

SENATE SUBSTITUTE FOR
SENATE, No. 339

STATE OF NEW JERSEY

ADOPTED JUNE 16, 1997

**Sponsored by Senators MARTIN, ZANE, CIESLA,
MATHEUSSEN and Sinagra**

1 AN ACT concerning the standard for parole release and amending
2 P.L.1979, c.441.

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

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7 1. Section 9 of P.L.1979, c.441 (C.30:4-123.53) is amended to
8 read as follows:

9 9. a. An adult inmate shall be released on parole at the time of
10 parole eligibility, unless information supplied in the report filed
11 pursuant to section 10 of [this act] P.L.1979, c.441 (C. 30:4-123.54)
12 or developed or produced at a hearing held pursuant to section 11 of
13 [this act] P.L.1979, c.441 (C.30:4-123.55) indicates by a
14 preponderance of the evidence that [there is a substantial likelihood]
15 the inmate has failed to cooperate in his or her own rehabilitation or
16 that there is a reasonable expectation that the inmate will [commit a
17 crime under the laws of this State] violate conditions of parole
18 imposed pursuant to section 15 of P.L.1979, c.441 (C.30:4-123.59) if
19 released on parole at [such] that time. In reaching such determination,
20 the board panel or board shall state on the record the reasons therefor.

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

24 (cf: P.L.1979, c.441, s.9)

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

28 12. a. The board shall develop a schedule of future parole
29 eligibility dates for adult inmates denied release at their eligibility date.
30 In developing such schedule, particular emphasis shall be placed on the
31 severity of the offense for which he was denied parole and on the

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 characteristics of the offender, such as, but not limited to, the prior
2 criminal record of the inmate and the need for continued incapacitation
3 of the inmate.

4 b. If the release on the eligibility date is denied, the board panel
5 which conducted the hearing shall refer to the schedule published
6 pursuant to subsection a., and include in its statement denying parole
7 notice of the date of future parole consideration. If such date differs
8 from the date otherwise established by the schedule, the board panel
9 shall include particular reasons therefor. ~~[Such]~~ The future parole
10 eligibility date shall not be altered to take into account [usual]
11 remissions of sentence for good behavior and diligent application to
12 work and other assignments[. Such]; provided however, the future
13 parole eligibility date may [also] be altered pursuant to section 8 of
14 [this act] P.L.1979, c.441 (C.30:4-123.52).

15 c. An inmate shall be released on parole on the new parole
16 eligibility date unless ~~[new]~~ information filed pursuant to a procedure
17 identical to that set forth in section 10 of P.L.1979, c.441 (C.30:4-
18 123.54) indicates by a preponderance of the evidence that ¹[there is
19 a substantial likelihood] ~~the inmate has failed to cooperate in his or her~~
20 own rehabilitation or that there is a reasonable expectation¹
21 inmate will ¹[commit a crime under the laws of this State] violate
22 conditions of parole imposed pursuant to section 15 of P.L.1979,
23 c.441 (C.30:4-123.59)¹ if released on parole at ¹[such] that¹ time. The
24 determination of whether ~~[there is such an indication in the new~~
25 ~~preparole report or whether there is additional relevant information to~~
26 ~~be developed or produced at a hearing, and the determination of~~
27 ~~whether]~~ the inmate shall be released on the new parole eligibility date
28 shall be made pursuant to the procedure set forth in ~~[sections]~~section
29 11 of P.L.1979, c.441(C.30:4-123.55) and [12]this section.
30 (cf: P.L.1979, c.441, s.12)

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32 3. This act shall take effect immediately.

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STATEMENT

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37 This substitute bill amends the provisions of the "Parole Act of
38 1979" (P.L.1979, c.441; C.30:4-123.45 et seq.) to change the standard
39 by which the parole board determines whether an inmate should be
40 paroled, allow the parole board to weigh all relevant information in an
41 inmate's record when considering that inmate's parole eligibility at
42 second and subsequent hearings.

43 The bill prohibits the parole of an inmate who has not cooperated
44 in his or her own rehabilitation while in prison and prohibits parole in
45 those cases where there is a reasonable expectation that the inmate

1 would violate one of the statutorily mandated conditions of parole.

2 Finally, the substitute bill eliminates the use of good time and work
3 credits to accelerate an inmate's future eligibility date after the inmate
4 was denied parole.

5 This Senate substitute is identical to Assembly Bill No. 21 (1R) as
6 amended and reported by the Senate Law and Public Safety Committee
7 on June 16, 1997.

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12 Allows board to consider all relevant information at subsequent parole
13 hearings, changes parole standard, eliminates certain credits to inmates
14 denied parole.