

# 30:4-123.54

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**LAWS OF:** 1999                 **CHAPTER:** 304

**NJSA:** 30:4-123.54     (Parole hearings – victim may submit videotape)

**BILL NO:** A2144

**SPONSOR(S):** Holzapfel and Crecco

**DATE INTRODUCED:** June 1, 1998

**COMMITTEE:**           **ASSEMBLY:** Law and Public Safety

**SENATE:** Law and Public Safety

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**           **ASSEMBLY:** October 29, 1998

**SENATE:** December 6, 1999

**DATE OF APPROVAL:** December 29, 1999

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL:** Original  
(Amendments during passage denoted by superscript numbers)

**SPONSORS STATEMENT:** (Begins on page 6 of original bill)            Yes

**COMMITTEE STATEMENT:**                                    ASSEMBLY:                    Yes

SENATE:                    Yes  
Identical to Assembly Committee Statement for A2144

**FLOOR AMENDMENT STATEMENTS:**                                    No

**LEGISLATIVE FISCAL ESTIMATE:**                                    No

**VETO MESSAGE:**    No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**                                    Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609278-2640 ext. 103 or refdesk@njstatelib.org)

**REPORTS:**    No

**HEARINGS:**    No

**NEWSPAPER ARTICLES:**    Yes

"Victim can testify by video at parole review," 12-30-99, The Record (Hackensack), p. A3.

"New law allows crime victims relatives...parole hearings," 12-30-99, The Press (of Atlantic City), p. A1

"Bill permits victims' video," 12-30-99, Home News Tribune (East Brunswick), p. A3

"Video statements signed into law," 12-30-99, Courier News, p. A3.

P.L. 1999, CHAPTER 304, *approved December 29, 1999*  
Assembly, No. 2144

1 **AN ACT** concerning the participation of victims of crime in parole  
2 hearings and amending P.L.1979, c.441.

3

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

6

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

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

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

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

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

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

38 The inmate shall disclose any information concerning any history of  
39 civil commitment.

40 The preincarceration records of the inmate contained in the report  
41 shall include any psychological reports prepared in connection with

**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 any court proceedings.

2 (2) At the time of sentencing, the prosecutor shall notify any victim  
3 injured as a result of a crime of the first or second degree or the  
4 nearest relative of a murder victim of the opportunity to present a  
5 written or videotaped statement for the parole report to be considered  
6 at the parole hearing or to testify to the parole board concerning his  
7 harm at the time of the parole hearing. Each victim or relative shall be  
8 responsible for notifying the board of his intention to submit such a  
9 statement and to provide an appropriate mailing address.

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

20 The board shall notify such person at his last known mailing  
21 address.

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

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

1 authorized to receive or review a copy of the report containing the  
2 confidential information.

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

7 (cf: P.L.1997, c.217, s.1)

8

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

11 11. a. Prior to the parole eligibility date of each adult inmate, a  
12 designated hearing officer shall review the reports required by section  
13 10 of P.L.1979, c.441 (C.30:4-123.54), and shall determine whether  
14 there is a basis for denial of parole in the preparole report, any risk  
15 assessment prepared in accordance with the provisions of subsection  
16 e. of section 8 of P.L.1979, c.441 (C.30:4-123.52), or the inmate's  
17 statement, or an indication, reduced to writing, that additional  
18 information providing a basis for denial of parole would be developed  
19 or produced at a hearing. If the hearing officer determines that there  
20 is no basis in the preparole report, the risk assessment, or the inmate's  
21 statement for denial of parole and that there is no additional relevant  
22 information to be developed or produced at a hearing, he shall at least  
23 60 days prior to the inmate's parole eligibility date recommend in  
24 writing to the assigned member of the board panel that parole release  
25 be granted.

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

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

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

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

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

42 f. Notwithstanding the provision of any other law to the contrary,  
43 if an inmate incarcerated for murder is recommended for parole by the  
44 assigned board member or the appropriate board panel, parole shall  
45 not be certified until a majority of the full parole board, after  
46 conducting a hearing, concurs in that recommendation. The board

1 shall notify the victim's family of that hearing and family members shall  
2 be afforded the opportunity to testify in person or to submit written or  
3 videotaped statements. The provisions of this subsection shall not  
4 apply to an inmate who has his parole revoked and is returned to  
5 custody pursuant to the provisions of section 19 of P.L.1979, c.441  
6 (C.30:4-123.63).  
7 (cf: P.L.1997, c.217, s.3)

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9 3. This act shall take effect immediately.

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### STATEMENT

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14 This bill would permit victims of serious crimes or the nearest  
15 relative of a murder victim to submit videotaped statements for  
16 inclusion in parole reports considered at parole hearings. The bill also  
17 would permit victims or relatives who choose not to testify in person  
18 at a parole hearing to have testimony that they present to a senior  
19 hearing officer videotaped for presentation at the hearing.

20 Current law permits victims of first or second-degree crimes, or the  
21 nearest relative of a murder victim, to submit a written statement for  
22 inclusion in an inmate's parole report. The statement may describe the  
23 nature and extent of the physical or emotional harm and loss of  
24 earnings caused by the inmate's crime and the effect of the crime on  
25 the victim's family. The board panel considers the contents of the  
26 report at the parole hearing.

27 These victims also may testify in person at the parole hearing under  
28 current law. Testimony provided at the hearing is confidential.  
29 Victims who prefer not to attend the hearing for fear of encountering  
30 the inmate are offered the option of presenting testimony to a senior  
31 hearing officer. The officer is required to prepare a report or  
32 transcript of this testimony for presentation at the hearing.

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37 \_\_\_\_\_  
38 Permits victims to submit videotaped statements for use in parole  
hearings.

# ASSEMBLY, No. 2144

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JUNE 1, 1998

**Sponsored by:**

**Assemblyman JAMES W. HOLZAPFEL**

**District 10 (Monmouth and Ocean)**

**Assemblywoman MARION CRECCO**

**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

**Assemblymen Azzolina, Corodemus, Talarico and Assemblywoman  
Watson Coleman**

**SYNOPSIS**

Permits victims to submit videotaped statements for use in parole hearings.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 10/30/1998)



1 AN ACT concerning the participation of victims of crime in parole  
2 hearings and amending P.L.1979, c.441.

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

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

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

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

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

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

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

38 The inmate shall disclose any information concerning any history of  
39 civil commitment.

40 The preincarceration records of the inmate contained in the report  
41 shall include any psychological reports prepared in connection with  
42 any court proceedings.

43 (2) At the time of sentencing, the prosecutor shall notify any victim

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**Matter underlined thus is new matter.**

1 injured as a result of a crime of the first or second degree or the  
2 nearest relative of a murder victim of the opportunity to present a  
3 written or videotaped statement for the parole report to be considered  
4 at the parole hearing or to testify to the parole board concerning his  
5 harm at the time of the parole hearing. Each victim or relative shall be  
6 responsible for notifying the board of his intention to submit such a  
7 statement and to provide an appropriate mailing address.

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

18 The board shall notify such person at his last known mailing  
19 address.

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

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

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

5 (cf: P.L.1997, c.217, s.1)

6

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

9 11. a. Prior to the parole eligibility date of each adult inmate, a  
10 designated hearing officer shall review the reports required by section  
11 10 of P.L.1979, c.441 (C.30:4-123.54), and shall determine whether  
12 there is a basis for denial of parole in the preparole report, any risk  
13 assessment prepared in accordance with the provisions of subsection  
14 e. of section 8 of P.L.1979, c.441 (C.30:4-123.52), or the inmate's  
15 statement, or an indication, reduced to writing, that additional  
16 information providing a basis for denial of parole would be developed  
17 or produced at a hearing. If the hearing officer determines that there  
18 is no basis in the preparole report, the risk assessment, or the inmate's  
19 statement for denial of parole and that there is no additional relevant  
20 information to be developed or produced at a hearing, he shall at least  
21 60 days prior to the inmate's parole eligibility date recommend in  
22 writing to the assigned member of the board panel that parole release  
23 be granted.

24 b. If the assigned member of the board panel or in the case of an  
25 inmate sentenced to a county penal institution, the assigned member  
26 concurs in the hearing officer's recommendation, he shall certify parole  
27 release pursuant to section 15 of P.L.1979, c.441 (C.30:4-123.59) as  
28 soon as practicable after the eligibility date and so notify the inmate  
29 and the board. In the case of an inmate sentenced to a county penal  
30 institution the board shall certify parole release or deny parole as  
31 provided by this section, except with regard to time periods for notice  
32 and parole processing which are authorized by or otherwise adopted  
33 pursuant to subsection g. of section 7 of P.L.1979, c.441  
34 (C.30:4-123.51). If the designated hearing officer does not  
35 recommend release on parole or if the assigned member does not  
36 concur in a recommendation of the designated hearing officer in favor  
37 of release, then the parole release of an inmate in a county penal  
38 institution shall be treated under the provisions of law otherwise  
39 applicable to an adult inmate. In the case of an inmate sentenced to a  
40 county penal institution, the performance of public service for the  
41 remainder of the term of the sentence shall be a required condition of  
42 parole, where appropriate.

43 c. If the hearing officer or the assigned member determines that  
44 there is a basis for denial of parole, or that a hearing is otherwise  
45 necessary, the hearing officer or assigned member shall notify the  
46 appropriate board panel and the inmate in writing of his determination,

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

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

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

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

1 videotaped statements. The provisions of this subsection shall not  
2 apply to an inmate who has his parole revoked and is returned to  
3 custody pursuant to the provisions of section 19 of P.L.1979, c.441  
4 (C.30:4-123.63).  
5 (cf: P.L.1997, c.217, s.3)

6

7 3. This act shall take effect immediately.

8

9

10 STATEMENT

11

12 This bill would permit victims of serious crimes or the nearest  
13 relative of a murder victim to submit videotaped statements for  
14 inclusion in parole reports considered at parole hearings. The bill also  
15 would permit victims or relatives who choose not to testify in person  
16 at a parole hearing to have testimony that they present to a senior  
17 hearing officer videotaped for presentation at the hearing.

18 Current law permits victims of first or second-degree crimes, or the  
19 nearest relative of a murder victim, to submit a written statement for  
20 inclusion in an inmate's parole report. The statement may describe the  
21 nature and extent of the physical or emotional harm and loss of  
22 earnings caused by the inmate's crime and the effect of the crime on  
23 the victim's family. The board panel considers the contents of the  
24 report at the parole hearing.

25 These victims also may testify in person at the parole hearing under  
26 current law. Testimony provided at the hearing is confidential.  
27 Victims who prefer not to attend the hearing for fear of encountering  
28 the inmate are offered the option of presenting testimony to a senior  
29 hearing officer. The officer is required to prepare a report or  
30 transcript of this testimony for presentation at the hearing.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2144

# STATE OF NEW JERSEY

DATED: SEPTEMBER 14, 1998

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2144.

Assembly Bill No. 2144 permits victims of first or second-degree crimes or the nearest relative of a murder victim to submit videotaped statements for inclusion in parole reports considered at parole hearings. The bill also permits victims or relatives who choose not to testify in person at a parole hearing to have testimony that they present to a senior hearing officer videotaped for presentation at the hearing.

Section 10 of P.L.1979, c.441 (C.30:4-123.54) currently permits these victims or relatives to submit a written statement for inclusion in an inmate's parole report. This statement may describe the nature and extent of the physical or emotional harm and loss of earnings or ability to work suffered by the victim due to the inmate's crime and the continuing effect of the crime on the victim's family.

Section 11 of P.L.1979, c.441 (C.30:4-123.55) provides these victims and relatives with the option of presenting testimony to a senior hearing officer rather than testifying in person at a parole hearing. The officer is required to prepare a report or transcript of this testimony for presentation at the hearing.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2144**

# **STATE OF NEW JERSEY**

DATED: JANUARY 25, 1999

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 2144.

Assembly Bill No. 2144 permits victims of first or second-degree crimes or the nearest relative of a murder victim to submit videotaped statements for inclusion in parole reports considered at parole hearings. The bill also permits victims or relatives who choose not to testify in person at a parole hearing to have testimony that they present to a senior hearing officer videotaped for presentation at the hearing.

Section 10 of P.L.1979, c.441 (C.30:4-123.54) currently permits these victims or relatives to submit a written statement for inclusion in an inmate's parole report. This statement may describe the nature and extent of the physical or emotional harm and loss of earnings or ability to work suffered by the victim due to the inmate's crime and the continuing effect of the crime on the victim's family.

Section 11 of P.L.1979, c.441 (C.30:4-123.55) provides these victims and relatives with the option of presenting testimony to a senior hearing officer rather than testifying in person at a parole hearing. The officer is required to prepare a report or transcript of this testimony for presentation at the hearing.

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*Office of the Governor*  
**NEWS RELEASE**

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RELEASE: December 29, 1999

## **Acting Governor Donald DiFrancesco Signs Bill Permitting Victims to Give Videotaped Statements at Parole Hearings**

Acting Governor Donald DiFrancesco today signed legislation at the Ocean County Prosecutor's Office that will allow victims of serious crimes to give videotaped statements for airing at parole hearings.

"This new law will provide victims and families with an additional tool by which to demonstrate to the Parole Board Panel the impact that a crime has had on them personally or on the victim's family," said Acting Governor Donald DiFrancesco. "As we all know, there are some emotions, thoughts and ideas that are best conveyed through the spoken medium, and now victims and their families will truly be able to have their voices heard."

Under previous law, victims of first and second degree crimes and family members of murder victims were able to give a statement to the Parole Board regarding how the crime has impacted their lives. While the law did not specifically permit videotaped statements, the Parole Board has allowed such actions in the past.

Meanwhile the bill does not impact on the rights of defendants, who can still dispute the victim's statement at the hearing.

The legislation, **A-2144**, was sponsored by Assembly Members James W. Holzapfel (R-Monmouth/Ocean) and Marion Crecco (R-Essex/Passaic).