

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:4-123.62 (Parole Officers-- authorize apprehension of parolees in emergency cases)

CHAPTER 108

Laws Of: 1987

Bill No: S1209

Sponsor(s): McManimon

Date Introduced: Pre-filed

Committee: **Assembly:** Law, Public Safety, Defense and Corrections

Senate: Institutions, Health and Welfare

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: **Assembly:** March 19, 1987

Senate: February 27, 1987

Date of Approval: April 24, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: Yes

974.90 New Jersey. Legislature. Assembly.
P959 Judiciary Committee and Assembly
1986a Law, Public Safety, Defense and Corrections Committee.
Public hearing on a review of the state parole system, held 10-17-86.
Trenton, 1986.

(see especially pp. 18-20, 50-54)

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SENATE, No. 1209

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator McMANIMON

AN ACT concerning parole and amending P. L. 1979, c. 441.

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

1 1. Section 18 of P. L. 1979, c. 441 (C. 30:4-123.62) is amended
2 to read as follows:

3 18. a. (1) If a parole officer assigned to supervise a parolee has
4 probable cause to believe that the parolee has violated a condition
5 of his parole, such violation being a basis for return to custody pur-
6 suant to subsection b. of section 16 of *P. L. 1979, c. 441 (C.*
7 *30:4-123.60)*, a designated representative of the chairman of the
8 board may issue a warrant for the arrest of the parolee if evidence
9 indicates that the parolee may not appear at the preliminary hear-
10 ing or if the parolee poses a danger to the public safety. With the
11 parole warrant, a law enforcement officer may apprehend the de-
12 linquent parolee.

13 (2) *If a parole officer assigned to supervise a parolee ***[believes***
14 *that]* *has probable cause to believe that the parolee has com-*
14A *mitted a crime, is about to commit a crime or is about to flee the*
14B *jurisdiction, which violation is a basis for return to custody pursu-*
14C *ant to subsection c. of section 16 of P. L. 1979, c. 441 (C.*
14D *30:4-123.60c.), and* the situation is one of immediate emergency*
15 *that cannot await the issuance of a warrant by a designated repre-*
16 *sentative, the parole officer, by the parole officer's own warrant,*
17 *may apprehend the parolee and cause his **[return to]** detention in*
18 *a suitable facility designated by the Department of Corrections or*
19 *cause the parolee's confinement in an appropriate institution pend-*

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendment adopted February 24, 1986.

20 ing return to a facility designated by the Department of Correc-
21 tions, *to await the conduction of a preliminary hearing. The war-*
22 *rant shall be in the form prescribed by the Bureau of Parole and*
23 *approved by the Department of Corrections and, when signed by*
24 *the parole officer in charge of the case, shall be a sufficient instru-*
25 *ment and authority to all peace officers to assist in the apprehen-*
26 *sion of the parolee. It shall also be sufficient authority for deten-*
27 *tion of the parolee in a suitable facility, to await the conduction of*
28 *the preliminary hearing.* Upon enforcement of the warrant, the ap-
29 propriate board panel shall be promptly notified. No parolee held
30 in custody on a parole warrant shall be entitled to release on bail.

31 b. A parolee retaken under this section shall within 14 days be
32 granted a preliminary hearing to be conducted by a hearing officer
33 not previously involved in the case, unless the parolee or the hear-
34 ing officer requests postponement of the preliminary hearing, which
35 may be granted by the appropriate board panel for good cause,
36 but in no event shall such postponement, if requested by the hear-
37 ing officer, exceed 14 days.

38 c. The preliminary hearing shall be for the purpose of determin-
39 ing:

40 (1) Whether there is probable cause to believe that the parolee
41 violated a condition of his parole being the basis for return to
42 custody pursuant to subsection b. of section 16, and

43 (2) Whether revocation and return to custody is desirable in the
44 instant matter.

45 d. Prior to the preliminary hearing the parolee shall be provided
46 with written notice of:

47 (1) The conditions of parole alleged to have been violated;

48 (2) The time, date, place and circumstances of the alleged viola-
49 tion;

50 (3) The possible action which may be taken by the board after a
51 parole revocation hearing;

52 (4) The time, date and place of the preliminary hearing;

53 (5) The right pursuant to P. L. 1974, c. 33 (C. 2A:158A-5.1
54 et seq.), to representation by an attorney or such other qualified
55 person as the parole may retain; and

56 (6) The right to confront and cross-examine witnesses.

57 e. The hearing officer who conducts the hearing shall make a
58 summary or other record of said hearing.

59 f. If the evidence presented at the preliminary hearing does not
60 support a finding of probable cause to believe that the parolee has
61 violated a condition of his parole, such violation being a basis for
62 return to custody pursuant to subsection b. of section 16, or if it is

63 otherwise determined that revocation is not desirable, the hearing
64 officer may, in accordance with the provisions of subsection a. of
65 section 16 and section 17 of this act, issue an order modifying
66 parole and releasing the offender, or continuing parole and releas-
67 ing the offender.

68 g. If the evidence presented at the preliminary hearing supports
69 a finding of probable cause to believe that the parolee has violated
70 a condition of his parole, the hearing officer shall determine whether
71 the parolee shall be retained in custody or released on specific
72 conditions pending action by the appropriate board panel.

73 h. Conviction of a crime committed while on parole shall be
74 deemed to constitute probable cause to believe that the parolee has
75 violated a condition of parole.

1 2. This act shall take effect on the 30th day following enactment.

68 g. If the evidence presented at the preliminary hearing supports
69 a finding of probable cause to believe that the parolee has violated
70 a condition of his parole, the hearing officer shall determine whether
71 the parolee shall be retained in custody or released on specific
72 conditions pending action by the appropriate board panel.

73 h. Conviction of a crime committed while on parole shall be
74 deemed to constitute probable cause to believe that the parolee has
75 violated a condition of parole.

1 2. This act shall take effect on the 30th day following enactment.

STATEMENT

The purpose of this bill is to give parole officers, upon their own warrant, the authority to apprehend a delinquent parolee in certain emergency situations. The parole officer would be required to secure a warrant in the form prescribed by the Bureau of parole and approved by the Department of Corrections and upon enforcement of the warrant, the appropriate board panel would also have to be notified.

ASSEMBLY LAW, PUBLIC SAFETY, DEFENSE AND
CORRECTIONS COMMITTEE

STATEMENT TO

SENATE, No. 1209

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STATE OF NEW JERSEY

DATED: DECEMBER 11, 1986

The Assembly Law, Public Safety, Defense and Corrections Committee favorably reports Senate Bill No. 1209 OCR.

Senate Bill No. 1209 OCR authorizes a parole officer to apprehend a parolee in certain emergency situations. According to the bill, if a parole officer has probable cause to believe that a parolee has committed a crime, is about to commit a crime, or is about to flee the jurisdiction and the situation is one of immediate emergency, the parole officer by his own warrant may apprehend and detain a parolee. The form of the warrant is to be determined by the Bureau of Parole in the Department of Corrections.

Under current law, if a parole officer has probable cause to believe that a parolee has violated a condition of his parole, only a designated representative of the Chairman of the State Parole Board may issue a warrant for the arrest and detention of the parolee.

As released by this committee, this bill is identical to Assembly Bill No. 2740.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

SENATE, No. 1209

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 1986

The Senate Institutions, Health and Welfare Committee favorably reports Senate Bill No. 1209 with committee amendments.

As amended by committee, this bill amends section 18 of P. L. 1979, c. 441 (C. 30:4-123.62) concerning procedures for the retaking of parolees who violate the conditions of their parole, to authorize a parole officer to apprehend a parolee upon his own warrant in certain emergency situations. The bill requires that the warrant shall be in a form prescribed by the Bureau of Parole and approved by the Commissioner of Corrections.

The law currently provides that if a parole officer has probable cause to believe that a parolee has violated a condition of his parole, only a designated representative of the Chairman of the State Parole Board may issue the warrant for the arrest of the parolee. With amendments adopted by the committee, the bill specifies that if the parole officer has probable cause to believe that a parolee has committed a crime, is about to commit a crime or is about to flee the jurisdiction, the parole officer may issue the warrant.



OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001

Contact: JOHN SAMERJAN
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TRENTON, N.J. 08625

Release: FRI., APRIL 24, 1987

Governor Thomas H. Kean today signed the following legislation:

S-3101, sponsored by Senator Walter Rand, D-Camden, allows the City of Camden to postpone implementation of a revaluation of real property for local tax years 1987 and 1988.

The City of Camden would not be prevented from conducting and implementing any partial or complete reassessment of real property during that time period.

The legislation is effective immediately.

S-1209, sponsored by Senator Fran McManimon, D-Mercer and Assemblyman James Zangari, D-Essex, authorizes a parole officer to apprehend a parolee in emergency situations where the parole officer has probable cause. The instances for which a parole officer may take this action are when the officer has probable cause to believe the parolee has committed a crime, is about to commit a crime, or is about to flee the jurisdiction.

Prior to 1979, a parole officer had the power to make arrests upon his own warrant. Under current law, only a designated representative of the Chairman of the State Parole Board may issue the arrest warrant for a parolee when a parole officer believes that the parolee has violated a condition of the parole.

The legislation is effective on the 30th day after enactment.

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