

30:4-123.55b to 30:4-123.55e et al

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2019

CHAPTER: 364

NJSA: 30:4-123.55b to 30:4-123.55e et al ("Earn Your Way Out Act"; requires DOC to develop inmate reentry plan and establish information database; establishes administrative parole release and provides compliance credits.)

BILL NO: S761 (Substituted for A1986)

SPONSOR(S) Sandra B. Cunningham and others

DATE INTRODUCED: 1/9/2018

COMMITTEE: **ASSEMBLY:** ALP
Appropriations

SENATE: Law & Public Safety
Budget & Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 1/13/2020

SENATE: 12/16/2019

DATE OF APPROVAL: 1/20/2020

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Fourth Reprint enacted) Yes

S761

SPONSOR'S STATEMENT: (Begins on page 14 of introduced bill) Yes

COMMITTEE STATEMENT:

ASSEMBLY: Yes Law & Public Safety
Appropriations

SENATE: Yes Law & Public Safety
Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes 12/16/2019

LEGISLATIVE FISCAL ESTIMATE: Yes 3/9/2018
11/12/2019
11/29/2019
1/14/2020

A1986

SPONSOR'S STATEMENT: (Begins on page 14 of introduced bill) Yes

COMMITTEE STATEMENT:**ASSEMBLY:** Yes Law & Public Safety
Appropriations**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:

No

LEGISLATIVE FISCAL ESTIMATE:Yes 3/9/2018
12/11/2018
11/29/2019**VETO MESSAGE:**

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Gov. signs bill giving early parole to some non-violent inmates," The Times, January 21, 2020
"Murphy signs criminal justice reform bills," The Star-Ledger, January 21, 2020

Also of possible interest to researchers:

New Jersey Criminal Sentencing and Disposition Commission - First Annual Report
(November 2019)
Call number: 974.90 c931, 2019
Online at: <https://dspace.njstatelib.org/handle/10929/57490>

Rwh/cl

§§1,2,4,5 -
C.30:4-123.55b to
30:4-123.55e
§§3,6,12 -
C.30:1B-6.10 to
30:1B-6.12
§13 - Note

P.L. 2019, CHAPTER 364, *approved January 20, 2020*
Senate, No. 761 (*Fourth Reprint*)

1 **AN ACT** concerning prisoner reentry, and amending and
2 supplementing various parts of the statutory law.

3

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

6

7 1. (New section) This act shall be known and may be cited as
8 the “Earn Your Way Out Act.”

9

10 2. (New section) As used in this act:

11 “Administrative parole release” means the release of an adult
12 inmate who has met the criteria set forth in section 4 of P.L. ,
13 c. (C.) (pending before the Legislature as this bill) at the time of
14 primary or subsequent parole eligibility. Administrative parole release
15 occurs after a hearing officer reviews the preparole report and the
16 inmate is certified for release by an assigned member of the board
17 panel. Administrative parole release shall not require a parole
18 consideration hearing.

19 “Reentry plan” means a plan prepared by appropriate staff within
20 the Department of Corrections ³[Division of Reentry]³ and
21 ³[Rehabilitative Services] State Parole Board³ designed to prepare an
22 inmate for successful integration as a productive, law-abiding citizen
23 upon release from incarceration.

24

25 3. (New section) a. The Commissioner of Corrections ³and
26 Chairman of the State Parole Board³ shall ³[establish a Division of
27 Reentry and Rehabilitative Services to]³ coordinate reentry
28 preparation and other rehabilitative services ³[within] for inmates in³
29 all State correctional facilities ³[, and act as a liaison to the State
30 Parole Board,]³ pursuant to P.L. , c. (C.) (pending before the
31 Legislature as this bill).

32 Appropriate staff within the ³[division] Department of
33 Corrections and State Parole Board³ shall be responsible for engaging
34 with each inmate to develop and implement an individualized,
35 comprehensive reentry plan for services during the inmate’s

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted February 8, 2018.

²Assembly ALP committee amendments adopted October 15, 2018.

³Assembly AAP committee amendments adopted November 14, 2019.

⁴Senate floor amendments adopted December 16, 2019.

1 incarceration. This plan may be refined and updated during
2 incarceration as needed, and shall include recommendations for
3 ³**[community]** community-based³ services prior to the inmate's actual
4 return to the community. ¹**[The comprehensive reentry plan shall be**
5 **designed to prepare an inmate for successful integration as a**
6 **productive, law-abiding citizen upon release from incarceration.]**¹
7 Appropriate staff within the ³**[division]** Department of Corrections
8 and State Parole Board³ shall ³**[coordinate with appropriate**
9 **departments within the Department of Corrections, the State Parole**
10 **Board, and the community, to]**³ determine what medical, psychiatric,
11 psychological, educational, vocational, substance abuse, and social
12 rehabilitative services shall be incorporated into a comprehensive
13 reentry plan in order to prepare each inmate for successful integration
14 upon release. The Department of Corrections shall establish
15 guidelines, timelines, and procedures to govern the institutional reentry
16 plan process.

17 b. ³**[The division, in coordination with the]** Appropriate staff
18 within the Department of Corrections and³ State Parole Board ³**[and**
19 **the community,]**³ shall compile and disseminate to inmates
20 information concerning organizations and programs, whether faith-
21 based or secular programs, which provide assistance and services to
22 inmates reentering society after a period of incarceration. In compiling
23 this information, the ³**[coordinator]** appropriate staff³ shall consult
24 with non-profit entities ³**[,** including but not limited to the New Jersey
25 Institute for Social Justice,³ ³**]** that provide informational services
26 concerning reentry, ³**[and]**³ the Executive Director of the Office of
27 Faith-based Initiatives in the Department of State, and the Corrections
28 Ombudsperson in, but not of, the Department of the Treasury.

29 c. The ³**[division]** State Parole Board³ shall ensure that all
30 inmates are made aware of and referred to organizations which provide
31 services in the county where the inmate is to reside after being released
32 from incarceration. The ³**[division]** State Parole Board³ shall assist
33 inmates in gaining access to programs and procuring the appropriate
34 post-release³ services.

35 d. The Department of Corrections ³and State Parole Board³ may
36 employ professional and clerical staff as necessary within the limits of
37 available appropriations.
38

39 4. (New section) a. Notwithstanding the provisions of subsection
40 a. of section 9 of P.L.1979, c.441 (C.30:4-123.53), an adult inmate
41 shall be administratively released on parole at the time of primary or
42 subsequent parole eligibility provided that:

43 (1) the inmate has not been previously convicted of, adjudicated
44 delinquent for, or is currently serving a sentence imposed for any
45 crime enumerated in subsection d. of section 2 of P.L.1997, c.117
46 (C.2C:43-7.2); ³subsection c. or g. of N.J.S.2C:43-6;³ subsection b. of
47 section 2 of P.L.1994, c.133 (C.2C:7-2); or section 3 of P.L.1998, c.71
48 (C.30:4-27.26);

1 (2) the inmate has not committed any prohibited acts required to
2 be reported to the prosecutor pursuant to regulations promulgated by
3 the commissioner during the current period of incarceration, and has
4 not committed any serious disciplinary infraction, designated in
5 regulations promulgated by the commissioner as a prohibited act that
6 is considered to be the most serious and results in the most severe
7 sanctions, within the previous two years;

8 (3) the inmate has completed relevant rehabilitation programs ³, as
9 determined by the Department of Corrections and State Parole Board, ³
10 available at the correctional facility or applied for but was unable to
11 complete or was denied access to these programs due to circumstances
12 beyond the inmate's control including, but not limited to, capacity
13 limitations or exclusionary policies of these programs; and

14 (4) crime victims have received notification as required by law.

15 b. In the case of an inmate who meets the criteria set forth in this
16 section for administrative parole release, a hearing shall not be
17 required pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55).
18 An inmate released on parole pursuant to subsection a. of this section
19 shall, during the term of parole supervision, remain in the legal
20 custody of the Commissioner of Corrections, be supervised by the
21 Division of Parole of the State Parole Board, and be subject to the
22 provisions and conditions established by the appropriate board panel in
23 accordance with the procedures and standards set forth in section 15 of
24 P.L.1979, c.441 (C.30:4-123.59). If the parolee violates a condition of
25 parole, the parolee shall be subject to the provisions of sections 16
26 through 19 of P.L.1979, c.441 (C.30:4-123.60 through C.30:4-123.63)
27 and may have his parole revoked and be returned to custody. If
28 revocation and return to custody are deemed appropriate, the
29 appropriate board panel shall revoke the parolee's release and return
30 the parolee to custody and confinement pursuant to the provisions of
31 section 3 of P.L.1997, c.117 (C.30:4-123.51b).

32 c. Denials of administrative parole release shall be appealable in
33 accordance with section 14 of P.L.1979, c.441 (C.30:4-123.58).

34 d. A criminal justice program at a four-year public institution of
35 higher education in this State shall conduct a study of all inmates
36 whose primary parole eligibility date was within the five years
37 immediately preceding the implementation of P.L. c. (C.)
38 (pending before the Legislature as this bill) and the five years
39 immediately following the implementation of P.L. c. (C.)
40 (pending before the Legislature as this bill). The study shall include,
41 but not be limited to, the number of inmates who met the criteria set
42 forth in subsection a. of this section, the number of inmates who did
43 not meet the criteria, and the reasons an inmate did not meet the
44 criteria.

45
46 5. (New section) Notwithstanding the provisions of subsection a.
47 of section 7 of P.L.1979, c.441 (C.30:4-123.51), any person granted
48 parole, except a person serving a parole term set forth in subsection c.
49 of section 2 of P.L.1997, c.117 (C.2C:43-7.2) or section 2 of P.L.1994,
50 c.130 (C.2C:43-6.4), shall have the parole term reduced by parole

1 compliance credits at a rate of ² [five days per month for each month
2 the person is in compliance with the conditions of parole, and has not
3 committed a serious or persistent infraction not overturned by appeal
4 or administrative review. Any person granted parole who is not in
5 compliance with the conditions of parole and receives a sanction
6 requiring satisfaction of a condition of parole shall not receive parole
7 compliance credits until the parole condition is successfully
8 completed. Upon completing the condition, parole compliance credits
9 shall be awarded for the time period between imposition of a sanction
10 and completion of the condition] one day for every six days of parole
11 supervision the person has completed.

12 Credits awarded pursuant to this section shall cease to accrue upon
13 the issuance of a warrant by the State Parole Board and initiation of
14 parole revocation proceedings. Any credits earned pursuant to this
15 section shall be forfeited upon the revocation of parole.

16 Any compliance credits awarded pursuant to this section based on
17 actions for which parole revocation proceedings were initiated, but did
18 not result in a revocation of parole and return to custody, shall be
19 forfeited upon a determination by the board panel or board that the
20 actions for which compliance credits were awarded violated a
21 condition of parole².

22

23 6. (New section) The Commissioner of Corrections shall
24 establish and maintain a centralized database of information
25 contained on each disciplinary report prepared by a corrections
26 officer in response to an inmate committing any prohibited act
27 required to be reported to the prosecutor pursuant to regulations
28 promulgated by the commissioner that resulted in a conviction
29 during the current period of incarceration.

30

31 7. Section 1 of P.L.1979, c.441 (C.30:4-123.45) is amended to
32 read as follows:

33 1. a. This act shall be known and may be cited as the "Parole
34 Act of 1979."

35 b. In this act, unless a different meaning is plainly required:

36 (1) "Adult inmate" means any person sentenced as an adult to a
37 term of incarceration.

38 (2) "Juvenile inmate" means any person under commitment as a
39 juvenile delinquent pursuant to section 25 of P.L.1982, c.77
40 (C.2A:4A-44).

41 (3) "Parole release date" means that date certified by a member
42 of the board for release of an inmate after a review of the inmate's
43 case pursuant to section 11, 13 or 14 of this act.

44 (4) "Primary parole eligibility date" means that date established
45 for parole eligibility for adult inmates pursuant to section 7 or 20 of
46 this act.

47 (5) "Public notice" shall consist of lists including names of all
48 inmates being considered for parole, the county from which [he
49 was] the inmates were committed and the [crime] crimes for which

1 **[he was]** the inmates were incarcerated. At least 30 days prior to
 2 parole consideration **^**[such] the**^** lists shall be forwarded to the
 3 office of the public defender of each county or the private attorney
 4 of record for the inmates, the prosecutor's office of each county, the
 5 sentencing court, the office of the Attorney General, any other
 6 criminal justice agencies whose information and comment may be
 7 relevant, and news organizations.

8 (6) Removal for "cause" means **^**[such]**^** substantial cause **^**[as]
 9 that**^** is plainly sufficient under the law and sound public policy
 10 touching upon qualifications appropriate to a member of the parole
 11 board or the administration of **^**[said] the**^** board such that the
 12 public interest precludes the member's continuance in office.
 13 **^**[Such cause] Cause**^** includes, but is not limited to, misconduct in
 14 office, incapacity, inefficiency **[and]**, nonfeasance , and violations
 15 of the Parole Board's Code of Ethics .

16 (7) "Commission" means the Juvenile Justice Commission
 17 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-
 18 170).

19 (8) "Parole officer" means, with respect to an adult inmate, an
 20 officer assigned by the Chairman of the State Parole Board or
 21 **^**[his] the chairman's**^** designee and, with respect to a juvenile
 22 inmate, a person assigned by the commission.

23 (cf: P.L.2001, c.79, s.2)

24

25 8. Section 9 of P.L.1979, c.441 (C.30:4-123.53) is amended to
 26 read as follows:

27 9. a. An adult inmate who is not eligible for administrative
 28 parole release pursuant to section 4 of P.L. c. (C.) (pending
 29 before the Legislature as this bill) shall be released on parole at the
 30 time of primary parole eligibility, unless information supplied in the
 31 report filed pursuant to section 10 of P.L.1979, c.441 (C.30:4-
 32 123.54) or developed or produced at a hearing held pursuant to
 33 section 11 of P.L.1979, c.441 (C.30:4-123.55) indicates by a
 34 preponderance of the evidence that the inmate has failed to
 35 cooperate in his or her own rehabilitation or that there is a
 36 reasonable expectation that the inmate will violate conditions of
 37 parole imposed pursuant to section 15 of P.L.1979, c.441 (C.30:4-
 38 123.59) if released on parole at that time. **[In reaching such**
 39 **determination, the]** The board panel or board shall state the
 40 following on the record:

41 (1) the reasons **[therefor]**.

42 For the purposes of this subsection, "failed to cooperate in his or
 43 her own rehabilitation" shall include, in the case of an inmate who
 44 suffers from mental illness as defined in section 2 of P.L.1987,
 45 c.116 (C.30:4-27.2) that does not require institutionalization, that
 46 the inmate failed to fully participate in or cooperate with all
 47 prescribed treatment offered during incarceration **] for a denial of**
 48 parole, specifically providing evidence to support the denial of
 49 parole based on factors that may be deemed subjective; and

1 (2) the reasons for the established future parole eligibility date,
2 specifically providing an explanation of why and how the board
3 panel or board determined the amount of time an inmate **['must'] is**
4 required to¹ wait for a subsequent parole hearing.

5 b. A juvenile inmate shall be released on parole when it shall
6 appear that the juvenile, if released, will not cause injury to persons
7 or substantial injury to property.
8 (cf: P.L.1998, c.112, s.1)

9
10 9. Section 10 of P.L.1979, c.441 (C.30:4-123.54) is amended to
11 read as follows:

12 10. a. At least 120 days but not more than 180 days prior to the
13 parole eligibility date of each adult inmate, a report concerning the
14 inmate shall be filed with the appropriate board panel, by the staff
15 members designated by the superintendent or other chief executive
16 officer of the institution in which the inmate is held.

17 b. (1) The report filed pursuant to subsection a. shall contain
18 preincarceration records of the inmate, including any history of civil
19 commitment, any disposition which arose out of any charges
20 suspended pursuant to N.J.S.2C:4-6 including records of the
21 disposition of those charges and any acquittals by reason of insanity
22 pursuant to N.J.S.2C:4-1, state the conduct of the inmate during the
23 current period of confinement, include a complete report on the
24 inmate's social and physical condition, include an investigation by
25 the Division of Parole of the inmate's parole plans, and present
26 information bearing upon the likelihood that the inmate will commit
27 a crime under the laws of this State if released on parole. The
28 report shall also include a complete psychological evaluation of the
29 inmate in any case in which the inmate was convicted of a first or
30 second degree crime involving violence and:

31 (a) the inmate has a prior acquittal by reason of insanity
32 pursuant to N.J.S.2C:4-1 or had charges suspended pursuant to
33 N.J.S.2C:4-6; or

34 (b) the inmate has a prior conviction for murder pursuant to
35 N.J.S.2C:11-3, aggravated sexual assault or sexual assault pursuant
36 to N.J.S.2C:14-2, kidnapping pursuant to N.J.S.2C:13-1,
37 endangering the welfare of a child which would constitute a crime
38 of the second degree pursuant to N.J.S.2C:24-4, or stalking which
39 would constitute a crime of the third degree pursuant to P.L.1992,
40 c.209 (C.2C:12-10); or

41 (c) the inmate has a prior diagnosis of psychosis.

42 The inmate shall disclose any information concerning any history
43 of civil commitment.

44 The preincarceration records of the inmate contained in the
45 report shall include any psychological reports prepared in
46 connection with any court proceedings.

47 (2) At the time of sentencing, the prosecutor shall notify any
48 victim injured as a result of a crime of the first or second degree or
49 the nearest relative of a murder victim of the opportunity to present
50 a written or videotaped statement for the parole report to be

1 considered at the parole hearing or to testify to the parole board
2 concerning his harm at the time of the parole hearing. Each victim
3 or relative shall be responsible for notifying the board of his
4 intention to submit such a statement and to provide an appropriate
5 mailing address.

6 The report may include a written or videotaped statement
7 concerning the continuing nature and extent of any physical harm or
8 psychological or emotional harm or trauma suffered by the victim,
9 the extent of any loss of earnings or ability to work suffered by the
10 victim and the continuing effect of the crime upon the victim's
11 family. At the time public notice is given that an inmate is being
12 considered for parole pursuant to this section, the board shall also
13 notify any victim or nearest relative who has previously contacted
14 the board of the availability to provide a written or videotaped
15 statement for inclusion in the parole report or to present testimony
16 at the parole hearing.

17 The board shall notify ¹~~such person~~ the victim or relative¹ at
18 ¹~~his~~ the victim's or relative's¹ last known mailing address.

19 (3) If the inmate meets the requirements for administrative
20 parole release pursuant to section 4 of P.L. c. (C.) (pending
21 before the Legislature as this bill) the report shall indicate ¹~~such~~
22 this¹ eligibility.

23 c. A copy of the report filed pursuant to subsection a. of this
24 section, excepting those documents which have been classified as
25 confidential pursuant to rules and regulations of the board or the
26 Department of Corrections, shall be served on the inmate at the time
27 it is filed with the board panel. The inmate may file with the board
28 panel a written statement regarding the report, but shall do so within
29 105 days prior to the primary parole eligibility date.

30 d. Upon receipt of the public notice pursuant to section 1 of
31 P.L.1979, c.441 (C.30:4-123.45), a county prosecutor , a public
32 defender, or a private attorney of record may request from the
33 parole board a copy of the report on any adult inmate prepared
34 pursuant to subsection a. of this section, which shall be
35 expeditiously forwarded to the county prosecutor by the parole
36 board by mail, courier, or other means of delivery. Upon receipt of
37 the report, the prosecutor has 10 working days to review the report
38 and notify the parole board of the prosecutor's comments, if any, or
39 notify the parole board of the prosecutor's intent to provide
40 comments. If the county prosecutor does not provide comments or
41 notify the parole board of the prosecutor's intent to provide
42 comments within the 10 working days, the parole board may
43 presume that the prosecutor does not wish to provide comments and
44 may proceed with the parole consideration. Any comments
45 provided by a county prosecutor shall be delivered to the parole
46 board by the same method by which the county prosecutor received
47 the report. The confidentiality of the contents in a report which are
48 classified as confidential shall be maintained and shall not be

1 disclosed to any person who is not authorized to receive or review a
2 copy of the report containing the confidential information.

3 e. Any provision of this section to the contrary
4 notwithstanding, the board shall by rule or regulation modify the
5 scope of the required reports and time periods for rendering such
6 reports with reference to county penal institutions.

7 f. Notwithstanding any provision of this section, the board may
8 modify the time periods for submitting the reports required pursuant
9 to this section in processing an inmate whose parole eligibility date
10 is accelerated pursuant to section 11 of P.L.1979, c.441 (C.30:4-
11 123.55).

12 (cf: P.L.2001, c.141, s.3)

13

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

16 11. a. Prior to the parole eligibility date of each adult inmate, a
17 designated hearing officer shall review the reports required by
18 section 10 of P.L.1979, c.441 (C.30:4-123.54), and shall determine
19 whether:

20 (1) the inmate is eligible for administrative parole release
21 pursuant to section 4 of P.L. c. (C.) (pending before the
22 Legislature as this bill). If an inmate is eligible for administrative
23 parole release, the hearing officer shall at least 60 days prior to the
24 inmate's parole eligibility date recommend in writing to the
25 assigned member of the board panel that administrative parole
26 release be granted pursuant to section 4 of P.L. c. (C.)
27 (pending before the Legislature as this bill); or

28 (2) there is a basis for denial of parole in the preparole report,
29 any risk assessment prepared in accordance with the provisions of
30 subsection e. of section 8 of P.L.1979, c.441 (C.30:4-123.52), or the
31 inmate's statement, or an indication, reduced to writing, that
32 additional information providing a basis for denial of parole would
33 be developed or produced at a hearing. If the hearing officer
34 determines that there is no basis in the preparole report, the risk
35 assessment, or the inmate's statement for denial of parole and that
36 there is no additional relevant information to be developed or
37 produced at a hearing, he shall at least 60 days prior to the inmate's
38 parole eligibility date recommend in writing to the assigned
39 member of the board panel that parole release be granted.

40 b. If the assigned member of the board panel or in the case of
41 an inmate sentenced to a county penal institution, the assigned
42 member concurs in the hearing officer's recommendation, he shall
43 certify parole release pursuant to section 15 of P.L.1979, c.441
44 (C.30:4-123.59) as soon as practicable after the eligibility date and
45 so notify the inmate and the board. In the case of an inmate
46 recommended for administrative parole release by the hearing
47 officer pursuant to section 4 P.L. , c. (pending before the
48 Legislature as this bill), the assigned member shall review the
49 reports required by section 10 of P.L.1979, c.441 (C.30:4-123.54) to
50 confirm eligibility and if the inmate is eligible, shall certify parole

1 release pursuant to section 15 of P.L.1979, c.441 (C.30:4-123.59) as
2 soon as practicable after the eligibility date and notify the inmate
3 and the board. In the case of an inmate sentenced to a county penal
4 institution the board shall certify parole release or deny parole as
5 provided by this section, except with regard to time periods for
6 notice and parole processing which are authorized by or otherwise
7 adopted pursuant to subsection g. of section 7 of P.L.1979, c.441
8 (C.30:4-123.51). If the designated hearing officer does not
9 recommend release on parole or if the assigned member does not
10 concur in a recommendation of the designated hearing officer in
11 favor of release, then the parole release of an inmate in a county
12 penal institution shall be treated under the provisions of law
13 otherwise applicable to an adult inmate. In the case of an inmate
14 sentenced to a county penal institution, the performance of public
15 service for the remainder of the term of the sentence shall be a
16 required condition of parole, where appropriate.

17 c. If the hearing officer or the assigned member determines that
18 there is a basis for denial of parole, or that a hearing is otherwise
19 necessary, the hearing officer or assigned member shall notify the
20 appropriate board panel and the inmate in writing of his
21 determination, and of a date for a parole consideration hearing. The
22 board panel shall notify the victim of the crime, if the crime for
23 which the inmate is incarcerated was a crime of the first or second
24 degree, or the victim's nearest relative if the crime was murder, as
25 appropriate, who was previously contacted by the board and who
26 has indicated his intention to the board to testify at the hearing, of
27 the opportunity to testify or submit written or videotaped statements
28 at the hearing. Said hearing shall be conducted by the appropriate
29 board panel at least 30 days prior to the eligibility date. At the
30 hearing, which shall be informal, the board panel shall receive as
31 evidence any relevant and reliable documents or videotaped or in
32 person testimony, including that of the victim of the crime or the
33 members of the family of a murder victim if the victim or a family
34 member so desires. If a victim of a crime or the relative of a
35 murder victim chooses not to testify personally at the hearing, the
36 victim or relative may elect to present testimony to a senior hearing
37 officer designated by the board panel. The senior hearing officer
38 shall notify the victim of the right to have this testimony
39 videotaped. The senior hearing officer shall prepare a report,
40 transcript or videotape, if applicable, of the testimony for
41 presentation to the board panel at the hearing. All such evidence
42 not classified as confidential pursuant to rules and regulations of the
43 board or the Department of Corrections shall be disclosed to the
44 inmate and the inmate shall be permitted to rebut such evidence and
45 to present evidence on his own behalf. The decision of the board
46 panel shall be based solely on the evidence presented at the hearing.

47 d. At the conclusion of the parole consideration hearing, the
48 board panel shall either (1) certify the parole release of the inmate
49 pursuant to section 15 of this act. as soon as practicable after the
50 eligibility date and so notify the inmate and the board, or (2) deny

1 parole and file with the board within 30 days of the hearing a
2 statement setting forth the decision, the particular reasons therefor,
3 except information classified as confidential pursuant to rules and
4 regulations of the board or the Department of Corrections, a copy of
5 which statement shall be served upon the inmate together with
6 notice of his right to appeal to the board.

7 e. Upon request by the hearing officer or the inmate, the time
8 limitations contained in section 10 of P.L.1979, c.441 (C.30:4-
9 123.54) and this section may be waived by the appropriate board
10 panel for good cause.

11 f. Notwithstanding the provision of any other law to the
12 contrary, if an inmate incarcerated for murder is recommended for
13 parole by the assigned board member or the appropriate board
14 panel, parole shall not be certified until a majority of the full parole
15 board, after conducting a hearing, concurs in that recommendation.
16 The board shall notify the victim's family of that hearing and family
17 members shall be afforded the opportunity to testify in person or to
18 submit written or videotaped statements. The provisions of this
19 subsection shall not apply to an inmate who has his parole revoked
20 and is returned to custody pursuant to the provisions of section 19
21 of P.L.1979, c.441 (C.30:4-123.63).

22 g. Notwithstanding the provision of any other law or regulation
23 to the contrary, the board may promulgate rules and regulations for
24 the processing of any inmate whose parole eligibility date is
25 accelerated. For purposes of this section, a parole eligibility date is
26 accelerated when an inmate becomes eligible for parole at the time
27 of or within 120 days of an event or circumstance beyond the
28 control of the parole board, such as sentencing, resentencing or
29 other amendment, including the awarding of additional credit to the
30 original sentence, restoration of authorized institutional time credits
31 or the application of authorized institutional time credits on a future
32 eligibility date established pursuant to subsection a. of section 12 of
33 P.L.1979, c.441 (C.30:4-123.56) or subsection a. of section 20 of
34 P.L.1979, c.441 (C.30:4-123.64). The rules and regulations shall
35 provide for the preparation and review of a preparole report and
36 shall require that a parole consideration hearing be held not more
37 than 120 days after the board has received notice that an accelerated
38 parole eligibility date has been established.

39 (cf: P.L.2001, c.141, s.4)

40
41 11. R.S.30:4-140 is amended to read as follows:

42 30:4-140. For every year or fractional part of a year of a
43 custodial sentence imposed upon any person **【committed to any**
44 **State correctional institution for a minimum-maximum term】** there
45 shall be remitted to ¹**【him】** the person¹ from both the maximum and
46 minimum term of ¹**【his】** the person's¹ sentence, for continuous
47 orderly deportment, the progressive time credits indicated in the
48 schedule ¹**【herein】** in this section¹. When a sentence contains a
49 fractional part of a year in either the minimum or maximum thereof,

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1 then time credits in reduction of ¹~~such~~ the¹ fractional part of a
 2 year shall be calculated at the rate set out in the schedule for each
 3 full month of ¹~~such~~ the¹ fractional part of a year of sentence.
 4 **【No time credits shall be calculated as provided for herein on time**
 5 **served by any person in custody between his arrest and the**
 6 **imposition of sentence.】** In case of any flagrant misconduct the
 7 board of managers may declare a forfeiture of the time previously
 8 remitted, either in whole or in part, as ¹~~to them shall seem~~ they
 9 deem¹ just.

A Minimum and Maximum Sentences in Years	B Progressive Credits for Minimum and Maximum Sentences in Years (days)	C Credits for Each Full Month of Fractional Part of a Year in Excess of Column A (days)
1	72	7
2	156	8
3	252	8
4	348	8
5	444	8
6	540	8
7	636	10
8	756	10
9	876	10
10	996	10
11	1,116	10
12	1,236	11
13	1,368	11
14	1,500	11
15	1,632	11
16	1,764	11
17	1,896	12
18	2,040	12
19	2,184	12
20	2,328	12
21	2,472	12
22	2,616	13
23	2,772	13
24	2,928	13
25	3,084	15
26	3,264	15
27	3,444	15
28	3,624	15
29	3,804	15
30	3,984	16

1 Any sentence in excess of 30 years shall be reduced by time
 2 credits for continuous orderly deportment at the rate of 192 days for
 3 each ¹["such"]¹ additional year or 16 days for each full month of any
 4 fractional part of a year. Nothing ¹["herein contained"] in this
 5 section¹ shall be deemed to limit or affect ¹["a convict's"] an
 6 inmate's¹ eligibility for parole consideration as provided for in
 7 section 10 ¹["], chapter 84,] of¹ P.L.1948, ¹c.84 (C.30:4-123.1 et
 8 seq.),¹ as amended, in any situation where the sentence or
 9 consecutive sentences imposed upon ¹["a convict"] an inmate¹ shall
 10 exceed 25 years.

11 (cf: P.L.1957, c.27, s.1)

12

13 12. (New section) The Commissioner of Corrections shall
 14 allocate a portion of any cost savings realized from the enactment
 15 of P.L. , c. (pending before the Legislature as this bill) to the
 16 Office of Victim Services for the operating costs of the Focus on
 17 the Victim Program and other services to facilitate inmates'
 18 successful reentry.

19

20 ³["13. (New section) a. The Commissioner of Corrections, in
 21 consultation with the Chairman of the State Parole Board, shall
 22 conduct a study to determine the fiscal impact of establishing,
 23 pursuant to the provisions of section 3 of P.L. c. (C.)
 24 (pending before the Legislature as this bill), a Division of Reentry
 25 and Rehabilitative Services, and the responsibilities associated with
 26 establishing the division. In conducting the study, the
 27 commissioner shall analyze the costs to the State resulting from
 28 initial implementation and annual operating expenditures resulting
 29 from the establishment of a division, and estimate any cost savings
 30 that may be realized from the enactment of P.L. c. (C.)
 31 (pending before the Legislature as this bill).

32 b. The commissioner shall issue a report to the Governor and,
 33 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
 34 Legislature no later than one year following the date of enactment
 35 that shall include at a minimum:

36 (1) a determination whether the provisions of section 3 of
 37 P.L. c. (C.) (pending before the Legislature as this bill) will
 38 result in additional net costs to the department on a recurring fiscal
 39 year basis or if the provisions are cost-neutral within the
 40 department; and

41 (2) if it is determined that implementation of section 3 of
 42 P.L. c. (C.) (pending before the Legislature as this bill) will
 43 result in additional net costs to the department, the report shall
 44 include an itemized list of the type and amount of the additional net
 45 costs.]³

46

47 ³["14.] 13.³ This act shall take effect on the first day of the ⁴["third"]
 48 thirteenth⁴ month following enactment ³["], provided however, that
 49 section 3 of this act shall take effect either on the earlier of:

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13

- 1 a. the first day of the third month following one year after the
2 date of enactment if the report issued pursuant to section 13 by the
3 commissioner concludes that section 3 will result in no additional net
4 costs to the department on a recurring fiscal year basis or is cost-
5 neutral within the department; or
6 b. if the report concludes otherwise, upon the effective date of an
7 enactment by law of an appropriation of funds for the express purpose
8 of the implementation of section 3³.

9

10

11

12

13 “Earn Your Way Out Act”; requires DOC to develop inmate
14 reentry plan and establish information database; establishes
15 administrative parole release and provides compliance credits.

SENATE, No. 761

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator SANDRA B. CUNNINGHAM
District 31 (Hudson)

Co-Sponsored by:

Senators Pou, Weinberg, Cardinale, Stack and Turner

SYNOPSIS

“Earn Your Way Out Act”; requires DOC to develop inmate reentry plan; establishes administrative parole release for certain inmates; requires study and report by DOC on fiscal impact.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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2

1 AN ACT concerning prisoner reentry, and amending and
2 supplementing various parts of the statutory law.

3

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

6

7 1. (New section) This act shall be known and may be cited as
8 the “Earn Your Way Out Act.”

9

10 2. (New section) As used in this act:

11 “Administrative parole release” means the release of an adult
12 inmate who has met the criteria set forth in section 4 of P.L. ,
13 c. (C.) (pending before the Legislature as this bill) at the
14 time of primary or subsequent parole eligibility. Administrative
15 parole release occurs after a hearing officer reviews the preparole
16 report and the inmate is certified for release by an assigned member
17 of the board panel. Administrative parole release shall not require a
18 parole consideration hearing.

19 “Reentry plan” means a plan prepared by appropriate staff within
20 the Department of Corrections Division of Reentry and
21 Rehabilitative Services designed to prepare an inmate for successful
22 integration as a productive, law-abiding citizen upon release from
23 incarceration.

24

25 3. (New section) a. The Commissioner of Corrections shall
26 establish a Division of Reentry and Rehabilitative Services to
27 coordinate reentry preparation and other rehabilitative services
28 within all State correctional facilities, and act as a liaison to the
29 State Parole Board, pursuant to P.L. , c. (C.) (pending
30 before the Legislature as this bill).

31 Appropriate staff within the division shall be responsible for
32 engaging with each inmate to develop and implement an
33 individualized, comprehensive reentry plan for services during the
34 inmate’s incarceration. This plan may be refined and updated
35 during incarceration as needed, and shall include recommendations
36 for community services prior to the inmate’s actual return to the
37 community. The comprehensive reentry plan shall be designed to
38 prepare an inmate for successful integration as a productive, law-
39 abiding citizen upon release from incarceration. Appropriate staff
40 within the division shall coordinate with appropriate departments
41 within the Department of Corrections, the State Parole Board, and
42 the community, to determine what medical, psychiatric,
43 psychological, educational, vocational, substance abuse, and social
44 rehabilitative services shall be incorporated into a comprehensive
45 reentry plan in order to prepare each inmate for successful

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 integration upon release. The Department of Corrections shall
2 establish guidelines, timelines, and procedures to govern the
3 institutional reentry plan process.

4 b. The division, in coordination with the State Parole Board
5 and the community, shall compile and disseminate to inmates
6 information concerning organizations and programs, whether faith-
7 based or secular programs, which provide assistance and services to
8 inmates reentering society after a period of incarceration. In
9 compiling this information, the coordinator shall consult with non-
10 profit entities, including but not limited to the New Jersey Institute
11 for Social Justice, that provide informational services concerning
12 reentry, and the Executive Director of the Office of Faith-based
13 Initiatives in the Department of State, and the Corrections
14 Ombudsperson in, but not of, the Department of the Treasury.

15 c. The division shall ensure that all inmates are made aware of
16 and referred to organizations which provide services in the county
17 where the inmate is to reside after being released from
18 incarceration. The division shall assist inmates in gaining access to
19 programs and procuring the appropriate services.

20 d. The Department of Corrections may employ professional
21 and clerical staff as necessary within the limits of available
22 appropriations.

23

24 4. (New section) a. Notwithstanding the provisions of
25 subsection a. of section 9 of P.L.1979, c.441 (C.30:4-123.53), an
26 adult inmate shall be administratively released on parole at the time
27 of primary or subsequent parole eligibility provided that:

28 (1) the inmate has not been previously convicted of, adjudicated
29 delinquent for, or is currently serving a sentence imposed for any
30 crime enumerated in subsection d. of section 2 of P.L.1997, c.117
31 (C.2C:43-7.2); subsection b. of section 2 of P.L.1994, c.133
32 (C.2C:7-2); or section 3 of P.L.1998, c.71 (C.30:4-27.26);

33 (2) the inmate has not committed any prohibited acts required to
34 be reported to the prosecutor pursuant to regulations promulgated
35 by the commissioner during the current period of incarceration, and
36 has not committed any serious disciplinary infraction, designated in
37 regulations promulgated by the commissioner as a prohibited act
38 that is considered to be the most serious and results in the most
39 severe sanctions, within the previous two years;

40 (3) the inmate has completed relevant rehabilitation programs
41 available at the correctional facility or applied for but was unable to
42 complete or was denied access to these programs due to
43 circumstances beyond the inmate's control including, but not
44 limited to, capacity limitations or exclusionary policies of these
45 programs; and

46 (4) crime victims have received notification as required by law.

47 b. In the case of an inmate who meets the criteria set forth in
48 this section for administrative parole release, a hearing shall not be

1 required pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55).
2 An inmate released on parole pursuant to subsection a. of this
3 section shall, during the term of parole supervision, remain in the
4 legal custody of the Commissioner of Corrections, be supervised by
5 the Division of Parole of the State Parole Board, and be subject to
6 the provisions and conditions established by the appropriate board
7 panel in accordance with the procedures and standards set forth in
8 section 15 of P.L.1979, c.441 (C.30:4-123.59). If the parolee
9 violates a condition of parole, the parolee shall be subject to the
10 provisions of sections 16 through 19 of P.L.1979, c.441 (C.30:4-
11 123.60 through C.30:4-123.63) and may have his parole revoked
12 and be returned to custody. If revocation and return to custody are
13 deemed appropriate, the appropriate board panel shall revoke the
14 parolee's release and return the parolee to custody and confinement
15 pursuant to the provisions of section 3 of P.L.1997, c.117 (C.30:4-
16 123.51b).

17 c. Denials of administrative parole release shall be appealable
18 in accordance with section 14 of P.L.1979, c.441 (C.30:4-123.58).

19 d. A criminal justice program at a four-year public institution
20 of higher education in this State shall conduct a study of all inmates
21 whose primary parole eligibility date was within the five years
22 immediately preceding the implementation of P.L. c. (C.)
23 (pending before the Legislature as this bill) and the five years
24 immediately following the implementation of P.L. c. (C.)
25 (pending before the Legislature as this bill). The study shall
26 include, but not be limited to, the number of inmates who met the
27 criteria set forth in subsection a. of this section, the number of
28 inmates who did not meet the criteria, and the reasons an inmate did
29 not meet the criteria.

30
31 5. (New section) Notwithstanding the provisions of subsection
32 a. of section 7 of P.L.1979, c.441 (C.30:4-123.51), any person
33 granted parole, except a person serving a parole term set forth in
34 subsection c. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) or
35 section 2 of P.L.1994, c.130 (C.2C:43-6.4), shall have the parole
36 term reduced by parole compliance credits at a rate of five days per
37 month for each month the person is in compliance with the
38 conditions of parole, and has not committed a serious or persistent
39 infraction not overturned by appeal or administrative review. Any
40 person granted parole who is not in compliance with the conditions
41 of parole and receives a sanction requiring satisfaction of a
42 condition of parole shall not receive parole compliance credits until
43 the parole condition is successfully completed. Upon completing
44 the condition, parole compliance credits shall be awarded for the
45 time period between imposition of a sanction and completion of the
46 condition.

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1 6. (New section) The Commissioner of Corrections shall
2 establish and maintain a centralized database of information
3 contained on each disciplinary report prepared by a corrections
4 officer in response to an inmate committing any prohibited act
5 required to be reported to the prosecutor pursuant to regulations
6 promulgated by the commissioner that resulted in a conviction
7 during the current period of incarceration.

8
9 7. Section 1 of P.L.1979, c.441 (C.30:4-123.45) is amended to
10 read as follows:

11 1. a. This act shall be known and may be cited as the "Parole
12 Act of 1979."

13 b. In this act, unless a different meaning is plainly required:

14 (1) "Adult inmate" means any person sentenced as an adult to a
15 term of incarceration.

16 (2) "Juvenile inmate" means any person under commitment as a
17 juvenile delinquent pursuant to section 25 of P.L.1982, c.77
18 (C.2A:4A-44).

19 (3) "Parole release date" means that date certified by a member
20 of the board for release of an inmate after a review of the inmate's
21 case pursuant to section 11, 13 or 14 of this act.

22 (4) "Primary parole eligibility date" means that date established
23 for parole eligibility for adult inmates pursuant to section 7 or 20 of
24 this act.

25 (5) "Public notice" shall consist of lists including names of all
26 inmates being considered for parole, the county from which **【he**
27 **was】** the inmates were committed and the **【crime】** crimes for which
28 **【he was】** the inmates were incarcerated. At least 30 days prior to
29 parole consideration such lists shall be forwarded to the office of
30 the public defender of each county or the private attorney of record
31 for the inmates, the prosecutor's office of each county, the
32 sentencing court, the office of the Attorney General, any other
33 criminal justice agencies whose information and comment may be
34 relevant, and news organizations.

35 (6) Removal for "cause" means such substantial cause as is
36 plainly sufficient under the law and sound public policy touching
37 upon qualifications appropriate to a member of the parole board or
38 the administration of said board such that the public interest
39 precludes the member's continuance in office. Such cause includes,
40 but is not limited to, misconduct in office, incapacity, inefficiency
41 **【and】**, nonfeasance , and violations of the Parole Board's Code of
42 Ethics .

43 (7) "Commission" means the Juvenile Justice Commission
44 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-
45 170).

46 (8) "Parole officer" means, with respect to an adult inmate, an
47 officer assigned by the Chairman of the State Parole Board or his

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6

1 designee and, with respect to a juvenile inmate, a person assigned
2 by the commission.

3 (cf: P.L.2001, c.79, s.2)

4

5 8. Section 9 of P.L.1979, c.441 (C.30:4-123.53) is amended to
6 read as follows:

7 9. a. An adult inmate who is not eligible for administrative
8 parole release pursuant to section 4 of P.L. c. (C.) (pending
9 before the Legislature as this bill) shall be released on parole at the
10 time of primary parole eligibility, unless information supplied in the
11 report filed pursuant to section 10 of P.L.1979, c.441 (C.30:4-
12 123.54) or developed or produced at a hearing held pursuant to
13 section 11 of P.L.1979, c.441 (C.30:4-123.55) indicates by a
14 preponderance of the evidence that the inmate has failed to
15 cooperate in his or her own rehabilitation or that there is a
16 reasonable expectation that the inmate will violate conditions of
17 parole imposed pursuant to section 15 of P.L.1979, c.441 (C.30:4-
18 123.59) if released on parole at that time. **【In reaching such**
19 **determination, the】** The board panel or board shall state the
20 following on the record :

21 (1) the reasons **【**therefor.

22 For the purposes of this subsection, "failed to cooperate in his or
23 her own rehabilitation" shall include, in the case of an inmate who
24 suffers from mental illness as defined in section 2 of P.L.1987,
25 c.116 (C.30:4-27.2) that does not require institutionalization, that
26 the inmate failed to fully participate in or cooperate with all
27 prescribed treatment offered during incarceration **】** for a denial of
28 parole, specifically providing evidence to support the denial of
29 parole based on factors that may be deemed subjective; and

30 (2) the reasons for the established future parole eligibility date,
31 specifically providing an explanation of why and how the board
32 panel or board determined the amount of time an inmate must wait
33 for a subsequent parole hearing.

34 b. A juvenile inmate shall be released on parole when it shall
35 appear that the juvenile, if released, will not cause injury to persons
36 or substantial injury to property.

37 (cf: P.L.1998, c.112, s.1)

38

39 9. Section 10 of P.L.1979, c.441 (C.30:4-123.54) is amended to
40 read as follows:

41 10. a. At least 120 days but not more than 180 days prior to the
42 parole eligibility date of each adult inmate, a report concerning the
43 inmate shall be filed with the appropriate board panel, by the staff
44 members designated by the superintendent or other chief executive
45 officer of the institution in which the inmate is held.

46 b. (1) The report filed pursuant to subsection a. shall contain
47 preincarceration records of the inmate, including any history of civil
48 commitment, any disposition which arose out of any charges

1 suspended pursuant to N.J.S.2C:4-6 including records of the
2 disposition of those charges and any acquittals by reason of insanity
3 pursuant to N.J.S.2C:4-1, state the conduct of the inmate during the
4 current period of confinement, include a complete report on the
5 inmate's social and physical condition, include an investigation by
6 the Division of Parole of the inmate's parole plans, and present
7 information bearing upon the likelihood that the inmate will commit
8 a crime under the laws of this State if released on parole. The
9 report shall also include a complete psychological evaluation of the
10 inmate in any case in which the inmate was convicted of a first or
11 second degree crime involving violence and:

12 (a) the inmate has a prior acquittal by reason of insanity
13 pursuant to N.J.S.2C:4-1 or had charges suspended pursuant to
14 N.J.S.2C:4-6; or

15 (b) the inmate has a prior conviction for murder pursuant to
16 N.J.S.2C:11-3, aggravated sexual assault or sexual assault pursuant
17 to N.J.S.2C:14-2, kidnapping pursuant to N.J.S.2C:13-1,
18 endangering the welfare of a child which would constitute a crime
19 of the second degree pursuant to N.J.S.2C:24-4, or stalking which
20 would constitute a crime of the third degree pursuant to P.L.1992,
21 c.209 (C.2C:12-10); or

22 (c) the inmate has a prior diagnosis of psychosis.

23 The inmate shall disclose any information concerning any history
24 of civil commitment.

25 The preincarceration records of the inmate contained in the
26 report shall include any psychological reports prepared in
27 connection with any court proceedings.

28 (2) At the time of sentencing, the prosecutor shall notify any
29 victim injured as a result of a crime of the first or second degree or
30 the nearest relative of a murder victim of the opportunity to present
31 a written or videotaped statement for the parole report to be
32 considered at the parole hearing or to testify to the parole board
33 concerning his harm at the time of the parole hearing. Each victim
34 or relative shall be responsible for notifying the board of his
35 intention to submit such a statement and to provide an appropriate
36 mailing address.

37 The report may include a written or videotaped statement
38 concerning the continuing nature and extent of any physical harm or
39 psychological or emotional harm or trauma suffered by the victim,
40 the extent of any loss of earnings or ability to work suffered by the
41 victim and the continuing effect of the crime upon the victim's
42 family. At the time public notice is given that an inmate is being
43 considered for parole pursuant to this section, the board shall also
44 notify any victim or nearest relative who has previously contacted
45 the board of the availability to provide a written or videotaped
46 statement for inclusion in the parole report or to present testimony
47 at the parole hearing.

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1 The board shall notify such person at his last known mailing
2 address.

3 (3) If the inmate meets the requirements for administrative
4 parole release pursuant to section 4 of P.L. c. (C.) (pending
5 before the Legislature as this bill) the report shall indicate such
6 eligibility.

7 c. A copy of the report filed pursuant to subsection a. of this
8 section, excepting those documents which have been classified as
9 confidential pursuant to rules and regulations of the board or the
10 Department of Corrections, shall be served on the inmate at the time
11 it is filed with the board panel. The inmate may file with the board
12 panel a written statement regarding the report, but shall do so within
13 105 days prior to the primary parole eligibility date.

14 d. Upon receipt of the public notice pursuant to section 1 of
15 P.L.1979, c.441 (C.30:4-123.45), a county prosecutor , a public
16 defender, or a private attorney of record may request from the
17 parole board a copy of the report on any adult inmate prepared
18 pursuant to subsection a. of this section, which shall be
19 expeditiously forwarded to the county prosecutor by the parole
20 board by mail, courier, or other means of delivery. Upon receipt of
21 the report, the prosecutor has 10 working days to review the report
22 and notify the parole board of the prosecutor's comments, if any, or
23 notify the parole board of the prosecutor's intent to provide
24 comments. If the county prosecutor does not provide comments or
25 notify the parole board of the prosecutor's intent to provide
26 comments within the 10 working days, the parole board may
27 presume that the prosecutor does not wish to provide comments and
28 may proceed with the parole consideration. Any comments
29 provided by a county prosecutor shall be delivered to the parole
30 board by the same method by which the county prosecutor received
31 the report. The confidentiality of the contents in a report which are
32 classified as confidential shall be maintained and shall not be
33 disclosed to any person who is not authorized to receive or review a
34 copy of the report containing the confidential information.

35 e. Any provision of this section to the contrary
36 notwithstanding, the board shall by rule or regulation modify the
37 scope of the required reports and time periods for rendering such
38 reports with reference to county penal institutions.

39 f. Notwithstanding any provision of this section, the board may
40 modify the time periods for submitting the reports required pursuant
41 to this section in processing an inmate whose parole eligibility date
42 is accelerated pursuant to section 11 of P.L.1979, c.441 (C.30:4-
43 123.55).

44 (cf: P.L.2001, c.141, s.3)

45

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

1 11. a. Prior to the parole eligibility date of each adult inmate, a
2 designated hearing officer shall review the reports required by
3 section 10 of P.L.1979, c.441 (C.30:4-123.54), and shall determine
4 whether:

5 (1) the inmate is eligible for administrative parole release
6 pursuant to section 4 of P.L. c. (C.) (pending before the
7 Legislature as this bill). If an inmate is eligible for administrative
8 parole release, the hearing officer shall at least 60 days prior to the
9 inmate's parole eligibility date recommend in writing to the
10 assigned member of the board panel that administrative parole
11 release be granted pursuant to section 4 of P.L. c. (C.)
12 (pending before the Legislature as this bill); or

13 (2) there is a basis for denial of parole in the preparole report,
14 any risk assessment prepared in accordance with the provisions of
15 subsection e. of section 8 of P.L.1979, c.441 (C.30:4-123.52), or the
16 inmate's statement, or an indication, reduced to writing, that
17 additional information providing a basis for denial of parole would
18 be developed or produced at a hearing. If the hearing officer
19 determines that there is no basis in the preparole report, the risk
20 assessment, or the inmate's statement for denial of parole and that
21 there is no additional relevant information to be developed or
22 produced at a hearing, he shall at least 60 days prior to the inmate's
23 parole eligibility date recommend in writing to the assigned
24 member of the board panel that parole release be granted.

25 b. If the assigned member of the board panel or in the case of
26 an inmate sentenced to a county penal institution, the assigned
27 member concurs in the hearing officer's recommendation, he shall
28 certify parole release pursuant to section 15 of P.L.1979, c.441
29 (C.30:4-123.59) as soon as practicable after the eligibility date and
30 so notify the inmate and the board. In the case of an inmate
31 recommended for administrative parole release by the hearing
32 officer pursuant to section 4 P.L. , c. (pending before the
33 Legislature as this bill), the assigned member shall review the
34 reports required by section 10 of P.L.1979, c.441 (C.30:4-123.54) to
35 confirm eligibility and if the inmate is eligible, shall certify parole
36 release pursuant to section 15 of P.L.1979, c.441 (C.30:4-123.59) as
37 soon as practicable after the eligibility date and notify the inmate
38 and the board. In the case of an inmate sentenced to a county penal
39 institution the board shall certify parole release or deny parole as
40 provided by this section, except with regard to time periods for
41 notice and parole processing which are authorized by or otherwise
42 adopted pursuant to subsection g. of section 7 of P.L.1979, c.441
43 (C.30:4-123.51). If the designated hearing officer does not
44 recommend release on parole or if the assigned member does not
45 concur in a recommendation of the designated hearing officer in
46 favor of release, then the parole release of an inmate in a county
47 penal institution shall be treated under the provisions of law
48 otherwise applicable to an adult inmate. In the case of an inmate

1 sentenced to a county penal institution, the performance of public
2 service for the remainder of the term of the sentence shall be a
3 required condition of parole, where appropriate.

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

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

44 e. Upon request by the hearing officer or the inmate, the time
45 limitations contained in section 10 of P.L.1979, c.441 (C.30:4-
46 123.54) and this section may be waived by the appropriate board
47 panel for good cause.

1 f. Notwithstanding the provision of any other law to the
2 contrary, if an inmate incarcerated for murder is recommended for
3 parole by the assigned board member or the appropriate board
4 panel, parole shall not be certified until a majority of the full parole
5 board, after conducting a hearing, concurs in that recommendation.
6 The board shall notify the victim's family of that hearing and family
7 members shall be afforded the opportunity to testify in person or to
8 submit written or videotaped statements. The provisions of this
9 subsection shall not apply to an inmate who has his parole revoked
10 and is returned to custody pursuant to the provisions of section 19
11 of P.L.1979, c.441 (C.30:4-123.63).

12 g. Notwithstanding the provision of any other law or regulation
13 to the contrary, the board may promulgate rules and regulations for
14 the processing of any inmate whose parole eligibility date is
15 accelerated. For purposes of this section, a parole eligibility date is
16 accelerated when an inmate becomes eligible for parole at the time
17 of or within 120 days of an event or circumstance beyond the
18 control of the parole board, such as sentencing, resentencing or
19 other amendment, including the awarding of additional credit to the
20 original sentence, restoration of authorized institutional time credits
21 or the application of authorized institutional time credits on a future
22 eligibility date established pursuant to subsection a. of section 12 of
23 P.L.1979, c.441 (C.30:4-123.56) or subsection a. of section 20 of
24 P.L.1979, c.441 (C.30:4-123.64). The rules and regulations shall
25 provide for the preparation and review of a preparole report and
26 shall require that a parole consideration hearing be held not more
27 than 120 days after the board has received notice that an accelerated
28 parole eligibility date has been established.
29 (cf: P.L.2001, c.141, s.4)

30
31 11. R.S.30:4-140 is amended to read as follows:

32 30:4-140. For every year or fractional part of a year of a
33 custodial sentence imposed upon any person **【committed to any**
34 **State correctional institution for a minimum-maximum term】** there
35 shall be remitted to him from both the maximum and minimum term
36 of his sentence, for continuous orderly deportment, the progressive
37 time credits indicated in the schedule herein. When a sentence
38 contains a fractional part of a year in either the minimum or
39 maximum thereof, then time credits in reduction of such fractional
40 part of a year shall be calculated at the rate set out in the schedule
41 for each full month of such fractional part of a year of sentence.
42 **【No time credits shall be calculated as provided for herein on time**
43 **served by any person in custody between his arrest and the**
44 **imposition of sentence.】** In case of any flagrant misconduct the
45 board of managers may declare a forfeiture of the time previously
46 remitted, either in whole or in part, as to them shall seem just.

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1	Schedule		
2	A	B	C
3	Progressive Credits		Credits for Each Full
4	for Minimum and		Month of Fractional
5	Minimum and	Maximum Sentences	Part of a Year in
6	Maximum Sentences	in Years	Excess of Column A
7	in Years	(days)	(days)
8	1	72	7
9	2	156	8
10	3	252	8
11	4	348	8
12	5	444	8
13	6	540	8
14	7	636	10
15	8	756	10
16	9	876	10
17	10	996	10
18	11	1,116	10
19	12	1,236	11
20	13	1,368	11
21	14	1,500	11
22	15	1,632	11
23	16	1,764	11
24	17	1,896	12
25	18	2,040	12
26	19	2,184	12
27	20	2,328	12
28	21	2,472	12
29	22	2,616	13
30	23	2,772	13
31	24	2,928	13
32	25	3,084	15
33	26	3,264	15
34	27	3,444	15
35	28	3,624	15
36	29	3,804	15
37	30	3,984	16

39 Any sentence in excess of 30 years shall be reduced by time
40 credits for continuous orderly deportment at the rate of 192 days for
41 each such additional year or 16 days for each full month of any
42 fractional part of a year. Nothing herein contained shall be deemed
43 to limit or affect a convict's eligibility for parole consideration as
44 provided for in section 10, chapter 84, P.L.1948, as amended, in any
45 situation where the sentence or consecutive sentences imposed upon
46 a convict shall exceed 25 years.
47 (cf: P.L.1957, c.27, s.1)

1 12. (New section) The Commissioner of Corrections shall
2 allocate a portion of any cost savings realized from the enactment
3 of P.L. , c. (pending before the Legislature as this bill) to the
4 Office of Victim Services for the operating costs of the Focus on
5 the Victim Program and other services to facilitate inmates'
6 successful reentry.

7
8 13. (New section) a. The Commissioner of Corrections, in
9 consultation with the Chairman of the State Parole Board, shall
10 conduct a study to determine the fiscal impact of establishing,
11 pursuant to the provisions of section 3 of P.L. c. (C.)
12 (pending before the Legislature as this bill), a Division of Reentry
13 and Rehabilitative Services, and the responsibilities associated with
14 establishing the division. In conducting the study, the
15 commissioner shall analyze the costs to the State resulting from
16 initial implementation and annual operating expenditures resulting
17 from the establishment of a division, and estimate any cost savings
18 that may be realized from the enactment of P.L. c. (C.)
19 (pending before the Legislature as this bill).

20 b. The commissioner shall issue a report to the Governor and,
21 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
22 Legislature no later than one year following the date of enactment
23 that shall include at a minimum:

24 (1) a determination whether the provisions of section 3 of
25 P.L. c. (C.) (pending before the Legislature as this bill) will
26 result in additional net costs to the department on a recurring fiscal
27 year basis or if the provisions are cost-neutral within the
28 department; and

29 (2) if it is determined that implementation of section 3 of
30 P.L. c. (C.) (pending before the Legislature as this bill) will
31 result in additional net costs to the department, the report shall
32 include an itemized list of the type and amount of the additional net
33 costs.

34
35 14. This act shall take effect on the first day of the third month
36 following enactment, provided however, that section 3 of this act
37 shall take effect either on the earlier of:

38 a. the first day of the third month following one year after the
39 date of enactment if the report issued pursuant to section 13 by the
40 commissioner concludes that section 3 will result in no additional
41 net costs to the department on a recurring fiscal year basis or is
42 cost-neutral within the department; or

43 b. if the report concludes otherwise, upon the effective date of
44 an enactment by law of an appropriation of funds for the express
45 purpose of the implementation of section 3.

STATEMENT

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This bill titled, “Earn Your Way Out Act,” would enact various corrections and parole reforms, including: requiring the Department of Corrections (DOC) to develop a reentry plan for each inmate; establishing administrative parole release for certain inmates; providing for parole compliance credits; creating an inmate disciplinary database; and mandating an impact study of the committee substitute’s reforms by an institution of higher education’s criminal justice program. In addition, the bill requires the DOC to conduct a study and issue a report concerning the fiscal impact of the committee substitute.

Under the bill the Commissioner of Corrections would be required to establish a Division of Reentry and Rehabilitative Services to coordinate reentry preparation and other rehabilitative services within all State correctional facilities, and to act as a liaison to the State Parole Board. Staff within the division is responsible for developing and implementing an individualized, comprehensive reentry plan designed to prepare each inmate for successful integration as a productive, law-abiding citizen upon release.

Under the bill, administrative parole release means the release of an adult inmate who has met the criteria set forth in the bill at the time of primary or subsequent parole eligibility, and occurs after a hearing officer reviews the preparole report of an inmate and the inmate is certified for release. Administrative parole release does not require a parole consideration hearing.

Under current law, an adult inmate is released on parole at the time of parole eligibility, unless the inmate has failed to cooperate in his or her own rehabilitation or there is a reasonable expectation that the inmate will violate conditions of parole.

The bill provides that an adult inmate will be administratively released on parole at the time of primary or subsequent parole eligibility if:

- 1) the inmate has not been convicted of a violent crime under the No Early Release Act, a sex offense under Megan’s Law, or a sexually violent offense;
- 2) the inmate has not committed any prohibited acts required to be reported to the county prosecutor pursuant to regulations promulgated by the Commissioner of Corrections that resulted in a conviction during the current term of incarceration, or any serious disciplinary infraction, as designated in regulations to be a prohibited act that is considered the most serious and results in the most severe sanctions, within the previous two years;
- 3) the inmate has completed relevant rehabilitation programs during incarceration, or made application to participate in these programs but was unable to complete such programs or denied access because of circumstances beyond the inmate’s control; and
- 4) crime victims have received notification as required by current law.

1 Any denial of administrative parole release is to be appealable in
2 accordance with the parole appeal procedures under current law.

3 A parolee released on administrative parole release is to remain in the
4 legal custody of the Commissioner of Corrections, be supervised by the
5 Division of Parole of the State Parole Board, and be subject to the
6 provisions and conditions established by the appropriate board panel. If
7 the parolee violated a condition of parole, the parole may be revoked and
8 the parolee returned to custody.

9 For any inmate who is denied parole, the bill requires the Parole
10 Board to state on the record the reasons for the denial, specifically
11 providing evidence to support the denial based on factors that may be
12 deemed to be subjective, as well as the reasons for the established future
13 parole eligibility date.

14 The bill enables all parolees, other than those who are ineligible for
15 parole reductions, to earn compliance credits. Under the bill, a parolee's
16 term is reduced by five days for each month the parolee remains in
17 compliance with the conditions of parole and does not commit a serious
18 or persistent infraction (not overturned by appeal or administrative
19 review).

20 Additionally, with respect to periods of incarceration, the bill
21 provides that inmates may be awarded commutation credits following
22 arrest for time served in a county jail. Currently, commutation credits are
23 not available to inmates who serve time in a county jail prior to serving
24 time in a State correctional institution.

25 The bill directs the Commissioner of Corrections to establish and
26 maintain a centralized database of information contained in each
27 disciplinary report prepared by a corrections officer in response to an
28 inmate committing a prohibited act, required to be reported to the county
29 prosecutor pursuant to regulations promulgated by the commissioner, that
30 resulted in a conviction.

31 The Commissioner of Corrections also is required to allocate a
32 portion of any cost savings realized from the bill's enactment to the
33 Office of Victim Services for the operating costs of the Focus on the
34 Victim Program and other services to facilitate successful reentry.

35 The bill requires a study to be conducted by a criminal justice
36 program at a four-year public institution of higher education in this State
37 to determine the impact that administrative parole release, as established
38 in the bill, has on the inmate population. The study would specifically
39 focus on those inmates whose primary parole eligibility date was within
40 the five years immediately preceding and the five years immediately
41 following the bill's date of enactment.

42 In addition, the bill requires the Commissioner of Corrections, in
43 consultation with the Chairman of the State Parole Board, to conduct a
44 study to determine the fiscal impact of establishing a Division of Reentry
45 and Rehabilitative Services. In conducting the study, the commissioner is
46 required to analyze the costs to the State resulting from initial
47 implementation and annual operating expenditures resulting from the
48 establishment of a division, and estimate any cost savings that may be
49 realized from enactment of the bill.

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1 The bill requires the commissioner to issue a report to the Governor
2 and the Legislature no later than one year following the date of
3 enactment. The report is required to include, at a minimum: 1) a
4 determination that the provisions of section 3 of the bill establishing a
5 Division of Reentry and Rehabilitative Services, and the responsibilities
6 associated with establishing the division, will result in additional net costs
7 to the department on a recurring fiscal year basis or whether the
8 provisions are cost-neutral within the department; and 2) if it is
9 determined that implementation of section 3 of the bill will result in
10 additional net costs to the department, the report shall include an itemized
11 list of the type and amount of the additional net costs.

12 This bill is to take effect on the first day of the third month following
13 enactment. However, section 3 is to take effect either: on the first day of
14 the sixteenth month following enactment if the report issued pursuant to
15 section 13 concludes that section 3 will result in no additional net costs to
16 the department on a recurring fiscal year basis or is cost-neutral or, if the
17 report concludes otherwise, upon the effective date of an enactment by
18 law of an appropriation of funds for the express purpose of implementing
19 section 3.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 761

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 15, 2018

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No.761 (1R).

As amended and reported by the committee, Senate Bill No. 761 (1R), entitled the “Earn Your Way Out Act,” implements various corrections and parole reforms, including: requiring the Department of Corrections (DOC) to establish a reentry division responsible for developing a reentry plan for each inmate; establishing administrative parole release for certain inmates; providing for parole compliance credits; creating an inmate disciplinary database; and mandating an impact study of the bill’s reforms by an institution of higher education’s criminal justice program. The amended bill also requires the DOC to conduct a study and issue a report concerning the fiscal impact of the provisions of the amended bill.

Under the amended bill, the Commissioner of Corrections is required to establish a Division of Reentry and Rehabilitative Services to coordinate reentry preparation and other rehabilitative services within all State correctional facilities and to act as a liaison to the State Parole Board. Staff within the division is responsible for developing and implementing an individualized, comprehensive reentry plan designed to prepare each inmate for successful release.

The amended bill establishes administrative parole release. Administrative parole release is available to an adult inmate who has met certain criteria at the time of primary or subsequent parole eligibility:

- 1) the inmate has not been convicted of a violent crime under the No Early Release Act, a sex offense under Megan’s Law, or a sexually violent offense;

- 2) the inmate has not committed any prohibited acts required to be reported to the county prosecutor pursuant to regulations promulgated by the Commissioner of Corrections that resulted in a conviction during the current term of incarceration, or any prohibited act that is considered the most serious and results in the most severe sanctions, within the previous two years;

3) the inmate has completed relevant rehabilitation programs during incarceration or made application to participate in these programs but was unable to complete or denied access because of circumstances beyond the inmate's control; and

4) crime victims have received notification.

The release occurs after a hearing officer reviews the preparole report of an inmate and the inmate is certified for release; a parole consideration hearing is not required. Any denial of administrative parole release is to be appealable in accordance with the parole appeal procedures under current law.

A parolee released on administrative parole release is to remain in the legal custody of the Commissioner of Corrections, be supervised by the Division of Parole of the State Parole Board, and be subject to the conditions established by the appropriate board panel. If the parolee violates a condition of parole, the parole may be revoked and the parolee returned to custody.

For any inmate who is denied parole, the amended bill requires the Parole Board to state on the record the reasons for the denial, specifically providing evidence to support the denial based on factors that may be deemed subjective, as well as the reasons for the established future parole eligibility date.

The amended bill establishes parole compliance credits to reduce the term of parole. All parolees, except those who are ineligible for parole reductions, may earn one day for every six days of parole supervision the person has completed. Parole compliance credits awarded pursuant under the amended bill cease to accrue upon the issuance of a warrant by the State Parole Board and initiation of parole revocation proceedings and any credits earned are to be forfeited upon the revocation of parole. Any compliance credits awarded under the amended bill that are based on actions for which parole revocation proceedings were initiated, but did not result in a revocation of parole and return to custody, are to be forfeited upon a determination by the board panel or board that the actions for which compliance credits were awarded violated a condition of parole.

Additionally, with respect to periods of incarceration, the amended bill provides that inmates may be awarded commutation credits following arrest for time served in a county jail.

The amended bill directs the Commissioner of Corrections to establish and maintain a centralized database of information contained in each disciplinary report prepared by a corrections officer in response to an inmate committing a prohibited act that resulted in a conviction.

The Commissioner of Corrections is required to allocate a portion of any cost savings realized from the amended bill's enactment to the Office of Victim Services for the operating costs of the Focus on the Victim Program and other services to facilitate successful reentry.

The amended bill requires a study to be conducted by a criminal justice program at a four-year public institution of higher education in this State to determine the impact that administrative parole release has on the inmate population, to focus on those inmates whose primary parole eligibility date was within the five years immediately preceding and the five years immediately following the amended bill's date of enactment.

The amended bill requires the Commissioner of Corrections, in consultation with the Chairman of the State Parole Board, to conduct a study to determine the fiscal impact of establishing a Division of Reentry and Rehabilitative Services. In conducting the study, the commissioner is required to analyze the costs to the State resulting from initial implementation and annual operating expenditures resulting from the establishment of a division, and estimate any cost savings that may be realized from enactment of the amended bill, such as from administrative parole of inmates.

The amended bill requires the Commissioner of Corrections to issue a report to the Governor and the Legislature no later than one year following the date of enactment. The report is required to include, at a minimum: 1) a determination of whether the establishment of a Division of Reentry and Rehabilitative Services will result in additional net costs to the department, or are cost-neutral, on a recurring fiscal year basis; and 2) if it is determined that it will result in additional net costs to the department, the report is to include an itemized list of the type and amount of the additional net costs.

This amended bill is to take effect on the first day of the third month following enactment. But the establishment of the reentry division is to take effect either: on the first day of the sixteenth month following enactment if the report concludes that establishment of the reentry division will result in no additional net costs to the department on a recurring fiscal year basis or is cost-neutral or, if the report concludes otherwise, upon the effective date of an enactment by law of an appropriation of funds for the express purpose of establishing the reentry division.

As amended and reported by the committee, Senate Bill No. 761 (1R) is identical to Assembly Bill No. 1986, which also was amended and reported on this date.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- 1) provide that all parolees, except those who are ineligible for parole reductions, may earn one day for every six days of parole supervision the person has completed; as introduced, the bill provided that parolees may earn a credit of five days for each month the parolee is in compliance with the conditions of parole and does not commit a serious or persistent infraction (not overturned by appeal or administrative review);

- 2) provide that parole compliance credits awarded under the bill cease to accrue upon the issuance of a warrant by the State Parole Board and initiation of parole revocation proceedings; and
- 3) provide that any credits earned are to be forfeited upon the revocation of parole and any compliance credits awarded under the bill that are based on actions for which parole revocation proceedings were initiated, but did not result in a revocation of parole and return to custody, are to be forfeited upon a determination by the board panel or board that the actions for which compliance credits were awarded violated a condition of parole.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

SENATE, No. 761

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 14, 2019

The Assembly Appropriations Committee reports favorably and with committee amendments Senate Bill No. 761 (2R).

As amended and reported by the committee, Senate Bill No. 761 (2R), titled the “Earn Your Way Out Act,” implements various corrections and parole reforms, including: requiring the Department of Corrections (DOC) and the State Parole Board (SPB) to establish a reentry plan for each inmate; establishing administrative parole release for certain inmates; providing for parole compliance credits; creating an inmate disciplinary database; and mandating an impact study of the bill’s reforms by an institution of higher education’s criminal justice program.

Under the amended bill, the Commissioner of Corrections and the Chairman of the State Parole Board are required to coordinate reentry preparation and other rehabilitative services within all State correctional facilities. Staff within the DOC and SPB are responsible for developing and implementing an individualized, comprehensive reentry plan designed to prepare each inmate for successful release.

The amended bill establishes administrative parole release. Administrative parole release is available to an adult inmate who has met certain criteria at the time of primary or subsequent parole eligibility. An inmate is to be administratively released on parole if:

1) the inmate has not been convicted of a violent crime under the No Early Release Act; the Graves Act and certain other crimes committed with firearms; a sex offense under Megan’s Law; or a sexually violent offense;

2) the inmate has not committed any prohibited acts required to be reported to the county prosecutor, pursuant to regulations promulgated by the Commissioner of Corrections, that resulted in a conviction during the current term of incarceration, or any prohibited act that is considered the most serious and results in the most severe sanctions, within the previous two years;

3) the inmate has completed relevant rehabilitation programs during incarceration or made application to participate in these programs but

was unable to complete or denied access to the programs because of circumstances beyond the inmate's control; and

4) crime victims have received notification.

The release occurs after a hearing officer reviews the preparole report of an inmate and the inmate is certified for release; a parole consideration hearing is not required. Any denial of administrative parole release is to be appealable in accordance with the parole appeal procedures under current law.

A parolee released on administrative parole release is to remain in the legal custody of the Commissioner of Corrections, be supervised by the Division of Parole of the SPB, and be subject to the conditions established by the appropriate board panel. If the parolee violates a condition of parole, parole may be revoked and the parolee returned to custody.

For any inmate who is denied parole, the amended bill requires the SPB to state on the record the reasons for the denial, specifically providing evidence to support the denial based on factors that may be deemed subjective, as well as the reasons for the established future parole eligibility date.

The amended bill establishes parole compliance credits to reduce the term of parole. All parolees, except those who are ineligible for parole reductions, may earn one day for every six days of parole supervision the person has completed. Parole compliance credits awarded under the amended bill cease to accrue upon the issuance of a warrant by the SPB and initiation of parole revocation proceedings and any credits earned are to be forfeited upon the revocation of parole. Any compliance credits awarded under the amended bill that are based on actions for which parole revocation proceedings were initiated, but did not result in a revocation of parole and return to custody, are to be forfeited upon a determination by the board panel or board that the actions for which compliance credits were awarded violated a condition of parole.

Additionally, with respect to periods of incarceration, the amended bill provides that inmates may be awarded commutation credits following arrest for time served in a county jail.

The amended bill directs the Commissioner of Corrections to establish and maintain a centralized database of information contained in each disciplinary report prepared by a corrections officer in response to an inmate committing a prohibited act that resulted in a conviction.

The Commissioner of Corrections is required to allocate a portion of any cost savings realized from the amended bill's enactment to the Office of Victim Services for the operating costs of the Focus on the Victim Program and other services to facilitate successful reentry.

The amended bill requires a study to be conducted by a criminal justice program at a four-year public institution of higher education in this State to determine the impact that administrative parole release has on the inmate population, focusing on those inmates whose primary parole eligibility date was within the five years immediately preceding

and the five years immediately following the amended bill's date of enactment.

As amended and reported by the committee, Senate Bill No. 761 (2R) is identical to Assembly Bill No. 1986 (1R) which also was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- 1) Remove the provisions of the bill which provide for the establishment of a Division of Reentry in the DOC;
- 2) Provide that the Chairman of the State Parole Board and Commissioner of Corrections are responsible for coordinating reentry preparation and other rehabilitative services within all State correctional facilities; as introduced, only the Commissioner of Corrections was responsible for developing these services;
- 3) Provide that appropriate SPB staff, in addition to the appropriate DOC staff, are responsible for developing and implementing an individualized, comprehensive reentry plan designed to prepare each inmate for successful release; as introduced, only the DOC staff was responsible for developing and implementing the reentry plan;
- 4) Remove the provisions of the bill requiring the DOC to conduct a study and issue a report concerning the fiscal impact of the bill's provisions;
- 5) Remove the effective date provisions which related to references to the establishment of the reentry division and fiscal analysis, which were removed from the amended bill; and
- 6) make technical changes to the bill.

FISCAL IMPACT:

The OLS concludes this bill would result in indeterminate cost savings and expenditures for the State. Expenditure reductions could result from moving inmates from prison to parole and by reducing parole board hearings. However, the bill directs DOC to establish and maintain a centralized database of information on inmate disciplinary reports resulting in indeterminate costs. In addition, personnel costs are likely to go up with the increase in the number of eligible inmates who would require an individualized reentry plan for successful release.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 761

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2018

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 761.

As amended and reported by the committee, this bill, entitled “Earn Your Way Out Act,” implements various corrections and parole reforms, including: requiring the Department of Corrections (DOC) to establish a reentry division responsible for developing a reentry plan for each inmate; establishing administrative parole release for certain inmates; providing for parole compliance credits; creating an inmate disciplinary database; and mandating an impact study of the bill’s reforms by an institution of higher education’s criminal justice program. The bill also requires the DOC to conduct a study and issue a report concerning the fiscal impact of the bill’s provisions.

Under the bill, the Commissioner of Corrections is required to establish a Division of Reentry and Rehabilitative Services to coordinate reentry preparation and other rehabilitative services within all State correctional facilities and to act as a liaison to the State Parole Board. Staff within the division is responsible for developing and implementing an individualized, comprehensive reentry plan designed to prepare each inmate for successful integration as a productive, law-abiding citizen upon release.

The bill also establishes administrative parole release. Under the bill, administrative parole release is available to an adult inmate who has met the criteria set forth in the bill at the time of primary or subsequent parole eligibility. The release occurs after a hearing officer reviews the preparole report of an inmate and the inmate is certified for release. A parole consideration hearing is not required for administrative parole release.

Under current law, an adult inmate is released on parole at the time of parole eligibility, unless the inmate has failed to cooperate in his or her own rehabilitation or there is a reasonable expectation that the inmate will violate conditions of parole.

The bill provides that an adult inmate will be administratively released on parole at the time of primary or subsequent parole eligibility if:

1) the inmate has not been convicted of a violent crime under the No Early Release Act, a sex offense under Megan's Law, or a sexually violent offense;

2) the inmate has not committed any prohibited acts required to be reported to the county prosecutor pursuant to regulations promulgated by the Commissioner of Corrections that resulted in a conviction during the current term of incarceration, or any serious disciplinary infraction, as designated in regulations to be a prohibited act that is considered the most serious and results in the most severe sanctions, within the previous two years;

3) the inmate has completed relevant rehabilitation programs during incarceration, or made application to participate in these programs but was unable to complete such programs or denied access because of circumstances beyond the inmate's control; and

4) crime victims have received notification as required by current law.

Any denial of administrative parole release is to be appealable in accordance with the parole appeal procedures under current law.

A parolee released on administrative parole release is to remain in the legal custody of the Commissioner of Corrections, be supervised by the Division of Parole of the State Parole Board, and be subject to the provisions and conditions established by the appropriate board panel. If the parolee violated a condition of parole, the parole may be revoked and the parolee returned to custody.

For any inmate who is denied parole, the bill requires the Parole Board to state on the record the reasons for the denial, specifically providing evidence to support the denial based on factors that may be deemed to be subjective, as well as the reasons for the established future parole eligibility date.

The bill also establishes parole compliance credits to reduce the term of parole. All parolees, except those who are ineligible for parole reductions, may earn five days for each month the parolee remains in compliance with the conditions of parole and does not commit a serious or persistent infraction (not overturned by appeal or administrative review).

Additionally, with respect to periods of incarceration, the bill provides that inmates may be awarded commutation credits following arrest for time served in a county jail. Currently, commutation credits are not granted to inmates who serve time in a county jail prior to serving time in a State correctional institution.

The bill directs the Commissioner of Corrections to establish and maintain a centralized database of information contained in each disciplinary report prepared by a corrections officer in response to an inmate committing a prohibited act, required to be reported to the county prosecutor pursuant to regulations promulgated by the commissioner, that resulted in a conviction.

The Commissioner of Corrections also is required to allocate a portion of any cost savings realized from the bill's enactment to the Office of Victim Services for the operating costs of the Focus on the Victim Program and other services to facilitate successful reentry.

The bill requires a study to be conducted by a criminal justice program at a four-year public institution of higher education in this State to determine the impact that administrative parole release, as established in the bill, has on the inmate population. The study would specifically focus on those inmates whose primary parole eligibility date was within the five years immediately preceding and the five years immediately following the bill's date of enactment.

In addition, the bill requires the Commissioner of Corrections, in consultation with the Chairman of the State Parole Board, to conduct a study to determine the fiscal impact of establishing a Division of Reentry and Rehabilitative Services. In conducting the study, the commissioner is required to analyze the costs to the State resulting from initial implementation and annual operating expenditures resulting from the establishment of a division, and estimate any cost savings that may be realized from enactment of the bill, such as from administrative parole of inmates.

The bill requires the commissioner to issue a report to the Governor and the Legislature no later than one year following the date of enactment. The report is required to include, at a minimum: 1) a determination of whether the establishment of a Division of Reentry and Rehabilitative Services, and the responsibilities associated with establishing the division, will result in additional net costs to the department on a recurring fiscal year basis or whether the provisions are cost-neutral within the department; and 2) if it is determined that it will result in additional net costs to the department, the report is to include an itemized list of the type and amount of the additional net costs.

This bill is to take effect on the first day of the third month following enactment. But the establishment of the reentry division is to take effect either: on the first day of the sixteenth month following enactment if the report concludes that establishment of the reentry division will result in no additional net costs to the department on a recurring fiscal year basis or is cost-neutral or, if the report concludes otherwise, upon the effective date of an enactment by law of an appropriation of funds for the express purpose of establishing the reentry division.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments are technical in nature.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 761

STATE OF NEW JERSEY

DATED: MARCH 5, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 761 (1R).

This bill, entitled the “Earn Your Way Out Act,” implements various corrections and parole reforms, including: requiring the Department of Corrections (DOC) to establish a reentry division responsible for developing a reentry plan for each inmate; establishing administrative parole release for certain inmates; providing for parole compliance credits; creating an inmate disciplinary database; and mandating an impact study of the bill’s reforms by an institution of higher education’s criminal justice program. The bill also requires the DOC to conduct a study and issue a report concerning the fiscal impact of the bill’s provisions.

Under the bill, the Commissioner of Corrections is required to establish a Division of Reentry and Rehabilitative Services to coordinate reentry preparation and other rehabilitative services within all State correctional facilities and to act as a liaison to the State Parole Board. Staff within the division is responsible for developing and implementing an individualized, comprehensive reentry plan designed to prepare each inmate for successful release.

The bill establishes administrative parole release. Administrative parole release is available to an adult inmate who has met certain criteria at the time of primary or subsequent parole eligibility:

1) the inmate has not been convicted of a violent crime under the No Early Release Act, a sex offense under Megan’s Law, or a sexually violent offense;

2) the inmate has not committed any prohibited acts required to be reported to the county prosecutor pursuant to regulations promulgated by the Commissioner of Corrections that resulted in a conviction during the current term of incarceration, or any prohibited act that is considered the most serious and results in the most severe sanctions, within the previous two years;

3) the inmate has completed relevant rehabilitation programs during incarceration or made application to participate in these programs but was unable to complete or denied access because of circumstances beyond the inmate’s control; and

4) crime victims have received notification.

The release occurs after a hearing officer reviews the preparole report of an inmate and the inmate is certified for release; a parole consideration hearing is not required. Any denial of administrative parole release is to be appealable in accordance with the parole appeal procedures under current law.

A parolee released on administrative parole release is to remain in the legal custody of the Commissioner of Corrections, be supervised by the Division of Parole of the State Parole Board, and be subject to the conditions established by the appropriate board panel. If the parolee violates a condition of parole, the parole may be revoked and the parolee returned to custody.

For any inmate who is denied parole, the bill requires the Parole Board to state on the record the reasons for the denial, specifically providing evidence to support the denial based on factors that may be deemed subjective, as well as the reasons for the established future parole eligibility date.

The bill establishes parole compliance credits to reduce the term of parole. All parolees, except those who are ineligible for parole reductions, may earn five days for each month the parolee remains in compliance with the conditions of parole and does not commit a serious or persistent infraction (not overturned by appeal or administrative review).

Additionally, with respect to periods of incarceration, the bill provides that inmates may be awarded commutation credits following arrest for time served in a county jail.

The bill directs the Commissioner of Corrections to establish and maintain a centralized database of information contained in each disciplinary report prepared by a corrections officer in response to an inmate committing a prohibited act that resulted in a conviction.

The Commissioner of Corrections is required to allocate a portion of any cost savings realized from the bill's enactment to the Office of Victim Services for the operating costs of the Focus on the Victim Program and other services to facilitate successful reentry.

The bill requires a study to be conducted by a criminal justice program at a four-year public institution of higher education in this State to determine the impact that administrative parole release has on the inmate population, to focus on those inmates whose primary parole eligibility date was within the five years immediately preceding and the five years immediately following the bill's date of enactment.

The bill requires the Commissioner of Corrections, in consultation with the Chairman of the State Parole Board, to conduct a study to determine the fiscal impact of establishing a Division of Reentry and Rehabilitative Services. In conducting the study, the commissioner is required to analyze the costs to the State resulting from initial implementation and annual operating expenditures resulting from the establishment of a division, and estimate any cost savings that may be

realized from enactment of the bill, such as from administrative parole of inmates.

The bill requires the Commissioner of Corrections to issue a report to the Governor and the Legislature no later than one year following the date of enactment. The report is required to include, at a minimum: 1) a determination of whether the establishment of a Division of Reentry and Rehabilitative Services will result in additional net costs to the department, or are cost-neutral, on a recurring fiscal year basis; and 2) if it is determined that it will result in additional net costs to the department, the report is to include an itemized list of the type and amount of the additional net costs.

This bill is to take effect on the first day of the third month following enactment. But the establishment of the reentry division is to take effect either: on the first day of the sixteenth month following enactment if the report concludes that establishment of the reentry division will result in no additional net costs to the department on a recurring fiscal year basis or is cost-neutral or, if the report concludes otherwise, upon the effective date of an enactment by law of an appropriation of funds for the express purpose of establishing the reentry division.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that enactment of the bill would result in indeterminate costs and savings.

Although expenditure reductions could result from moving inmates from prison to parole and reducing the number of parole hearings required for parole, under the bill, some portion of these savings must be made available for reallocation to the Office of Victim Services.

The OLS notes that the bill requires the Department of Corrections (DOC) to analyze the cost to the State for the initial implementation and annual operating cost of the program and estimate any cost savings that may be realized from enactment. Most of the provisions of the bill will take effect three months after enactment. However, the Division of Reentry and Rehabilitation Services will be established in the DOC only under the following circumstances: 1) the Division of Reentry and Rehabilitation Services will be established on the first day of the sixteenth month following enactment if the DOC determines in its report that there will be no additional net costs to the department on a recurring fiscal year basis or establishment of the division is cost-neutral within the department; or 2) if the report concludes that there is a cost, the Division of Reentry and Rehabilitative Services would be established upon the effective date of an enactment by law of an appropriation of funds for the express purpose of the implementation of the division.

STATEMENT TO
[Third Reprint]
SENATE, No. 761

with Senate Floor Amendments
(Proposed by Senator CUNNINGHAM)

ADOPTED: DECEMBER 16, 2019

Senate Bill No. 761 (3R), titled the “Earn Your Way Out Act,” implements various corrections and parole reforms, including: requiring the Department of Corrections and the State Parole Board to establish a reentry plan for each inmate; establishing administrative parole release for certain inmates; providing for parole compliance credits; creating an inmate disciplinary database; and mandating an impact study of the bill’s reforms by an institution of higher education’s criminal justice program.

These Senate amendments change the effective date of the bill from three months to one year following enactment.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 761

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: MARCH 9, 2018

SUMMARY

- Synopsis:** “Earn Your Way Out Act”; requires DOC to develop inmate reentry plan; establishes administrative parole release for certain inmates; requires study and report by DOC on fiscal impact.
- Type of Impact:** General Fund savings and expenditure.
- Agencies Affected:** Department of Corrections, State Parole Board.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) concludes that enactment of the bill would result in indeterminate costs and savings.
- Although expenditure reductions could result from moving inmates from prison to parole and reducing the number of parole hearings required for parole, under the bill, some portion of these savings must be made available for reallocation to the Office of Victim Services.
- The OLS notes that the bill requires the Department of Corrections (DOC) to analyze the cost to the State for the initial implementation and annual operating cost of the program and estimate any cost savings that may be realized from enactment. Most of the provisions of the bill will take effect three months after enactment. However, the Division of Reentry and Rehabilitation Services will be established in the DOC only under the following circumstances: 1) the Division of Reentry and Rehabilitation Services will be established on the first day of the sixteenth month following enactment if the DOC determines in its report that there will be no additional net costs to the department on a recurring fiscal year basis or establishment of the division is cost-neutral within the department; or 2) if the report concludes that there is a cost, the Division of Reentry and Rehabilitative Services would be established upon the effective date of an enactment by law of an appropriation of funds for the express purpose of the implementation of the division.

BILL DESCRIPTION

Senate Bill No. 761 (1R) of 2018, entitled “Earn Your Way Out Act,” implements various corrections and parole reforms, including: requiring the DOC to establish a reentry division responsible for developing a reentry plan for each inmate; establishing administrative parole release for certain inmates; providing for parole compliance credits; creating an inmate disciplinary database; and mandating an impact study of the bill’s reforms by an institution of higher education’s criminal justice program. The bill also requires the DOC to conduct a study and issue a report concerning the fiscal impact of the bill’s provisions. Under the bill, the Commissioner of Corrections is required to establish a Division of Reentry and Rehabilitative Services to coordinate reentry preparation and other rehabilitative services within all State correctional facilities and to act as a liaison to the State Parole Board. Staff within the division is responsible for developing and implementing an individualized, comprehensive reentry plan designed to prepare each inmate for successful integration as a productive, law-abiding citizen upon release.

The Commissioner of Corrections, in consultation with the Chairman of the State Parole Board, is to conduct a study to determine the fiscal impact of establishing a Division of Reentry and Rehabilitative Services. In conducting the study, the commissioner is required to analyze the costs to the State resulting from initial implementation and annual operating expenditures resulting from the establishment of a division, and estimate any cost savings that may be realized from enactment of the bill, such as from administrative parole of inmates.

The Commissioner of Corrections also is required to allocate a portion of any cost savings realized from the bill’s enactment to the Office of Victim Services for the operating costs of the Focus on the Victim Program and to other services to facilitate successful reentry.

The bill requires the commissioner to issue a report to the Governor and the Legislature no later than one year following the date of enactment. The report is required to include, at a minimum: 1) a determination of whether the establishment of a Division of Reentry and Rehabilitative Services, and the responsibilities associated with establishing the division, will result in additional net costs to the department on a recurring fiscal year basis or whether the provisions are cost-neutral within the department; and 2) if it is determined that it will result in additional net costs to the department, the report is to include an itemized list of the type and amount of the additional net costs.

This bill is to take effect on the first day of the third month following enactment. But the establishment of the reentry division is to take effect either: on the first day of the sixteenth month following enactment if the report concludes that establishment of the reentry division will result in no additional net costs to the department on a recurring fiscal year basis or is cost-neutral or, if the report concludes otherwise, upon the effective date of an enactment by law of an appropriation of funds for the express purpose of establishing the reentry division.

FISCAL ANALYSIS

EXECUTIVE BRANCH

State Parole Board

None received

Department of Corrections

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that enactment of the bill would result in an indeterminate impact on State expenditures.

Although expenditure reductions could result from moving inmates from prison to parole and reducing the number of parole hearings required for parole, under the bill, some portion of these savings must be made available for reallocation to the Office of Victim Services. The OLS notes that according to information provided by the DOC the average annual cost to house an inmate in a State prison facility totals \$45,000. The annual marginal cost for food, wages and clothing totals about \$2,610 per inmate.

The OLS notes that the bill requires the DOC to analyze the cost to the State for the initial implementation and annual operating cost of the program and estimate any cost savings that may be realized from enactment. Most of the provisions of the bill will take effect three months after enactment. However, the Division of Reentry and Rehabilitation Services will be established in the DOC only under the following circumstances: 1) the Division of Reentry and Rehabilitation Services will be established on the first day of the sixteenth month following enactment if the DOC determines in its report that there will be no additional net costs to the department on a recurring fiscal year basis or establishment of the division is cost-neutral within the department; or 2) if the report concludes that there is a cost, the Division of Reentry and Rehabilitative Services would be established upon the effective date of an enactment by law of an appropriation of funds for the express purpose of the implementation of the division.

According to the bill, other aspects of the program will take effect on the first day of the third month following enactment:

- 1) Administrative parole without a parole hearing would be granted to eligible inmates resulting in potential savings in reducing parole board hearings.
- 2) Parole compliance credits would be awarded to eligible parolees resulting in potential savings by reducing parole time.
- 3) A centralized database on inmate disciplinary reports would be developed resulting in indeterminate cost.
- 4) Inmate compliance credits would begin at the time of arrest for time served in a county jail rather than time of incarceration, resulting in potential savings by reducing the amount of time served for an inmate to reach his or her parole eligibility date.

Section: Judiciary

*Analyst: Raughley, Anne C.
Principal Fiscal Analyst*

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

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. 761

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: NOVEMBER 12, 2019

SUMMARY

- Synopsis:** “Earn Your Way Out Act”; requires DOC to develop inmate reentry plan; establishes administrative parole release for certain inmates; requires study and report by DOC on fiscal impact.
- Type of Impact:** State savings and expenditure.
- Agencies Affected:** Department of Corrections, State Parole Board.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost		Indeterminate	

- The Office of Legislative Services (OLS) concludes that enactment of the bill would result in indeterminate costs and savings.
- Although expenditure reductions could result from moving inmates from prison to parole and reducing the number of parole hearings required for parole, under the bill, some portion of these savings must be made available for reallocation to the Office of Victim Services.
- The OLS notes that the bill requires the Department of Corrections (DOC) to analyze the cost to the State for the initial implementation and annual operating cost of the program and estimate any cost savings that may be realized from enactment. Most of the provisions of the bill will take effect three months after enactment. However, the Division of Reentry and Rehabilitation Services will be established in the DOC only under the following circumstances: 1) the Division of Reentry and Rehabilitation Services will be established on the first day of the sixteenth month following enactment if the DOC determines in its report that there will be no additional net costs to the department on a recurring fiscal year basis or establishment of the division is cost-neutral within the department; or 2) if the report concludes that there is a cost, the Division of Reentry and Rehabilitative Services would be established upon the effective date of an enactment by law of an appropriation of funds for the express purpose of the implementation of the division.

BILL DESCRIPTION

This bill, entitled the “Earn Your Way Out Act,” implements various corrections and parole reforms, including: requiring the DOC to establish a reentry division responsible for developing a reentry plan for each inmate; establishing administrative parole release for certain inmates; providing for parole compliance credits; creating an inmate disciplinary database; and mandating an impact study of the bill’s reforms by an institution of higher education’s criminal justice program. The bill also requires the DOC to conduct a study and issue a report concerning the fiscal impact of the bill’s provisions.

Under the bill, the Commissioner of Corrections is required to establish a Division of Reentry and Rehabilitative Services to coordinate reentry preparation and other rehabilitative services within all State correctional facilities and to act as a liaison to the State Parole Board. Staff within the division is responsible for developing and implementing an individualized, comprehensive reentry plan designed to prepare each inmate for successful release.

The bill establishes administrative parole release. Administrative parole release is available to an adult inmate who has met certain criteria at the time of primary or subsequent parole eligibility:

- 1) the inmate has not been convicted of a violent crime under the No Early Release Act, a sex offense under Megan’s Law, or a sexually violent offense;
- 2) the inmate has not committed any prohibited acts required to be reported to the county prosecutor pursuant to regulations promulgated by the Commissioner of Corrections that resulted in a conviction during the current term of incarceration, or any prohibited act that is considered the most serious and results in the most severe sanctions, within the previous two years;
- 3) the inmate has completed relevant rehabilitation programs during incarceration or made application to participate in these programs but was unable to complete or denied access because of circumstances beyond the inmate’s control; and
- 4) crime victims have received notification.

The release occurs after a hearing officer reviews the preparole report of an inmate and the inmate is certified for release; a parole consideration hearing is not required. Any denial of administrative parole release is to be appealable in accordance with the parole appeal procedures under current law.

A parolee released on administrative parole release is to remain in the legal custody of the Commissioner of Corrections, be supervised by the Division of Parole of the State Parole Board, and be subject to the conditions established by the appropriate board panel. If the parolee violates a condition of parole, the parole may be revoked and the parolee returned to custody.

For any inmate who is denied parole, the amended bill requires the Parole Board to state on the record the reasons for the denial, specifically providing evidence to support the denial based on factors that may be deemed subjective, as well as the reasons for the established future parole eligibility date.

The bill establishes parole compliance credits to reduce the term of parole. All parolees, except those who are ineligible for parole reductions, may earn one day for every six days of parole supervision the person has completed. Parole compliance credits awarded pursuant under the amended bill cease to accrue upon the issuance of a warrant by the State Parole Board and initiation of parole revocation proceedings and any credits earned are to be forfeited upon the revocation of parole. Any compliance credits awarded under the amended bill that are based on actions for which parole revocation proceedings were initiated, but did not result in a revocation of parole and return to custody, are to be forfeited upon a determination by the board panel or board that the actions for which compliance credits were awarded violated a condition of parole.

Additionally, with respect to periods of incarceration, the bill provides that inmates may be awarded commutation credits following arrest for time served in a county jail.

The bill directs the Commissioner of Corrections to establish and maintain a centralized database of information contained in each disciplinary report prepared by a corrections officer in response to an inmate committing a prohibited act that resulted in a conviction.

The Commissioner of Corrections is required to allocate a portion of any cost savings realized from the amended bill's enactment to the Office of Victim Services for the operating costs of the Focus on the Victim Program and other services to facilitate successful reentry.

The bill requires a study to be conducted by a criminal justice program at a four-year public institution of higher education in this State to determine the impact that administrative parole release has on the inmate population, to focus on those inmates whose primary parole eligibility date was within the five years immediately preceding and the five years immediately following the amended bill's date of enactment.

The bill requires the Commissioner of Corrections, in consultation with the Chairman of the State Parole Board, to conduct a study to determine the fiscal impact of establishing a Division of Reentry and Rehabilitative Services. In conducting the study, the commissioner is required to analyze the costs to the State resulting from initial implementation and annual operating expenditures resulting from the establishment of a division, and estimate any cost savings that may be realized from enactment of the amended bill, such as from administrative parole of inmates.

The bill requires the Commissioner of Corrections to issue a report to the Governor and the Legislature no later than one year following the date of enactment. The report is required to include, at a minimum: 1) a determination of whether the establishment of a Division of Reentry and Rehabilitative Services will result in additional net costs to the department, or are cost-neutral, on a recurring fiscal year basis; and 2) if it is determined that it will result in additional net costs to the department, the report is to include an itemized list of the type and amount of the additional net costs.

This bill is to take effect on the first day of the third month following enactment. However, the establishment of the reentry division is to take effect either: on the first day of the sixteenth month following enactment if the report concludes that establishment of the reentry division will result in no additional net costs to the department on a recurring fiscal year basis or is cost-neutral or, if the report concludes otherwise, upon the effective date of an enactment by law of an appropriation of funds for the express purpose of establishing the reentry division.

FISCAL ANALYSIS

EXECUTIVE BRANCH

State Parole Board

None received.

Department of Corrections

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that enactment of the bill would result in an indeterminate impact on State expenditures.

Although expenditure reductions could result from moving inmates from prison to parole and reducing the number of parole hearings required for parole, under the bill, some portion of these savings must be made available for reallocation to the Office of Victim Services. The OLS notes

that according to ongoing available data provided by the DOC the average annual cost to house an inmate in a State prison facility totals \$45,000. The annual marginal cost for food, wages and clothing totals about \$2,610 per inmate.

The OLS notes that the bill requires the DOC to analyze the cost to the State for the initial implementation and annual operating cost of the program and estimate any cost savings that may be realized from enactment. Most of the provisions of the bill will take effect three months after enactment. However, the Division of Reentry and Rehabilitation Services will be established in the DOC only under the following circumstances: 1) the Division of Reentry and Rehabilitation Services will be established on the first day of the sixteenth month following enactment if the DOC determines in its report that there will be no additional net costs to the department on a recurring fiscal year basis or establishment of the division is cost-neutral within the department; or 2) if the report concludes that there is a cost, the Division of Reentry and Rehabilitative Services would be established upon the effective date of an enactment by law of an appropriation of funds for the express purpose of the implementation of the division.

According to the bill, other aspects of the program will take effect on the first day of the third month following enactment:

1) Administrative parole without a parole hearing would be granted to eligible inmates resulting in potential savings in reducing parole board hearings.

2) Parole compliance credits would be awarded to eligible parolees resulting in potential savings by reducing parole time.

3) A centralized database on inmate disciplinary reports would be developed resulting in indeterminate cost.

4) Inmate compliance credits would begin at time of arrest for time served in a county jail rather than time of incarceration, resulting in potential savings by reducing the amount of time served for an inmate to reach his or her parole eligibility date.

Section: Judiciary

Analyst: Sarita Welsh
Associate Counsel

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

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. 761

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: NOVEMBER 29, 2019

SUMMARY

- Synopsis:** “Earn Your Way Out Act”; requires DOC to develop inmate reentry plan and establish information database; establishes administrative parole release and provides compliance credits.
- Type of Impact:** Indeterminate annual expenditure impact to State General Fund.
- Agencies Affected:** Department of Corrections, State Parole Board.

Office of Legislative Services Estimate

Fiscal Impact	
Annual State Expenditure Impact	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the corrections and parole reforms contemplated by the bill would alter annual State expenditures. However, insufficient information precludes the OLS from determining the direction and magnitude of the net State expenditure effect.
- A shift of inmates from State prison facilities to the parole system would be the primary effect of the bill. The State Parole Board (SPB) expects the annual number of parolees under its auspices to increase by 1,749 to 1,923. Assuming 1,923 more parolees, the SPB projected that its annual expenditures would rise by up to \$16.6 million, or \$8,612 per additional parolee, once the effects of the bill would be fully realized. The OLS deems the SPB estimate reasonable but notes additional factors that would affect SPB expenditures.
- Accelerating the release date of inmates to parole supervision would lower annual Department of Corrections (DOC) expenditures, but absent information from the DOC, the OLS is unable to quantify the reduction in annual DOC operating expenditures.
- Annual State expenditures may also be affected by any changes the bill may induce in the parole revocation, re-arrest, re-conviction, and re-incarceration rates of inmates whose terms of incarceration and parole would be altered by the provisions of the bill.

BILL DESCRIPTION

This bill requires the DOC and the SPB to coordinate reentry preparation and other rehabilitative services for inmates in State correctional facilities, and to develop and implement an individualized reentry plan to facilitate each inmate's successful re-integration into society upon release. Each plan may incorporate medical, psychiatric, psychological, educational, vocational, substance abuse, and social rehabilitative services.

The bill also establishes administrative parole release for certain inmates at the time of primary or subsequent parole eligibility. The release occurs after a hearing officer reviews an inmate's pre-parole report and certifies the inmate for release without the need for a parole consideration hearing. Any denial of administrative parole release is to be appealable and the SPB is to state on the record the reasons for the denial.

An inmate is to be administratively released on parole if:

- 1) the inmate has not been convicted of certain violent crimes, certain other crimes committed with firearms, or certain sex offenses;
- 2) the inmate has not committed any prohibited acts that resulted in a conviction during the current term of incarceration, or any prohibited act that is considered the most serious and results in the most severe sanctions within the previous two years;
- 3) the inmate has completed relevant rehabilitation programs during incarceration, or was unable to complete or denied access to the programs because of circumstances beyond the inmate's control; and
- 4) crime victims have received notification.

An administrative parolee is to remain in the legal custody of the DOC, be supervised by the SPB, and be subject to the conditions established by the appropriate board panel. If the parolee violates a condition of parole, parole may be revoked and the parolee returned to a DOC facility.

The bill also establishes parole compliance credits that reduce a person's term of parole. All parolees, except those deemed ineligible, may earn one day of parole reduction for every six days of parole supervision the person has completed. Violations of conditions of parole would trigger the full or partial forfeiture of previously earned credits.

Additionally, inmates may newly earn commutation credits for time served in a county jail between their arrest and before the imposition of sentence.

Furthermore, the DOC is to establish and maintain a centralized database of information contained in each disciplinary report prepared by a corrections officer in response to an inmate committing a prohibited act during the term of incarceration that resulted in a conviction.

The bill also requires that a criminal justice program at a four-year public institution of higher education in this State conduct a study on the impacts of administrative parole release.

Lastly, the DOC is to allocate an unspecified portion of any cost savings realized from the bill's implementation to the Office of Victim Services for the operating costs of the Focus on the Victim Program and other services to facilitate successful reentry.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The OLS has not received a formal fiscal note on this bill. However, upon request, the SPB has indicated to the OLS that the bill may increase the annual number of parolees under its auspices by 1,749 to 1,923. Assuming 1,923 more parolees, the SPB projected that its annual expenditures

would rise by up to \$16.6 million, or \$8,612 per additional parolee, once the effects of the bill would be fully realized.

The estimated annual SPB expenditure increase includes \$9.6 million for additional parolee placements in community programs, \$4.1 million in additional SPB personnel expenditures for 50 new full-time equivalent positions, and \$2.9 million in other operating expenditures, such as the purchase and maintenance of additional vehicles. The SPB noted, however, that some of the vehicle costs and some non-salary officer expenses would be one-time expenditures.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the corrections and parole reforms contemplated by the bill would have an indeterminate net effect on annual State expenditures. As more inmates would be shifted from State prison facilities to the parole system, annual SPB expenditures would increase, while those of the DOC would decline. In addition, there may be a recidivism effect on annual State expenditures from any changes the bill may induce in the parole revocation, re-arrest, re-conviction, and re-incarceration rates of inmates whose terms of incarceration and parole would be altered by the provisions of the bill. However, insufficient information precludes the OLS from determining the direction and magnitude of the bill's net State expenditure effect.

Effects on the SPB: The OLS deems the SPB estimate of the bill's effects on SPB operating costs reasonable but notes four additional factors that may warrant adjustments thereto. The board estimated that it would have to supervise an additional 1,749 to 1,923 parolees per year and that 1,923 additional parolees would increase annual SPB expenditures by up to \$16.6 million, or \$8,612 per additional parolee, once the effects of the bill would be fully realized.

First adjustment, the estimate does not include the cost of fringe benefits and federal employer taxes (FICA and Medicare) for the 50 new full-time equivalent positions that would be created and filled. In FY 2019, the value of fringe benefits and federal employer taxes constituted 49.05 percent of an employee's base salary. At the \$3.4 million in additional annual salary costs the SPB estimated, the added fringe benefits and federal employer costs would total \$1.7 million.

Second, the estimate does not address the requirement included in the bill that the SPB would have to state and substantiate on the record the reasons for the denial of parole to an inmate. The OLS has no information on the extent to which this added administrative responsibility would increase SPB personnel needs and expenditures.

Third, the SPB estimate does not appear to take into account that the bill generally requires the awarding of parole compliance credits to all parolees who meet certain behavioral standards. These credits would accelerate parole release dates, which would lower SPB expenditures by an indeterminate amount.

Fourth, in mandating that administrative parole release be granted without a parole hearing, the bill would lower the annual caseload and expenditures of the SPB. The OLS, however, has no information of the impact of the bill on the annual number of parole hearings.

The OLS notes further that the SPB estimate assumes that the additional 1,923 parolees would all be placed in residential re-entry programs. The cost per parolee who is placed in such a program exceeds that of a parolee who is not placed in a residential program. While it is possible that all 1,923 parolees would be placed in residential re-entry programs, the bill's impact on SPB expenditures would be less if some of the additional parolees were not placed in these programs.

Effects on the DOC: Releasing inmates sooner from State prisons to parole supervision would reduce annual DOC expenditures. Inmates would be released sooner because of administrative parole release and new commutation credits for time served in county jail between arrest and before the imposition of sentence. Absent information from the DOC on the fiscal impacts the bill

would have on its operations, the OLS is unable to quantify these impacts. However, depending on circumstances, the expenditure reduction per inmate may fluctuate substantially.

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 diverted to parole supervision 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. Given the SPB finding that between 1,749 and 1,923 inmates would be released to parole sooner each year under the bill, the DOC would likely be able to reduce some of its fixed costs over time. As a result, the per-inmate cost reduction to the DOC can be expected to exceed \$3,190 per fiscal year but fall below \$50,590.

Recidivism Effects: The bill may also have a recidivism effect on annual State expenditures, which would accrue if the provisions of the bill were to induce changes in the parole revocation, re-arrest, re-conviction, and re-incarceration rates of inmates who are released from State prison. The recidivism expenditure effect would apply to the entire criminal justice system, not just the correctional and parole systems. The OLS, however, lacks information on the effects the bill would have on recidivism rates of former inmates. By way of background, according to the FY 2020 Governor's Budget, some 30.5 percent of inmates who were released from State prisons in calendar year 2014 were re-incarcerated within three years of their release.

Other Fiscal Effects: Other aspects of the bill that could have a fiscal impact include:

1) The DOC and the SPB would have to develop and implement an individualized, comprehensive reentry plan to prepare each inmate for successful re-integration into society, which responsibility would likely require added personnel hours.

2) The DOC is to develop and maintain a centralized database on inmate disciplinary reports.

3) The bill requires that a four-year public institution of higher education in this State conduct a study on the impacts of administrative parole release. This study would likely result in a one-time cost increase to the DOC and one-time revenue and cost increases to the contracted public institution of higher education.

Section: *Judiciary*

Analyst: *Anuja Pande Joshi*
 Assistant Research Analyst

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

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. 761

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: JANUARY 14, 2020

SUMMARY

- Synopsis:** “Earn Your Way Out Act”; requires DOC to develop inmate reentry plan and establish information database; establishes administrative parole release and provides compliance credits.
- Type of Impact:** Indeterminate annual expenditure impact to State General Fund.
- Agencies Affected:** Department of Corrections, State Parole Board.

Office of Legislative Services Estimate

Fiscal Impact	
Annual State Expenditure Impact	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the corrections and parole reforms contemplated by the bill would alter annual State expenditures. However, insufficient information precludes the OLS from determining the direction and magnitude of the net State expenditure effect.
- A shift of inmates from State prison facilities to the parole system would be the primary effect of the bill. The State Parole Board (SPB) expects the annual number of parolees under its auspices to increase by 1,749 to 1,923. Assuming 1,923 more parolees, the SPB projected that its annual expenditures would rise by up to \$16.6 million, or \$8,612 per additional parolee, once the effects of the bill would be fully realized. The OLS deems the SPB estimate reasonable but notes additional factors that would affect SPB expenditures.
- Accelerating the release date of inmates to parole supervision would lower annual Department of Corrections (DOC) expenditures, but absent information from the DOC, the OLS is unable to quantify the reduction in annual DOC operating expenditures.
- Annual State expenditures may also be affected by any changes the bill may induce in the parole revocation, re-arrest, re-conviction, and re-incarceration rates of inmates whose terms of incarceration and parole would be altered by the provisions of the bill.

BILL DESCRIPTION

This bill requires the DOC and the SPB to coordinate reentry preparation and other rehabilitative services for inmates in State correctional facilities, and to develop and implement an individualized reentry plan to facilitate each inmate's successful re-integration into society upon release. Each plan may incorporate medical, psychiatric, psychological, educational, vocational, substance abuse, and social rehabilitative services.

The bill also establishes administrative parole release for certain inmates at the time of primary or subsequent parole eligibility. The release occurs after a hearing officer reviews an inmate's pre-parole report and certifies the inmate for release without the need for a parole consideration hearing. Any denial of administrative parole release is to be appealable and the SPB is to state on the record the reasons for the denial.

An inmate is to be administratively released on parole if:

- 1) the inmate has not been convicted of certain violent crimes, certain other crimes committed with firearms, or certain sex offenses;
- 2) the inmate has not committed any prohibited acts that resulted in a conviction during the current term of incarceration or any prohibited act that is considered the most serious and results in the most severe sanctions within the previous two years;
- 3) the inmate has completed relevant rehabilitation programs during incarceration, or was unable to complete or denied access to the programs because of circumstances beyond the inmate's control; and
- 4) crime victims have received notification.

An administrative parolee is to remain in the legal custody of the DOC, be supervised by the SPB, and be subject to the conditions established by the appropriate board panel. If the parolee violates a condition of parole, parole may be revoked and the parolee returned to a DOC facility.

The bill also establishes parole compliance credits that reduce a person's term of parole. All parolees, except those deemed ineligible, may earn one day of parole reduction for every six days of parole supervision the person has completed. Violations of conditions of parole would trigger the full or partial forfeiture of previously earned credits.

Additionally, inmates may newly earn commutation credits for time served in a county jail between their arrest and before the imposition of sentence.

Furthermore, the DOC is to establish and maintain a centralized database of information contained in each disciplinary report prepared by a corrections officer in response to an inmate committing a prohibited act during the term of incarceration that resulted in a conviction.

The bill also requires that a criminal justice program at a four-year public institution of higher education in this State conduct a study on the impacts of administrative parole release.

Lastly, the DOC is to allocate an unspecified portion of any cost savings realized from the bill's implementation to the Office of Victim Services for the operating costs of the Focus on the Victim Program and other services to facilitate successful reentry.

The bill takes effect on the first day of the thirteenth month following the date of enactment.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The OLS has not received a formal fiscal note on this bill. However, upon request, the SPB has indicated to the OLS that the bill may increase the annual number of parolees under its auspices by 1,749 to 1,923. Assuming 1,923 more parolees, the SPB projected that its annual expenditures

would rise by up to \$16.6 million, or \$8,612 per additional parolee, once the effects of the bill would be fully realized.

The estimated annual SPB expenditure increase includes \$9.6 million for additional parolee placements in community programs, \$4.1 million in additional SPB personnel expenditures for 50 new full-time equivalent positions, and \$2.9 million in other operating expenditures, such as the purchase and maintenance of additional vehicles. The SPB noted, however, that some of the vehicle costs and some non-salary officer expenses would be one-time expenditures.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the corrections and parole reforms contemplated by the bill would have an indeterminate net effect on annual State expenditures. As more inmates would be shifted from State prison facilities to the parole system, annual SPB expenditures would increase, while those of the DOC would decline. In addition, there may be a recidivism effect on annual State expenditures from any changes the bill may induce in the parole revocation, re-arrest, re-conviction, and re-incarceration rates of inmates whose terms of incarceration and parole would be altered by the provisions of the bill. However, insufficient information precludes the OLS from determining the direction and magnitude of the bill's net State expenditure effect.

Effects on the SPB: The OLS deems the SPB estimate of the bill's effects on SPB operating costs reasonable but notes four additional factors that may warrant adjustments thereto. The board estimated that it would have to supervise an additional 1,749 to 1,923 parolees per year and that 1,923 additional parolees would increase annual SPB expenditures by up to \$16.6 million, or \$8,612 per additional parolee, once the effects of the bill would be fully realized.

First adjustment, the estimate does not include the cost of fringe benefits and federal employer taxes (FICA and Medicare) for the 50 new full-time equivalent positions that would be created and filled. In FY 2019, the value of fringe benefits and federal employer taxes constituted 49.05 percent of an employee's base salary. At the \$3.4 million in additional annual salary costs the SPB estimated, the added fringe benefits and federal employer costs would total \$1.7 million.

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Third, the SPB estimate does not appear to take into account that the bill generally requires the awarding of parole compliance credits to all parolees who meet certain behavioral standards. These credits would accelerate parole release dates, which would lower SPB expenditures by an indeterminate amount.

Fourth, in mandating that administrative parole release be granted without a parole hearing, the bill would lower the annual caseload and expenditures of the SPB. The OLS, however, has no information of the impact of the bill on the annual number of parole hearings.

The OLS notes further that the SPB estimate assumes that the additional 1,923 parolees would all be placed in residential re-entry programs. The cost per parolee who is placed in such a program exceeds that of a parolee who is not placed in a residential program. While it is possible that all 1,923 parolees would be placed in residential re-entry programs, the bill's impact on SPB expenditures would be less if some of the additional parolees were not placed in these programs.

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would have on its operations, the OLS is unable to quantify these impacts. However, depending on circumstances, the expenditure reduction per inmate may fluctuate substantially.

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Recidivism Effects: The bill may also have a recidivism effect on annual State expenditures, which would accrue if the provisions of the bill were to induce changes in the parole revocation, re-arrest, re-conviction, and re-incarceration rates of inmates who are released from State prison. The recidivism expenditure effect would apply to the entire criminal justice system, not just the correctional and parole systems. The OLS, however, lacks information on the effects the bill would have on recidivism rates of former inmates. By way of background, according to the FY 2020 Governor's Budget, some 30.5 percent of inmates who were released from State prisons in calendar year 2014 were re-incarcerated within three years of their release.

Other Fiscal Effects: Other aspects of the bill that could have a fiscal impact include:

1) The DOC and the SPB would have to develop and implement an individualized, comprehensive reentry plan to prepare each inmate for successful re-integration into society, which responsibility would likely require added personnel hours.

2) The DOC is to develop and maintain a centralized database on inmate disciplinary reports.

3) The bill requires that a four-year public institution of higher education in this State conduct a study on the impacts of administrative parole release. This study would likely result in a one-time cost increase to the DOC and one-time revenue and cost increases to the contracted public institution of higher education.

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.).

ASSEMBLY, No. 1986

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblywoman PATRICIA EGAN JONES

District 5 (Camden and Gloucester)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Co-Sponsored by:

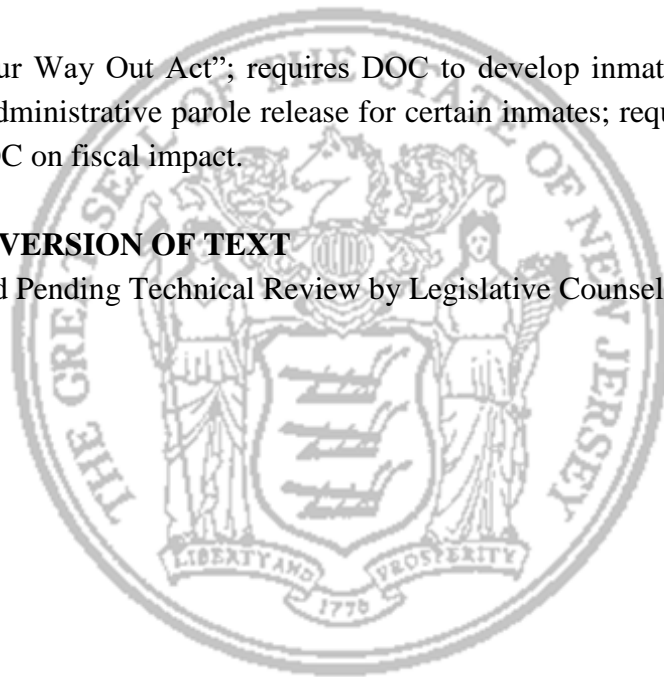
Assemblywoman McKnight, Assemblymen Giblin, Johnson, Assemblywomen Quijano, Jasey, Chaparro, Jimenez, Assemblyman Karabinchak, Assemblywomen Muoio, Pinkin, Assemblyman McKeon and Assemblywoman Reynolds-Jackson

SYNOPSIS

“Earn Your Way Out Act”; requires DOC to develop inmate reentry plan; establishes administrative parole release for certain inmates; requires study and report by DOC on fiscal impact.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/22/2018)

1 AN ACT concerning prisoner reentry, and amending and
2 supplementing various parts of the statutory law.

3

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

6

7 1. (New section) This act shall be known and may be cited as
8 the “Earn Your Way Out Act.”

9

10 2. (New section) As used in this act:

11 “Administrative parole release” means the release of an adult
12 inmate who has met the criteria set forth in section 4 of P.L. ,
13 c. (C.) (pending before the Legislature as this bill) at the
14 time of primary or subsequent parole eligibility. Administrative
15 parole release occurs after a hearing officer reviews the preparole
16 report and the inmate is certified for release by an assigned member
17 of the board panel. Administrative parole release shall not require a
18 parole consideration hearing.

19 “Reentry plan” means a plan prepared by appropriate staff within
20 the Department of Corrections Division of Reentry and
21 Rehabilitative Services designed to prepare an inmate for successful
22 integration as a productive, law-abiding citizen upon release from
23 incarceration.

24

25 3. (New section) a. The Commissioner of Corrections shall
26 establish a Division of Reentry and Rehabilitative Services to
27 coordinate reentry preparation and other rehabilitative services
28 within all State correctional facilities, and act as a liaison to the
29 State Parole Board, pursuant to P.L. , c. (C.) (pending
30 before the Legislature as this bill).

31 Appropriate staff within the division shall be responsible for
32 engaging with each inmate to develop and implement an
33 individualized, comprehensive reentry plan for services during the
34 inmate’s incarceration. This plan may be refined and updated
35 during incarceration as needed, and shall include recommendations
36 for community services prior to the inmate’s actual return to the
37 community. The comprehensive reentry plan shall be designed to
38 prepare an inmate for successful integration as a productive, law-
39 abiding citizen upon release from incarceration. Appropriate staff
40 within the division shall coordinate with appropriate departments
41 within the Department of Corrections, the State Parole Board, and
42 the community, to determine what medical, psychiatric,
43 psychological, educational, vocational, substance abuse, and social
44 rehabilitative services shall be incorporated into a comprehensive
45 reentry plan in order to prepare each inmate for successful

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 integration upon release. The Department of Corrections shall
2 establish guidelines, timelines, and procedures to govern the
3 institutional reentry plan process.

4 b. The division, in coordination with the State Parole Board
5 and the community, shall compile and disseminate to inmates
6 information concerning organizations and programs, whether faith-
7 based or secular programs, which provide assistance and services to
8 inmates reentering society after a period of incarceration. In
9 compiling this information, the coordinator shall consult with non-
10 profit entities, including but not limited to the New Jersey Institute
11 for Social Justice, that provide informational services concerning
12 reentry, and the Executive Director of the Office of Faith-based
13 Initiatives in the Department of State, and the Corrections
14 Ombudsperson in, but not of, the Department of the Treasury.

15 c. The division shall ensure that all inmates are made aware of
16 and referred to organizations which provide services in the county
17 where the inmate is to reside after being released from
18 incarceration. The division shall assist inmates in gaining access to
19 programs and procuring the appropriate services.

20 d. The Department of Corrections may employ professional
21 and clerical staff as necessary within the limits of available
22 appropriations.

23

24 4. (New section) a. Notwithstanding the provisions of
25 subsection a. of section 9 of P.L.1979, c.441 (C.30:4-123.53), an
26 adult inmate shall be administratively released on parole at the time
27 of primary or subsequent parole eligibility provided that:

28 (1) the inmate has not been previously convicted of, adjudicated
29 delinquent for, or is currently serving a sentence imposed for any
30 crime enumerated in subsection d. of section 2 of P.L.1997, c.117
31 (C.2C:43-7.2); subsection b. of section 2 of P.L.1994, c.133
32 (C.2C:7-2); or section 3 of P.L.1998, c.71 (C.30:4-27.26);

33 (2) the inmate has not committed any prohibited acts required to
34 be reported to the prosecutor pursuant to regulations promulgated
35 by the commissioner during the current period of incarceration, and
36 has not committed any serious disciplinary infraction, designated in
37 regulations promulgated by the commissioner as a prohibited act
38 that is considered to be the most serious and results in the most
39 severe sanctions, within the previous two years;

40 (3) the inmate has completed relevant rehabilitation programs
41 available at the correctional facility or applied for but was unable to
42 complete or was denied access to these programs due to
43 circumstances beyond the inmate's control including, but not
44 limited to, capacity limitations or exclusionary policies of these
45 programs; and

46 (4) crime victims have received notification as required by law.

47 b. In the case of an inmate who meets the criteria set forth in
48 this section for administrative parole release, a hearing shall not be

1 required pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55).
2 An inmate released on parole pursuant to subsection a. of this
3 section shall, during the term of parole supervision, remain in the
4 legal custody of the Commissioner of Corrections, be supervised by
5 the Division of Parole of the State Parole Board, and be subject to
6 the provisions and conditions established by the appropriate board
7 panel in accordance with the procedures and standards set forth in
8 section 15 of P.L.1979, c.441 (C.30:4-123.59). If the parolee
9 violates a condition of parole, the parolee shall be subject to the
10 provisions of sections 16 through 19 of P.L.1979, c.441 (C.30:4-
11 123.60 through C.30:4-123.63) and may have his parole revoked
12 and be returned to custody. If revocation and return to custody are
13 deemed appropriate, the appropriate board panel shall revoke the
14 parolee's release and return the parolee to custody and confinement
15 pursuant to the provisions of section 3 of P.L.1997, c.117 (C.30:4-
16 123.51b).

17 c. Denials of administrative parole release shall be appealable
18 in accordance with section 14 of P.L.1979, c.441 (C.30:4-123.58).

19 d. A criminal justice program at a four-year public institution
20 of higher education in this State shall conduct a study of all inmates
21 whose primary parole eligibility date was within the five years
22 immediately preceding the implementation of P.L. c. (C.)
23 (pending before the Legislature as this bill) and the five years
24 immediately following the implementation of P.L. c. (C.)
25 (pending before the Legislature as this bill). The study shall
26 include, but not be limited to, the number of inmates who met the
27 criteria set forth in subsection a. of this section, the number of
28 inmates who did not meet the criteria, and the reasons an inmate did
29 not meet the criteria.

30
31 5. (New section) Notwithstanding the provisions of subsection
32 a. of section 7 of P.L.1979, c.441 (C.30:4-123.51), any person
33 granted parole, except a person serving a parole term set forth in
34 subsection c. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) or
35 section 2 of P.L.1994, c.130 (C.2C:43-6.4), shall have the parole
36 term reduced by parole compliance credits at a rate of five days per
37 month for each month the person is in compliance with the
38 conditions of parole, and has not committed a serious or persistent
39 infraction not overturned by appeal or administrative review. Any
40 person granted parole who is not in compliance with the conditions
41 of parole and receives a sanction requiring satisfaction of a
42 condition of parole shall not receive parole compliance credits until
43 the parole condition is successfully completed. Upon completing
44 the condition, parole compliance credits shall be awarded for the
45 time period between imposition of a sanction and completion of the
46 condition.

1 6. (New section) The Commissioner of Corrections shall
2 establish and maintain a centralized database of information
3 contained on each disciplinary report prepared by a corrections
4 officer in response to an inmate committing any prohibited act
5 required to be reported to the prosecutor pursuant to regulations
6 promulgated by the commissioner that resulted in a conviction
7 during the current period of incarceration.

8
9 7. Section 1 of P.L.1979, c.441 (C.30:4-123.45) is amended to
10 read as follows:

11 1. a. This act shall be known and may be cited as the "Parole
12 Act of 1979."

13 b. In this act, unless a different meaning is plainly required:

14 (1) "Adult inmate" means any person sentenced as an adult to a
15 term of incarceration.

16 (2) "Juvenile inmate" means any person under commitment as a
17 juvenile delinquent pursuant to section 25 of P.L.1982, c.77
18 (C.2A:4A-44).

19 (3) "Parole release date" means that date certified by a member
20 of the board for release of an inmate after a review of the inmate's
21 case pursuant to section 11, 13 or 14 of this act.

22 (4) "Primary parole eligibility date" means that date established
23 for parole eligibility for adult inmates pursuant to section 7 or 20 of
24 this act.

25 (5) "Public notice" shall consist of lists including names of all
26 inmates being considered for parole, the county from which **【he**
27 **was】** the inmates were committed and the **【crime】** crimes for which
28 **【he was】** the inmates were incarcerated. At least 30 days prior to
29 parole consideration such lists shall be forwarded to the office of
30 the public defender of each county or the private attorney of record
31 for the inmates, the prosecutor's office of each county, the
32 sentencing court, the office of the Attorney General, any other
33 criminal justice agencies whose information and comment may be
34 relevant, and news organizations.

35 (6) Removal for "cause" means such substantial cause as is
36 plainly sufficient under the law and sound public policy touching
37 upon qualifications appropriate to a member of the parole board or
38 the administration of said board such that the public interest
39 precludes the member's continuance in office. Such cause includes,
40 but is not limited to, misconduct in office, incapacity, inefficiency
41 **【and】**, nonfeasance , and violations of the Parole Board's Code of
42 Ethics .

43 (7) "Commission" means the Juvenile Justice Commission
44 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-
45 170).

46 (8) "Parole officer" means, with respect to an adult inmate, an
47 officer assigned by the Chairman of the State Parole Board or his

1 designee and, with respect to a juvenile inmate, a person assigned
2 by the commission.

3 (cf: P.L.2001, c.79, s.2)

4

5 8. Section 9 of P.L.1979, c.441 (C.30:4-123.53) is amended to
6 read as follows:

7 9. a. An adult inmate who is not eligible for administrative
8 parole release pursuant to section 4 of P.L. c. (C.) (pending
9 before the Legislature as this bill) shall be released on parole at the
10 time of primary parole eligibility, unless information supplied in the
11 report filed pursuant to section 10 of P.L.1979, c.441 (C.30:4-
12 123.54) or developed or produced at a hearing held pursuant to
13 section 11 of P.L.1979, c.441 (C.30:4-123.55) indicates by a
14 preponderance of the evidence that the inmate has failed to
15 cooperate in his or her own rehabilitation or that there is a
16 reasonable expectation that the inmate will violate conditions of
17 parole imposed pursuant to section 15 of P.L.1979, c.441 (C.30:4-
18 123.59) if released on parole at that time. **【In reaching such**
19 **determination, the】** The board panel or board shall state the
20 following on the record :

21 (1) the reasons **【**therefor.

22 For the purposes of this subsection, "failed to cooperate in his or
23 her own rehabilitation" shall include, in the case of an inmate who
24 suffers from mental illness as defined in section 2 of P.L.1987,
25 c.116 (C.30:4-27.2) that does not require institutionalization, that
26 the inmate failed to fully participate in or cooperate with all
27 prescribed treatment offered during incarceration**】** for a denial of
28 parole, specifically providing evidence to support the denial of
29 parole based on factors that may be deemed subjective; and

30 (2) the reasons for the established future parole eligibility date,
31 specifically providing an explanation of why and how the board
32 panel or board determined the amount of time an inmate must wait
33 for a subsequent parole hearing.

34 b. A juvenile inmate shall be released on parole when it shall
35 appear that the juvenile, if released, will not cause injury to persons
36 or substantial injury to property.

37 (cf: P.L.1998, c.112, s.1)

38

39 9. Section 10 of P.L.1979, c.441 (C.30:4-123.54) is amended to
40 read as follows:

41 10. a. At least 120 days but not more than 180 days prior to the
42 parole eligibility date of each adult inmate, a report concerning the
43 inmate shall be filed with the appropriate board panel, by the staff
44 members designated by the superintendent or other chief executive
45 officer of the institution in which the inmate is held.

46 b. (1) The report filed pursuant to subsection a. shall contain
47 preincarceration records of the inmate, including any history of civil
48 commitment, any disposition which arose out of any charges

1 suspended pursuant to N.J.S.2C:4-6 including records of the
2 disposition of those charges and any acquittals by reason of insanity
3 pursuant to N.J.S.2C:4-1, state the conduct of the inmate during the
4 current period of confinement, include a complete report on the
5 inmate's social and physical condition, include an investigation by
6 the Division of Parole of the inmate's parole plans, and present
7 information bearing upon the likelihood that the inmate will commit
8 a crime under the laws of this State if released on parole. The
9 report shall also include a complete psychological evaluation of the
10 inmate in any case in which the inmate was convicted of a first or
11 second degree crime involving violence and:

12 (a) the inmate has a prior acquittal by reason of insanity
13 pursuant to N.J.S.2C:4-1 or had charges suspended pursuant to
14 N.J.S.2C:4-6; or

15 (b) the inmate has a prior conviction for murder pursuant to
16 N.J.S.2C:11-3, aggravated sexual assault or sexual assault pursuant
17 to N.J.S.2C:14-2, kidnapping pursuant to N.J.S.2C:13-1,
18 endangering the welfare of a child which would constitute a crime
19 of the second degree pursuant to N.J.S.2C:24-4, or stalking which
20 would constitute a crime of the third degree pursuant to P.L.1992,
21 c.209 (C.2C:12-10); or

22 (c) the inmate has a prior diagnosis of psychosis.

23 The inmate shall disclose any information concerning any history
24 of civil commitment.

25 The preincarceration records of the inmate contained in the
26 report shall include any psychological reports prepared in
27 connection with any court proceedings.

28 (2) At the time of sentencing, the prosecutor shall notify any
29 victim injured as a result of a crime of the first or second degree or
30 the nearest relative of a murder victim of the opportunity to present
31 a written or videotaped statement for the parole report to be
32 considered at the parole hearing or to testify to the parole board
33 concerning his harm at the time of the parole hearing. Each victim
34 or relative shall be responsible for notifying the board of his
35 intention to submit such a statement and to provide an appropriate
36 mailing address.

37 The report may include a written or videotaped statement
38 concerning the continuing nature and extent of any physical harm or
39 psychological or emotional harm or trauma suffered by the victim,
40 the extent of any loss of earnings or ability to work suffered by the
41 victim and the continuing effect of the crime upon the victim's
42 family. At the time public notice is given that an inmate is being
43 considered for parole pursuant to this section, the board shall also
44 notify any victim or nearest relative who has previously contacted
45 the board of the availability to provide a written or videotaped
46 statement for inclusion in the parole report or to present testimony
47 at the parole hearing.

1 The board shall notify such person at his last known mailing
2 address.

3 (3) If the inmate meets the requirements for administrative
4 parole release pursuant to section 4 of P.L. c. (C.) (pending
5 before the Legislature as this bill) the report shall indicate such
6 eligibility.

7 c. A copy of the report filed pursuant to subsection a. of this
8 section, excepting those documents which have been classified as
9 confidential pursuant to rules and regulations of the board or the
10 Department of Corrections, shall be served on the inmate at the time
11 it is filed with the board panel. The inmate may file with the board
12 panel a written statement regarding the report, but shall do so within
13 105 days prior to the primary parole eligibility date.

14 d. Upon receipt of the public notice pursuant to section 1 of
15 P.L.1979, c.441 (C.30:4-123.45), a county prosecutor , a public
16 defender, or a private attorney of record may request from the
17 parole board a copy of the report on any adult inmate prepared
18 pursuant to subsection a. of this section, which shall be
19 expeditiously forwarded to the county prosecutor by the parole
20 board by mail, courier, or other means of delivery. Upon receipt of
21 the report, the prosecutor has 10 working days to review the report
22 and notify the parole board of the prosecutor's comments, if any, or
23 notify the parole board of the prosecutor's intent to provide
24 comments. If the county prosecutor does not provide comments or
25 notify the parole board of the prosecutor's intent to provide
26 comments within the 10 working days, the parole board may
27 presume that the prosecutor does not wish to provide comments and
28 may proceed with the parole consideration. Any comments
29 provided by a county prosecutor shall be delivered to the parole
30 board by the same method by which the county prosecutor received
31 the report. The confidentiality of the contents in a report which are
32 classified as confidential shall be maintained and shall not be
33 disclosed to any person who is not authorized to receive or review a
34 copy of the report containing the confidential information.

35 e. Any provision of this section to the contrary
36 notwithstanding, the board shall by rule or regulation modify the
37 scope of the required reports and time periods for rendering such
38 reports with reference to county penal institutions.

39 f. Notwithstanding any provision of this section, the board may
40 modify the time periods for submitting the reports required pursuant
41 to this section in processing an inmate whose parole eligibility date
42 is accelerated pursuant to section 11 of P.L.1979, c.441 (C.30:4-
43 123.55).

44 (cf: P.L.2001, c.141, s.3)

45

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

1 11. a. Prior to the parole eligibility date of each adult inmate, a
2 designated hearing officer shall review the reports required by
3 section 10 of P.L.1979, c.441 (C.30:4-123.54), and shall determine
4 whether:

5 (1) the inmate is eligible for administrative parole release
6 pursuant to section 4 of P.L. c. (C.) (pending before the
7 Legislature as this bill). If an inmate is eligible for administrative
8 parole release, the hearing officer shall at least 60 days prior to the
9 inmate's parole eligibility date recommend in writing to the
10 assigned member of the board panel that administrative parole
11 release be granted pursuant to section 4 of P.L. c. (C.)
12 (pending before the Legislature as this bill); or

13 (2) there is a basis for denial of parole in the preparole report,
14 any risk assessment prepared in accordance with the provisions of
15 subsection e. of section 8 of P.L.1979, c.441 (C.30:4-123.52), or the
16 inmate's statement, or an indication, reduced to writing, that
17 additional information providing a basis for denial of parole would
18 be developed or produced at a hearing. If the hearing officer
19 determines that there is no basis in the preparole report, the risk
20 assessment, or the inmate's statement for denial of parole and that
21 there is no additional relevant information to be developed or
22 produced at a hearing, he shall at least 60 days prior to the inmate's
23 parole eligibility date recommend in writing to the assigned
24 member of the board panel that parole release be granted.

25 b. If the assigned member of the board panel or in the case of
26 an inmate sentenced to a county penal institution, the assigned
27 member concurs in the hearing officer's recommendation, he shall
28 certify parole release pursuant to section 15 of P.L.1979, c.441
29 (C.30:4-123.59) as soon as practicable after the eligibility date and
30 so notify the inmate and the board. In the case of an inmate
31 recommended for administrative parole release by the hearing
32 officer pursuant to section 4 P.L. , c. (pending before the
33 Legislature as this bill), the assigned member shall review the
34 reports required by section 10 of P.L.1979, c.441 (C.30:4-123.54) to
35 confirm eligibility and if the inmate is eligible, shall certify parole
36 release pursuant to section 15 of P.L.1979, c.441 (C.30:4-123.59) as
37 soon as practicable after the eligibility date and notify the inmate
38 and the board. In the case of an inmate sentenced to a county penal
39 institution the board shall certify parole release or deny parole as
40 provided by this section, except with regard to time periods for
41 notice and parole processing which are authorized by or otherwise
42 adopted pursuant to subsection g. of section 7 of P.L.1979, c.441
43 (C.30:4-123.51). If the designated hearing officer does not
44 recommend release on parole or if the assigned member does not
45 concur in a recommendation of the designated hearing officer in
46 favor of release, then the parole release of an inmate in a county
47 penal institution shall be treated under the provisions of law
48 otherwise applicable to an adult inmate. In the case of an inmate

1 sentenced to a county penal institution, the performance of public
2 service for the remainder of the term of the sentence shall be a
3 required condition of parole, where appropriate.

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

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

44 e. Upon request by the hearing officer or the inmate, the time
45 limitations contained in section 10 of P.L.1979, c.441 (C.30:4-
46 123.54) and this section may be waived by the appropriate board
47 panel for good cause.

1 f. Notwithstanding the provision of any other law to the
2 contrary, if an inmate incarcerated for murder is recommended for
3 parole by the assigned board member or the appropriate board
4 panel, parole shall not be certified until a majority of the full parole
5 board, after conducting a hearing, concurs in that recommendation.
6 The board shall notify the victim's family of that hearing and family
7 members shall be afforded the opportunity to testify in person or to
8 submit written or videotaped statements. The provisions of this
9 subsection shall not apply to an inmate who has his parole revoked
10 and is returned to custody pursuant to the provisions of section 19
11 of P.L.1979, c.441 (C.30:4-123.63).

12 g. Notwithstanding the provision of any other law or regulation
13 to the contrary, the board may promulgate rules and regulations for
14 the processing of any inmate whose parole eligibility date is
15 accelerated. For purposes of this section, a parole eligibility date is
16 accelerated when an inmate becomes eligible for parole at the time
17 of or within 120 days of an event or circumstance beyond the
18 control of the parole board, such as sentencing, resentencing or
19 other amendment, including the awarding of additional credit to the
20 original sentence, restoration of authorized institutional time credits
21 or the application of authorized institutional time credits on a future
22 eligibility date established pursuant to subsection a. of section 12 of
23 P.L.1979, c.441 (C.30:4-123.56) or subsection a. of section 20 of
24 P.L.1979, c.441 (C.30:4-123.64). The rules and regulations shall
25 provide for the preparation and review of a preparole report and
26 shall require that a parole consideration hearing be held not more
27 than 120 days after the board has received notice that an accelerated
28 parole eligibility date has been established.
29 (cf: P.L. 2001, c.141, s.4)

30

31 11. R.S.30:4-140 is amended to read as follows:

32 30:4-140. For every year or fractional part of a year of a
33 custodial sentence imposed upon any person **【committed to any**
34 **State correctional institution for a minimum-maximum term】** there
35 shall be remitted to him from both the maximum and minimum term
36 of his sentence, for continuous orderly deportment, the progressive
37 time credits indicated in the schedule herein. When a sentence
38 contains a fractional part of a year in either the minimum or
39 maximum thereof, then time credits in reduction of such fractional
40 part of a year shall be calculated at the rate set out in the schedule
41 for each full month of such fractional part of a year of sentence.
42 **【No time credits shall be calculated as provided for herein on time**
43 **served by any person in custody between his arrest and the**
44 **imposition of sentence.】** In case of any flagrant misconduct the
45 board of managers may declare a forfeiture of the time previously
46 remitted, either in whole or in part, as to them shall seem just

A1986 SUMTER, HOLLEY

Schedule

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A	B	C
Minimum and Maximum Sentences in Years	Progressive Credits for Minimum and Maximum Sentences in Years (days)	Credits for Each Full Month of Fractional Part of a Year in Excess of Column A (days)
1	72	7
2	156	8
3	252	8
4	348	8
5	444	8
6	540	8
7	636	10
8	756	10
9	876	10
10	996	10
11	1,116	10
12	1,236	11
13	1,368	11
14	1,500	11
15	1,632	11
16	1,764	11
17	1,896	12
18	2,040	12
19	2,184	12
20	2,328	12
21	2,472	12
22	2,616	13
23	2,772	13
24	2,928	13
25	3,084	15
26	3,264	15
27	3,444	15
28	3,624	15
29	3,804	15
30	3,984	16

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Any sentence in excess of 30 years shall be reduced by time credits for continuous orderly deportment at the rate of 192 days for each such additional year or 16 days for each full month of any fractional part of a year. Nothing herein contained shall be deemed to limit or affect a convict's eligibility for parole consideration as provided for in section 10, chapter 84, P.L.1948, as amended, in any situation where the sentence or consecutive sentences imposed upon

1 a convict shall exceed 25 years.
2 (cf: P.L.1957, c.27, s.1)

3
4 12. (New section) The Commissioner of Corrections shall
5 allocate a portion of any cost savings realized from the enactment
6 of P.L. , c. (pending before the Legislature as this bill) to the
7 Office of Victim Services for the operating costs of the Focus on
8 the Victim Program and other services to facilitate inmates'
9 successful reentry.

10
11 13. (New section) a. The Commissioner of Corrections, in
12 consultation with the Chairman of the State Parole Board, shall
13 conduct a study to determine the fiscal impact of establishing,
14 pursuant to the provisions of section 3 of P.L. c. (C.)
15 (pending before the Legislature as this bill), a Division of Reentry
16 and Rehabilitative Services, and the responsibilities associated with
17 establishing the division. In conducting the study, the
18 commissioner shall analyze the costs to the State resulting from
19 initial implementation and annual operating expenditures resulting
20 from the establishment of a division, and estimate any cost savings
21 that may be realized from the enactment of P.L. c. (C.)
22 (pending before the Legislature as this bill).

23 b. The commissioner shall issue a report to the Governor and,
24 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
25 Legislature no later than one year following the date of enactment
26 that shall include at a minimum:

27 (1) a determination whether the provisions of section 3 of
28 P.L. c. (C.) (pending before the Legislature as this bill)
29 will result in additional net costs to the department on a recurring
30 fiscal year basis or if the provisions are cost-neutral within the
31 department; and

32 (2) if it is determined that implementation of section 3 of
33 P.L. c. (C.) (pending before the Legislature as this bill)
34 will result in additional net costs to the department, the report shall
35 include an itemized list of the type and amount of the additional net
36 costs.

37
38 14. This act shall take effect on the first day of the third month
39 following enactment, provided however, that section 3 of this act
40 shall take effect either on the earlier of:

41 a. the first day of the third month following one year after the
42 date of enactment if the report issued pursuant to section 13 by the
43 commissioner concludes that section 3 will result in no additional
44 net costs to the department on a recurring fiscal year basis or is
45 cost-neutral within the department; or

46 b. if the report concludes otherwise, upon the effective date of
47 an enactment by law of an appropriation of funds for the express
48 purpose of the implementation of section 3.

STATEMENT

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This bill, the “Earn Your Way Out Act,” would enact various corrections and parole reforms, including: requiring the Department of Corrections (DOC) to develop a reentry plan for each inmate; establishing administrative parole release for certain inmates; providing for parole compliance credits; creating an inmate disciplinary database; and mandating an impact study of the bill’s reforms by an institution of higher education’s criminal justice program. In addition, the bill requires the DOC to conduct a study and issue a report concerning the fiscal impact of the bill.

The bill requires the Commissioner of Corrections to establish a Division of Reentry and Rehabilitative Services to coordinate reentry preparation and other rehabilitative services within all State correctional facilities, and to act as a liaison to the State Parole Board. Staff within the division is responsible for developing and implementing an individualized, comprehensive reentry plan designed to prepare each inmate for successful integration as a productive, law-abiding citizen upon release.

Under the bill, administrative parole release means the release of an adult inmate who has met the criteria set forth in the bill at the time of primary or subsequent parole eligibility, and occurs after a hearing officer reviews the preparole report of an inmate and the inmate is certified for release. Administrative parole release does not require a parole consideration hearing.

Under current law, an adult inmate is released on parole at the time of parole eligibility, unless the inmate has failed to cooperate in his or her own rehabilitation or there is a reasonable expectation that the inmate will violate conditions of parole.

The bill provides that an adult inmate will be administratively released on parole at the time of primary or subsequent parole eligibility if:

- 1) the inmate has not been convicted of a violent crime under the No Early Release Act, a sex offense under Megan’s Law, or a sexually violent offense;
- 2) the inmate has not committed any prohibited acts required to be reported to the county prosecutor pursuant to regulations promulgated by the Commissioner of Corrections that resulted in a conviction during the current term of incarceration, or any serious disciplinary infraction, as designated in regulations to be a prohibited act that is considered the most serious and results in the most severe sanctions, within the previous two years;
- 3) the inmate has completed relevant rehabilitation programs during incarceration, or made application to participate in these programs but was unable to complete such programs or denied access because of circumstances beyond the inmate’s control; and
- 4) crime victims have received notification as required by current law.

Any denial of administrative parole release is to be appealable in accordance with the parole appeal procedures under current law.

1 A parolee released on administrative parole release is to remain in the
2 legal custody of the Commissioner of Corrections, be supervised by the
3 Division of Parole of the State Parole Board, and be subject to the
4 provisions and conditions established by the appropriate board panel. If
5 the parolee violated a condition of parole, the parole may be revoked and
6 the parolee returned to custody.

7 For any inmate who is denied parole, the bill requires the Parole
8 Board to state on the record the reasons for the denial, specifically
9 providing evidence to support the denial based on factors that may be
10 deemed to be subjective, as well as the reasons for the established future
11 parole eligibility date.

12 The bill enables all parolees, other than those who are ineligible for
13 parole reductions, to earn compliance credits. Under the bill, a parolee's
14 term is reduced by five days for each month the parolee remains in
15 compliance with the conditions of parole and does not commit a serious
16 or persistent infraction (not overturned by appeal or administrative
17 review).

18 Additionally, with respect to periods of incarceration, the bill
19 provides that inmates may be awarded commutation credits following
20 arrest for time served in a county jail. Currently, commutation credits are
21 not available to inmates who serve time in a county jail prior to serving
22 time in a State correctional institution.

23 The bill directs the Commissioner of Corrections to establish and
24 maintain a centralized database of information contained in each
25 disciplinary report prepared by a corrections officer in response to an
26 inmate committing a prohibited act, required to be reported to the county
27 prosecutor pursuant to regulations promulgated by the commissioner, that
28 resulted in a conviction.

29 The Commissioner of Corrections also is required to allocate a
30 portion of any cost savings realized from the bill's enactment to the
31 Office of Victim Services for the operating costs of the Focus on the
32 Victim Program and other services to facilitate successful reentry.

33 The bill requires a study to be conducted by a criminal justice
34 program at a four-year public institution of higher education in this State
35 to determine the impact that administrative parole release, as established
36 in the bill, has on the inmate population. The study would specifically
37 focus on those inmates whose primary parole eligibility date was within
38 the five years immediately preceding and the five years immediately
39 following the bill's date of enactment.

40 In addition, the bill requires the Commissioner of Corrections, in
41 consultation with the Chairman of the State Parole Board, to conduct a
42 study to determine the fiscal impact of establishing a Division of Reentry
43 and Rehabilitative Services. In conducting the study, the commissioner is
44 required to analyze the costs to the State resulting from initial
45 implementation and annual operating expenditures resulting from the
46 establishment of a division, and estimate any cost savings that may be
47 realized from enactment of the bill.

48 The bill requires the commissioner to issue a report to the Governor
49 and the Legislature no later than one year following the date of
50 enactment. The report is required to include, at a minimum: 1) a

1 determination that the provisions of section 3 of the bill, establishing a
2 Division of Reentry and Rehabilitative Services, and the responsibilities
3 associated with establishing the division, will result in additional net costs
4 to the department on a recurring fiscal year basis or whether the
5 provisions are cost-neutral within the department; and 2) if it is
6 determined that implementation of section 3 of the bill will result in
7 additional net costs to the department, the report shall include an itemized
8 list of the type and amount of the additional net costs.

9 This bill is to take effect on the first day of the third month following
10 enactment. However, section 3 is to take effect either: on the first day of
11 the sixteenth month following enactment if the report issued pursuant to
12 section 13 concludes that section 3 will result in no additional net costs to
13 the department on a recurring fiscal year basis or is cost-neutral or, if the
14 report concludes otherwise, upon the effective date of an enactment by
15 law of an appropriation of funds for the express purpose of implementing
16 section 3.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1986

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 15, 2018

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 1986.

As amended and reported by the committee, Assembly Bill No. 1986, entitled the “Earn Your Way Out Act,” implements various corrections and parole reforms, including: requiring the Department of Corrections (DOC) to establish a reentry division responsible for developing a reentry plan for each inmate; establishing administrative parole release for certain inmates; providing for parole compliance credits; creating an inmate disciplinary database; and mandating an impact study of the bill’s reforms by an institution of higher education’s criminal justice program. The amended bill also requires the DOC to conduct a study and issue a report concerning the fiscal impact of the bill’s provisions.

Under the amended bill, the Commissioner of Corrections is required to establish a Division of Reentry and Rehabilitative Services to coordinate reentry preparation and other rehabilitative services within all State correctional facilities and to act as a liaison to the State Parole Board. Staff within the division is responsible for developing and implementing an individualized, comprehensive reentry plan designed to prepare each inmate for successful release.

The amended bill establishes administrative parole release. Administrative parole release is available to an adult inmate who has met certain criteria at the time of primary or subsequent parole eligibility:

- 1) the inmate has not been convicted of a violent crime under the No Early Release Act, a sex offense under Megan’s Law, or a sexually violent offense;

- 2) the inmate has not committed any prohibited acts required to be reported to the county prosecutor pursuant to regulations promulgated by the Commissioner of Corrections that resulted in a conviction during the current term of incarceration, or any prohibited act that is considered the most serious and results in the most severe sanctions, within the previous two years;

- 3) the inmate has completed relevant rehabilitation programs during incarceration or made application to participate in these

programs but was unable to complete or denied access because of circumstances beyond the inmate's control; and

4) crime victims have received notification.

The release occurs after a hearing officer reviews the preparole report of an inmate and the inmate is certified for release; a parole consideration hearing is not required. Any denial of administrative parole release is to be appealable in accordance with the parole appeal procedures under current law.

A parolee released on administrative parole release is to remain in the legal custody of the Commissioner of Corrections, be supervised by the Division of Parole of the State Parole Board, and be subject to the conditions established by the appropriate board panel. If the parolee violates a condition of parole, the parole may be revoked and the parolee returned to custody.

For any inmate who is denied parole, the amended bill requires the Parole Board to state on the record the reasons for the denial, specifically providing evidence to support the denial based on factors that may be deemed subjective, as well as the reasons for the established future parole eligibility date.

The amended bill establishes parole compliance credits to reduce the term of parole. All parolees, except those who are ineligible for parole reductions, may earn one day for every six days of parole supervision the person has completed. Parole compliance credits awarded pursuant under the amended bill cease to accrue upon the issuance of a warrant by the State Parole Board and initiation of parole revocation proceedings and any credits earned are to be forfeited upon the revocation of parole. Any compliance credits awarded under the amended bill that are based on actions for which parole revocation proceedings were initiated, but did not result in a revocation of parole and return to custody, are to be forfeited upon a determination by the board panel or board that the actions for which compliance credits were awarded violated a condition of parole.

Additionally, with respect to periods of incarceration, the amended bill provides that inmates may be awarded commutation credits following arrest for time served in a county jail.

The amended bill directs the Commissioner of Corrections to establish and maintain a centralized database of information contained in each disciplinary report prepared by a corrections officer in response to an inmate committing a prohibited act that resulted in a conviction.

The Commissioner of Corrections is required to allocate a portion of any cost savings realized from the amended bill's enactment to the Office of Victim Services for the operating costs of the Focus on the Victim Program and other services to facilitate successful reentry.

The amended bill requires a study to be conducted by a criminal justice program at a four-year public institution of higher education in this State to determine the impact that administrative parole release has

on the inmate population, to focus on those inmates whose primary parole eligibility date was within the five years immediately preceding and the five years immediately following the amended bill's date of enactment.

The amended bill requires the Commissioner of Corrections, in consultation with the Chairman of the State Parole Board, to conduct a study to determine the fiscal impact of establishing a Division of Reentry and Rehabilitative Services. In conducting the study, the commissioner is required to analyze the costs to the State resulting from initial implementation and annual operating expenditures resulting from the establishment of a division, and estimate any cost savings that may be realized from enactment of the amended bill, such as from administrative parole of inmates.

The amended bill requires the Commissioner of Corrections to issue a report to the Governor and the Legislature no later than one year following the date of enactment. The report is required to include, at a minimum: 1) a determination of whether the establishment of a Division of Reentry and Rehabilitative Services will result in additional net costs to the department, or are cost-neutral, on a recurring fiscal year basis; and 2) if it is determined that it will result in additional net costs to the department, the report is to include an itemized list of the type and amount of the additional net costs.

This amended bill is to take effect on the first day of the third month following enactment. But the establishment of the reentry division is to take effect either: on the first day of the sixteenth month following enactment if the report concludes that establishment of the reentry division will result in no additional net costs to the department on a recurring fiscal year basis or is cost-neutral or, if the report concludes otherwise, upon the effective date of an enactment by law of an appropriation of funds for the express purpose of establishing the reentry division.

As amended and reported by the committee, Assembly Bill No. 1986 is identical to Senate Bill No. 761 (1R) which also was amended and reported on this date.

This bill was pre-filed for introduction in the 2018-2019 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 all parolees, except those who are ineligible for parole reductions, may earn one day for every six days of parole supervision the person has completed; as introduced, the bill provided that parolees may earn a credit of five days for each month the parolee is in compliance with the conditions of parole and does not commit a serious or persistent infraction (not overturned by appeal or administrative review);

- 2) provide that parole compliance credits awarded under the bill cease to accrue upon the issuance of a warrant by the State Parole Board and initiation of parole revocation proceedings;
- 3) provide that any credits earned are to be forfeited upon the revocation of parole and any compliance credits awarded under the bill that are based on actions for which parole revocation proceedings were initiated, but did not result in a revocation of parole and return to custody, are to be forfeited upon a determination by the board panel or board that the actions for which compliance credits were awarded violated a condition of parole; and
- 4) make technical changes to the bill.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1986

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 14, 2019

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 1986 (1R).

As amended and reported by the committee, Assembly Bill No. 1986 (1R), titled the “Earn Your Way Out Act,” implements various corrections and parole reforms, including: requiring the Department of Corrections (DOC) and the State Parole Board (SPB) to establish a reentry plan for each inmate; establishing administrative parole release for certain inmates; providing for parole compliance credits; creating an inmate disciplinary database; and mandating an impact study of the bill’s reforms by an institution of higher education’s criminal justice program.

Under the amended bill, the Commissioner of Corrections and the Chairman of the State Parole Board are required to coordinate reentry preparation and other rehabilitative services within all State correctional facilities. Staff within the DOC and SPB are responsible for developing and implementing an individualized, comprehensive reentry plan designed to prepare each inmate for successful release.

The amended bill establishes administrative parole release. Administrative parole release is available to an adult inmate who has met certain criteria at the time of primary or subsequent parole eligibility. An inmate is to be administratively released on parole if:

1) the inmate has not been convicted of a violent crime under the No Early Release Act; the Graves Act and certain other crimes committed with firearms; a sex offense under Megan’s Law; or a sexually violent offense;

2) the inmate has not committed any prohibited acts required to be reported to the county prosecutor, pursuant to regulations promulgated by the Commissioner of Corrections, that resulted in a conviction during the current term of incarceration, or any prohibited act that is considered the most serious and results in the most severe sanctions, within the previous two years;

3) the inmate has completed relevant rehabilitation programs during incarceration or made application to participate in these

programs but was unable to complete or denied access to the programs because of circumstances beyond the inmate's control; and

4) crime victims have received notification.

The release occurs after a hearing officer reviews the preparole report of an inmate and the inmate is certified for release; a parole consideration hearing is not required. Any denial of administrative parole release is to be appealable in accordance with the parole appeal procedures under current law.

A parolee released on administrative parole release is to remain in the legal custody of the Commissioner of Corrections, be supervised by the Division of Parole of the SPB, and be subject to the conditions established by the appropriate board panel. If the parolee violates a condition of parole, parole may be revoked and the parolee returned to custody.

For any inmate who is denied parole, the amended bill requires the SPB to state on the record the reasons for the denial, specifically providing evidence to support the denial based on factors that may be deemed subjective, as well as the reasons for the established future parole eligibility date.

The amended bill establishes parole compliance credits to reduce the term of parole. All parolees, except those who are ineligible for parole reductions, may earn one day for every six days of parole supervision the person has completed. Parole compliance credits awarded under the amended bill cease to accrue upon the issuance of a warrant by the SPB and initiation of parole revocation proceedings and any credits earned are to be forfeited upon the revocation of parole. Any compliance credits awarded under the amended bill that are based on actions for which parole revocation proceedings were initiated, but did not result in a revocation of parole and return to custody, are to be forfeited upon a determination by the board panel or board that the actions for which compliance credits were awarded violated a condition of parole.

Additionally, with respect to periods of incarceration, the amended bill provides that inmates may be awarded commutation credits following arrest for time served in a county jail.

The amended bill directs the Commissioner of Corrections to establish and maintain a centralized database of information contained in each disciplinary report prepared by a corrections officer in response to an inmate committing a prohibited act that resulted in a conviction.

The Commissioner of Corrections is required to allocate a portion of any cost savings realized from the amended bill's enactment to the Office of Victim Services for the operating costs of the Focus on the Victim Program and other services to facilitate successful reentry.

The amended bill requires a study to be conducted by a criminal justice program at a four-year public institution of higher education in this State to determine the impact that administrative parole release has

on the inmate population, focusing on those inmates whose primary parole eligibility date was within the five years immediately preceding and the five years immediately following the amended bill's date of enactment.

As amended and reported by the committee, Assembly Bill No. 1986 (1R) is identical to Senate Bill No. 761 (2R) which also was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- 1) Remove the provisions of the bill which provide for the establishment of a Division of Reentry in the DOC;
- 2) Provide that the Chairman of the State Parole Board and Commissioner of Corrections are responsible for coordinating reentry preparation and other rehabilitative services within all State correctional facilities; as introduced, only the Commissioner of Corrections was responsible for developing these services;
- 3) Provide that appropriate SPB staff, in addition to the appropriate DOC staff, are responsible for developing and implementing an individualized, comprehensive reentry plan designed to prepare each inmate for successful release; as introduced, only the DOC staff was responsible for developing and implementing the reentry plan;
- 4) Remove the provisions of the bill requiring the DOC to conduct a study and issue a report concerning the fiscal impact of the bill's provisions;
- 5) Remove the effective date provisions which related to references to the establishment of the reentry division and fiscal analysis, which were removed from the amended bill; and
- 6) make technical changes to the bill.

FISCAL IMPACT:

The OLS concludes this bill would result in indeterminate cost savings and expenditures for the State. Expenditure reductions could result from moving inmates from prison to parole and by reducing parole board hearings. However, the bill directs DOC to establish and maintain a centralized database of information on inmate disciplinary reports resulting in indeterminate costs. In addition, personnel costs are likely to go up with the increase in the number of eligible inmates who would require an individualized reentry plan for successful release.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 1986
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: MARCH 9, 2018

SUMMARY

Synopsis: “Earn Your Way Out Act”; requires DOC to develop inmate reentry plan; establishes administrative parole release for certain inmates; requires study and report by DOC on fiscal impact.

Type of Impact: General Fund savings and expenditure.

Agencies Affected: Department of Corrections, State Parole Board.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) concludes that enactment of the bill would result in indeterminate costs and savings.
- Although expenditure reductions could result from moving inmates from prison to parole and reducing the number of parole hearings required for parole, under the bill, some portion of these savings must be made available for reallocation to the Office of Victim Services.
- The OLS notes that the bill requires the Department of Corrections (DOC) to analyze the cost to the State for the initial implementation and annual operating cost of the program and estimate any cost savings that may be realized from enactment. Most of the provisions of the bill will take effect three months after enactment. However, the Division of Reentry and Rehabilitation Services will be established in the DOC only under the following circumstances: 1) the Division of Reentry and Rehabilitation Services will be established on the first day of the sixteenth month following enactment if the DOC determines in its report that there will be no additional net costs to the department on a recurring fiscal year basis or establishment of the division is cost-neutral within the department; or 2) if the report concludes that there is a cost, the Division of Reentry and Rehabilitative Services would be established upon the effective date of an enactment by law of an appropriation of funds for the express purpose of the implementation of the division.

BILL DESCRIPTION

Assembly Bill No. 1986 of 2018, entitled “Earn Your Way Out Act,” implements various corrections and parole reforms, including: requiring the DOC to establish a reentry division responsible for developing a reentry plan for each inmate; establishing administrative parole release for certain inmates; providing for parole compliance credits; creating an inmate disciplinary database; and mandating an impact study of the bill’s reforms by an institution of higher education’s criminal justice program. The bill also requires the DOC to conduct a study and issue a report concerning the fiscal impact of the bill’s provisions. Under the bill, the Commissioner of Corrections is required to establish a Division of Reentry and Rehabilitative Services to coordinate reentry preparation and other rehabilitative services within all State correctional facilities and to act as a liaison to the State Parole Board. Staff within the division is responsible for developing and implementing an individualized, comprehensive reentry plan designed to prepare each inmate for successful integration as a productive, law-abiding citizen upon release.

The Commissioner of Corrections, in consultation with the Chairman of the State Parole Board, is to conduct a study to determine the fiscal impact of establishing a Division of Reentry and Rehabilitative Services. In conducting the study, the commissioner is required to analyze the costs to the State resulting from initial implementation and annual operating expenditures resulting from the establishment of a division, and estimate any cost savings that may be realized from enactment of the bill, such as from administrative parole of inmates.

The Commissioner of Corrections also is required to allocate a portion of any cost savings realized from the bill’s enactment to the Office of Victim Services for the operating costs of the Focus on the Victim Program and to other services to facilitate successful reentry .

The bill requires the commissioner to issue a report to the Governor and the Legislature no later than one year following the date of enactment. The report is required to include, at a minimum: 1) a determination of whether the establishment of a Division of Reentry and Rehabilitative Services, and the responsibilities associated with establishing the division, will result in additional net costs to the department on a recurring fiscal year basis or whether the provisions are cost-neutral within the department; and 2) if it is determined that it will result in additional net costs to the department, the report is to include an itemized list of the type and amount of the additional net costs.

This bill is to take effect on the first day of the third month following enactment. But the establishment of the reentry division is to take effect either: on the first day of the sixteenth month following enactment if the report concludes that establishment of the reentry division will result in no additional net costs to the department on a recurring fiscal year basis or is cost-neutral or, if the report concludes otherwise, upon the effective date of an enactment by law of an appropriation of funds for the express purpose of establishing the reentry division.

FISCAL ANALYSIS

EXECUTIVE BRANCH

State Parole Board

None received

Department of Corrections

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that enactment of the bill would result in an indeterminate impact on State expenditures.

Although expenditure reductions could result from moving inmates from prison to parole and reducing the number of parole hearings required for parole, under the bill, some portion of these savings must be made available for reallocation to the Office of Victim Services. The OLS notes that according to information provided by the DOC the average annual cost to house an inmate in a State prison facility totals \$45,000. The annual marginal cost for food, wages and clothing totals about \$2,610 per inmate.

The OLS notes that the bill requires the DOC to analyze the cost to the State for the initial implementation and annual operating cost of the program and estimate any cost savings that may be realized from enactment. Most of the provisions of the bill will take effect three months after enactment. However, the Division of Reentry and Rehabilitation Services will be established in the DOC only under the following circumstances: 1) the Division of Reentry and Rehabilitation Services will be established on the first day of the sixteenth month following enactment if the DOC determines in its report that there will be no additional net costs to the department on a recurring fiscal year basis or establishment of the division is cost-neutral within the department; or 2) if the report concludes that there is a cost, the Division of Reentry and Rehabilitative Services would be established upon the effective date of an enactment by law of an appropriation of funds for the express purpose of the implementation of the division.

According to the bill, other aspects of the program will take effect on the first day of the third month following enactment:

- 1) Administrative parole without a parole hearing would be granted to eligible inmates resulting in potential savings in reducing parole board hearings.
- 2) Parole compliance credits would be awarded to eligible parolees resulting in potential savings by reducing parole time.
- 3) A centralized database on inmate disciplinary reports would be developed resulting in indeterminate cost.
- 4) Inmate compliance credits would begin at the time of arrest for time served in a county jail rather than time of incarceration, resulting in potential savings by reducing the amount of time served for an inmate to reach his or her parole eligibility date.

Section: Judiciary

Analyst: Raughley, Anne C.
Principal Fiscal Analyst

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

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

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 1986

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: DECEMBER 11, 2018

SUMMARY

- Synopsis:** “Earn Your Way Out Act”; requires DOC to develop inmate reentry plan; establishes administrative parole release for certain inmates; requires study and report by DOC on fiscal impact.
- Type of Impact:** General Fund savings and expenditure.
- Agencies Affected:** Department of Corrections, State Parole Board.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) concludes that enactment of the bill would result in indeterminate costs and savings.
- Although expenditure reductions could result from moving inmates from prison to parole and reducing the number of parole hearings required for parole, under the bill, some portion of these savings must be made available for reallocation to the Office of Victim Services.
- The OLS notes that the bill requires the Department of Corrections (DOC) to analyze the cost to the State for the initial implementation and annual operating cost of the program and estimate any cost savings that may be realized from enactment. Most of the provisions of the bill will take effect three months after enactment. However, the Division of Reentry and Rehabilitation Services will be established in the DOC only under the following circumstances: 1) the Division of Reentry and Rehabilitation Services will be established on the first day of the sixteenth month following enactment if the DOC determines in its report that there will be no additional net costs to the department on a recurring fiscal year basis or establishment of the division is cost-neutral within the department; or 2) if the report concludes that there is a cost, the Division of Reentry and Rehabilitative Services would be established upon the effective date of an enactment by law of an appropriation of funds for the express purpose of the implementation of the division.

BILL DESCRIPTION

This bill, entitled “Earn Your Way Out Act,” implements various corrections and parole reforms, including: requiring the DOC to establish a reentry division responsible for developing a reentry plan for each inmate; establishing administrative parole release for certain inmates; providing for parole compliance credits; creating an inmate disciplinary database; and mandating an impact study of the bill’s reforms by an institution of higher education’s criminal justice program. The bill also requires the DOC to conduct a study and issue a report concerning the fiscal impact of the bill’s provisions. Under the bill, the Commissioner of Corrections is required to establish a Division of Reentry and Rehabilitative Services to coordinate reentry preparation and other rehabilitative services within all State correctional facilities and to act as a liaison to the State Parole Board. Staff within the division is responsible for developing and implementing an individualized, comprehensive reentry plan designed to prepare each inmate for successful integration as a productive, law-abiding citizen upon release.

The bill also establishes administrative parole release. Under the bill, administrative parole release is available to an adult inmate who has met the criteria set forth in the bill at the time of primary or subsequent parole eligibility. The release occurs after a hearing officer reviews the preparole report of an inmate and the inmate is certified for release. A parole consideration hearing is not required for administrative parole release.

Under current law, an adult inmate is released on parole at the time of parole eligibility, unless the inmate has failed to cooperate in his or her own rehabilitation or there is a reasonable expectation that the inmate will violate conditions of parole.

The bill provides that an adult inmate will be administratively released on parole at the time of primary or subsequent parole eligibility if:

1) the inmate has not been convicted of a violent crime under the No Early Release Act, a sex offense under Megan’s Law, or a sexually violent offense;

2) the inmate has not committed any prohibited acts required to be reported to the county prosecutor pursuant to regulations promulgated by the Commissioner of Corrections that resulted in a conviction during the current term of incarceration, or any serious disciplinary infraction, as designated in regulations to be a prohibited act that is considered the most serious and results in the most severe sanctions, within the previous two years;

3) the inmate has completed relevant rehabilitation programs during incarceration, or made application to participate in these programs but was unable to complete such programs or denied access because of circumstances beyond the inmate’s control; and

4) crime victims have received notification as required by current law.

Any denial of administrative parole release is to be appealable in accordance with the parole appeal procedures under current law.

A parolee released on administrative parole release is to remain in the legal custody of the Commissioner of Corrections, be supervised by the Division of Parole of the State Parole Board, and be subject to the provisions and conditions established by the appropriate board panel. If the parolee violated a condition of parole, the parole may be revoked and the parolee returned to custody.

For any inmate who is denied parole, the bill requires the Parole Board to state on the record the reasons for the denial, specifically providing evidence to support the denial based on factors that may be deemed to be subjective, as well as the reasons for the established future parole eligibility date.

The bill also establishes parole compliance credits to reduce the term of parole. All parolees, except those who are ineligible for parole reductions, may earn five days for each month the parolee remains in compliance with the conditions of parole and does not commit a serious or persistent infraction (not overturned by appeal or administrative review).

Additionally, with respect to periods of incarceration, the bill provides that inmates may be awarded commutation credits following arrest for time served in a county jail. Currently, commutation credits are not granted to inmates who serve time in a county jail prior to serving time in a State correctional institution.

The bill directs the Commissioner of Corrections to establish and maintain a centralized database of information contained in each disciplinary report prepared by a corrections officer in response to an inmate committing a prohibited act, required to be reported to the county prosecutor pursuant to regulations promulgated by the commissioner, that resulted in a conviction.

The Commissioner of Corrections also is required to allocate a portion of any cost savings realized from the bill's enactment to the Office of Victim Services for the operating costs of the Focus on the Victim Program and to other services to facilitate successful reentry.

The bill requires a study to be conducted by a criminal justice program at a four-year public institution of higher education in this State to determine the impact that administrative parole release, as established in the bill, has on the inmate population. The study would specifically focus on those inmates whose primary parole eligibility date was within the five years immediately preceding and the five years immediately following the bill's date of enactment.

In addition, the bill requires the Commissioner of Corrections, in consultation with the Chairman of the State Parole Board, to conduct a study to determine the fiscal impact of establishing a Division of Reentry and Rehabilitative Services. In conducting the study, the commissioner is required to analyze the costs to the State resulting from initial implementation and annual operating expenditures resulting from the establishment of a division, and estimate any cost savings that may be realized from enactment of the bill, such as from administrative parole of inmates.

The bill requires the commissioner to issue a report to the Governor and the Legislature no later than one year following the date of enactment. The report is required to include, at a minimum: 1) a determination of whether the establishment of a Division of Reentry and Rehabilitative Services, and the responsibilities associated with establishing the division, will result in additional net costs to the department on a recurring fiscal year basis or whether the provisions are cost-neutral within the department; and 2) if it is determined that it will result in additional net costs to the department, the report is to include an itemized list of the type and amount of the additional net costs.

This bill is to take effect on the first day of the third month following enactment. But the establishment of the reentry division is to take effect either: on the first day of the sixteenth month following enactment if the report concludes that establishment of the reentry division will result in no additional net costs to the department on a recurring fiscal year basis or is cost-neutral or, if the report concludes otherwise, upon the effective date of an enactment by law of an appropriation of funds for the express purpose of establishing the reentry division.

FISCAL ANALYSIS

EXECUTIVE BRANCH

State Parole Board

None received.

Department of Corrections

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that enactment of the bill would result in an indeterminate impact on State expenditures.

Although expenditure reductions could result from moving inmates from prison to parole and reducing the number of parole hearings required for parole, under the bill, some portion of these savings must be made available for reallocation to the Office of Victim Services. The OLS notes that according to ongoing available data provided by the DOC the average annual cost to house an inmate in a State prison facility totals \$45,000. The annual marginal cost for food, wages and clothing totals about \$2,610 per inmate.

The OLS notes that the bill requires the DOC to analyze the cost to the State for the initial implementation and annual operating cost of the program and estimate any cost savings that may be realized from enactment. Most of the provisions of the bill will take effect three months after enactment. However, the Division of Reentry and Rehabilitation Services will be established in the DOC only under the following circumstances: 1) the Division of Reentry and Rehabilitation Services will be established on the first day of the sixteenth month following enactment if the DOC determines in its report that there will be no additional net costs to the department on a recurring fiscal year basis or establishment of the division is cost-neutral within the department; or 2) if the report concludes that there is a cost, the Division of Reentry and Rehabilitative Services would be established upon the effective date of an enactment by law of an appropriation of funds for the express purpose of the implementation of the division.

According to the bill, other aspects of the program will take effect on the first day of the third month following enactment:

1) Administrative parole without a parole hearing would be granted to eligible inmates resulting in potential savings in reducing parole board hearings.

2) Parole compliance credits would be awarded to eligible parolees resulting in potential savings by reducing parole time.

3) A centralized database on inmate disciplinary reports would be developed resulting in indeterminate cost.

4) Inmate compliance credits would begin at time of arrest for time served in a county jail rather than time of incarceration, resulting in potential savings by reducing the amount of time served for an inmate to reach his or her parole eligibility date.

Section: Judiciary

Analyst: Sarita Welsh
Associate Counsel

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

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. 1986

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: NOVEMBER 29, 2019

SUMMARY

- Synopsis:** “Earn Your Way Out Act”; requires DOC to develop inmate reentry plan and establish information database; establishes administrative parole release and provides compliance credits.
- Type of Impact:** Indeterminate annual expenditure impact to State General Fund.
- Agencies Affected:** Department of Corrections, State Parole Board.

Office of Legislative Services Estimate

Fiscal Impact	
Annual State Expenditure Impact	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the corrections and parole reforms contemplated by the bill would alter annual State expenditures. However, insufficient information precludes the OLS from determining the direction and magnitude of the net State expenditure effect.
- A shift of inmates from State prison facilities to the parole system would be the primary effect of the bill. The State Parole Board (SPB) expects the annual number of parolees under its auspices to increase by 1,749 to 1,923. Assuming 1,923 more parolees, the SPB projected that its annual expenditures would rise by up to \$16.6 million, or \$8,612 per additional parolee, once the effects of the bill would be fully realized. The OLS deems the SPB estimate reasonable but notes additional factors that would affect SPB expenditures.
- Accelerating the release date of inmates to parole supervision would lower annual Department of Corrections (DOC) expenditures, but absent information from the DOC, the OLS is unable to quantify the reduction in annual DOC operating expenditures.
- Annual State expenditures may also be affected by any changes the bill may induce in the parole revocation, re-arrest, re-conviction, and re-incarceration rates of inmates whose terms of incarceration and parole would be altered by the provisions of the bill.

BILL DESCRIPTION

This bill requires the DOC and the SPB to coordinate reentry preparation and other rehabilitative services for inmates in State correctional facilities, and to develop and implement an individualized reentry plan to facilitate each inmate's successful re-integration into society upon release. Each plan may incorporate medical, psychiatric, psychological, educational, vocational, substance abuse, and social rehabilitative services.

The bill also establishes administrative parole release for certain inmates at the time of primary or subsequent parole eligibility. The release occurs after a hearing officer reviews an inmate's pre-parole report and certifies the inmate for release without the need for a parole consideration hearing. Any denial of administrative parole release is to be appealable and the SPB is to state on the record the reasons for the denial.

An inmate is to be administratively released on parole if:

1) the inmate has not been convicted of certain violent crimes, certain other crimes committed with firearms, or certain sex offenses;

2) the inmate has not committed any prohibited acts that resulted in a conviction during the current term of incarceration, or any prohibited act that is considered the most serious and results in the most severe sanctions within the previous two years;

3) the inmate has completed relevant rehabilitation programs during incarceration, or was unable to complete or denied access to the programs because of circumstances beyond the inmate's control; and

4) crime victims have received notification.

An administrative parolee is to remain in the legal custody of the DOC, be supervised by the SPB, and be subject to the conditions established by the appropriate board panel. If the parolee violates a condition of parole, parole may be revoked and the parolee returned to a DOC facility.

The bill also establishes parole compliance credits that reduce a person's term of parole. All parolees, except those deemed ineligible, may earn one day of parole reduction for every six days of parole supervision the person has completed. Violations of conditions of parole would trigger the full or partial forfeiture of previously earned credits.

Additionally, inmates may newly earn commutation credits for time served in a county jail between their arrest and before the imposition of sentence.

Furthermore, the DOC is to establish and maintain a centralized database of information contained in each disciplinary report prepared by a corrections officer in response to an inmate committing a prohibited act during the term of incarceration that resulted in a conviction.

The bill also requires that a criminal justice program at a four-year public institution of higher education in this State conduct a study on the impacts of administrative parole release.

Lastly, the DOC is to allocate an unspecified portion of any cost savings realized from the bill's implementation to the Office of Victim Services for the operating costs of the Focus on the Victim Program and other services to facilitate successful reentry.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The OLS has not received a formal fiscal note on this bill. However, upon request, the SPB has indicated to the OLS that the bill may increase the annual number of parolees under its auspices by 1,749 to 1,923. Assuming 1,923 more parolees, the SPB projected that its annual expenditures

would rise by up to \$16.6 million, or \$8,612 per additional parolee, once the effects of the bill would be fully realized.

The estimated annual SPB expenditure increase includes \$9.6 million for additional parolee placements in community programs, \$4.1 million in additional SPB personnel expenditures for 50 new full-time equivalent positions, and \$2.9 million in other operating expenditures, such as the purchase and maintenance of additional vehicles. The SPB noted, however, that some of the vehicle costs and some non-salary officer expenses would be one-time expenditures.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the corrections and parole reforms contemplated by the bill would have an indeterminate net effect on annual State expenditures. As more inmates would be shifted from State prison facilities to the parole system, annual SPB expenditures would increase, while those of the DOC would decline. In addition, there may be a recidivism effect on annual State expenditures from any changes the bill may induce in the parole revocation, re-arrest, re-conviction, and re-incarceration rates of inmates whose terms of incarceration and parole would be altered by the provisions of the bill. However, insufficient information precludes the OLS from determining the direction and magnitude of the bill's net State expenditure effect.

Effects on the SPB: The OLS deems the SPB estimate of the bill's effects on SPB operating costs reasonable but notes four additional factors that may warrant adjustments thereto. The board estimated that it would have to supervise an additional 1,749 to 1,923 parolees per year and that 1,923 additional parolees would increase annual SPB expenditures by up to \$16.6 million, or \$8,612 per additional parolee, once the effects of the bill would be fully realized.

First adjustment, the estimate does not include the cost of fringe benefits and federal employer taxes (FICA and Medicare) for the 50 new full-time equivalent positions that would be created and filled. In FY 2019, the value of fringe benefits and federal employer taxes constituted 49.05 percent of an employee's base salary. At the \$3.4 million in additional annual salary costs the SPB estimated, the added fringe benefits and federal employer costs would total \$1.7 million.

Second, the estimate does not address the requirement included in the bill that the SPB would have to state and substantiate on the record the reasons for the denial of parole to an inmate. The OLS has no information on the extent to which this added administrative responsibility would increase SPB personnel needs and expenditures.

Third, the SPB estimate does not appear to take into account that the bill generally requires the awarding of parole compliance credits to all parolees who meet certain behavioral standards. These credits would accelerate parole release dates, which would lower SPB expenditures by an indeterminate amount.

Fourth, in mandating that administrative parole release be granted without a parole hearing, the bill would lower the annual caseload and expenditures of the SPB. The OLS, however, has no information of the impact of the bill on the annual number of parole hearings.

The OLS notes further that the SPB estimate assumes that the additional 1,923 parolees would all be placed in residential re-entry programs. The cost per parolee who is placed in such a program exceeds that of a parolee who is not placed in a residential program. While it is possible that all 1,923 parolees would be placed in residential re-entry programs, the bill's impact on SPB expenditures would be less if some of the additional parolees were not placed in these programs.

Effects on the DOC: Releasing inmates sooner from State prisons to parole supervision would reduce annual DOC expenditures. Inmates would be released sooner because of administrative parole release and new commutation credits for time served in county jail between arrest and before the imposition of sentence. Absent information from the DOC on the fiscal impacts the bill

would have on its operations, the OLS is unable to quantify these impacts. However, depending on circumstances, the expenditure reduction per inmate may fluctuate substantially.

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 diverted to parole supervision 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. Given the SPB finding that between 1,749 and 1,923 inmates would be released to parole sooner each year under the bill, the DOC would likely be able to reduce some of its fixed costs over time. As a result, the per-inmate cost reduction to the DOC can be expected to exceed \$3,190 per fiscal year but fall below \$50,590.

Recidivism Effects: The bill may also have a recidivism effect on annual State expenditures, which would accrue if the provisions of the bill were to induce changes in the parole revocation, re-arrest, re-conviction, and re-incarceration rates of inmates who are released from State prison. The recidivism expenditure effect would apply to the entire criminal justice system, not just the correctional and parole systems. The OLS, however, lacks information on the effects the bill would have on recidivism rates of former inmates. By way of background, according to the FY 2020 Governor's Budget, some 30.5 percent of inmates who were released from State prisons in calendar year 2014 were re-incarcerated within three years of their release.

Other Fiscal Effects: Other aspects of the bill that could have a fiscal impact include:

1) The DOC and the SPB would have to develop and implement an individualized, comprehensive reentry plan to prepare each inmate for successful re-integration into society, which responsibility would likely require added personnel hours.

2) The DOC is to develop and maintain a centralized database on inmate disciplinary reports.

3) The bill requires that a four-year public institution of higher education in this State conduct a study on the impacts of administrative parole release. This study would likely result in a one-time cost increase to the DOC and one-time revenue and cost increases to the contracted public institution of higher education.

Section: *Judiciary*

Analyst: *Anuja Pande Joshi*
 Assistant Research Analyst

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

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

On Martin Luther King, Jr. Day, Governor Murphy Signs Criminal Justice Reform Legislation

01/20/2020

ELIZABETH – On Martin Luther King, Jr. Day, Governor Phil Murphy today signed three pieces of legislation to reform New Jersey’s criminal justice system. The bills will streamline New Jersey’s parole system, reform requirements for civil asset forfeiture, and fund violence reduction initiatives.

“In New Jersey, we are proud to continue Martin Luther King, Jr.’s fight for justice,” **said Governor Murphy**. “We are deeply committed to ensuring fairness and justice in our criminal justice system, and today we are taking critical steps to ensure the scales of justice work equally for all New Jerseyans. I am proud to sign legislation streamlining our parole system and reforming requirements for civil asset forfeiture, two historic steps to give New Jerseyans the second chance they deserve and ensure accountability and transparency within our system. I am also proud to enact legislation that will fund gun violence prevention programs in our hardest hit-neighborhoods, helping stem the cycle of violence and rebuild communities. Today we honor MLK’s legacy not just by celebrating his achievements in the fight for equality and justice, but by continuing the difficult work he left us to do.”

S761, also known as the “Earn Your Way Out Act,” requires the Department of Corrections to develop a re-entry plan for each inmate and streamlines New Jersey’s parole system. The bill creates “administrative parole,” which will streamline the parole process by allowing certain inmates convicted of nonviolent offenses to be released on parole after a review by a hearing officer and certification for release by a member of the State Parole Board. This process will permit eligible inmates to forgo a full parole consideration hearing thereby moving them through the complicated parole process faster.

S761 also requires the Department of Corrections and the State Parole Board to coordinate reentry preparation efforts and other rehabilitative services for inmates in State correctional facilities. The Departments must engage inmates to develop and implement their individualized, comprehensive reentry plans.

The bill was sponsored by Senators Sandra Cunningham and M. Teresa Ruiz, and Assemblymembers Shavonda Sumter, Jamel Holley, Patricia Egan Jones, and Benjie Wimberly.

A4970 reforms requirements for civil asset forfeiture. Currently, an individual subject to civil asset forfeiture does not have to be found guilty in order for property and cash to be confiscated by authorities, as the current system only requires a preponderance of evidence to make a seizure. With limited exceptions, A4970 bans asset forfeiture if there are no criminal charges related to the seized asset or if the prosecution related to the seized assets ends without a conviction. The exceptions apply only when there is no known owner of the seized asset or the State proves by a preponderance of the evidence that the seized asset is cash worth more than \$1,000 or non-cash property worth more than \$10,000. This law will make it easier for individuals with dismissed or acquitted cases to recover seized money and valuables.

Today’s signing builds upon Governor Murphy’s signing last week of S1963, which will require comprehensive disclosure and transparency requirements for civil asset forfeitures.

The bill was sponsored by Assemblymembers Nicholas Chiaravalloti, Shavonda Sumter, and Nancy Pinkin, and Senators Joe Cryan, Declan O’Scanlon, and Linda Greenstein.

S3309 establishes the New Jersey Violence Intervention Program in the Office of the Attorney General to fund violence reduction initiatives. The New Jersey Violence Intervention Program will award grants to municipalities, health agencies, law enforcement agencies, and non-profit organizations that implement effective, evidence-based violence intervention initiatives in communities with disproportionately high rates of gun violence.

The bill was sponsored by Senators Joe Vitale and Linda Greenstein, and Assemblymembers Lou Greenwald, Eliana Pintor Marin, and Verlina Reynolds-Jackson.

“The bills signed by Governor Murphy today will not only ensure fairness and equity in our criminal justice system, but will also help make our communities safer,” **said Attorney General Gurbir S. Grewal**. “In particular, I want to thank Governor Murphy and the legislature for recognizing the groundbreaking gun violence prevention work we are doing at the Attorney General’s office by codifying it with the ‘New Jersey Violence Intervention Program.’ With today’s legislation, we honor Dr. King by continuing to bend that long arc of the moral universe further towards justice.”

“Governor Murphy has made criminal justice reform a key objective of his since the day he took office,” **said New Jersey State Parole Board Chairman Samuel J. Plumeri, Jr.** “Such reform is also widely recognized as important—evidenced by the successful passage of the Earn Your Way Out Act. As the New Jersey State Parole Board continues to meet its dual missions of ensuring public safety and creating sustainable reentry practices and programs for offenders seeking to re-assimilate into society, our agency also welcomes fair and meaningful support that will assist these individuals as they transition out of prison and back into the community.”

“By establishing this office under the Attorney General, New Jersey can begin to harness federal funds to target communities hardest hit by violence,” **said Senator Vitale**. “Grant funding passed on to those doing the work on the ground every day will help these communities begin to heal with evidence-based prevention measures and assistance to those experiencing trauma.”

“This will help bring balance and fairness to the legal process,” **said Senator Cryan, a former Union County Sheriff**. “I want to thank all the groups and organizations that participated in making this legislation law, including the law enforcement community.”

“For too long our criminal justice system has focused on punishment, rather than rehabilitation,” **said Senator Ruiz**. “This law will place a greater focus on reentry allowing us to reduce recidivism and improve individuals ability to integrate back into their communities.”

“The majority of the more than 10,000 inmates who are released from prison each year in New Jersey will be rearrested, and two in five will return to prison. In addition to the direct impact this has on their own lives, it also affects their families, their communities and the entire state,” **said Assemblywoman Sumter**. “It’s critical that we stop this woeful pattern by making sure that these men and women have the education, job skills and other resources they need in order to be productive members of society after leaving prison.”

“For far too long, we have allowed the school-to-prison pipeline to remain intact,” **said Assemblyman Holley**. “Now, we have a law that will finally allow us to break this pipeline, and help make incarcerated New Jerseyans truly gain a second chance.”

“The Earn Your Way Out Act is supportive of second chances,” **said Assemblywoman Egan Jones**. “Preparing a pathway to reentry and providing access to needed resources is the only way to help these individuals during their next steps in life.”

“This is where our emphasis should be when it comes to reforming the system, reducing crime and shutting the revolving door on prisons,” **said Assemblyman Wimberly**. “Comprehensive and effective rehabilitation programs will restore hope, dignity, and provide former inmates the second chance they deserve to do better once released. There’s a lot more to be done; however, this is a critical step to stabilizing families, reforming a broken system that has burdened our state and society with unquantifiable costs.”

“Far too often, individuals involved in cases of this nature face the onerous task of reclaiming their property in a system that can make doing so more expensive than the property itself,” **said Assemblymembers Chiaravalloti, Sumter, and Pinkin**. “This new statute is designed to ensure that barring a criminal conviction, an owner can reclaim their property more readily and fairly.”

“We’ve seen acts of mass gun violence in two major U.S. cities, Virginia Beach and our own state capitol claim too many lives and left numerous injured,” **said Assembly Majority Leader Greenwald**. “If we’re going to address this gun violence epidemic we have to turn our attention to the violence that rarely makes the headline yet it’s impact is the same. We know that evidence-based violence intervention programs, like the one at University Hospital in Newark, can be an effective tool to combat gun violence. By investing in the New Jersey Violence Intervention Program, we can support victims and help those most at risk to break the cycles of gun violence.”

“Increasing access to services and supporting program initiatives for victims of gun violence will help those affected by it right in their own communities,” **said Assemblywoman Pintor Marin**. “Funding is a critical part of encouraging gun violence reduction initiatives throughout the state.”

“In Trenton, we understand the impact that gun violence has on a community every day. We see permanent effects of retaliatory behavior and the need to help hospitals close the revolving door of gunshot victims as a result,” **said Assemblywoman Reynolds-Jackson**. “The New Jersey Violence Intervention Program will help statewide and community initiatives make an impact on reducing gun violence in New Jersey.”