
16 N.J.S.2C:1-1(b) shall not be primarily eligible for parole on a date
17 computed pursuant to this section, but shall be primarily eligible on
18 a date computed pursuant to P.L.1948, c.84 (C.30:4-123.1 et seq.),
19 which is continued in effect for this purpose. Inmates classified as
20 second, third or fourth offenders pursuant to section 12 of PL.1948,
21 c.84 (C.30:4-123.12) shall become primarily eligible for parole after
22 serving one-third, one-half or two-thirds of the maximum sentence
23 imposed, respectively, less in each instance commutation time for
24 good behavior and credits for diligent application to work and other
25 institutional assignments; provided, however, that if the prosecuting
26 attorney or the sentencing court advises the board that the punitive
27 aspects of the sentence imposed on such inmates will not have been
28 fulfilled by the time of parole eligibility calculated pursuant to this
29 subsection, then the inmate shall not become primarily eligible for
30 parole until serving an additional period which shall be one-half of the
31 difference between the primary parole eligibility date calculated
32 pursuant to this subsection and the parole eligibility date calculated
33 pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12). If the
34 prosecuting attorney or the sentencing court advises the board that the
35 punitive aspects of the sentence have not been fulfilled, such advice
36 need not be supported by reasons and will be deemed conclusive and
37 final. Any such decision shall not be subject to judicial review except
38 to the extent mandated by the New Jersey and United States
39 Constitutions. The board shall, reasonably prior to considering any
40 such case, advise the prosecuting attorney and the sentencing court
41 of all information relevant to such inmate's parole eligibility.

42 k. Notwithstanding the provisions of the other subsections of this
43 section, an inmate shall be eligible for a special medical parole if that
44 inmate is determined to be suffering from a medical condition that is
45 expected to (1) result in the inmate's imminent death or (2) render the
46 inmate permanently incapable of posing a threat to commit another

1 crime. The special medical parole authorized under this subsection
2 shall not be available to any inmate who has been sentenced to a term
3 of imprisonment for a violation of N.J.S.2C:11-3; N.J.S.2C:11-4;
4 N.J.S.2C:13-1; subsection a. of N.J.S.2C:14-2; N.J.S.2C:15-1 in
5 which the inmate, during the course of committing the theft,
6 attempted to cause the death of another person, or purposely inflicted
7 or attempted to inflict serious bodily injury, or was armed with, used
8 or threatened the immediate use of a deadly weapon; subsection a. of
9 N.J.S.2C:17-1; or N.J.S.2C:24-4.¹

10 (P.L.1982, c.71, s.2)

11

12 ¹3. Section 10 of P.L.1979, c.441 (C.30:4-123.54) is amended to
13 read as follows:

14 10. a. At least 120 days but not more than 180 days prior to the
15 parole eligibility date of each adult inmate, a report concerning the
16 inmate shall be filed with the appropriate board panel, by the staff
17 members designated by the superintendent or other chief executive
18 officer of the institution in which the inmate is held.

19 b. (1) The report filed pursuant to subsection a. shall contain
20 preincarceration records of the inmate, state the conduct of the inmate
21 during the current period of confinement, include a complete report on
22 the inmate's social, physical and mental condition, include an
23 investigation by the Bureau of Parole of the inmate's parole plans, and
24 present information bearing upon the likelihood that the inmate will
25 commit a crime under the laws of this State if released on parole. In
26 addition, the report shall include an objective risk assessment. The
27 risk assessment, which shall be in a form prescribed by the board
28 pursuant to rule and regulation, shall consist of both static and
29 dynamic factors that may assist the board panel in determining if the
30 inmate shall be certified for parole and, if paroled, the level of
31 supervision the parolee may require. In addition to the information
32 otherwise gathered for and incorporated in the preparole report, the
33 assessment shall include evaluations of the inmate's ability to function
34 independently, the inmate's educational and employment background,
35 the inmate's family and marital history, and such other information and
36 factors as the board may deem appropriate and necessary.

37 (2) At the time of sentencing, the prosecutor shall notify any victim
38 injured as a result of a crime of the first or second degree or the
39 nearest relative of a murder victim of the opportunity to present a
40 statement for the parole report to be considered at the parole hearing
41 or to testify to the parole board concerning his harm at the time of the
42 parole hearing. Each victim or relative shall be responsible for
43 notifying the board of his intention to submit such a statement and to
44 provide an appropriate mailing address.

45 The report may include a statement concerning the continuing nature
46 and extent of any physical harm or psychological or emotional harm or

1 trauma suffered by the victim, the extent of any loss of earnings or
2 ability to work suffered by the victim and the continuing effect of the
3 crime upon the victim's family. At the time public notice is given that
4 an inmate is being considered for parole pursuant to this section, the
5 board shall also notify any victim or nearest relative who has
6 previously contacted the board of the availability to provide a
7 statement for inclusion in the parole report or to present testimony at
8 the parole hearing.

9 The board shall notify such person at his last known mailing address.

10 c. A copy of the report filed pursuant to subsection a. of this
11 section, excepting those documents which have been classified as
12 confidential pursuant to rules and regulations of the board or the
13 Department of Corrections, shall be served on the inmate at the time
14 it is filed with the board panel. The inmate may file with the board
15 panel a written statement regarding the report, but shall do so within
16 105 days prior to the primary parole eligibility date.

17 d. Upon receipt of the public notice pursuant to section 1 of
18 PL.1979, c.441 (C.30:4-123.45), a county prosecutor may request
19 from the parole board a copy of the report on any adult inmate
20 prepared pursuant to subsection a. of this section, which shall be
21 expeditiously forwarded to the county prosecutor by the parole board
22 by mail, courier, or other means of delivery. Upon receipt of the
23 report, the prosecutor has 10 working days to review the report and
24 notify the parole board of the prosecutor's comments, if any, or notify
25 the parole board of the prosecutor's intent to provide comments. If
26 the county prosecutor does not provide comments or notify the parole
27 board of the prosecutor's intent to provide comments within the 10
28 working days, the parole board may presume that the prosecutor does
29 not wish to provide comments and may proceed with the parole
30 consideration. Any comments provided by a county prosecutor shall
31 be delivered to the parole board by the same method by which the
32 county prosecutor received the report. The confidentiality of the
33 contents in a report which are classified as confidential shall be
34 maintained and shall not be disclosed to any person who is not
35 authorized to receive or review a copy of the report containing the
36 confidential information.

37 e. Any provision of this section to the contrary notwithstanding,
38 the board shall by rule or regulation modify the scope of the required
39 reports and time periods for rendering such reports with reference to
40 county penal institutions.¹

41 (cf: P.L.1985, c.44, s.2)

42
43 ¹4. Section 11 of P.L.1979, c.441 (C.30:4-123.55) is amended to
44 read as follows:

45 11. a. Prior to the parole eligibility date of each adult inmate, a
46 designated hearing officer shall review the reports required by section

1 10 of [this act,] P.L.1979, c.441 (C.30:4-123.54) and shall determine
2 whether there is a basis for denial of parole in the preparole report , a
3 risk assessment prepared pursuant to subsection b. of section 10 of
4 P.L.1979, c.441 (C.30:4-123.54) or the inmate's statement, or an
5 indication, reduced to writing, that additional information providing a
6 basis for denial of parole would be developed or produced at a
7 hearing. If the hearing officer determines that there is no basis in the
8 preparole report , the risk assessment. or the inmate's statement for
9 denial of parole and that there is no additional relevant information to
10 be developed or produced at a hearing, he shall at least 60 days prior
11 to the inmate's parole eligibility date recommend in writing to the
12 assigned member of the board panel that parole release be granted.

13 b. If the assigned member of the board panel or in the case of an
14 inmate sentenced to a county penal institution, the assigned member
15 concurs in the hearing officer's recommendation, he shall certify parole
16 release pursuant to section 15 of [this act] P.L.1979, c. 441 (C.30:4-
17 123.59) as soon as practicable after the eligibility date and so notify
18 the inmate and the board. In the case of an inmate sentenced to a
19 county penal institution the board shall certify parole release or deny
20 parole as provided by this section, except with regard to time periods
21 for notice and parole processing which are authorized by or otherwise
22 adopted pursuant to subsection g. of section 7 of P.L.1979, c.441
23 (C.30:4-123.51). If the designated hearing officer does not
24 recommend release on parole or if the assigned member does not
25 concur in a recommendation of the designated hearing officer in favor
26 of release, then the parole release of an inmate in a county penal
27 institution shall be treated under the provisions of law otherwise
28 applicable to an adult inmate. In the case of an inmate sentenced to a
29 county penal institution, the performance of public service for the
30 remainder of the term of the sentence shall be a required condition of
31 parole, where appropriate.

32 c. If the hearing officer or the assigned member determines that
33 there is a basis for denial of parole, or that a hearing is otherwise
34 necessary, the hearing officer or assigned member shall notify the
35 appropriate board panel and the inmate in writing of his determination,
36 and of a date for a parole consideration hearing. The board panel shall
37 notify the victim of the crime, if the crime for which the inmate is
38 incarcerated was a crime of the first or second degree, or the victim's
39 nearest relative if the crime was murder, as appropriate, who was
40 previously contacted by the board and who has indicated his intention
41 to the board to testify at the hearing, of the opportunity to testify or
42 submit written statements at the hearing. Said hearing shall be
43 conducted by the appropriate board panel at least 30 days prior to the
44 eligibility date. At the hearing, which shall be informal, the board
45 panel shall receive as evidence any relevant and reliable documents or
46 in person testimony, including that of the victim of the crime or the

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

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

23 e. Upon request by the hearing officer or the inmate, the time
24 limitations contained in [sections] section 10 of P.L.1979, c.441
25 (C.30:4-123.54) and [11] this section may be waived by the
26 appropriate board panel for good cause.

27 f. Notwithstanding the provision of any other law to the contrary,
28 if an inmate incarcerated for murder is recommended for parole by the
29 assigned board member or the appropriate board panel, parole shall
30 not be certified until a majority of the full parole board, after
31 conducting a hearing, concurs in that recommendation. The board shall
32 notify the victim's family of that hearing and family members shall be
33 afforded the opportunity to testify in person or to submit written
34 statements. The provisions of this subsection shall not apply to an
35 inmate who has his parole revoked and is returned to custody pursuant
36 to the provisions of section 19 of P.L.1979, c.441 (C.30:4-123.63).¹
37 (cf: P.L.1993, c.222, s.1)

38

39 ^{15.} Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to
40 read as follows:

41 15. a. Each adult parolee shall at all times remain in the legal
42 custody of the Commissioner of Corrections and each juvenile parolee
43 shall at all times remain in the legal custody of the Juvenile Justice
44 Commission established pursuant to section 2 of P.L.1995, c.284
45 (C.52:17B-170), except that the Commissioner of Corrections or the
46 Executive Director of the Juvenile Justice Commission, after providing

1 notice to the Attorney General, may consent to the supervision of a
2 parolee by the federal government pursuant to the Witness Security
3 Reform Act, Pub.L.98-473 (18 U.S.C.3251 et seq.). A parolee, except
4 those under the Witness Security Reform Act, shall remain under the
5 supervision of the Bureau of Parole of the Department of Corrections
6 or the Juvenile Justice Commission, as appropriate, in accordance with
7 the rules of the board.

8 b. Each parolee shall agree, as evidenced by his signature to abide
9 by specific conditions of parole established by the appropriate board
10 panel which shall be enumerated in writing in a certificate of parole
11 and shall be given to the parolee upon release. Such conditions shall
12 include, among other things, a requirement that the parolee conduct
13 himself in society in compliance with all laws and refrain from
14 committing any crime, a requirement that the parolee will not own or
15 possess any firearm as defined in subsection f. of N.J.S.2C:39-1 or any
16 other weapon enumerated in subsection r. of N.J.S.2C:39-1, a
17 requirement that the parolee refrain from the use, possession or
18 distribution of a controlled dangerous substance, controlled substance
19 analog or imitation controlled dangerous substance as defined in
20 N.J.S.2C:35-2 and N.J.S.2C:35-11, a requirement that the parolee
21 obtain permission from his parole officer for any change in his
22 residence, and a requirement that the parolee report at reasonable
23 intervals to an assigned parole officer. In addition, based on prior
24 history of the parolee or information provided by a victim or a
25 member of the family of a victim if the victim is deceased, the member
26 or board panel certifying parole release pursuant to section 11 of
27 P.L.1979, c.441 (C.30:4-123.55) may impose any other specific
28 conditions of parole deemed reasonable in order to reduce the
29 likelihood of recurrence of criminal or delinquent behavior. Such
30 special conditions may include, among other things, a requirement that
31 the parolee make full or partial restitution, the amount of which
32 restitution shall be set by the sentencing court upon request of the
33 board. In addition, the member or board panel certifying parole
34 release may impose, giving due regard to a victim's request, a special
35 condition that the parolee have no contact with the victim, which
36 special condition may include, but need not be limited to, restraining
37 the parolee from entering the victim's residence, place of employment,
38 business or school, and from harassing or stalking the victim or
39 victim's relatives in any manner.

40 c. The appropriate board panel may in writing relieve a parolee of
41 any parole conditions, and may permit a parolee to reside outside the
42 State pursuant to the provisions of the Uniform Act for Out-of-State
43 Parolee Supervision (N.J.S.2A:168-14 et seq.), the Interstate Compact
44 on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4), and, with the
45 consent of the Commissioner of the Department of Corrections or the
46 Executive Director of the Juvenile Justice Commission after providing

1 notice to the Attorney General, the federal Witness Security Reform
2 Act, if satisfied that such change will not result in a substantial
3 likelihood that the parolee will commit an offense which would be a
4 crime under the laws of this State. The appropriate board panel may
5 revoke such permission, except in the case of a parolee under the
6 Witness Security Reform Act, or reinstate relieved parole conditions
7 for any period of time during which a parolee is under its jurisdiction.

8 d. The appropriate board panel may parole an inmate to any
9 residential facility funded in whole or in part by the State if the inmate
10 would not otherwise be released pursuant to section 9 of P.L.1979,
11 c.441 (C.30:4-123.53) without such placement. But if the residential
12 facility provides treatment for mental illness or mental retardation, the
13 board panel only may parole the inmate to the facility pursuant to the
14 laws and admissions policies that otherwise govern the admission of
15 persons to that facility, and the facility shall have the authority to
16 discharge the inmate according to the laws and policies that otherwise
17 govern the discharge of persons from the facility, on 10 days' prior
18 notice to the board panel. The board panel shall acknowledge receipt
19 of this notice in writing prior to the discharge. Upon receipt of the
20 notice the board panel shall resume jurisdiction over the inmate.

21 e. The assigned parole officer shall provide assistance to the
22 parolee in obtaining employment, education or vocational training or
23 in meeting other obligations.

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

27 g. If the board has granted parole to any inmate from a State
28 correctional facility or juvenile facility and the court has imposed a fine
29 on such inmate, the appropriate board panel shall release such inmate
30 on condition that the parolee make specified fine payments to the
31 Bureau of Parole or the Juvenile Justice Commission. For violation of
32 such conditions, or for violation of a special condition requiring
33 restitution, parole may be revoked only for refusal or failure to make
34 a good faith effort to make such payment.

35 h. Upon collection of the fine the same shall be paid over by the
36 Department of Corrections or by the Juvenile Justice Commission to
37 the State Treasury.¹

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

39

40 ¹[2.] 6.¹ This act shall take effect immediately

41

42

43

44

45 Modifies procedures used by parole board in reviewing cases of
46 inmates to be paroled.