

[Third Reprint]

SENATE, No. 381

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 37 (Bergen)

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District 14 (Mercer and Middlesex)

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on May 18, 2021, with amendments.



(Sponsorship Updated As Of: 8/27/2020)

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 ²1. (New section) As used in P.L. , c. (C.) (pending
 9 before the Legislature as this bill):

10 “Abuser” means the named perpetrator of the domestic violence
 11 in the documentation provided pursuant to paragraph (3) of
 12 subsection a. of this section.

13 Certified Domestic Violence Specialist" means a person who has
 14 fulfilled the requirements of certification as a Domestic Violence
 15 Specialist established by the New Jersey Association of Domestic
 16 Violence Professionals.

17 "Designated domestic violence agency" means a countywide
 18 organization with a primary purpose to provide services to victims
 19 of domestic violence, and which provides services that conform to
 20 the core domestic violence services profile as defined in the
 21 Division of Child Protection and Permanency in the Department of
 22 Children and Families and is under contract with the ³[division]
 23 Department of Children and Families³ for the express purpose of
 24 providing those services.²

25
 26 ²[1.] 2.² (New section) a. There is hereby established in the
 27 Department of Corrections a supervised community reintegration
 28 program. ²The department shall consult with a Statewide domestic
 29 violence advocacy organization in the establishment and
 30 administration of the program.² The purpose of the program is to
 31 foster the successful community reintegration of certain domestic
 32 violence victims who meet the following criteria:

33 (1) the ²[person] inmate² was convicted of crimes committed
 34 against the ²[person's] inmate's² abuser ²[“Abuser” is defined for
 35 purposes of P.L. , c. (C.) (pending before the Legislature as
 36 this bill) as the named perpetrator of the domestic violence in the
 37 documentation provided pursuant to paragraph (1) of subsection e. of
 38 this section] as defined in section 2 of P.L. , c. (C.) (pending
 39 before the Legislature as this bill)²;

40 (2) the inmate is serving a sentence of imprisonment ¹and meets
 41 the eligibility criteria pursuant to rules and regulations established by
 42 the department for residential community programs¹;

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted August 25, 2020.

²Assembly AWC committee amendments adopted March 15, 2021.

³Assembly AAP committee amendments adopted May 18, 2021.

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

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

3 b. An eligible inmate approved for participation in the program
4 ²established pursuant to this section² shall undergo a period of
5 ¹reentry training rehabilitative services¹, be required to agree to ¹a
6 reintegration plan setting out the conditions of participation
7 participate¹ in the program, and gradually transition to supervision in
8 the community, which may include assignment to a ¹secure¹
9 residential community ¹placement release program¹ and
10 participation in a work release program.

11 c. ¹Notwithstanding any provision of P.L.1979, c.441 (C.30:4-
12 123.45 et al.), N.J.S.2C:7-2, N.J.S.2C:43-11, or any other law to the
13 contrary, the State Parole Board The department¹ may authorize the
14 participation of an eligible inmate in the ¹supervised community
15 reintegration residential community release¹ program in accordance
16 with the requirements of ²this² section ²3 of P.L. , c. (C.)
17 (pending before the Legislature as this bill)². An eligible inmate
18 participating in the ¹supervised community reintegration residential
19 community release¹ program shall remain in the custody of the
20 Commissioner of Corrections and ¹be subject to custody, supervision,
21 and conditions as provided in section 15 of P.L.1979, c.441 (C.30:4-
22 123.59), as well as those set out in this section. Any participating
23 inmate also shall be subject to the same sanctions for violation of a
24 condition of the program that apply for violations of a condition of
25 parole as provided in sections 16 through 21 of P.L.1979, c.441
26 (C.30:4-123.60 through 30:4-123.65), including removal from the
27 program and a return to prior custody status be subject to the
28 department's rules and regulations¹.

29 ²d. A request for consideration to participate in the
30 ¹supervised residential¹ community ¹reintegration release¹
31 program shall be submitted ¹by the inmate¹ to the ¹appropriate panel
32 of the State Parole Board. The request shall be submitted
33 department¹ in a manner and form prescribed by the ¹board
34 department¹.

35 e. (1) For the purposes of ¹this act P.L. c. (C.)
36 (pending before the Legislature as this bill)¹, a person shall be
37 considered a victim of domestic violence if the person provides one or
38 more of the following:

39 (a) a restraining order or other documentation of equitable relief
40 issued ¹to the person¹ by a court of competent jurisdiction ¹against the
41 abuser¹;

42 (b) a police record documenting the domestic violence ¹between
43 the person and the abuser¹;

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

(d) medical documentation of the domestic violence;

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

(f) other documentation or certification of the domestic violence provided by a social worker ¹[, member of the clergy, shelter worker,¹ or other professional who has assisted the person in dealing with domestic violence ¹or any sufficient documentary evidence that the person has been a victim of domestic violence by the abuser.¹

(2) As used in this subsection:

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

"Designated domestic violence agency" means a countywide organization with a primary purpose to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined in the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing those services.²

²[2.] ³.² (New section) ²a.² An ¹eligible¹ inmate may ¹[be eligible to]¹ apply ¹[for a hearing to the State Parole Board] to the Department of Corrections seeking participation in the ¹[supervised] residential¹ community ¹[reintegration] release¹ program ²in a manner and form prescribed by the department². The application ²[also shall provide information affirming] contain² the following:

¹[(1)] ²[a.¹] (1)² the crime for which the inmate is serving a sentence of imprisonment was committed against the alleged abuser and no one else; ²[and]²

¹[(2)] ²[b.¹] (2)² the inmate has not been convicted of a crime of violence against a person other than the alleged abuser ²; and

(3) documentation that the inmate is a victim of domestic violence, including³, but not limited to³:

(a) a restraining order or other documentation of equitable relief issued to the inmate by a court of competent jurisdiction against the abuser;

(b) a police record documenting the domestic violence between the inmate and the abuser;

1 (c) documentation that the abuser has been convicted of one or
2 more of the offenses enumerated in section 3 of P.L.1991, c.261
3 (C.2C:25-19);

4 (d) medical documentation of the domestic violence;

5 (e) certification from a certified Domestic Violence Specialist or
6 the director of a designated domestic violence agency that the
7 inmate is a victim of domestic violence; or

8 (f) other documentation or certification of the domestic violence
9 provided by a social worker or other professional who has assisted
10 the inmate in dealing with domestic violence or any sufficient
11 documentary evidence that the inmate has been a victim of domestic
12 violence by the abuser.

13 b. Prior to considering an eligible inmate's application to
14 participate in the residential community release program, the
15 Department of Corrections shall cause to be completed application
16 review materials, including a psychological evaluation of the
17 applicant, an objective risk assessment, and a summary of the
18 applicant's conduct regarding the offense, history, and evidence of
19 abuse, and classification of institutional record since conviction.²

20
21 ²**[3. (New section) Prior to the ¹**[State Parole Board panel]****
22 Department of Corrections¹ considering an application, the
23 ¹**[Department of Corrections]** department¹ shall cause to be
24 completed application review materials, including a psychological
25 evaluation of the applicant, an objective risk assessment, and a
26 summary of the applicant's conduct regarding the offense, history, and
27 evidence of abuse, and classification of institutional record since
28 conviction.]²

29
30 ²¹**[4. (New section) a. The application shall first be**
31 considered by the appropriate panel of the State Parole Board,
32 which may include a hearing at the discretion of the board;
33 provided, however, that no application shall be passed on to the full
34 board for consideration unless a hearing is held.

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

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

39 (2) the inmate has not been convicted of a crime of violence
40 against a person other than the alleged abuser; and

41 (3) upon a review of the institutional record, victim input, and
42 all other relevant information, including the results of the risk
43 assessment and a psychological evaluation, the panel concludes that
44 the inmate presents a low risk of re-offense. Notwithstanding the
45 foregoing, if the board panel determines that an adult inmate has
46 seriously or persistently violated specifically defined institutional

1 rules or has engaged in conduct indictable in nature while
2 incarcerated, the inmate shall not be recommended for participation.

3 c. Any recommendation for participation that is forwarded to
4 the board also shall make recommendations for provisions of a
5 reintegration plan and any special conditions of participation
6 appropriate for the applicant. The conditions shall include
7 identification of a community sponsor, medical, custody and
8 training conditions, as well as the types of supervision that may be
9 appropriate for the inmate. ¹ ²

10
11 ¹ ~~5.~~ ^{4.} (New section) ¹ ~~If an application is recommended for~~
12 ~~consideration by the full State Parole Board membership, the board~~
13 ~~shall conduct a hearing to consider the application.~~ ¹ If ¹ ~~it~~ the
14 Department of Corrections ¹ finds that the requirements set out in
15 ² ~~section 4~~ ¹ ~~sections 2 and 3~~ ² of P.L. , c. (C.) (pending
16 before the Legislature as this bill) are met, ¹ ~~it~~ the department ¹ may
17 ¹ ~~order that the inmate~~ approve that inmate to ¹ be admitted to the
18 ¹ ~~supervised~~ residential ¹ community ¹ ~~reintegration~~ release ¹
19 program, and shall determine any special conditions of participation
20 that shall apply.

21
22 ¹ ~~6.~~ ^{5.} (New section) a. ¹ ~~At~~ Pursuant to rules and
23 regulations established by the Department of Corrections, at ¹ least
24 ¹ ~~30~~ ¹ 10 working ¹ days prior to ² ~~commencing its review~~ final
25 determination ² of an application for participation in the program, the
26 ¹ ~~State Parole Board~~ department ¹ shall notify the appropriate county
27 prosecutor or the Attorney General, if ¹ ~~the matter was prosecuted by~~
28 ~~him, and any victim or member of the family of a victim who would~~
29 ~~be entitled to notice relating to a parole or the consideration of a parole~~
30 ~~under the provisions of P.L.1979, c.441 (C.30:4-123.45 et al.)~~ ¹
31 appropriate ¹. The notice shall be given in the manner prescribed by
32 the ¹ ~~board~~ department ¹ and shall contain all ¹ ~~such~~ ¹ information
33 and documentation relating to the application as the ¹ ~~board~~ ¹
34 department ¹ shall deem appropriate and necessary, as well as
35 information on the program and the consideration process.

36 b. Upon receipt of the notice, the county prosecutor or Attorney
37 General, as the case may be, ¹ ~~and the victim or members of the~~
38 ~~victim's family, as the case may be,~~ ¹ may submit comments to the
39 ¹ ~~appropriate board panel and also may be heard by the panel if a~~
40 ~~hearing is held by the panel and by the board~~ department ¹.

41 c. The information contained in any notice given by ¹ ~~a panel~~ ¹
42 the department ¹ pursuant to this section and the contents of any
43 comments submitted by a recipient in response thereto shall be
44 confidential and shall not be disclosed to any person who is not
45 authorized to receive or review that information or those comments.

1 d. ¹Nothing in this section shall be construed to impair any
2 party's right to be heard pursuant to P.L.1979, c.441 (C.30:4-
3 123.45 et al.).

4 e. ¹The ¹[appropriate board panel] department¹ shall provide
5 written notice of its decision to the county prosecutor or Attorney
6 General, as the case may be ¹], and any victim or members of a
7 victim's family given notice pursuant to subsection a. of this section.

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

- 12 (1) identification of a community sponsor;
13 (2) verification of the availability of appropriate placement in a
14 secure residential community placement, when necessary; and
15 (3) such other conditions of participation specific to the inmate as
16 may be determined by the board¹.

17 Nothing in this subsection shall be construed to limit the authority
18 of the ¹[State Parole Board, an appropriate board panel, or parole
19 officer of the State Parole Board] department¹ to address a violation of
20 a condition for participation in the program, including through
21 dismissal from the program for a violation of conditions or a failure to
22 meet the requirements of the ²[reintegration plan] program².

23
24 ¹[7] 6¹. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is
25 amended to read as follows:

26 7. a. Each adult inmate sentenced to a term of incarceration in a
27 county penal institution, or to a specific term of years at the State
28 Prison or the correctional institution for women shall become
29 primarily eligible for parole after having served any judicial or
30 statutory mandatory minimum term, or one-third of the sentence
31 imposed where no mandatory minimum term has been imposed less
32 commutation time for good behavior pursuant to N.J.S.2A:164-24 or
33 R.S.30:4-140 and credits for diligent application to work and other
34 institutional assignments pursuant to P.L.1972, c.115 (C.30:8-
35 28.1 et seq.) ¹], section 1 of P.L.1981, c.140 (C.30:8-28.4)¹, or
36 R.S.30:4-92. Consistent with the provisions of the New Jersey Code
37 of Criminal Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7),
38 commutation and work credits shall not in any way reduce any judicial
39 or statutory mandatory minimum term and such credits accrued shall
40 only be awarded subsequent to the expiration of the term.

41 b. Each adult inmate sentenced to a term of life imprisonment
42 shall become primarily eligible for parole after having served any
43 judicial or statutory mandatory minimum term, or 25 years where no
44 mandatory minimum term has been imposed less commutation time
45 for good behavior and credits for diligent application to work and
46 other institutional assignments. If an inmate sentenced to a specific
47 term or terms of years is eligible for parole on a date later than the date

1 upon which he would be eligible if a life sentence had been imposed,
2 then in such case the inmate shall be eligible for parole after having
3 served 25 years, less commutation time for good behavior and credits
4 for diligent application to work and other institutional assignments.
5 Consistent with the provisions of the New Jersey Code of Criminal
6 Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7), commutation and
7 work credits shall not in any way reduce any judicial or statutory
8 mandatory minimum term and such credits accrued shall only be
9 awarded subsequent to the expiration of the term.

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

16 d. Each adult inmate sentenced to an indeterminate term of years
17 as a young adult offender pursuant to N.J.S.2C:43-5 shall become
18 primarily eligible for parole consideration pursuant to a schedule of
19 primary eligibility dates developed by the board, less adjustment for
20 program participation. In no case shall the board schedule require that
21 the primary parole eligibility date for a young adult offender be greater
22 than the primary parole eligibility date required pursuant to this section
23 for the presumptive term for the crime authorized pursuant to
24 subsection f. of N.J.S.2C:44-1.

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

27 (1) If the court finds that the offender's conduct was not
28 characterized by a pattern of repetitive, compulsive behavior or finds
29 that the offender is not amenable to sex offender treatment, or if after
30 sentencing the Department of Corrections in its most recent
31 examination determines that the offender is not amenable to sex
32 offender treatment, the offender shall become primarily eligible for
33 parole after having served any judicial or statutory mandatory
34 minimum term or one-third of the sentence imposed where no
35 mandatory minimum term has been imposed. Neither such term shall
36 be reduced by commutation time for good behavior pursuant to
37 R.S.30:4-140 or credits for diligent application to work and other
38 institutional assignments pursuant to R.S.30:4-92.

39 (2) Young adult offenders shall be eligible for parole pursuant to
40 the provisions of N.J.S.2C:47-5, except no offender shall become
41 primarily eligible for parole prior to the expiration of any judicial or
42 statutory mandatory minimum term.

43 f. (Deleted by amendment, P.L.2019, c.363)

44 g. Each adult inmate of a county jail, workhouse, or penitentiary
45 shall become primarily eligible for parole upon service of 60 days of
46 his aggregate sentence or as provided for in subsection a. of this
47 section, whichever is greater. Whenever any such inmate's parole
48 eligibility is within six months of the date of such sentence, the judge

1 shall state such eligibility on the record which shall satisfy all public
2 and inmate notice requirements. The chief executive officer of the
3 institution in which county inmates are held shall generate all reports
4 pursuant to subsection d. of section 10 of P.L.1979, c.441 (C.30:4-
5 123.54). The parole board shall have the authority to promulgate time
6 periods applicable to the parole processing of inmates of county penal
7 institutions, except that no inmate may be released prior to the primary
8 eligibility date established by this subsection, unless consented to by
9 the sentencing judge. No inmate sentenced to a specific term of years
10 at the State Prison or the correctional institution for women shall
11 become primarily eligible for parole until service of a full nine months
12 of his aggregate sentence.

13 h. When an inmate is sentenced to more than one term of
14 imprisonment, the primary parole eligibility terms calculated pursuant
15 to this section shall be aggregated by the board for the purpose of
16 determining the primary parole eligibility date. The board shall
17 promulgate rules and regulations to govern aggregation under this
18 subsection.

19 i. The primary eligibility date shall be computed by a designated
20 representative of the board and made known to the inmate in writing
21 not later than 90 days following the commencement of the sentence.
22 In the case of an inmate sentenced to a county penal institution such
23 notice shall be made pursuant to subsection g. of this section. Each
24 inmate shall be given the opportunity to acknowledge in writing the
25 receipt of such computation. Failure or refusal by the inmate to
26 acknowledge the receipt of such computation shall be recorded by the
27 board but shall not constitute a violation of this subsection.

28 j. Except as provided in this subsection, each inmate sentenced
29 pursuant to N.J.S.2A:113-4 for a term of life imprisonment,
30 N.J.S.2A:164-17 for a fixed minimum and maximum term or
31 subsection b. of N.J.S.2C:1-1 shall not be primarily eligible for parole
32 on a date computed pursuant to this section, but shall be primarily
33 eligible on a date computed pursuant to P.L.1948, c.84 (C.30:4-123.1
34 et seq.), which is continued in effect for this purpose. Inmates
35 classified as second, third or fourth offenders pursuant to section 12 of
36 P.L.1948, c.84 (C.30:4-123.12) shall become primarily eligible for
37 parole after serving one-third, one-half, or two-thirds of the maximum
38 sentence imposed, respectively, less in each instance commutation
39 time for good behavior and credits for diligent application to work and
40 other institutional assignments; provided, however, that if the
41 prosecuting attorney or the sentencing court advises the board that the
42 punitive aspects of the sentence imposed on such inmates will not have
43 been fulfilled by the time of parole eligibility calculated pursuant to
44 this subsection, then the inmate shall not become primarily eligible for
45 parole until serving an additional period which shall be one-half of the
46 difference between the primary parole eligibility date calculated
47 pursuant to this subsection and the parole eligibility date calculated
48 pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12). If the

1 prosecuting attorney or the sentencing court advises the board that the
2 punitive aspects of the sentence have not been fulfilled, such advice
3 need not be supported by reasons and will be deemed conclusive and
4 final. Any such decision shall not be subject to judicial review except
5 to the extent mandated by the New Jersey and United States
6 Constitutions. The board shall, reasonably prior to considering any
7 such case, advise the prosecuting attorney and the sentencing court of
8 all information relevant to such inmate's parole eligibility.

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

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

16 m. ¹Notwithstanding the provisions of this section, the ¹The
17 State Parole Board, pursuant to the provisions of
18 P.L. , c. (C.) (pending before the Legislature as this
19 bill),¹ may release ¹shall consider ¹an inmate serving a sentence of
20 imprisonment¹for parole¹.

21 (cf: P.L. 2019, c.363, s.10)

22
23 ¹[8] 7¹. (New section) The State Parole Board ¹and the
24 Department of Corrections¹, in accordance with the provisions of
25 the “Administrative Procedure Act” P.L.1968, c.410 (C.52:14B-1 et
26 seq.), ¹[shall] may¹ promulgate rules and regulations to effectuate
27 the purposes of this act.

28
29 ¹[9] 8.¹ This act shall take effect ¹[immediately] on the first
30 day of the ²[thirteenth] 13th² month next following enactment¹.