

SENATE, No. 2202

STATE OF NEW JERSEY

INTRODUCED JUNE 12, 1997

By Senator KOSCO

1 AN ACT concerning the State Parole Board and amending P.L.1979,
2 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 3 of P.L.1979, c.441 (C.30:4-123.47) is amended to
8 read as follows:

9 3. a. There is hereby created and established within the Department
10 of Corrections a State Parole Board which shall consist of a chairman
11 [and], eight associate members and one alternate board member. The
12 chairman [and] , associate members and alternate board member shall
13 be appointed by the Governor with the advice and consent of the
14 Senate from qualified persons with training or experience in law,
15 sociology, criminal justice, juvenile justice or related branches of the
16 social sciences. Members of the board and the alternate board member
17 shall be appointed for terms of six years and the terms of their
18 successors shall be calculated from the expiration of the incumbent's
19 term. Members shall serve until their successors are appointed and
20 have qualified.

21 The Governor shall designate a vice-chairman from among the
22 associate members. The vice-chairman shall assume the duties of the
23 chairman when the chairman is absent or otherwise incapable of
24 performing his duties, or, in the case of removal or a permanent
25 incapacity, until the qualification of a successor chairman appointed by
26 the Governor.

27 The alternate board member shall assume the duties of an associate
28 member only when the associate member is removed, incapacitated or
29 assumes the duties of the chairman, and shall perform those duties only
30 until the associate resumes his duties, or, in the case of removal or a
31 permanent incapacity, the qualification of a successor appointed by the
32 Governor.

33 b. Any vacancy occurring in the membership of the board,
34 otherwise than by expiration of term, shall be filled in the same manner

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.

1 as one occurring by expiration of term, but for the unexpired term
2 only. In the event that any member of the board shall be rendered
3 incapable of performing his duties and the alternate board member is
4 incapable of performing that associate's duties, either because the
5 alternate board member has assumed the duties of another associate or
6 is otherwise rendered incapable of performing the associate's duties,
7 the [Governor shall appoint a qualified person to] Governor shall
8 appoint a qualified person to act in his stead during the period of his
9 incapacity. Any member of the board ,including the alternate board
10 member, may be removed from office by the Governor for cause.

11 c. The members of the board shall devote their full time to the
12 performance of their duties and be compensated pursuant to section 2
13 of P.L.1974, c.55 (C.52:14-15.108). The alternate member shall be
14 entitled to compensation. The amount of such compensation shall be
15 determined by multiplying the rate an associate member would be paid
16 on a per diem basis times the number of days the alternate board
17 member actually performed the duties of an associate member in
18 accordance with the provisions of this section.

19 d. At the time of appointment, the Governor shall designate two
20 associate members of the board to serve on a panel on juvenile
21 commitments. The remaining six associate members of the board shall
22 be appointed by the Governor to panels on adult sentences. The
23 chairman of the board shall assign four of the associate members so
24 appointed to two panels on prison sentences, and the remaining two
25 associate members so appointed to a panel on young adult sentences.
26 The chairman of the board shall be a member of each panel. Nothing
27 provided herein shall prohibit the chairman from reassigning any
28 member appointed to a panel on adult sentences to facilitate the
29 efficient function of the board. The alternate board member may
30 assume, in accordance with the provisions of this section, the duties of
31 any associate member, regardless of whether that associate member
32 serves on a panel on juvenile commitments or panels on adult
33 sentences either as a member of a panel on prison sentences or a panel
34 on young adult sentences.

35 (cf: P.L.1987, c.396, s.1)

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37 2. This act shall take effect on the first day of the fourth month
38 after enactment.

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STATEMENT

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43 This bill provides for organizational changes to the State Parole
44 Board in response to a recommendation of the Governor's Study
45 Commission on Parole.

46 Under the provisions of the bill, the Governor is authorized to

1 designate vice-chairman from among the regular associate members
2 of the Parole Board to assume the chairman's duties and
3 responsibilities whenever the chairman is absent or incapable of
4 performing those duties or responsibilities. The Governor also is
5 authorized to appoint a permanent alternate member. This alternate
6 member would assume the duties and responsibilities of any absent or
7 incapacitated associate member.

8 Currently, in the absence of the chairman, the senior board member
9 is required pursuant to N.J.A.C.10A:71-1.5 to function as the
10 presiding member of the board or board panel. Under the same
11 section, when a member of a board panel on adult inmates is
12 disqualified resulting in the absence of a quorum, the chairman may
13 immediately assign another member of one of the board panels on
14 adult inmates to serve while the other member is disqualified. In the
15 absence of a quorum on a juvenile panel due to a disqualification, the
16 chairman currently must immediately request the Governor to appoint
17 a qualified person to serve during the absence of the disqualified board
18 member.

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23 Provides for vice-chairman, permanent alternate member on State
24 Parole Board.