

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2001

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 16, 1997

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2001.

This bill amends and supplements the "Parole Act of 1979" (P.L.1979, c.441; C.30:4-123.45 et seq.) to establish a special medical parole for certain inmates who are terminally ill or severely incapacitated.

Under the provisions of the bill, inmates would be eligible for a special medical parole if they are suffering from a terminal condition, disease or syndrome and the appropriate parole board panel finds that they are so debilitated or incapacitated by that condition, disease or syndrome that they would be permanently physically incapable of committing a crime if released. As used in the bill, "terminal condition, disease or syndrome" means a prognosis that the inmate has six months or less to live.

The request for a medical diagnosis for the purpose of determining whether an inmate is eligible for a special medical parole may be submitted to the appropriate board panel by the Commissioner of Corrections, the administrator or supervisor of a correctional facility, the inmate, the inmate's family or the inmate's attorney. If the board panel approves the request, the inmate is to be diagnosed by two licensed physicians designated by the Commissioner of Corrections. At a minimum, the diagnosis is to include (1) a description of the terminal condition, disease or syndrome; (2) a prognosis of the likelihood of recovery; (3) a description of the inmate's physical incapacity; and (4) a description of the type of ongoing treatment that would be required if the inmate were released on medical parole.

At least five working days before beginning any review of a request for a medical parole, the board panel must notify the sentencing court; the county prosecutor or, if the case was prosecuted by the Attorney General, the Attorney General; and the victim or a member of the victim's family, as provided under the general notification procedures for victims and their families in the "Parole Act of 1979." The recipients are afforded 10 working days in which to provide their comments to the board panel. If any of the recipients does not submit

comments within that time period, the bill specifies that the board panel may presume that particular party does not wish to comment and proceed with its consideration of the request for medical parole.

The board panel is to provide written notice of its decision on an inmate's request for medical parole to the sentencing court; the county prosecutor, or Attorney General, if appropriate; and the victim or member of the victim's family, as the case may be.

Prior to releasing an inmate on a medical parole, the board panel must be provided with (1) the identification of the inmate's community sponsor; (2) a verification that appropriate medical services are available for the inmate; and (3) a verification that appropriate housing is available for the inmate.

The bill also authorizes the board panel to require an inmate on special medical parole to submit to periodic medical diagnoses by a licensed physician.

Further, the bill clarifies that if the board panel determines that a medical parolee is no longer so debilitated or incapacitated by a terminal condition, disease or syndrome as to be physically incapable of committing a crime, that parolee shall be returned to confinement in a correction facility.

Finally, the bill specifies that these medical paroles are not available to inmates who have been incarcerated for violent offenses such as murder, manslaughter, aggravated sexual assault, armed robbery, kidnaping, aggravated arson and endangering the welfare of a child.

The provisions of this bill are based upon the recommendations of the Governor's Study Commission on Parole.

The committee amendments clarify that an inmate placed on parole pursuant to this bill would be subject to custody, supervision and conditions of parole as provided in section 15 of P.L.1979, c.441 (C.30:3-123.59) and would be subject to sanctions for a violation of a condition of parole. The amendments also clarify that the bill does not limit the authority of the board, an appropriate board panel or any parole officer to address a violation of a condition of parole.

As released by the committee, this bill is identical to Assembly Bill No. 22, also released by the committee on this date.