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P.L. 2021, CHAPTER 233, *approved September 28, 2021*  
Senate, No. 381 (*Fourth Reprint*)

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 <sup>2</sup>1. (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 <sup>3</sup>[division]  
23 Department of Children and Families<sup>3</sup> for the express purpose of  
24 providing those services.<sup>2</sup>  
25

26 <sup>2</sup>[1.] <sup>2</sup> (New section) a. There is hereby established in the  
27 Department of Corrections a supervised community reintegration  
28 program. <sup>2</sup>The department shall consult with a Statewide domestic  
29 violence advocacy organization in the establishment and  
30 administration of the program.<sup>2</sup> 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 <sup>2</sup>[person] inmate<sup>2</sup> was convicted of crimes committed  
34 against the <sup>2</sup>[person’s] inmate’s<sup>2</sup> abuser <sup>2</sup>[“Abuser” is defined for

**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:

<sup>1</sup>Senate SLP committee amendments adopted August 25, 2020.

<sup>2</sup>Assembly AWC committee amendments adopted March 15, 2021.

<sup>3</sup>Assembly AAP committee amendments adopted May 18, 2021.

<sup>4</sup>Assembly floor amendments adopted May 20, 2021.

1 purposes of P.L. , c. (C. ) (pending before the Legislature as  
2 this bill) as the named perpetrator of the domestic violence in the  
3 documentation provided pursuant to paragraph (1) of subsection e. of  
4 this section] as defined in section 2 of P.L. , c. (C. ) (pending  
5 before the Legislature as this bill)<sup>2</sup>;

6 (2) the inmate is serving a sentence of imprisonment <sup>1</sup>and meets  
7 the eligibility criteria pursuant to rules and regulations established by  
8 the department for residential community programs<sup>1</sup>;

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

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

11 b. An eligible inmate approved for participation in the program  
12 <sup>2</sup>established pursuant to this section<sup>2</sup> shall undergo a period of  
13 <sup>1</sup>[reentry training] rehabilitative services<sup>1</sup>, be required to agree to <sup>1</sup>[a  
14 reintegration plan setting out the conditions of participation]  
15 participate<sup>1</sup> in the program, and gradually transition to supervision in  
16 the community, which may include assignment to a <sup>1</sup>[secure]<sup>1</sup>  
17 residential community <sup>1</sup>[placement] release program<sup>1</sup> and  
18 participation in a work release program.

19 c. <sup>1</sup>[Notwithstanding any provision of P.L.1979, c.441 (C.30:4-  
20 123.45 et al.), N.J.S.2C:7-2, N.J.S.2C:43-11, or any other law to the  
21 contrary, the State Parole Board] The department<sup>1</sup> may authorize the  
22 participation of an eligible inmate in the <sup>1</sup>[supervised community  
23 reintegration] residential community release<sup>1</sup> program in accordance  
24 with the requirements of <sup>2</sup>[this]<sup>2</sup> section <sup>2</sup>3 of P.L. , c. (C. )  
25 (pending before the Legislature as this bill)<sup>2</sup>. An eligible inmate  
26 participating in the <sup>1</sup>[supervised community reintegration] residential  
27 community release<sup>1</sup> program shall remain in the custody of the  
28 Commissioner of Corrections and <sup>1</sup>[be subject to custody, supervision,  
29 and conditions as provided in section 15 of P.L.1979, c.441 (C.30:4-  
30 123.59), as well as those set out in this section. Any participating  
31 inmate also shall be subject to the same sanctions for violation of a  
32 condition of the program that apply for violations of a condition of  
33 parole as provided in sections 16 through 21 of P.L.1979, c.441  
34 (C.30:4-123.60 through 30:4-123.65), including removal from the  
35 program and a return to prior custody status] be subject to the  
36 department's rules and regulations<sup>1</sup>.

37 <sup>2</sup>[d. A request for consideration to participate in the  
38 <sup>1</sup>[supervised] residential<sup>1</sup> community <sup>1</sup>[reintegration] release<sup>1</sup>  
39 program shall be submitted <sup>1</sup>by the inmate<sup>1</sup> to the <sup>1</sup>[appropriate panel  
40 of the State Parole Board. The request shall be submitted]  
41 department<sup>1</sup> in a manner and form prescribed by the <sup>1</sup>[board]  
42 department<sup>1</sup>.

43 e. (1) For the purposes of <sup>1</sup>[this act] P.L. c. (C. )  
44 (pending before the Legislature as this bill)<sup>1</sup>, a person shall be

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

3 (a) a restraining order or other documentation of equitable relief  
4 issued to the person<sup>1</sup> by a court of competent jurisdiction against the  
5 abuser<sup>1</sup>;

6 (b) a police record documenting the domestic violence between  
7 the person and the abuser<sup>1</sup>;

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

11 (d) medical documentation of the domestic violence;

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

15 (f) other documentation or certification of the domestic violence  
16 provided by a social worker <sup>1</sup>[, member of the clergy, shelter  
17 worker,]<sup>1</sup> or other professional who has assisted the person in dealing  
18 with domestic violence or any sufficient documentary evidence that  
19 the person has been a victim of domestic violence by the abuser.<sup>1</sup>

20 (2) As used in this subsection:

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

25 "Designated domestic violence agency" means a countywide  
26 organization with a primary purpose to provide services to victims of  
27 domestic violence, and which provides services that conform to the  
28 core domestic violence services profile as defined in the Division of  
29 Child Protection and Permanency in the Department of Children and  
30 Families and is under contract with the division for the express  
31 purpose of providing those services.]<sup>2</sup>

32

33 <sup>2</sup>[2.] <sup>3</sup> (New section) <sup>2</sup>a. <sup>2</sup>An <sup>1</sup>eligible<sup>1</sup> inmate may <sup>1</sup>[be  
34 eligible to]<sup>1</sup> apply <sup>1</sup>[for a hearing to the State Parole Board] to the  
35 Department of Corrections seeking participation in the  
36 <sup>1</sup>[supervised] residential<sup>1</sup> community <sup>1</sup>[reintegration] release<sup>1</sup>  
37 program <sup>2</sup>in a manner and form prescribed by the department<sup>2</sup>. The  
38 application <sup>2</sup>[also shall provide information affirming] contain<sup>2</sup> the  
39 following:

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

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

45 (3) documentation that the inmate is a victim of domestic  
46 violence, including<sup>3</sup>, but not limited to<sup>3</sup>;

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

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

6       (c) documentation that the abuser has been convicted of one or  
7 more of the offenses enumerated in section 3 of P.L.1991, c.261  
8 (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 inmate is a victim of domestic violence; or

13       (f) other documentation or certification of the domestic violence  
14 provided by a social worker or other professional who has assisted  
15 the inmate in dealing with domestic violence or any sufficient  
16 documentary evidence that the inmate has been a victim of domestic  
17 violence by the abuser.

18       b. Prior to considering an eligible inmate's application to  
19 participate in the residential community release program, the  
20 Department of Corrections shall cause to be completed application  
21 review materials, including a psychological evaluation of the  
22 applicant, an objective risk assessment, and a summary of the  
23 applicant's conduct regarding the offense, history, and evidence of  
24 abuse, and classification of institutional record since conviction.<sup>2</sup>

25  
26       <sup>2</sup>**[3. (New section) Prior to the <sup>1</sup>[State Parole Board panel]**  
27 **Department of Corrections<sup>1</sup>** considering an application, the  
28 **<sup>1</sup>[Department of Corrections]** department<sup>1</sup> shall cause to be  
29 completed application review materials, including a psychological  
30 evaluation of the applicant, an objective risk assessment, and a  
31 summary of the applicant's conduct regarding the offense, history, and  
32 evidence of abuse, and classification of institutional record since  
33 conviction.]<sup>2</sup>

34  
35       <sup>2</sup>**[<sup>1</sup>4. (New section) a.** The application shall first be  
36 considered by the appropriate panel of the State Parole Board,  
37 which may include a hearing at the discretion of the board;  
38 provided, however, that no application shall be passed on to the full  
39 board for consideration unless a hearing is held.

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

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

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

46       (3) upon a review of the institutional record, victim input, and  
47 all other relevant information, including the results of the risk

1 assessment and a psychological evaluation, the panel concludes that  
 2 the inmate presents a low risk of re-offense. Notwithstanding the  
 3 foregoing, if the board panel determines that an adult inmate has  
 4 seriously or persistently violated specifically defined institutional  
 5 rules or has engaged in conduct indictable in nature while  
 6 incarcerated, the inmate shall not be recommended for participation.

7 c. Any recommendation for participation that is forwarded to  
 8 the board also shall make recommendations for provisions of a  
 9 reintegration plan and any special conditions of participation  
 10 appropriate for the applicant. The conditions shall include  
 11 identification of a community sponsor, medical, custody and  
 12 training conditions, as well as the types of supervision that may be  
 13 appropriate for the inmate. ]<sup>1</sup> ]<sup>2</sup>

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

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

40 b. Upon receipt of the notice, the county prosecutor or Attorney  
 41 General, as the case may be, <sup>1</sup>[and the victim or members of the  
 42 victim's family, as the case may be,]<sup>1</sup> may submit comments to the  
 43 <sup>1</sup>[appropriate board panel and also may be heard by the panel if a  
 44 hearing is held by the panel and by the board] department<sup>1</sup>.

1 c. The information contained in any notice given by <sup>1</sup>["a panel]  
2 the department<sup>1</sup> pursuant to this section and the contents of any  
3 comments submitted by a recipient in response thereto shall be  
4 confidential and shall not be disclosed to any person who is not  
5 authorized to receive or review that information or those comments.

6 d. <sup>1</sup>["Nothing in this section shall be construed to impair any  
7 party's right to be heard pursuant to P.L.1979, c.441 (C.30:4-  
8 123.45 et al.).

9 e.]<sup>1</sup> The <sup>1</sup>["appropriate board panel] department<sup>1</sup> shall provide  
10 written notice of its decision to the county prosecutor or Attorney  
11 General, as the case may be <sup>1</sup>["], and any victim or members of a  
12 victim's family given notice pursuant to subsection a. of this section.

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

17 (1) identification of a community sponsor;

18 (2) verification of the availability of appropriate placement in a  
19 secure residential community placement, when necessary; and

20 (3) such other conditions of participation specific to the inmate as  
21 may be determined by the board]<sup>1</sup>.

22 Nothing in this subsection shall be construed to limit the authority  
23 of the <sup>1</sup>["State Parole Board, an appropriate board panel, or parole  
24 officer of the State Parole Board] department<sup>1</sup> to address a violation of  
25 a condition for participation in the program, including through  
26 dismissal from the program for a violation of conditions or a failure to  
27 meet the requirements of the <sup>2</sup>["reintegration plan] program<sup>2</sup> .

28  
29 <sup>1</sup>["7] <sup>4</sup>["6<sup>1</sup>. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is  
30 amended to read as follows:

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

46 b. Each adult inmate sentenced to a term of life imprisonment  
47 shall become primarily eligible for parole after having served any

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

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

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

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

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

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

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

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

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

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

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

1 this subsection, then the inmate shall not become primarily eligible for  
 2 parole until serving an additional period which shall be one-half of the  
 3 difference between the primary parole eligibility date calculated  
 4 pursuant to this subsection and the parole eligibility date calculated  
 5 pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12). If the  
 6 prosecuting attorney or the sentencing court advises the board that the  
 7 punitive aspects of the sentence have not been fulfilled, such advice  
 8 need not be supported by reasons and will be deemed conclusive and  
 9 final. Any such decision shall not be subject to judicial review except  
 10 to the extent mandated by the New Jersey and United States  
 11 Constitutions. The board shall, reasonably prior to considering any  
 12 such case, advise the prosecuting attorney and the sentencing court of  
 13 all information relevant to such inmate's parole eligibility.

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

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

21 m. <sup>1</sup>Notwithstanding the provisions of this section, the The<sup>1</sup>  
 22 State Parole Board, pursuant to the provisions of  
 23 P.L. , c. (C. ) (pending before the Legislature as this  
 24 bill),<sup>1</sup>may release shall consider<sup>1</sup> an inmate serving a sentence of  
 25 imprisonment<sup>1</sup>for parole<sup>1</sup>.

26 (cf: P.L. 2019, c.363, s.10)]<sup>4</sup>

27

28 <sup>1</sup>[8] <sup>4</sup>[7.] 6.<sup>4</sup> (New section) The <sup>4</sup>[State Parole Board <sup>1</sup>and  
 29 the]<sup>4</sup> Department of Corrections<sup>1</sup>, in accordance with the  
 30 provisions of the “Administrative Procedure Act,” P.L.1968, c.410  
 31 (C.52:14B-1 et seq.), <sup>1</sup>[shall] may<sup>1</sup> promulgate rules and  
 32 regulations to effectuate the purposes of this act.

33

34 <sup>1</sup>[9] <sup>4</sup>[8.] 7.<sup>4</sup> This act shall take effect <sup>1</sup>[immediately] on the  
 35 first day of the <sup>2</sup>[thirteenth] 13th<sup>2</sup> month next following  
 36 enactment<sup>1</sup>.

37

38

39

40

41 Establishes supervised community reintegration program for  
 42 certain victims of domestic violence.

## CHAPTER 233

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

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

C.30:1B-47 Definitions relative to domestic violence.

1. As used in P.L.2021, c.233 (C.30:1B-47 et seq.):

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

“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 Department of Children and Families for the express purpose of providing those services.

C.30:1B-48 Supervised community reintegration program established.

2. a. There is hereby established in the Department of Corrections a supervised community reintegration program. The department shall consult with a Statewide domestic violence advocacy organization in the establishment and administration of the program. The purpose of the program is to foster the successful community reintegration of certain domestic violence victims who meet the following criteria:

(1) the inmate was convicted of crimes committed against the inmate’s abuser as defined in section 2 of P.L.2021, c.233 (C.30:1B-48);

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

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

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

b. An eligible inmate approved for participation in the program established pursuant to this section shall undergo a period of rehabilitative services, be required to agree to participate in the program, and gradually transition to supervision in the community, which may include assignment to a residential community release program and participation in a work release program.

c. The department may authorize the participation of an eligible inmate in the residential community release program in accordance with the requirements of section 3 of P.L.2021, c.233 (C.30:1B-49). An eligible inmate participating in the residential community release program shall remain in the custody of the Commissioner of Corrections and be subject to the department’s rules and regulations.

C.30:1B-49 Application by eligible inmate to participate in program.

3. a. An eligible inmate may apply to the Department of Corrections seeking participation in the residential community release program in a manner and form prescribed by the department. The application contain the following:

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

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

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

(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;

(c) documentation that the abuser 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 inmate is a victim of domestic violence; or

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

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

C.30:1B-50 Approval, admission to the program.

4. If the Department of Corrections finds that the requirements set out in sections 2 and 3 of P.L.2021, c.233 (C.30:1B-48 and C.30:1B-49) are met, the department may approve that inmate to be admitted to the residential community release program, and shall determine any special conditions of participation that shall apply.

C.30:1B-51 Notice to county prosecutor or Attorney General.

5. a. Pursuant to rules and regulations established by the Department of Corrections, at least 10 working days prior to final determination of an application for participation in the program, the department shall notify the appropriate county prosecutor or the Attorney General, if appropriate. The notice shall be given in the manner prescribed by the department and shall contain all information and documentation relating to the application as the department shall deem appropriate and necessary, as well as information on the program and the consideration process.

b. Upon receipt of the notice, the county prosecutor or Attorney General, as the case may be, may submit comments to the department.

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

d. The department shall provide written notice of its decision to the county prosecutor or Attorney General, as the case may be.

Nothing in this subsection shall be construed to limit the authority of the department to address a violation of a condition for participation in the program, including through dismissal from the program for a violation of conditions or a failure to meet the requirements of the program.

C.30:1B-52 Rules, regulations.

6. The Department of Corrections, in accordance with the provisions of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), may promulgate rules and regulations to effectuate the purposes of this act.

7. This act shall take effect on the first day of the 13th month next following enactment.

Approved September 28, 2021.

# SENATE, No. 381

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



S381 WEINBERG

2

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. "Abuser" is defined for purposes of P.L. ,  
15 c. (C. ) (pending before the Legislature as this bill) as the  
16 named perpetrator of the domestic violence in the documentation  
17 provided pursuant to paragraph (1) of subsection e. of this section;

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

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

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

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

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

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

**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 e. (1) For the purposes of this act, a person shall be considered  
2 a victim of domestic violence if the person provides one or more of  
3 the following:

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

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

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

10 (d) medical documentation of the domestic violence;

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

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

18 (2) As used in this subsection:

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

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

30

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

39

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

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1           4. (New section) a. The application shall first be considered  
2 by the appropriate panel of the State Parole Board, which may  
3 include a hearing at the discretion of the board; provided, however,  
4 that no application shall be passed on to the full board for  
5 consideration unless a hearing is held.

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

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

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

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

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

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

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

1       b. Upon receipt of the notice, the county prosecutor or  
2 Attorney General, as the case may be, and the victim or members of  
3 the victim's family, as the case may be, may submit comments to  
4 the appropriate board panel and also may be heard by the panel if a  
5 hearing is held by the panel and by the board.

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

11       d. Nothing in this section shall be construed to impair any  
12 party's right to be heard pursuant to P.L.1979, c.441 (C.30:4-  
13 123.45 et al.).

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

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

- 22       (1) identification of a community sponsor;
- 23       (2) verification of the availability of appropriate placement in a  
24 secure residential community placement, when necessary; and
- 25       (3) such other conditions of participation specific to the inmate  
26 as may be determined by the board.

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

33  
34       7. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is amended to  
35 read as follows:

36       7. a. Each adult inmate sentenced to a term of incarceration in  
37 a county penal institution, or to a specific term of years at the State  
38 Prison or the correctional institution for women shall become  
39 primarily eligible for parole after having served any judicial or  
40 statutory mandatory minimum term, or one-third of the sentence  
41 imposed where no mandatory minimum term has been imposed less  
42 commutation time for good behavior pursuant to N.J.S.2A:164-24  
43 or R.S.30:4-140 and credits for diligent application to work and  
44 other institutional assignments pursuant to P.L.1972, c.115 (C.30:8-  
45 28.1 et seq.), section 1 of P.L.1981, c.140 (C.30:8-28.4), or  
46 R.S.30:4-92. Consistent with the provisions of the New Jersey  
47 Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-  
48 7), commutation and work credits shall not in any way reduce any

1 judicial or statutory mandatory minimum term and such credits  
2 accrued shall only be awarded subsequent to the expiration of the  
3 term.

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

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

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

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

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

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1 to R.S.30:4-140 or credits for diligent application to work and other  
2 institutional assignments pursuant to R.S.30:4-92.

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

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

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

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

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

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

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

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

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

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

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

40

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

45

46 9. This act shall take effect immediately.

STATEMENT

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This bill establishes a program in the Department of Corrections to facilitate the community reintegration of certain domestic violence victims following their incarceration for crimes committed against their abusers. The program is referred to as supervised community reintegration.

To qualify for the program, the victim-inmate must submit certain documentation concerning the domestic violence, and which identifies the abuser (who was the target of the victim-inmate's crime). Additionally, qualification for the program is contingent on the victim-inmate being found to present a low risk of re-offense.

At least 30 days prior to commencing its review of an inmate-victim's application for program participation, the State Parole Board would give notice to the prosecuting authority that prosecuted the inmate-victim (either the county prosecutor or the Attorney General), as well as any victim of the inmate's crime or member of that victim's family, advising the parties that they may submit comments for consideration to the board.

Those selected for the program are to undergo reentry training, and agree to a reintegration plan outlining their responsibilities under the program, which may include a secure residential community placement and participation in a work release program. The bill requires that the reintegration plan for each participant include the name of the inmate's community sponsor, verification that appropriate residential community services are available, if necessary, and any other conditions the board deems appropriate.

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

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

# ASSEMBLY WOMEN AND CHILDREN COMMITTEE

## STATEMENT TO

[First Reprint]

## SENATE, No. 381

with committee amendments

# STATE OF NEW JERSEY

DATED: MARCH 15, 2021

The Assembly Women and Children Committee reports favorably and with committee amendments Senate Bill No. 381(1R).

As amended by the committee, the bill provides that the Department of Corrections (DOC) is to establish a supervised community reintegration program for eligible domestic violence victims following incarceration for crimes they committed against their abusers. As defined in the bill “abuser” means the named perpetrator of the domestic violence in documentation an inmate is to provide in order to participate in the program.

As amended, the bill provides that the DOC is to consult with a Statewide domestic violence advocacy organization in the establishment and administration of the program.

To be eligible for the program, the victim-inmate is required to: be serving a sentence of imprisonment and meet DOC requirements for residential community programs; submit documentation that the inmate is a victim of domestic violence; submit documentation identifying the abuser; and be found to present a low risk of re-offense. Inmates approved for participation in the program are to agree to participate in the program, undergo rehabilitative services, and gradually transition to supervision in the community, which may include being assigned to a residential community release program or participating in a work release program.

The victim-inmate is to apply to the DOC to participate in the program. The DOC is to conduct a psychological evaluation of the inmate and an objective risk assessment. The DOC also is required to complete a summary of the inmate’s conduct in relation to the offense, history and evidence of abuse, and institutional classification while incarcerated.

As amended by the committee, at least 10 working days prior to final determination of an inmate-victim’s application for program participation, the DOC is to give notice to the county prosecutor or to the Attorney General, as appropriate. The county prosecutor or the Attorney General is authorized to submit comments to the DOC. The DOC is required to provide written notice to the county prosecutor or

Attorney General of its decision regarding approval of the victim-inmate's participation in the program.

The DOC may remove from the program any victim-inmate who violates a condition of participation in the program.

As amended and reported by the committee, Senate Bill No. 381 (1R) is identical to Assembly Bill No. 720 which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments provide that the DOC is to consult with a Statewide domestic violence advocacy organization in the establishment and administration of the supervised community reintegration program.

The committee amendments revise certain terminology used in the bill for the purposes of maintaining consistency.

The committee amendments clarify that the DOC is to give notice to the county prosecutor or to the Attorney General, as appropriate of the victim-inmate's participation in the program at least 10 working days prior to final determination of an inmate-victim's application for program participation, instead of at least 10 working days prior to commencing its review.

The committee amendments also makes technical changes to the bill that address statutory structure.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[Second Reprint]

## SENATE, No. 381

with committee amendments

# STATE OF NEW JERSEY

DATED: MAY 18, 2021

The Assembly Appropriations Committee reports favorably Senate Bill No. 381 (2R), with committee amendments.

As amended by the committee, the bill provides that the Department of Corrections (DOC) is to establish a supervised community reintegration program for eligible domestic violence victims following incarceration for crimes they committed against their abusers. As defined in the bill “abuser” means the named perpetrator of the domestic violence in documentation an inmate is to provide in order to participate in the program.

The bill provides that the DOC is to consult with a Statewide domestic violence advocacy organization in the establishment and administration of the program.

To be eligible for the program, the victim-inmate is required to: be serving a sentence of imprisonment and meet DOC requirements for residential community programs; submit documentation that the inmate is a victim of domestic violence; submit documentation identifying the abuser; and be found to present a low risk of re-offense. Inmates approved for participation in the program are to agree to participate in the program, undergo rehabilitative services, and gradually transition to supervision in the community, which may include being assigned to a residential community release program or participating in a work release program.

The victim-inmate is to apply to the DOC to participate in the program. The DOC is to conduct a psychological evaluation of the inmate and an objective risk assessment. The DOC also is required to complete a summary of the inmate’s conduct in relation to the offense, history and evidence of abuse, and institutional classification while incarcerated.

At least 10 working days prior to final determination of an inmate-victim’s application for program participation, the DOC is to give notice to the county prosecutor or to the Attorney General, as appropriate. The county prosecutor or the Attorney General is authorized to submit comments to the DOC. The DOC is required to provide written notice to the county prosecutor or Attorney General of

its decision regarding approval of the victim-inmate's participation in the program.

The DOC may remove from the program any victim-inmate who violates a condition of participation in the program.

As amended and reported by the committee, Senate Bill No. 381(2R) is identical to Assembly Bill No. 720 (1R) which was also amended and reported by the committee on this date.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that the definition of "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 (DCPP) and is under contract with the Department of Children and Families, instead of the DCPP as originally provided in the bill, for the express purpose of providing those services.

The committee amendments also clarify that the documentation an inmate is to provide a residential community program proving that the inmate is a victim of domestic violence is to include, but not be limited to, the information enumerated in the bill.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that this bill would result in a marginal State net expenditure increase, as annual cost increases will outweigh nominal savings. Due to the small number of offenders who are likely eligible to be reintegrated into the community under the bill, the savings generated as a result of reduced housing costs would be minimal to the Department of Corrections (DOC). DOC data indicate that the marginal cost per day to provide inmates with food, wages, and clothing totals approximately \$8.74 per inmate. Furthermore, these savings are likely to be offset by housing inmates in community settings such as residential community release programs or halfway houses per the provisions of the bill.

Given a lack of information, the OLS is unable to project the estimated cost to the DOC for supervising offenders who are reintegrated into the community under the bill. Similarly, the costs attributable to the Attorney General and county prosecutors for any additional administrative responsibilities are not known. The costs would be determined based on the number of inmates likely to be eligible for the program.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 381**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: AUGUST 21, 2020

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 381.

As amended and reported by the committee, Senate Bill No. 381 establishes a supervised community reintegration program in the Department of Corrections (DOC) for eligible domestic violence victims following incarceration for crimes they committed against their abusers.

To be eligible for the program, the victim-inmate is required to be serving a sentence of imprisonment and meet DOC requirements for residential community programs; submit documentation identifying the abuser; and be found to present a low risk of re-offense. Inmates approved for participation in the program are to agree to participate in the program, undergo rehabilitative services, and gradually transition to supervision in the community, which may include being assigned to a residential community release program or participating in a work release program.

The victim-inmate is to apply to the DOC to participate in the program. The DOC is to conduct a psychological evaluation of the inmate and an objective risk assessment. The DOC also is required to complete a summary of the inmate's conduct in relation to the offense, history and evidence of abuse, and institutional classification while incarcerated.

At least 10 working days prior to commencing its review of an inmate-victim's application for program participation, the DOC is to give notice to the county prosecutor or to the Attorney General, as appropriate. The county prosecutor or the Attorney General is authorized to submit comments to the DOC. The DOC is required to provide written notice to the county prosecutor or Attorney General of its decision regarding approval of the victim-inmate's participation in the program.

The DOC may remove from the program any victim-inmate who violates a condition of participation in the program.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) provide that the program is to be administered by the DOC, not the Parole Board;

(2) include the reintegration program as a component of the DOC's residential community release program (halfway house);

(3) clarify that victim notification is within purview of prosecutor;  
and

(4) change the effective date from immediately to one year following the effective date.

STATEMENT TO  
[Third Reprint]  
**SENATE, No. 381**

with Assembly Floor Amendments  
(Proposed by Assemblyman GORDON)

ADOPTED: MAY 20, 2021

This Assembly amendment removes the requirement that the State Parole Board participate in the promulgation of rules and regulations necessary to effectuate the purposes of the bill.

The Assembly amendment updates the synopsis of the bill to match the synopsis of its Assembly counterpart, Assembly Bill No.720 (3R).

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 381

### STATE OF NEW JERSEY 219th LEGISLATURE

DATED: SEPTEMBER 1, 2020

#### SUMMARY

- Synopsis:** Establishes supervised community reintegration program in DOC for certain victims of domestic abuse.
- Type of Impact:** Annual Net State Expenditure Impact.
- Agencies Affected:** Department of Corrections; Department of Law and Public Safety

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>Net State Expenditure Impact</b>	Indeterminate

- The Office of Legislative Services (OLS) finds that this bill would result in an indeterminate annual State net expenditure impact, as it will result in both nominal cost increases and savings. Due to the small number of offenders who are likely eligible to be reintegrated into the community under the bill, the savings generated as a result of reduced housing costs would be minimal to the Department of Corrections (DOC). DOC data indicate that the marginal cost per day to provide inmates with food, wages, and clothing totals approximately \$8.60 per inmate. The average annual cost to house an inmate in a State prison facility totaled \$50,590 in FY 2019.
- Given a lack of information, the OLS is unable to project the estimated cost to the DOC for supervising offenders who are reintegrated into the community under the bill. Similarly, the costs attributable to the Attorney General and county prosecutors for any additional administrative responsibilities is not known. The costs would be determined based on the number of inmates likely to be eligible for the program.

## **BILL DESCRIPTION**

This bill establishes a supervised community reintegration program in the DOC for eligible domestic violence victims following incarceration for crimes they committed against their abusers.

To be eligible for the program, the victim-inmate is required to be serving a sentence of imprisonment and meet DOC requirements for residential community programs; submit documentation identifying the abuser; and be found to present a low risk of re-offense. Inmates approved for participation in the program are to agree to participate in the program, undergo rehabilitative services, and gradually transition to supervision in the community, which may include being assigned to a residential community release program or participating in a work release program.

The victim-inmate is to apply to the DOC to participate in the program. The DOC is to conduct a psychological evaluation of the inmate and an objective risk assessment. The DOC also is required to complete a summary of the inmate's conduct in relation to the offense, history and evidence of abuse, and institutional classification while incarcerated.

At least ten working days prior to commencing its review of an inmate-victim's application for program participation, the DOC is to give notice to the county prosecutor or to the Attorney General, as appropriate. The county prosecutor or the Attorney General is authorized to submit comments to the DOC. The DOC is required to provide written notice to the county prosecutor or Attorney General of its decision regarding approval of the victim-inmate's participation in the program.

The DOC may remove from the program any victim-inmate who violates a condition of participation in the program.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that this bill would result in an indeterminate annual State net expenditure impact, as it will result in both nominal cost increases and savings. The OLS notes that due to the small number of offenders who are likely to be reintegrated into the community, the savings generated to the State as a result of reduced housing costs would be nominal. Information obtained informally on a similar bill in 2016 (Senate Bill No. 1049 of 2016), the DOC stated that per an independent review of the available 51 Pre-Sentence Investigations reports at Edna Mahan Correctional Facility for Women, two female offenders were identified as potentially matching the

enumerated criteria at that time. The DOC also noted that it would be a rare occasion that incarcerated male offenders would meet the criteria under the provisions of the bill.

The DOC previously indicated to the OLS that the average annual cost to house an inmate in a State prison facility totaled \$50,590 in FY 2019. But this amount would not accrue as State cost savings for each individual released unless the prison population declined by a number large enough for the DOC to lower bed space capacity, thereby reducing fixed costs. The department informed the OLS that if a single inmate had been diverted from State prison in FY 2019 without decreasing the number of bed spaces, the department would not have incurred marginal costs for food, wages, and clothing of \$8.74 per day, or \$3,190 for the fiscal year.

The OLS does not have adequate information to accurately estimate the increased cost to the DOC for supervising offenders who are reintegrated into the community. The OLS also lacks information regarding the cost to the Attorney General and county prosecutors for their additional administrative responsibilities under the bill.

*Section:           Judiciary*

*Analyst:          Anuja Pande Joshi*  
*Assistant Research Analyst*

*Approved:       Frank W. Haines III*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

## SENATE, No. 381

### STATE OF NEW JERSEY 219th LEGISLATURE

DATED: MAY 20, 2021

#### SUMMARY

- Synopsis:** Establishes supervised community reintegration program in DOC for certain victims of domestic abuse.
- Type of Impact:** Annual net increase to State expenditures.
- Agencies Affected:** Department of Corrections; Department of Law and Public Safety.

#### Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that this bill would result in a marginal State net expenditure increase, as annual cost increases will outweigh nominal savings. Due to the small number of offenders who are likely eligible to be reintegrated into the community under the bill, the savings generated as a result of reduced housing costs would be minimal to the Department of Corrections (DOC). DOC data indicate that the marginal cost per day to provide inmates with food, wages, and clothing totals approximately \$8.74 per inmate. Furthermore, these savings are likely to be offset by housing inmates in community settings such as residential community release programs or halfway houses per the provisions of the bill.
- Given a lack of information, the OLS is unable to project the estimated cost to the DOC for supervising offenders who are reintegrated into the community under the bill. Similarly, the costs attributable to the Attorney General and county prosecutors for any additional administrative responsibilities are not known. The costs would be determined based on the number of inmates likely to be eligible for the program.

#### BILL DESCRIPTION

The bill provides that the DOC is to establish a supervised community reintegration program for eligible domestic violence victims following incarceration for crimes they committed against

their abusers. As defined in the bill “abuser” means the named perpetrator of the domestic violence in documentation an inmate is to provide in order to participate in the program.

The bill provides that the DOC is to consult with a Statewide domestic violence advocacy organization in the establishment and administration of the program.

To be eligible for the program, the victim-inmate is required to: be serving a sentence of imprisonment and meet DOC requirements for residential community programs; submit documentation that the inmate is a victim of domestic violence; submit documentation identifying the abuser; and be found to present a low risk of re-offense. Inmates approved for participation in the program are to agree to participate in the program, undergo rehabilitative services, and gradually transition to supervision in the community, which may include being assigned to a residential community release program or participating in a work release program.

The victim-inmate is to apply to the DOC to participate in the program. The DOC is to conduct a psychological evaluation of the inmate and an objective risk assessment. The DOC also is required to complete a summary of the inmate’s conduct in relation to the offense, history and evidence of abuse, and institutional classification while incarcerated.

At least 10 working days prior to final determination of an inmate-victim’s application for program participation, the DOC is to give notice to the county prosecutor or to the Attorney General, as appropriate. The county prosecutor or the Attorney General is authorized to submit comments to the DOC. The DOC is required to provide written notice to the county prosecutor or Attorney General of its decision regarding approval of the victim-inmate’s participation in the program.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that this bill would result in a marginal State net expenditure increase, as annual cost increases will outweigh nominal savings. The OLS notes that due to the small number of offenders who are likely to be reintegrated into the community, the savings generated to the State as a result of reduced housing costs would be nominal. In Information obtained informally on a similar bill in 2016 (Senate Bill No. 1049 of 2016), the DOC stated that per an independent review of the available 51 Pre-Sentence Investigations reports at Edna Mahan Correctional Facility for Women, two female offenders were identified as potentially matching the enumerated criteria at that time. The DOC also noted that it would be a rare occasion that incarcerated male offenders would meet the criteria under the provisions of the bill. According to 2021 offender statistics available on the DOC website, as of January 1, there were 404 female prisoners in the Edna Mahan Correctional Facility for Women, out of which 307 were charged with violent offenses. There is no further data available on how many of these women were victims of domestic violence and were incarcerated for crimes against their abusers. According to data available on the Department of Law and Public Safety website, in 2019, a total of 59,645 domestic violence offenses were reported by the police. However, there is no further information on how many of the victims were later victim-inmates for crimes against their abusers.

The DOC previously indicated to the OLS that the average annual cost to house an inmate in a State prison facility totaled \$50,590 in FY 2019. But this amount would not accrue as State cost savings for each individual released unless the prison population declined by a number large

enough for the DOC to lower bed space capacity, thereby reducing fixed costs. The department informed the OLS that if a single inmate had been diverted from State prison in FY 2019 without decreasing the number of bed spaces, the department would not have incurred marginal costs for food, wages, and clothing of \$8.74 per day, or \$3,190 for the fiscal year. Per the provisions of the bill, the DOC may reintegrate inmates into residential community release programs or halfway houses. As of March 2021, according to data made available by the DOC, there were 13 women each housed in the two female halfway houses contracted by the DOC. According to some estimates, the cost of housing an inmate in a halfway house is approximately \$25,000 a year.

The OLS does not have adequate information to accurately estimate the increased cost to the DOC for supervising offenders who are reintegrated into the community. The OLS also lacks information regarding the cost to the Attorney General and county prosecutors for their additional administrative responsibilities under the bill.

*Section:           Judiciary*

*Analyst:          Anuja Pande Joshi*  
*Associate Fiscal Analyst*

*Approved:       Thomas Koenig*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

## SENATE, No. 381

### STATE OF NEW JERSEY 219th LEGISLATURE

DATED: MAY 24, 2021

#### SUMMARY

- Synopsis:** Establishes supervised community reintegration program in DOC for certain victims of domestic abuse.
- Type of Impact:** Annual net increase to State expenditures.
- Agencies Affected:** Department of Corrections; Department of Law and Public Safety.

#### Office of Legislative Services Estimate

Fiscal Impact	
State Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that this bill would result in a marginal State net expenditure increase, as annual cost increases will outweigh nominal savings. Due to the small number of offenders who are likely eligible to be reintegrated into the community under the bill, the savings generated as a result of reduced housing costs would be minimal to the Department of Corrections (DOC). DOC data indicate that the marginal cost per day to provide inmates with food, wages, and clothing totals approximately \$8.74 per inmate. Furthermore, these savings are likely to be offset by housing inmates in community settings such as residential community release programs or halfway houses per the provisions of the bill.
- Given a lack of information, the OLS is unable to project the estimated cost to the DOC for supervising offenders who are reintegrated into the community under the bill. Similarly, the costs attributable to the Attorney General and county prosecutors for any additional administrative responsibilities are not known. The costs would be determined based on the number of inmates likely to be eligible for the program.

#### BILL DESCRIPTION

This bill provides that the DOC is to establish a supervised community reintegration program for eligible domestic violence victims following incarceration for crimes they committed against

their abusers. As defined in the bill “abuser” means the named perpetrator of the domestic violence in documentation an inmate is to provide in order to participate in the program.

The bill provides that the DOC is to consult with a Statewide domestic violence advocacy organization in the establishment and administration of the program.

To be eligible for the program, the victim-inmate is required to: be serving a sentence of imprisonment and meet DOC requirements for residential community programs; submit documentation that the inmate is a victim of domestic violence; submit documentation identifying the abuser; and be found to present a low risk of re-offense. Inmates approved for participation in the program are to agree to participate in the program, undergo rehabilitative services, and gradually transition to supervision in the community, which may include being assigned to a residential community release program or participating in a work release program.

The victim-inmate is to apply to the DOC to participate in the program. The DOC is to conduct a psychological evaluation of the inmate and an objective risk assessment. The DOC also is required to complete a summary of the inmate’s conduct in relation to the offense, history and evidence of abuse, and institutional classification while incarcerated.

At least 10 working days prior to final determination of an inmate-victim’s application for program participation, the DOC is to give notice to the county prosecutor or to the Attorney General, as appropriate. The county prosecutor or the Attorney General is authorized to submit comments to the DOC. The DOC is required to provide written notice to the county prosecutor or Attorney General of its decision regarding approval of the victim-inmate’s participation in the program.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that this bill would result in a marginal State net expenditure increase, as annual cost increases will outweigh nominal savings. The OLS notes that due to the small number of offenders who are likely to be reintegrated into the community, the savings generated to the State as a result of reduced housing costs would be nominal. In Information obtained informally on a similar bill in 2016 (Senate Bill No. 1049 of 2016), the DOC stated that per an independent review of the available 51 Pre-Sentence Investigations reports at Edna Mahan Correctional Facility for Women, two female offenders were identified as potentially matching the enumerated criteria at that time. The DOC also noted that it would be a rare occasion that incarcerated male offenders would meet the criteria under the provisions of the bill. According to 2021 offender statistics available on the DOC website, as of January 1, there were 404 female prisoners in the Edna Mahan Correctional Facility for Women, out of which 307 were charged with violent offenses. There is no further data available on how many of these women were victims of domestic violence and were incarcerated for crimes against their abusers. According to data available on the Department of Law and Public Safety website, in 2019, a total of 59,645 domestic violence offenses were reported by the police. However, there is no further information on how many of the victims were later victim-inmates for crimes against their abusers.

The DOC previously indicated to the OLS that the average annual cost to house an inmate in a State prison facility totaled \$50,590 in FY 2019. But this amount would not accrue as State cost

savings for each individual released unless the prison population declined by a number large enough for the DOC to lower bed space capacity, thereby reducing fixed costs. The department informed the OLS that if a single inmate had been diverted from State prison in FY 2019 without decreasing the number of bed spaces, the department would not have incurred marginal costs for food, wages, and clothing of \$8.74 per day, or \$3,190 for the fiscal year. Per the provisions of the bill, the DOC may reintegrate inmates into residential community release programs or halfway houses. As of March 2021, according to data made available by the DOC, there were 13 women each housed in the two female halfway houses contracted by the DOC. According to some estimates, the cost of housing an inmate in a halfway house is approximately \$25,000 per year.

The OLS does not have adequate information to accurately estimate the increased cost to the DOC for supervising offenders who are reintegrated into the community. The OLS also lacks information regarding the cost to the Attorney General and county prosecutors for their additional administrative responsibilities under the bill.

*Section:           Judiciary*

*Analyst:         Anuja Pande Joshi*  
*Associate Fiscal Analyst*

*Approved:       Thomas Koenig*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[Fourth Reprint]

**SENATE, No. 381**

## **STATE OF NEW JERSEY 219th LEGISLATURE**

DATED: JUNE 8, 2021

### **SUMMARY**

- Synopsis:** Establishes supervised community reintegration program for certain victims of domestic violence.
- Type of Impact:** Annual net increase to State expenditures.
- Agencies Affected:** Department of Corrections; Department of Law and Public Safety.

#### **Office of Legislative Services Estimate**

<b>Annual Fiscal Impact</b>	
<b>State Expenditure Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) finds that this bill would result in a marginal State net expenditure increase, as annual cost increases will outweigh nominal savings. Due to the small number of offenders who are likely eligible to be reintegrated into the community under the bill, the savings generated as a result of reduced housing costs would be minimal to the Department of Corrections (DOC). DOC data indicate that the marginal cost per day to provide inmates with food, wages, and clothing totals approximately \$8.74 per inmate. Furthermore, these savings are likely to be offset by housing inmates in community settings such as residential community release programs or halfway houses per the provisions of the bill.
- Given a lack of information, the OLS is unable to project the estimated cost to the DOC for supervising offenders who are reintegrated into the community under the bill. Similarly, the costs attributable to the Attorney General and county prosecutors for any additional administrative responsibilities are not known. The costs would be determined based on the number of inmates likely to be eligible for the program.

### **BILL DESCRIPTION**

This bill provides that the DOC is to establish a supervised community reintegration program for eligible domestic violence victims following incarceration for crimes they committed against

their abusers. As defined in the bill “abuser” means the named perpetrator of the domestic violence in documentation an inmate is to provide in order to participate in the program.

The bill provides that the DOC is to consult with a Statewide domestic violence advocacy organization in the establishment and administration of the program.

To be eligible for the program, the victim-inmate is required to be serving a sentence of imprisonment and meet DOC requirements for residential community programs; submit documentation that the inmate is a victim of domestic violence; submit documentation identifying the abuser; and be found to present a low risk of re-offense. Inmates approved for participation in the program are to agree to participate in the program, undergo rehabilitative services, and gradually transition to supervision in the community, which may include being assigned to a residential community release program or participating in a work release program.

The victim-inmate is to apply to the DOC to participate in the program. The DOC is to conduct a psychological evaluation of the inmate and an objective risk assessment. The DOC also is required to complete a summary of the inmate’s conduct in relation to the offense, history and evidence of abuse, and institutional classification while incarcerated.

At least 10 working days prior to final determination of an inmate-victim’s application for program participation, the DOC is to give notice to the county prosecutor or to the Attorney General, as appropriate. The county prosecutor or the Attorney General is authorized to submit comments to the DOC. The DOC is required to provide written notice to the county prosecutor or Attorney General of its decision regarding approval of the victim-inmate’s participation in the program.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that this bill would result in a marginal State net expenditure increase, as annual cost increases will outweigh nominal savings. The OLS notes that due to the small number of offenders who are likely to be reintegrated into the community, the savings generated to the State as a result of reduced housing costs would be nominal. In Information obtained informally on a similar bill in 2016 (Senate Bill No. 1049 of 2016), the DOC stated that per an independent review of the available 51 Pre-Sentence Investigations reports at Edna Mahan Correctional Facility for Women, two female offenders were identified as potentially matching the enumerated criteria at that time. The DOC also noted that it would be a rare occasion that incarcerated male offenders would meet the criteria under the provisions of the bill. According to 2021 offender statistics available on the DOC website, as of January 1, there were 404 female prisoners in the Edna Mahan Correctional Facility for Women, out of which 307 were charged with violent offenses. There is no further data available on how many of these women were victims of domestic violence and were incarcerated for crimes against their abusers. According to data available on the Department of Law and Public Safety website, in 2019, a total of 59,645 domestic violence offenses were reported by the police. However, there is no further information on how many of the victims were later victim-inmates for crimes against their abusers.

The DOC previously indicated to the OLS that the average annual cost to house an inmate in a State prison facility totaled \$50,590 in FY 2019. But this amount would not accrue as State cost savings for each individual released unless the prison population declined by a number large enough for the DOC to lower bed space capacity, thereby reducing fixed costs. The department informed the OLS that if a single inmate had been diverted from State prison in FY 2019 without decreasing the number of bed spaces, the department would not have incurred marginal costs for food, wages, and clothing of \$8.74 per day, or \$3,190 for the fiscal year. Per the provisions of the bill, the DOC may reintegrate inmates into residential community release programs or halfway houses. As of March 2021, according to data made available by the DOC, there were 13 women each housed in the two female halfway houses contracted by the DOC. According to some estimates, the cost of housing an inmate in a halfway house is approximately \$25,000 per year.

The OLS does not have adequate information to accurately estimate the increased cost to the DOC for supervising offenders who are reintegrated into the community. The OLS also lacks information regarding the cost to the Attorney General and county prosecutors for their additional administrative responsibilities under the bill.

*Section:           Judiciary*

*Analyst:         Anuja Pande Joshi*  
*Associate Fiscal Analyst*

*Approved:       Thomas Koenig*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# ASSEMBLY, No. 720

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**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.

# ASSEMBLY WOMEN AND CHILDREN COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 720**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 15, 2021

The Assembly Women and Children Committee reports favorably and with committee amendments Assembly Bill No. 720.

As amended by the committee, As amended by the committee, the bill provides that the Department of Corrections (DOC) is to establish a supervised community reintegration program for eligible domestic violence victims following incarceration for crimes they committed against their abusers. As defined in the bill “abuser” means the named perpetrator of the domestic violence in documentation an inmate is to provide in order to participate in the program.

As amended, the bill provides that the DOC is to consult with a Statewide domestic violence advocacy organization in the establishment and administration of the program.

To be eligible for the program, the victim-inmate is required to: be serving a sentence of imprisonment and meet DOC requirements for residential community programs; submit documentation that the inmate is a victim of domestic violence; submit documentation identifying the abuser; and be found to present a low risk of re-offense. Inmates approved for participation in the program are to agree to participate in the program, undergo rehabilitative services, and gradually transition to supervision in the community, which may include being assigned to a residential community release program or participating in a work release program.

The victim-inmate is to apply to the DOC to participate in the program. The DOC is to conduct a psychological evaluation of the inmate and an objective risk assessment. The DOC also is required to complete a summary of the inmate’s conduct in relation to the offense, history and evidence of abuse, and institutional classification while incarcerated.

As amended by the committee, at least 10 working days prior to final determination of an inmate-victim’s application for program participation, the DOC is to give notice to the county prosecutor or to the Attorney General, as appropriate. The county prosecutor or the Attorney General is authorized to submit comments to the DOC. The DOC is required to provide written notice to the county prosecutor or Attorney General of its decision regarding approval of the victim-inmate’s participation in the program.

The DOC may remove from the program any victim-inmate who violates a condition of participation in the program.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As amended and reported by the committee, Assembly Bill No. 720 is identical to Senate Bill No. 381(1R) which was also amended and reported by the committee on this date.

#### COMMITTEE AMENDMENTS:

The committee amendments provide that the DOC is to consult with a Statewide domestic violence advocacy organization in the establishment and administration of the supervised community reintegration program.

The committee amendments revise certain terminology used in the bill for the purposes of maintaining consistency.

The committee amended the bill to provide that the program is to be administered by the DOC, not the Parole Board.

The committee amendments include the reintegration program as a component of the DOC's residential community release program.

The committee amendments clarify that the DOC is to give notice to the county prosecutor or to the Attorney General, as appropriate of the victim-inmate's participation in the program at least 10 working days prior to final determination of an inmate-victim's application for program participation, instead of at least 30 days prior to commencing its review, as originally provided in the bill.

The committee amendments clarify that victim notification is within the purview of the prosecutor.

The committee amended the bill to change the effective date from immediately to approximately one year following the effective date.

The committee amendments also make technical changes to the bill that address statutory structure.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## ASSEMBLY, No. 720

with committee amendments

# STATE OF NEW JERSEY

DATED: MAY 18, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 720 (1R), with committee amendments.

As amended by the committee, the bill provides that the Department of Corrections (DOC) is to establish a supervised community reintegration program for eligible domestic violence victims following incarceration for crimes they committed against their abusers. As defined in the bill “abuser” means the named perpetrator of the domestic violence in documentation an inmate is to provide in order to participate in the program.

The bill provides that the DOC is to consult with a Statewide domestic violence advocacy organization in the establishment and administration of the program.

To be eligible for the program, the victim-inmate is required to: be serving a sentence of imprisonment and meet DOC requirements for residential community programs; submit documentation that the inmate is a victim of domestic violence; submit documentation identifying the abuser; and be found to present a low risk of re-offense. Inmates approved for participation in the program are to agree to participate in the program, undergo rehabilitative services, and gradually transition to supervision in the community, which may include being assigned to a residential community release program or participating in a work release program.

The victim-inmate is to apply to the DOC to participate in the program. The DOC is to conduct a psychological evaluation of the inmate and an objective risk assessment. The DOC also is required to complete a summary of the inmate’s conduct in relation to the offense, history and evidence of abuse, and institutional classification while incarcerated.

At least 10 working days prior to final determination of an inmate-victim’s application for program participation, the DOC is to give notice to the county prosecutor or to the Attorney General, as appropriate. The county prosecutor or the Attorney General is authorized to submit comments to the DOC. The DOC is required to provide written notice to the county prosecutor or Attorney General of

its decision regarding approval of the victim-inmate's participation in the program.

The DOC may remove from the program any victim-inmate who violates a condition of participation in the program.

As amended and reported by the committee, Assembly Bill No. 720 (1R) is identical to Senate Bill No. 381(2R) which was also amended and reported by the committee on this date.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that the definition of "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 (DCPP) and is under contract with the Department of Children and Families, instead of the DCPP as originally provided in the bill, for the express purpose of providing those services.

The committee amendments also clarify that the documentation an inmate is to provide a residential community program proving that the inmate is a victim of domestic violence is to include, but not be limited to, the information enumerated in the bill.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that this bill would result in a marginal State net expenditure increase, as annual cost increases will outweigh nominal savings. Due to the small number of offenders who are likely eligible to be reintegrated into the community under the bill, the savings generated as a result of reduced housing costs would be minimal to the Department of Corrections (DOC). DOC data indicate that the marginal cost per day to provide inmates with food, wages, and clothing totals approximately \$8.74 per inmate. Furthermore, these savings are likely to be offset by housing inmates in community settings such as residential community release programs or halfway houses per the provisions of the bill.

Given a lack of information, the OLS is unable to project the estimated cost to the DOC for supervising offenders who are reintegrated into the community under the bill. Similarly, the costs attributable to the Attorney General and county prosecutors for any additional administrative responsibilities are not known. The costs would be determined based on the number of inmates likely to be eligible for the program.

STATEMENT TO  
[Second Reprint]  
**ASSEMBLY, No. 720**

with Assembly Floor Amendments  
(Proposed by Assemblyman JOHNSON)

ADOPTED: MAY 20, 2021

This Assembly amendment removes the requirement that the State Parole Board participate in the promulgation of rules and regulations necessary to effectuate the purposes of the bill.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 720

### STATE OF NEW JERSEY 219th LEGISLATURE

DATED: MAY 20, 2021

#### SUMMARY

- Synopsis:** Establishes supervised community reintegration program for certain victims of domestic abuse.
- Type of Impact:** Annual net increase to State expenditures.
- Agencies Affected:** Department of Corrections; Department of Law and Public Safety.

#### Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that this bill would result in a marginal State net expenditure increase, as annual cost increases will outweigh nominal savings. Due to the small number of offenders who are likely eligible to be reintegrated into the community under the bill, the savings generated as a result of reduced housing costs would be minimal to the Department of Corrections (DOC). DOC data indicate that the marginal cost per day to provide inmates with food, wages, and clothing totals approximately \$8.74 per inmate. Furthermore, these savings are likely to be offset by housing inmates in community settings such as residential community release programs or halfway houses per the provisions of the bill.
- Given a lack of information, the OLS is unable to project the estimated cost to the DOC for supervising offenders who are reintegrated into the community under the bill. Similarly, the costs attributable to the Attorney General and county prosecutors for any additional administrative responsibilities are not known. The costs would be determined based on the number of inmates likely to be eligible for the program.

## **BILL DESCRIPTION**

The bill provides that the DOC is to establish a supervised community reintegration program for eligible domestic violence victims following incarceration for crimes they committed against their abusers. As defined in the bill “abuser” means the named perpetrator of the domestic violence in documentation an inmate is to provide in order to participate in the program.

The bill provides that the DOC is to consult with a Statewide domestic violence advocacy organization in the establishment and administration of the program.

To be eligible for the program, the victim-inmate is required to: be serving a sentence of imprisonment and meet DOC requirements for residential community programs; submit documentation that the inmate is a victim of domestic violence; submit documentation identifying the abuser; and be found to present a low risk of re-offense. Inmates approved for participation in the program are to agree to participate in the program, undergo rehabilitative services, and gradually transition to supervision in the community, which may include being assigned to a residential community release program or participating in a work release program.

The victim-inmate is to apply to the DOC to participate in the program. The DOC is to conduct a psychological evaluation of the inmate and an objective risk assessment. The DOC also is required to complete a summary of the inmate’s conduct in relation to the offense, history and evidence of abuse, and institutional classification while incarcerated.

At least 10 working days prior to final determination of an inmate-victim’s application for program participation, the DOC is to give notice to the county prosecutor or to the Attorney General, as appropriate. The county prosecutor or the Attorney General is authorized to submit comments to the DOC. The DOC is required to provide written notice to the county prosecutor or Attorney General of its decision regarding approval of the victim-inmate’s participation in the program.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that this bill would result in a marginal State net expenditure increase, as annual cost increases will outweigh nominal savings. The OLS notes that due to the small number of offenders who are likely to be reintegrated into the community, the savings generated to the State as a result of reduced housing costs would be nominal. In Information obtained informally on a similar bill in 2016 (Senate Bill No. 1049 of 2016), the DOC stated that per an independent review of the available 51 Pre-Sentence Investigations reports at Edna Mahan Correctional Facility for Women, two female offenders were identified as potentially matching the enumerated criteria at that time. The DOC also noted that it would be a rare occasion that incarcerated male offenders would meet the criteria under the provisions of the bill. According to 2021 offender statistics available on the DOC website, as of January 1, there were 404 female prisoners in the Edna Mahan Correctional Facility for Women, out of which 307 were charged with violent offenses. There is no further data available on how many of these women were victims of domestic violence and were incarcerated for crimes against their abusers. According to data available on the Department of Law and Public Safety website, in 2019, a total of 59,645 domestic violence offenses were

reported by the police. However, there is no further information on how many of the victims were later victim-inmates for crimes against their abusers.

The DOC previously indicated to the OLS that the average annual cost to house an inmate in a State prison facility totaled \$50,590 in FY 2019. But this amount would not accrue as State cost savings for each individual released unless the prison population declined by a number large enough for the DOC to lower bed space capacity, thereby reducing fixed costs. The department informed the OLS that if a single inmate had been diverted from State prison in FY 2019 without decreasing the number of bed spaces, the department would not have incurred marginal costs for food, wages, and clothing of \$8.74 per day, or \$3,190 for the fiscal year. Per the provisions of the bill, the DOC may reintegrate inmates into residential community release programs or halfway houses. As of March 2021, according to data made available by the DOC, there were 13 women each housed in the two female halfway houses contracted by the DOC. According to some estimates, the cost of housing an inmate in a halfway house is approximately \$25,000 a year.

The OLS does not have adequate information to accurately estimate the increased cost to the DOC for supervising offenders who are reintegrated into the community. The OLS also lacks information regarding the cost to the Attorney General and county prosecutors for their additional administrative responsibilities under the bill.

*Section: Judiciary*

*Analyst: Anuja Pande Joshi  
Associate Fiscal Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

## ASSEMBLY, No. 720

### STATE OF NEW JERSEY 219th LEGISLATURE

DATED: MAY 24, 2021

#### SUMMARY

- Synopsis:** Establishes supervised community reintegration program for certain victims of domestic abuse.
- Type of Impact:** Annual net increase to State expenditures.
- Agencies Affected:** Department of Corrections; Department of Law and Public Safety.

#### Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that this bill would result in a marginal State net expenditure increase, as annual cost increases will outweigh nominal savings. Due to the small number of offenders who are likely eligible to be reintegrated into the community under the bill, the savings generated as a result of reduced housing costs would be minimal to the Department of Corrections (DOC). DOC data indicate that the marginal cost per day to provide inmates with food, wages, and clothing totals approximately \$8.74 per inmate. Furthermore, these savings are likely to be offset by housing inmates in community settings such as residential community release programs or halfway houses per the provisions of the bill.
- Given a lack of information, the OLS is unable to project the estimated cost to the DOC for supervising offenders who are reintegrated into the community under the bill. Similarly, the costs attributable to the Attorney General and county prosecutors for any additional administrative responsibilities are not known. The costs would be determined based on the number of inmates likely to be eligible for the program.

#### BILL DESCRIPTION

This bill provides that the DOC is to establish a supervised community reintegration program for eligible domestic violence victims following incarceration for crimes they committed against

their abusers. As defined in the bill “abuser” means the named perpetrator of the domestic violence in documentation an inmate is to provide in order to participate in the program.

The bill provides that the DOC is to consult with a Statewide domestic violence advocacy organization in the establishment and administration of the program.

To be eligible for the program, the victim-inmate is required to: be serving a sentence of imprisonment and meet DOC requirements for residential community programs; submit documentation that the inmate is a victim of domestic violence; submit documentation identifying the abuser; and be found to present a low risk of re-offense. Inmates approved for participation in the program are to agree to participate in the program, undergo rehabilitative services, and gradually transition to supervision in the community, which may include being assigned to a residential community release program or participating in a work release program.

The victim-inmate is to apply to the DOC to participate in the program. The DOC is to conduct a psychological evaluation of the inmate and an objective risk assessment. The DOC also is required to complete a summary of the inmate’s conduct in relation to the offense, history and evidence of abuse, and institutional classification while incarcerated.

At least 10 working days prior to final determination of an inmate-victim’s application for program participation, the DOC is to give notice to the county prosecutor or to the Attorney General, as appropriate. The county prosecutor or the Attorney General is authorized to submit comments to the DOC. The DOC is required to provide written notice to the county prosecutor or Attorney General of its decision regarding approval of the victim-inmate’s participation in the program.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that this bill would result in a marginal State net expenditure increase, as annual cost increases will outweigh nominal savings. The OLS notes that due to the small number of offenders who are likely to be reintegrated into the community, the savings generated to the State as a result of reduced housing costs would be nominal. Information obtained informally on a similar bill in 2016 (Senate Bill No. 1049 of 2016), the DOC stated that per an independent review of the available 51 Pre-Sentence Investigations reports at Edna Mahan Correctional Facility for Women, two female offenders were identified as potentially matching the enumerated criteria at that time. The DOC also noted that it would be a rare occasion that incarcerated male offenders would meet the criteria under the provisions of the bill. According to 2021 offender statistics available on the DOC website, as of January 1, there were 404 female prisoners in the Edna Mahan Correctional Facility for Women, out of which 307 were charged with violent offenses. There is no further data available on how many of these women were victims of domestic violence and were incarcerated for crimes against their abusers. According to data available on the Department of Law and Public Safety website, in 2019, a total of 59,645 domestic violence offenses were reported by the police. However, there is no further information on how many of the victims were later victim-inmates for crimes against their abusers.

The DOC previously indicated to the OLS that the average annual cost to house an inmate in a State prison facility totaled \$50,590 in FY 2019. But this amount would not accrue as State cost

savings for each individual released unless the prison population declined by a number large enough for the DOC to lower bed space capacity, thereby reducing fixed costs. The department informed the OLS that if a single inmate had been diverted from State prison in FY 2019 without decreasing the number of bed spaces, the department would not have incurred marginal costs for food, wages, and clothing of \$8.74 per day, or \$3,190 for the fiscal year. Per the provisions of the bill, the DOC may reintegrate inmates into residential community release programs or halfway houses. As of March 2021, according to data made available by the DOC, there were 13 women each housed in the two female halfway houses contracted by the DOC. According to some estimates, the cost of housing an inmate in a halfway house is approximately \$25,000 per year.

The OLS does not have adequate information to accurately estimate the increased cost to the DOC for supervising offenders who are reintegrated into the community. The OLS also lacks information regarding the cost to the Attorney General and county prosecutors for their additional administrative responsibilities under the bill.

*Section:           Judiciary*

*Analyst:         Anuja Pande Joshi*  
*Associate Fiscal Analyst*

*Approved:       Thomas Koenig*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

## ASSEMBLY, No. 720

### STATE OF NEW JERSEY 219th LEGISLATURE

DATED: JUNE 8, 2021

#### SUMMARY

- Synopsis:** Establishes supervised community reintegration program for certain victims of domestic abuse.
- Type of Impact:** Annual net increase to State expenditures.
- Agencies Affected:** Department of Corrections; Department of Law and Public Safety.

#### Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that this bill would result in a marginal State net expenditure increase, as annual cost increases will outweigh nominal savings. Due to the small number of offenders who are likely eligible to be reintegrated into the community under the bill, the savings generated as a result of reduced housing costs would be minimal to the Department of Corrections (DOC). DOC data indicate that the marginal cost per day to provide inmates with food, wages, and clothing totals approximately \$8.74 per inmate. Furthermore, these savings are likely to be offset by housing inmates in community settings such as residential community release programs or halfway houses per the provisions of the bill.
- Given a lack of information, the OLS is unable to project the estimated cost to the DOC for supervising offenders who are reintegrated into the community under the bill. Similarly, the costs attributable to the Attorney General and county prosecutors for any additional administrative responsibilities are not known. The costs would be determined based on the number of inmates likely to be eligible for the program.

#### BILL DESCRIPTION

This bill provides that the DOC is to establish a supervised community reintegration program for eligible domestic violence victims following incarceration for crimes they committed against

their abusers. As defined in the bill “abuser” means the named perpetrator of the domestic violence in documentation an inmate is to provide in order to participate in the program.

The bill provides that the DOC is to consult with a Statewide domestic violence advocacy organization in the establishment and administration of the program.

To be eligible for the program, the victim-inmate is required to: be serving a sentence of imprisonment and meet DOC requirements for residential community programs; submit documentation that the inmate is a victim of domestic violence; submit documentation identifying the abuser; and be found to present a low risk of re-offense. Inmates approved for participation in the program are to agree to participate in the program, undergo rehabilitative services, and gradually transition to supervision in the community, which may include being assigned to a residential community release program or participating in a work release program.

The victim-inmate is to apply to the DOC to participate in the program. The DOC is to conduct a psychological evaluation of the inmate and an objective risk assessment. The DOC also is required to complete a summary of the inmate’s conduct in relation to the offense, history and evidence of abuse, and institutional classification while incarcerated.

At least 10 working days prior to final determination of an inmate-victim’s application for program participation, the DOC is to give notice to the county prosecutor or to the Attorney General, as appropriate. The county prosecutor or the Attorney General is authorized to submit comments to the DOC. The DOC is required to provide written notice to the county prosecutor or Attorney General of its decision regarding approval of the victim-inmate’s participation in the program.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that this bill would result in a marginal State net expenditure increase, as annual cost increases will outweigh nominal savings. The OLS notes that due to the small number of offenders who are likely to be reintegrated into the community, the savings generated to the State as a result of reduced housing costs would be nominal. In Information obtained informally on a similar bill in 2016 (Senate Bill No. 1049 of 2016), the DOC stated that per an independent review of the available 51 Pre-Sentence Investigations reports at Edna Mahan Correctional Facility for Women, two female offenders were identified as potentially matching the enumerated criteria at that time. The DOC also noted that it would be a rare occasion that incarcerated male offenders would meet the criteria under the provisions of the bill. According to 2021 offender statistics available on the DOC website, as of January 1, there were 404 female prisoners in the Edna Mahan Correctional Facility for Women, out of which 307 were charged with violent offenses. There is no further data available on how many of these women were victims of domestic violence and were incarcerated for crimes against their abusers. According to data available on the Department of Law and Public Safety website, in 2019, a total of 59,645 domestic violence offenses were reported by the police. However, there is no further information on how many of the victims were later victim-inmates for crimes against their abusers.

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*Section:           Judiciary*

*Analyst:          Anuja Pande Joshi*  
*Associate Fiscal Analyst*

*Approved:       Thomas Koenig*  
*Legislative Budget and Finance Officer*

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# Governor Murphy Takes Action on Legislation

09/28/2021

## Governor Murphy Takes Action on Legislation

**TRENTON** – Today, Governor Murphy signed the following bills into law:

**S-381/A-720 (Weinberg, Greenstein/Johnson, Mosquera, Vainieri Huttle)** – Establishes supervised community reintegration program for certain victims of domestic violence.

**ACS for A-970/SCS for S-2259 (Conaway, Lampitt, Murphy/Singleton, Ruiz)** – Establishes Mental Health Screening in Schools Grant Program in DOE; appropriates \$1 million.

**A-1178/S-898 (Zwicker, DePhillips, DeCroce/Cryan, Pou)** – Permits corporations to use blockchain technology for certain recordkeeping requirements.

**A-1625/S-2854 (Lampitt, Jasey, Carter/Pou, Weinberg)** – Directs DOE to develop outreach program to encourage young women and minorities to pursue post-secondary degrees and careers in STEM.

**A-2765/S-1838 (Houghtaling, Dancer, Murphy/Greenstein, Oroho)** – Changes designation on official State logo denoting manufacture of products in New Jersey.

**A-3123/S-2059 (DeAngelo, Murphy, Moen/Beach, Pennacchio)** – Allows veteran or personal representative to withdraw honorable discharge papers from county clerk.