

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

## SENATE, No. 339

with Senate committee amendments

# STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1997

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 339 with amendments.

Senate Bill No. 339, as amended, would allow the Parole Board to weigh all relevant information in an inmate's record when considering that inmate's parole eligibility at second and subsequent hearings. Under current law, a parole board panel conducting a second or subsequent review of parole eligibility is required to release the inmate on parole unless new information obtained in a new preparole report or produced at the hearing indicates by a preponderance of the evidence that there is a substantial likelihood the inmate will commit a crime upon release. Under the bill's provisions, at the second and subsequent parole hearings, the parole board would not be required to base its decision strictly on information developed since the previous denial of parole, but could consider information provided at earlier parole hearings.

This provision is based upon a recommendation in the December 1996 report of the Governor's Study Commission on Parole. The commission described the provision permitting the Parole Board to consider only new information in a subsequent parole decision as "one of the most significant and inappropriate limitations that existing law places on the board's discretion."

The bill establishes a special medical parole for certain inmates who are terminally ill or severely incapacitated. Under the bill, an inmate would be eligible for a special medical parole if the inmate is suffering from a medical condition that is expected to either (1) result in the inmate's imminent death or (2) render the inmate incapable of committing any new crime. This special medical parole would not be available to inmates who are incarcerated for violent offenses such as murder, manslaughter, aggravated sexual assault, armed robbery, aggravated arson, kidnaping, and endangering the welfare of a child. Again, this provision is based upon a recommendation in the December 1996 report of the Governor's Study Commission on Parole.

The bill requires the preparation of a risk assessment for inmates eligible for parole consideration. This risk assessment is to be included as part of the preparole report that is used by the Parole

Board to evaluate whether an inmate should be released on parole. The assessment is to contain evaluations of both static and dynamic criteria, and is to include information relating to the inmate's criminal history, conduct during confinement, education and family background, and any other information the board may deem necessary and appropriate. Using such risk assessment may help the board by providing an objective instrument that can be used to make a more reliable appraisal of the likelihood of a particular inmate's risk of failure on parole and for assessing the level of supervision needed for individual parolees. This provision, too, is based on a recommendation of the Governor's Study Commission on Parole.

Finally, the bill would expand the rights of crime victims and afford them greater protection when the perpetrators of those crimes are released from prison. The bill permits victims and the families of murder victims to present information for consideration by the Parole Board in establishing the conditions of an inmate's release on parole. The bill further authorizes the Parole Board member or panel certifying parole release, based on information provided by a victim, to impose special conditions barring the parolee from contacting the victim, entering the victim's home or workplace, or harassing or stalking the victim. This provision, too, is based on a recommendation of the Governor's Study Commission on Parole. Under current law, a victim injured as a result of a first or second-degree crime,, or the nearest relative of a murder victim, may present a statement to be considered by the Parole Board or testify at a parole hearing.

#### COMMITTEE AMENDMENTS

The committee amended the bill to allow the Parole Board to weigh all relevant information in an inmate's record when considering that inmate's parole eligibility at second and subsequent hearings; establish a special medical parole for certain inmates who are terminally ill or severely incapacitated; require the preparation of a risk assessment for inmates eligible for parole consideration; and expand the rights of crime victims and afford them greater protection when the perpetrators of those crimes are released from prison. The amendments were made to reflect the recommendations of the Governor's Study Commission on Parole.

#### FISCAL IMPACT

The enactment of this bill may result in general in an increased length-of-stay for adult commitments. The total cost to the State to support this increase is not known at this time since the bill was significantly amended during the committee meeting. It is noted that the average cost to house an inmate in a State institution is about \$26,000 per year. If it becomes necessary to construct additional bed spaces for these inmates, it would cost about \$95,000 per maximum security bed space and \$50,000 per medium security bed space.