

30:4-123.59

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:4-123.59 (Federal Witness Protection Act--amend NJ Parole Act to Conform)

LAWS OF: 1986

CHAPTER 33

BILL NO: A1768

Sponsor(s): Shusted and Rocco

Date Introduced: January 21, 1986

Committee: Assembly: Law, Public Safety & Defense

Senate: Judiciary

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

Date of Passage: Assembly: February 27, 1986

Senate: May 15, 1986

Date of Approval: June 23, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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ASSEMBLY, No. 1768**STATE OF NEW JERSEY**

INTRODUCED JANUARY 21, 1986

By Assemblymen SHUSTED and ROCCO

AN ACT concerning State parolees under the federal Witness Protection Program 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 15 of P. L. 1979, c. 441 (C. 30:4-123.59) is amended to
2 read as follows:

3 15. a. Each parolee shall at all times remain in the legal custody
4 of the Commissioner of Corrections, **[and]** *except that the com-*
5 *missioner *, after providing notice to the Attorney General,**
6 *may consent to the supervision of a parolee by the federal govern-*
7 *ment pursuant to the Witness Security Reform Act, Pub. L. 98-473*
8 *(18 U. S. C. 3251 et seq.). A parolee, except those under the Wit-*
9 *ness Security Reform Act, shall remain under the supervision of*
10 *the Bureau of Parole of the Department of Corrections in accor-*
10A *dance with the rules of the board.*

11 b. Each parolee shall agree, as evidenced by his signature to abide
12 by specific conditions of parole established by the appropriate board
13 panel which shall be enumerated in writing in a certificate of
14 parole and shall be given to the parolee upon release. Such condi-
15 tions shall include, among other things, a requirement that the
16 parolee conduct himself in society in compliance with all laws and
17 refrain from committing any crime, a requirement that the parolee
18 obtain permission from his parole officer for any change in his
19 residence, and a requirement that the parolee report at reasonable
20 intervals to an assigned parole officer. In addition, based on prior
21 history of the parolee, the member or board panel certifying parole

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:

***—Assembly committee amendments adopted February 20, 1986.**

22 release pursuant to section 11 may impose any other specific condi-
23 tions of parole deemed reasonable in order to reduce the likelihood
24 of recurrence of criminal behavior. Such special conditions may
25 include, among other things, a requirement that the parolee make
26 full or partial restitution, the amount of which restitution shall be
27 set by the sentencing court upon request of the board.

28 c. The appropriate board panel may in writing relieve a parolee
29 of any parole conditions, and may permit a parolee to reside
30 outside the State pursuant to the provisions of the Uniform Act
31 for Out-of-State Parolee Supervision (N. J. S. 2A:168-14 et seq.),
32 **[and]** the Interstate Compact on Juveniles, P. L. 1955, c. 55 (C.
33 9:23-1 to 9:23-4), *and, with the consent of the Commissioner of*
34 *Corrections *after providing notice to the Attorney General*, the*
35 *federal Witness Security Reform Act*, if satisfied that such change
36 will not result in a substantial likelihood that the parolee will com-
37 mit an offense which would be a crime under the laws of this State.
38 The appropriate board panel may revoke such permission, *except*
39 *in the case of a parolee under the Witness Security Reform Act*, or
40 reinstate relieved parole conditions for any period of time during
40A which a parolee is under its jurisdiction.

41 d. The appropriate board panel may parole an inmate to any
42 residential facility funded in whole or in part by the State if the
43 inmate would not otherwise be released pursuant to section 9
44 without such placement. Such facility shall receive the parolee and
45 shall not discharge or otherwise release the parolee without the
46 consent of the board panel.

47 e. The assigned parole officer shall provide assistance to the
48 parolee in obtaining employment, education or vocational training
49 or in meeting other obligations.

50 f. The board panel on juvenile commitments and the assigned
51 parole officer shall insure that the least restrictive available alter-
52 native is used for any juvenile parolee.

53 g. If the board has granted parole to any inmate from a State
54 correctional facility and the court has imposed a fine on such
55 inmate, the appropriate board panel shall release such inmate on
56 condition that he make specified fine payments to the Bureau of
57 Parole. For violation of such conditions, or for violation of a
58 special condition requiring restitution, parole may be revoked
59 only for refusal or failure to make a good faith effort to make
60 such payment.

61 h. Upon collection of the fine the same shall be paid over by
62 the Department of Corrections to the State Treasury.

1 2. This act shall take effect immediately.

CRIME—INVESTIGATION, ARREST, PROSECUTION

St. parolees—fed. witness protection

Amends the “Parole Act of 1979” to delineate State responsibilities regarding the federal Witness Protection Program to alleviate potential jurisdictional conflicts.

STATEMENT

Recent enactments in federal law have resulted in a potential jurisdictional conflict, between the State and federal governments, regarding New Jersey parolees' participation in the Witness Protection Program administered by the United States Government. This bill amends the law pertaining to State parolees so that these jurisdictional matters are clearly delineated, thereby facilitating the State Parole Board's cooperation with the Witness Protection Program.

CRIME—INVESTIGATION, ARREST, PROSECUTION

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A1768 (1986)

ASSEMBLY LAW, PUBLIC SAFETY, DEFENSE AND
CORRECTIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1768

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 20, 1986

The Assembly Law, Public Safety, Defense and Corrections Committee favorably reports Assembly Bill No. 1768 with amendments.

As amended, Assembly Bill No. 1768 amends the law pertaining to State parolees so that potential jurisdictional conflicts between the State and the federal government regarding participation of New Jersey parolees in the federal Witness Protection Program are eliminated.

Specifically, the bill authorizes the Commissioner of the Department of Corrections, after giving notice to the Attorney General, to consent to the supervision of a parolee by the federal government under the Witness Security Reform Act, rather than by the State Parole Board.

The committee amended the bill to require the commissioner to notify the Attorney General when taking an action pursuant to the provisions of this bill.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1768

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STATE OF NEW JERSEY

DATED: APRIL 28, 1986

The Senate Judiciary Committee reports favorably Assembly Bill No. 1768 OCR.

The bill authorizes the Commissioner of the Department of Corrections, after giving notice to the Attorney General, to consent to the supervision of a parolee by the federal government under the Witness Security Reform Act rather than by the State Parole Board. The bill is intended to eliminate any potential jurisdictional conflicts between the Parole Board and federal law enforcement officials with regard to New Jersey parolees participating in the federal Witness Protection Program.