

30' 4. 123. 55

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Parole hearings--testimony by
murder victim's family)

NJSA: 30:4-123.55

LAWS OF: 1993 **CHAPTER:** 222

BILL NO: S1243

SPONSOR(S) Kosco

DATE INTRODUCED: October

COMMITTEE: **ASSEMBLY:** Judiciary
SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 17, 1993
SENATE: May 13, 1993

DATE OF APPROVAL: August 5, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

P.L.1993, CHAPTER 222, approved August 5, 1993

1992 Senate No. 1243

1 **AN ACT** concerning crime victims' testimony at parole hearings
2 and amending P.L.1979, c.441.

3

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

6 1. Section 11 of P.L.1979, c.441(C.30:4-123.55) is amended to
7 read as follows:

8 11. a. Prior to the parole eligibility date of each adult inmate,
9 a designated hearing officer shall review the reports required by
10 section 10 of this act, and shall determine whether there is a
11 basis for denial of parole in the preparole report or the inmate's
12 statement, or an indication, reduced to writing, that additional
13 information providing a basis for denial of parole would be
14 developed or produced at a hearing. If the hearing officer
15 determines that there is no basis in the preparole report or the
16 inmate's statement for denial of parole and that there is no
17 additional relevant information to be developed or produced at a
18 hearing, he shall at least 60 days prior to the inmate's parole
19 eligibility date recommend in writing to the assigned member of
20 the board panel that parole release be granted.

21 b. If the assigned member of the board panel or in the case of
22 an inmate sentenced to a county penal institution, the assigned
23 member concurs in the hearing officer's recommendation, he
24 shall certify parole release pursuant to section 15 of this act as
25 soon as practicable after the eligibility date and so notify the
26 inmate and the board. In the case of an inmate sentenced to a
27 county penal institution the board shall certify parole release or
28 deny parole as provided by this section, except with regard to
29 time periods for notice and parole processing which are
30 authorized by or otherwise adopted pursuant to subsection g. of
31 section 7 of P.L.1979, c.441 (C.30:4-123.51g.). If the designated
32 hearing officer does not recommend release on parole or if the
33 assigned member does not concur in a recommendation of the
34 designated hearing officer in favor of release, then the parole
35 release of an inmate in a county penal institution shall be treated
36 under the provisions of law otherwise applicable to an adult
37 inmate. In the case of an inmate sentenced to a county penal
38 institution, the performance of public service for the remainder
39 of the term of the sentence shall be a required condition of
40 parole, where appropriate.

41 c. If the hearing officer or the assigned member determines
42 that there is a basis for denial of parole, or that a hearing is

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 otherwise necessary, the hearing officer or assigned member shall
2 notify the appropriate board panel and the inmate in writing of
3 his determination, and of a date for a parole consideration
4 hearing. The board panel shall notify the victim of the crime, if
5 the crime for which the inmate is incarcerated was a crime of
6 the first or second degree, or the victim's nearest relative if the
7 crime was murder, as appropriate, who was previously contacted
8 by the board and who has indicated his intention to the board to
9 testify at the hearing, of the opportunity to testify or submit
10 written statements at the hearing. Said hearing shall be
11 conducted by the appropriate board panel at least 30 days prior to
12 the eligibility date. At the hearing, which shall be informal, the
13 board panel shall receive as evidence any relevant and reliable
14 documents or in person testimony, including that of the victim of
15 the crime or the members of the family of a murder victim if the
16 victim or a family member so desires. If a victim of a crime or
17 the relative of a murder victim chooses not to testify personally
18 at the hearing, the victim or relative may elect to present
19 testimony to a senior hearing officer designated by the board
20 panel. The senior hearing officer shall prepare a report or a
21 transcript of the testimony for presentation to the board panel at
22 the hearing. All such evidence not classified as confidential
23 pursuant to rules and regulations of the board or the Department
24 of Corrections shall be disclosed to the inmate and the inmate
25 shall be permitted to rebut such evidence and to present evidence
26 on his own behalf. The decision of the board panel shall be based
27 solely on the evidence presented at the hearing.

28 d. At the conclusion of the parole consideration hearing, the
29 board panel shall either (1) certify the parole release of the
30 inmate pursuant to section 15 of this act as soon as practicable
31 after the eligibility date and so notify the inmate and the board,
32 or (2) deny parole and file with the board within 30 days of the
33 hearing a statement setting forth the decision, the particular
34 reasons therefor, except information classified as confidential
35 pursuant to rules and regulations of the board or the Department
36 of Corrections, a copy of which statement shall be served upon
37 the inmate together with notice of his right to appeal to the
38 board.

39 e. Upon request by the hearing officer or the inmate, the time
40 limitations contained in sections 10 and 11 may be waived by the
41 appropriate board panel for good cause.

42 f. Notwithstanding the provision of any other law to the
43 contrary, if an inmate incarcerated for murder is recommended
44 for parole by the assigned board member or the appropriate board
45 panel, parole shall not be certified until a majority of the full
46 parole board, after conducting a hearing, concurs in that
47 recommendation. The board shall notify the victim's family of
48 that hearing and family members shall be afforded the
49 opportunity to testify in person or to submit written statements.

50 The provisions of this subsection shall not apply to an inmate who
51 has his parole revoked and is returned to custody pursuant to the
52 provisions of section 19 of P.L.1979, c.441 (C.30:4-123.63).

53 (cf: P.L.1992, c.59, s.1)

1 2. This bill shall take effect immediately.

2

3

4

STATEMENT

5

6 Under present law, the full Parole Board is required to hold a
7 hearing prior to certifying the parole of an inmate incarcerated
8 for murder. This bill would permit the family of the murder
9 victim to testify in person or submit written documents at that
10 hearing.

11

12

13

14

15 Permits the family of murder victims to testify in person before
16 the full Parole Board.

1 2. This bill shall take effect immediately.

2

3

4 STATEMENT

5

6 Under present law, the full Parole Board is required to hold a
7 hearing prior to certifying the parole of an inmate incarcerated
8 for murder. This bill would permit the family of the murder
9 victim to testify in person or submit written documents at that
10 hearing.

11

12

13

14

15 Permits the family of murder victims to testify in person before
16 the full Parole Board.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

SENATE, No. 1243

STATE OF NEW JERSEY

DATED: JUNE 3, 1993

LAW LIBRARY COPY
DO NOT REMOVE

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 1243.

Under present law, the full Parole Board is required to hold a hearing prior to certifying the parole of an inmate incarcerated for murder. The bill would permit the family of the murder victim to testify in person or submit written documents at that hearing of the full board.

The bill amends subsection f. of section 11 of P.L.1979, c.441(C.30:4-123.55). That law presently provides for the board panel to notify the victim of the crime, if the crime for which the inmate is incarcerated was a crime of the first or second degree, or the victim's nearest relative if the crime was murder, who was previously contacted by the board and who has indicated his intention to the board to testify at the hearing, of the opportunity to testify at the hearing conducted by the appropriate board panel. If an inmate incarcerated for murder is recommended for parole by the assigned board member or the appropriate board panel, parole shall not be certified until a majority of the full parole board, after conducting a hearing, concurs in that recommendation. This bill requires the board to notify the victim's family of that hearing and family members shall be afforded the opportunity to testify in person or to submit written statements.

This bill is identical to Assembly Bill No. 1905.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1243

STATE OF NEW JERSEY

DATED: MARCH 11, 1993

The Senate Judiciary Committee reports favorably Senate Bill No. 1243.

Under present law, the full Parole Board is required to hold a hearing prior to certifying the parole of an inmate incarcerated for murder. The bill would permit the family of the murder victim to testify in person or submit written documents at that hearing.