

ASSEMBLY, No. 720

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Establishes supervised community reintegration program for certain victims of domestic abuse.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT establishing a supervised community reintegration
2 program, supplementing Title 30 of the Revised Statutes, and
3 amending P.L.1979, c.441.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. (New section) a. There is hereby established in the
9 Department of Corrections a supervised community reintegration
10 program. The purpose of the program is to foster the successful
11 community reintegration of certain domestic violence victims who
12 meet the following criteria:

13 (1) the person was convicted of crimes committed against the
14 person's abuser;

15 (2) the inmate is serving a sentence of imprisonment;

16 (3) the inmate is found to present a low risk of re-offense; and

17 (4) the other requirements of this section are met.

18 b. An eligible inmate approved for participation in the program
19 shall undergo a period of reentry training, be required to agree to a
20 reintegration plan setting out the conditions of participation in the
21 program, and gradually transition to supervision in the community,
22 which may include assignment to a secure residential community
23 placement and participation in a work release program.

24 c. Notwithstanding any provision of P.L.1979, c.441 (C.30:4-
25 123.45 et seq.), section 2 of P.L.1994, c.133 (C.2C:7-2),
26 N.J.S.2C:43-11, or any other law to the contrary, the State Parole
27 Board may authorize the participation of an eligible inmate in the
28 supervised community reintegration program in accordance with the
29 requirements of this section. An eligible inmate participating in the
30 supervised community reintegration program shall remain in the
31 custody of the Commissioner of Corrections and be subject to
32 custody, supervision, and conditions as provided in section 15 of
33 P.L.1979, c.441 (C.30:4-123.59), as well as those set out in this
34 section. Any participating inmate also shall be subject to such
35 sanctions for a violation of a condition of the program that apply for
36 violations of a condition of parole as provided in sections 16
37 through 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-
38 123.65), including removal from the program and a return to prior
39 custody status.

40 d. A request for consideration to participate in the supervised
41 community reintegration program shall be submitted to the
42 appropriate panel of the State Parole Board. The request shall be
43 submitted in a manner and form prescribed by the board.

44 e. (1) For the purposes of this act, a person shall be considered

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 a victim of domestic violence if the person provides one or more of
2 the following:

3 (a) a restraining order or other documentation of equitable relief
4 issued by a court of competent jurisdiction;

5 (b) a police record documenting the domestic violence;

6 (c) documentation that the perpetrator of the domestic violence
7 has been convicted of one or more of the offenses enumerated in
8 section 3 of P.L.1991, c.261 (C.2C:25-19);

9 (d) medical documentation of the domestic violence;

10 (e) certification from a certified Domestic Violence Specialist or
11 the director of a designated domestic violence agency that the
12 person is a victim of domestic violence; or

13 (f) other documentation or certification of the domestic violence
14 provided by a social worker, member of the clergy, shelter worker,
15 or other professional who has assisted the person in dealing with
16 domestic violence.

17 (2) As used in this subsection:

18 "Certified Domestic Violence Specialist" means a person who
19 has fulfilled the requirements of certification as a Domestic
20 Violence Specialist established by the New Jersey Association of
21 Domestic Violence Professionals.

22 "Designated domestic violence agency" means a county-wide
23 organization with a primary purpose to provide services to victims
24 of domestic violence, and which provides services that conform to
25 the core domestic violence services profile as defined in the
26 Division of Child Protection and Permanency in the Department of
27 Children and Families and is under contract with the division for
28 the express purpose of providing such services.

29

30 2. (New section) An inmate may be eligible to apply for a
31 hearing to the State Parole Board seeking participation in the
32 supervised community reintegration program. The application also
33 shall provide information affirming the following: (1) the crime for
34 which the inmate is serving a sentence of imprisonment was
35 committed against the alleged abuser and no one else; and (2) the
36 inmate has not been convicted of a crime of violence against
37 another person.

38

39 3. (New section) Prior to the State Parole Board panel
40 considering an application, the Department of Corrections shall
41 cause to be completed application review materials, including a
42 psychological evaluation of the applicant, an objective risk
43 assessment, and a summary of the applicant's conduct regarding the
44 offense, history and evidence of abuse, and classification of
45 institutional record since conviction.

46

47 4. (New section) a. The application shall first be considered
48 by the appropriate panel of the State Parole Board, which may

1 include a hearing at the discretion of the board; provided, however,
2 that no application shall be passed onto the full board for
3 consideration unless a hearing is held.

4 b. The panel shall recommend that the application be
5 considered by the full parole board if it finds the following:

6 (1) the crime for which the inmate is serving a sentence of
7 imprisonment was committed against the abuser and no one else;

8 (2) the inmate has not been convicted of a crime of violence
9 against another person; and

10 (3) upon a review of the institutional record, victim input, and
11 all other relevant information, including the results of the risk
12 assessment and a psychological evaluation, the panel concludes that
13 the inmate presents a low risk of reoffense. Notwithstanding the
14 foregoing, if the board panel determines that an adult inmate has
15 seriously or persistently violated specifically defined institutional
16 rules or has engaged in conduct indictable in nature while
17 incarcerated, the inmate shall not be recommended for participation.

18 c. Any recommendation for participation that is forwarded to
19 the board shall also make recommendations for provisions of a
20 reintegration plan and any special conditions of participation
21 appropriate for the applicant. The conditions shall include
22 identification of a community sponsor, medical, custody and
23 training conditions, as well as the types of supervision that may be
24 appropriate for the inmate.

25
26 5. (New section) If an application is recommended for
27 consideration by the full State Parole Board membership, the board
28 shall conduct a hearing to consider the application. If it finds that
29 the requirements set out in section 4 of P.L. , c. (C.)
30 (pending before the Legislature as this bill) are met, it may order
31 that the inmate be admitted to the supervised community
32 reintegration program, and shall determine any special conditions of
33 participation that shall apply.

34
35 6. (New section) a. At least 30 days prior to commencing its
36 review of an application for participation in the program, the State
37 Parole Board shall notify the appropriate county prosecutor or if the
38 matter was prosecuted by the Attorney General, the Attorney
39 General, and any victim or member of the family of a victim who
40 would be entitled to notice relating to a parole or the consideration
41 of a parole under the provisions of P.L.1979, c.441 (C.30:4-123.45
42 et seq.). The notice shall be given in the manner prescribed by the
43 board and shall contain all information and documentation relating
44 to the application as the board shall deem appropriate and
45 necessary, as well as information on the program and the
46 consideration process.

47 b. Upon receipt of the notice, the county prosecutor or
48 Attorney General, as the case may be, and the victim or members of

1 the victim's family, as the case may be, may submit comments to
2 the appropriate board panel and also may be heard by the panel if a
3 hearing is held by the panel and by the board.

4 c. The information contained in any notice given by a panel
5 pursuant to this subsection and the contents of any comments
6 submitted by a recipient in response thereto shall be confidential
7 and shall not be disclosed to any person who is not authorized to
8 receive or review that information or those comments.

9 d. Nothing in this section shall be construed to impair any
10 party's right to be heard pursuant to P.L.1979, c.441 (C.30:4-123.45
11 et seq.).

12 e. The appropriate board panel shall provide written notice of
13 its decision to the county prosecutor or Attorney General, as the
14 case may be, and any victim or members of a victim's family given
15 notice pursuant to subsection a. of this section.

16 f. Whenever an eligible inmate is permitted to participate in
17 the supervised community reintegration program pursuant to this
18 section, the appropriate board shall require, as a condition precedent
19 to release, that a reintegration plan be prepared to include:

20 (1) identification of a community sponsor;

21 (2) verification of the availability of appropriate residential
22 community placement services, when necessary; and

23 (3) such other conditions of participation specific to the inmate
24 as may be determined by the board.

25 Nothing in this subsection shall be construed to limit the
26 authority of the State Parole Board, an appropriate board panel, or
27 parole officer of the State Parole Board to address a violation of a
28 condition for participation in the program, including through
29 dismissal from the program for a violation of conditions or a failure
30 to meet the requirements of the reintegration plan.

31
32 7. (New section) The State Parole Board, in accordance with
33 the provisions of the "Administrative Procedure Act" P.L.1968,
34 c.410 (C.52:14B-1 et seq.) shall promulgate rules and regulations to
35 effectuate the purposes of this act.

36
37 8. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is amended to
38 read as follows:

39 7. a. Each adult inmate sentenced to a term of incarceration in
40 a county penal institution, or to a specific term of years at the State
41 Prison or the correctional institution for women shall become
42 primarily eligible for parole after having served any judicial or
43 statutory mandatory minimum term, or one-third of the sentence
44 imposed where no mandatory minimum term has been imposed less
45 commutation time for good behavior pursuant to N.J.S.2A:164-24
46 or R.S.30:4-140 and credits for diligent application to work and
47 other institutional assignments pursuant to P.L.1972, c.115 (C.30:8-
48 28.1 et seq.) or R.S.30:4-92. Consistent with the provisions of the

1 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,
2 2C:43-6, 2C:43-7), commutation and work credits shall not in any
3 way reduce any judicial or statutory mandatory minimum term and
4 such credits accrued shall only be awarded subsequent to the
5 expiration of the term.

6 b. Each adult inmate sentenced to a term of life imprisonment
7 shall become primarily eligible for parole after having served any
8 judicial or statutory mandatory minimum term, or 25 years where
9 no mandatory minimum term has been imposed less commutation
10 time for good behavior and credits for diligent application to work
11 and other institutional assignments. If an inmate sentenced to a
12 specific term or terms of years is eligible for parole on a date later
13 than the date upon which he would be eligible if a life sentence had
14 been imposed, then in such case the inmate shall be eligible for
15 parole after having served 25 years, less commutation time for good
16 behavior and credits for diligent application to work and other
17 institutional assignments. Consistent with the provisions of the
18 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,
19 2C:43-6, 2C:43-7), commutation and work credits shall not in any
20 way reduce any judicial or statutory mandatory minimum term and
21 such credits accrued shall only be awarded subsequent to the
22 expiration of the term.

23 c. Each inmate sentenced to a specific term of years pursuant
24 to the "Controlled Dangerous Substances Act," P.L.1970, c.226
25 (C.24:21-1 et al.) shall become primarily eligible for parole after
26 having served one-third of the sentence imposed less commutation
27 time for good behavior and credits for diligent application to work
28 and other institutional assignments.

29 d. Each adult inmate sentenced to an indeterminate term of
30 years as a young adult offender pursuant to N.J.S.2C:43-5 shall
31 become primarily eligible for parole consideration pursuant to a
32 schedule of primary eligibility dates developed by the board, less
33 adjustment for program participation. In no case shall the board
34 schedule require that the primary parole eligibility date for a young
35 adult offender be greater than the primary parole eligibility date
36 required pursuant to this section for the presumptive term for the
37 crime authorized pursuant to subsection f. of N.J.S.2C:44-1.

38 e. Each adult inmate sentenced for an offense specified in
39 N.J.S.2C:47-1 shall become primarily eligible for parole as follows:

40 (1) If the court finds that the offender's conduct was not
41 characterized by a pattern of repetitive, compulsive behavior or
42 finds that the offender is not amenable to sex offender treatment, or
43 if after sentencing the Department of Corrections in its most recent
44 examination determines that the offender is not amenable to sex
45 offender treatment, the offender shall become primarily eligible for
46 parole after having served any judicial or statutory mandatory
47 minimum term or one-third of the sentence imposed where no
48 mandatory minimum term has been imposed. Neither such term

1 shall be reduced by commutation time for good behavior pursuant
2 to R.S.30:4-140 or credits for diligent application to work and other
3 institutional assignments pursuant to R.S.30:4-92.

4 (2) All other offenders shall be eligible for parole pursuant to
5 the provisions of N.J.S.2C:47-5, except no offender shall become
6 primarily eligible for parole prior to the expiration of any judicial or
7 statutory mandatory minimum term.

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

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

28 h. When an inmate is sentenced to more than one term of
29 imprisonment, the primary parole eligibility terms calculated
30 pursuant to this section shall be aggregated by the board for the
31 purpose of determining the primary parole eligibility date, except
32 that no juvenile commitment shall be aggregated with any adult
33 sentence. The board shall promulgate rules and regulations to
34 govern aggregation under this subsection.

35 i. The primary eligibility date shall be computed by a
36 designated representative of the board and made known to the
37 inmate in writing not later than 90 days following the
38 commencement of the sentence. In the case of an inmate sentenced
39 to a county penal institution such notice shall be made pursuant to
40 subsection g. of this section. Each inmate shall be given the
41 opportunity to acknowledge in writing the receipt of such
42 computation. Failure or refusal by the inmate to acknowledge the
43 receipt of such computation shall be recorded by the board but shall
44 not constitute a violation of this subsection.

45 j. Except as provided in this subsection, each inmate sentenced
46 pursuant to N.J.S.2A:113-4 for a term of life imprisonment,
47 N.J.S.2A:164-17 for a fixed minimum and maximum term or
48 subsection b. of N.J.S.2C:1-1 shall not be primarily eligible for

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

28 k. Notwithstanding any provisions of this section to the
29 contrary, a person sentenced to imprisonment pursuant to paragraph
30 (2), (3) or (4) of subsection b. of N.J.S.2C:11-3 shall not be eligible
31 for parole.

32 l. Notwithstanding the provisions of subsections a. through j.
33 of this section, the appropriate board panel, as provided in section 1
34 of P.L.1997, c.214 (C.30:4-123.51c), may release an inmate serving
35 a sentence of imprisonment on medical parole at any time.

36 m. Notwithstanding the provisions of this section, the State
37 Parole Board, pursuant to the provisions of P.L. _____, c. _____
38 (pending before the Legislature as this bill), may release an inmate
39 serving a sentence of imprisonment.

40 (cf: P.L.2007, c.204, s.6)

41
42 9. This act shall take effect immediately.

43
44
45 STATEMENT

46
47 This bill establishes a program to facilitate the reintegration of
48 certain domestic violence victims back into the community.

1 This program, known as the supervised community reintegration
2 program, is designed to assist individuals who have been convicted
3 and incarcerated for committing crimes against their abusers. To
4 qualify for the program, an inmate must be found to present a low
5 risk of re-offense.

6 Inmates selected for the program are to undergo reentry training,
7 agree to a reentry plan outlining their responsibilities under the
8 program, and follow a transition plan that might include a secure
9 residential community placement.

10 Pursuant to the provisions of the bill, a person is considered a
11 victim of domestic violence if the person provides one or more of
12 the following: a restraining order or other documentation of
13 equitable relief issued by a court; a police record documenting the
14 domestic violence; documentation that the perpetrator of the
15 domestic violence has been convicted of one or more offenses listed
16 in section 3 of P.L.1991, c.261 (C.2C:25-19); medical
17 documentation of the domestic violence; or certification or
18 documentation that the person is a victim of domestic violence from
19 a certified Domestic Violence Specialist, director of a designated
20 domestic violence agency, social worker, member of the clergy,
21 shelter worker, or other professional who has assisted the person.

22 As defined in the bill, "Certified Domestic Violence Specialist"
23 means a person who has a certification as a Domestic Violence
24 Specialist established by the New Jersey Association of Domestic
25 Violence Professionals, and "Designated domestic violence agency"
26 means a county-wide organization, under contract with the Division
27 of Child Protection and Permanency (DCPP) in the Department of
28 Children and Families, that provides services to victims of domestic
29 violence that conform to the core domestic violence services profile
30 as defined by DCPP.

31 When reviewing an inmate's application to participate in the
32 program, the State Parole Board is to give notice to the prosecuting
33 authority (either the county prosecutor or the Attorney General) and
34 any victim or member of the victim's family, advising the parties
35 that they may submit comments to the board.

36 The bill requires that the reintegration plan for each participant
37 include the name of the inmate's community sponsor, verification
38 that appropriate residential community services are available, and
39 any other conditions the board deems appropriate.

40 Participants who fail to fulfill their responsibilities under their
41 reintegration plan or who violate the provisions of the program are
42 to be removed from the program.

43 The bill also clarifies that the State Parole Board may release an
44 inmate from incarceration into the community reintegration
45 program pursuant to criteria established in the bill.