

30:4-123.48

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 344

NJSA: 30:4-123.48 (Provides civil service protection for State Parole Board hearing officers)

BILL NO: S2521/2711 (Substituted for A4077)

SPONSOR(S): Adler and others

DATE INTRODUCED: May 12, 2005

COMMITTEE: **ASSEMBLY:**

SENATE: Law and Public Safety and Veterans' Affairs

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** January 9, 2006

SENATE: January 5, 2006

DATE OF APPROVAL: January 12, 2006

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Senate Committee Substitute for S2521/2711 enacted)

A2521/2711

[SPONSOR'S STATEMENT \(S2521\)](#): (Begins on page 3 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(S2711\)](#): (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A4077

[SPONSOR'S STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Flurry of activity marks final day," 1-10-2006 Home News Tribune, p.A3

IS 2/27/08

P.L. 2005, CHAPTER 344, *approved January 12, 2006*
Senate Committee Substitute for
Senate, Nos. 2521 and 2711

1 AN ACT concerning certain employees of the State Parole Board and
2 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 4 of P.L.1979, c.441 (C.30:4-123.48) is amended to
8 read as follows:

9 4. a. All policies and determinations of the Parole Board shall be
10 made by the majority vote of the members.

11 b. Except where otherwise noted, parole determinations on
12 individual cases pursuant to this act shall be made by the majority vote
13 of a quorum of the appropriate board panel established pursuant to this
14 section.

15 c. The chairman of the board shall be the chief executive officer
16 of the board and, after consulting with the board, shall be responsible
17 for designating the time and place of all board meetings, for appointing
18 the board's employees, for organizing, controlling and directing the
19 work of the board and its employees, and for preparation and
20 justification of the board's budget. **[Hearing officers and such other]**
21 Only the employees in those titles and positions as are designated by
22 the Commissioner of the Department of Personnel shall serve at the
23 pleasure of the chairman and shall not be subject to the provisions of
24 Title 11A of the New Jersey Statutes. All other employees, including
25 hearing officers, shall be in the career service and subject to the
26 provisions of Title 11A of the New Jersey Statutes. All such career
27 service employees who are employed by the State Parole Board on
28 September 5, 2001 , and in the case of hearing officers, those who
29 have been employed by the State Parole Board for a period of at least
30 one year prior to the effective date of P.L. , c. (now pending
31 before the Legislature as this bill), shall have permanent career service
32 status with seniority awarded from the date of their appointments.
33 Parole officers assigned to supervise adult parolees and all supervisory
34 titles associated with the supervision of adult parolees in the parole
35 officer series shall be classified employees subject to the provisions of
36 Title 11A of the New Jersey Statutes. Parole officers assigned to
37 supervise adult parolees and all supervisory titles associated with the
38 supervision of adult parolees in the parole officer job classification
39 series shall be organizationally assigned to the State Parole Board with
40 a sworn member of the Division of Parole appointed to act as director

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 of parole supervision. The director of parole supervision shall report
2 directly to the Chairman of the State Parole Board or to such person
3 as the chairman may designate.

4 d. The board shall promulgate such reasonable rules and
5 regulations, consistent with this act, as may be necessary for the
6 proper discharge of its responsibilities. The chairman shall file such
7 rules and regulations with the Secretary of State. The provisions of
8 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
9 seq.) shall apply to the promulgation of rules and regulations
10 concerning policy and administration, but not to other actions taken
11 under this act, such as parole hearings, parole revocation hearings and
12 review of parole cases. In determination of its rules and regulations
13 concerning policy and administration, the board shall consult the
14 Governor, the Commissioner of Corrections and the Juvenile Justice
15 Commission established pursuant to section 2 of P.L.1995, c.284
16 (C.52:17B-170).

17 e. The board, in conjunction with the Department of Corrections
18 and the Juvenile Justice Commission, shall develop a uniform
19 information system in order to closely monitor the parole process.
20 Such system shall include participation in the Uniform Parole Reports
21 of the National Council on Crime and Delinquency.

22 f. The board shall transmit a report of its work for the preceding
23 fiscal year, including information on the causes and extent of parole
24 recidivism, to the Governor, the Legislature and the Juvenile Justice
25 Commission annually. The report also may include relevant
26 information on compliance with established time frames in the
27 processing of parole eligibility determinations, the effectiveness of any
28 pertinent legislative or administrative measures, and any
29 recommendations to enhance board operations or to effectuate the
30 purposes of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45
31 et seq.).

32 g. The board shall give public notice prior to considering any adult
33 inmate for release.

34 h. The board shall give notice to the appropriate prosecutor's
35 office and to the committing court prior to the initial consideration of
36 any juvenile inmate for release.

37 (cf: P.L. 2001, c.141, c.2)

38
39 2. This act shall take effect immediately.
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44 Provides civil service protection for State Parole Board hearing
45 officers.

SENATE, No. 2521

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MAY 12, 2005

Sponsored by:
Senator JOHN H. ADLER
District 6 (Camden)

SYNOPSIS

Moves certain Parole Board employees from unclassified to career service of civil service.

CURRENT VERSION OF TEXT

As introduced.



S2521 ADLER

2

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

2

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

5

6 1. Section 4 of P.L.1979, c.441 (C.30:4-123.48) is amended to
7 read as follows:

8 4. a. All policies and determinations of the Parole Board shall be
9 made by the majority vote of the members.

10 b. Except where otherwise noted, parole determinations on
11 individual cases pursuant to this act shall be made by the majority vote
12 of a quorum of the appropriate board panel established pursuant to this
13 section.

14 c. The chairman of the board shall be the chief executive officer of
15 the board and, after consulting with the board, shall be responsible for
16 designating the time and place of all board meetings, for appointing the
17 board's employees, for organizing, controlling and directing the work
18 of the board and its employees, and for preparation and justification of
19 the board's budget. **[Hearing officers and such other]** Only those
20 titles and positions of employees as are designated by the
21 Commissioner of the Department of Personnel shall serve at the
22 pleasure of the chairman and shall not be subject to the provisions of
23 Title 11A of the New Jersey Statutes. All other employees, including
24 Hearing Officers, shall be in the career service and subject to the
25 provisions of Title 11A of the New Jersey Statutes. All such career
26 service employees who are employed by the State Parole Board on
27 **[September 5, 2001]** the effective date of P.L. c. (now pending
28 before the Legislature as this bill) shall have permanent career service
29 status with seniority awarded from the date of their appointments.
30 Parole officers assigned to supervise adult parolees and all supervisory
31 titles associated with the supervision of adult parolees in the parole
32 officer series shall be classified employees subject to the provisions of
33 Title 11A of the New Jersey Statutes. Parole officers assigned to
34 supervise adult parolees and all supervisory titles associated with the
35 supervision of adult parolees in the parole officer job classification
36 series shall be organizationally assigned to the State Parole Board with
37 a sworn member of the Division of Parole appointed to act as director
38 of parole supervision. The director of parole supervision shall report
39 directly to the Chairman of the State Parole Board or to such person
40 as the chairman may designate.

41 d. The board shall promulgate such reasonable rules and
42 regulations, consistent with this act, as may be necessary for the
43 proper discharge of its responsibilities. The chairman shall file such

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 rules and regulations with the Secretary of State. The provisions of
2 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
3 seq.) shall apply to the promulgation of rules and regulations
4 concerning policy and administration, but not to other actions taken
5 under this act, such as parole hearings, parole revocation hearings and
6 review of parole cases. In determination of its rules and regulations
7 concerning policy and administration, the board shall consult the
8 Governor, the Commissioner of Corrections and the Juvenile Justice
9 Commission established pursuant to section 2 of P.L.1995, c.284
10 (C.52:17B-170).

11 e. The board, in conjunction with the Department of Corrections
12 and the Juvenile Justice Commission, shall develop a uniform
13 information system in order to closely monitor the parole process.
14 Such system shall include participation in the Uniform Parole Reports
15 of the National Council on Crime and Delinquency.

16 f. The board shall transmit a report of its work for the preceding
17 fiscal year, including information on the causes and extent of parole
18 recidivism, to the Governor, the Legislature and the Juvenile Justice
19 Commission annually. The report also may include relevant
20 information on compliance with established time frames in the
21 processing of parole eligibility determinations, the effectiveness of any
22 pertinent legislative or administrative measures, and any
23 recommendations to enhance board operations or to effectuate the
24 purposes of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45
25 et seq.).

26 g. The board shall give public notice prior to considering any adult
27 inmate for release.

28 h. The board shall give notice to the appropriate prosecutor's office
29 and to the committing court prior to the initial consideration of any
30 juvenile inmate for release.

31 (cf: P.L.2001, c.141, s.2)

32

33 2. This act shall take effect immediately.

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STATEMENT

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38 Under current law, Hearing Officers and other positions of the State
39 Parole Board as are designated by the Commissioner of Personnel
40 serve at the pleasure of the chairman and are not subject to the
41 provisions of Title 11A of the New Jersey Statutes (Civil Service). All
42 other employees are in the career service of the civil service.

43 This bill would place the board's Hearing Officers in the career
44 service of civil service, giving them all the protections afforded under
45 Title 11A of the New Jersey Statutes.

46 On September 5, 2001, a group of board employees were moved to

S2521 ADLER

4

1 the career service under the provisions of P.L.2001, c.141. As part of
2 that move, those employees were given civil service seniority based on
3 the date they were hired, not the date they were moved to the career
4 service.

5 This bill does the same for the transferred Hearing Officers. Their
6 civil service seniority will be based on the date of their original hire,
7 not the date they were moved to the career service.

SENATE, No. 2711

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED JUNE 23, 2005

Sponsored by:

Senator NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Provides civil service protection for State Parole Board hearing officers.

CURRENT VERSION OF TEXT

As introduced.



S2711 ASSELTA

2

1 AN ACT concerning certain employees of the State Parole Board and
2 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 4 of P.L.1979, c.441 (C.30:4-123.48) is amended to
8 read as follows:

9 4. a. All policies and determinations of the Parole Board shall be
10 made by the majority vote of the members.

11 b. Except where otherwise noted, parole determinations on
12 individual cases pursuant to this act shall be made by the majority vote
13 of a quorum of the appropriate board panel established pursuant to this
14 section.

15 c. The chairman of the board shall be the chief executive officer of
16 the board and, after consulting with the board, shall be responsible for
17 designating the time and place of all board meetings, for appointing the
18 board's employees, for organizing, controlling and directing the work
19 of the board and its employees, and for preparation and justification of
20 the board's budget. **[Hearing officers and such other]** Only the
21 employees in those titles and positions as are designated by the
22 Commissioner of the Department of Personnel shall serve at the
23 pleasure of the chairman and shall not be subject to the provisions of
24 Title 11A of the New Jersey Statutes. All other employees, including
25 hearing officers, shall be in the career service and subject to the
26 provisions of Title 11A of the New Jersey Statutes. All such career
27 service employees who are employed by the State Parole Board on
28 September 5, 2001 and, in the case of hearing officers, who are
29 employed by the State Parole Board on the effective date of P.L. _____,

30 c. _____ (now pending before the Legislature as this bill) shall have
31 permanent career service status with seniority awarded from the date
32 of their appointments. Parole officers assigned to supervise adult
33 parolees and all supervisory titles associated with the supervision of
34 adult parolees in the parole officer series shall be classified employees
35 subject to the provisions of Title 11A of the New Jersey Statutes.
36 Parole officers assigned to supervise adult parolees and all supervisory
37 titles associated with the supervision of adult parolees in the parole
38 officer job classification series shall be organizationally assigned to the
39 State Parole Board with a sworn member of the Division of Parole
40 appointed to act as director of parole supervision. The director of
41 parole supervision shall report directly to the Chairman of the State
42 Parole Board or to such person as the chairman may designate.

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Matter underlined thus is new matter.

S2711 ASSELTA

1 d. The board shall promulgate such reasonable rules and
2 regulations, consistent with this act, as may be necessary for the
3 proper discharge of its responsibilities. The chairman shall file such
4 rules and regulations with the Secretary of State. The provisions of
5 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
6 seq.) shall apply to the promulgation of rules and regulations
7 concerning policy and administration, but not to other actions taken
8 under this act, such as parole hearings, parole revocation hearings and
9 review of parole cases. In determination of its rules and regulations
10 concerning policy and administration, the board shall consult the
11 Governor, the Commissioner of Corrections and the Juvenile Justice
12 Commission established pursuant to section 2 of P.L.1995, c.284
13 (C.52:17B-170).

14 e. The board, in conjunction with the Department of Corrections
15 and the Juvenile Justice Commission, shall develop a uniform
16 information system in order to closely monitor the parole process.
17 Such system shall include participation in the Uniform Parole Reports
18 of the National Council on Crime and Delinquency.

19 f. The board shall transmit a report of its work for the preceding
20 fiscal year, including information on the causes and extent of parole
21 recidivism, to the Governor, the Legislature and the Juvenile Justice
22 Commission annually. The report also may include relevant
23 information on compliance with established time frames in the
24 processing of parole eligibility determinations, the effectiveness of any
25 pertinent legislative or administrative measures, and any
26 recommendations to enhance board operations or to effectuate the
27 purposes of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45
28 et seq.).

29 g. The board shall give public notice prior to considering any adult
30 inmate for release.

31 h. The board shall give notice to the appropriate prosecutor's office
32 and to the committing court prior to the initial consideration of any
33 juvenile inmate for release.

34 (cf: P.L. 2001, c.141, c.2)

35

36 2. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 This bill gives hearing officers employed by the State Parole Board
42 civil service status.

43 In 2001, the State Parole Board and the Division of Parole in the
44 Department of Corrections were merged, combining the agencies
45 which were responsible for the two components of the parole system:

S2711 ASSELTA

1 the release of inmates (the board) and supervision of parolees (the
2 division).

3 As part of that merger, certain employees of the State Parole Board
4 were moved from the unclassified to the classified service and thus
5 were accorded civil service protections

6 Parole hearing officers were not included among the employees
7 moved to the classified service. They remained in the unclassified
8 service and continued to serve at the pleasure of the chairman of the
9 Parole Board. This bill would move these hearing officers to the
10 classified services and give them civil service protections.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2521 and 2711

STATE OF NEW JERSEY

DATED: DECEMBER 1, 2005

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 2521 and 2711.

This committee substitute gives hearing officers employed by the State Parole Board civil service status.

In 2001, the State Parole Board and the Division of Parole in the Department of Corrections were merged, combining the agencies which were responsible for the two components of the parole system: the release of inmates (the board) and supervision of parolees (the division).

As part of that merger, certain employees of the State Parole Board were moved from the unclassified to the classified service and thus were accorded civil service protections

Parole hearing officers were not included among the employees moved to the classified service. They remained in the unclassified service and continued to serve at the pleasure of the chairman of the Parole Board. This committee substitute would also move hearing officers who have been employed by the board for at least one year prior to the bill's effective date to the classified service and give them civil service protections.

ASSEMBLY, No. 4077

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 12, 2005

Sponsored by:

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

Assemblymen Burzichelli and Connors

SYNOPSIS

Provides civil service protection for State Parole Board hearing officers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/1/2005)

1 AN ACT concerning certain employees of the State Parole Board and
2 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 4 of P.L.1979, c.441 (C.30:4-123.48) is amended to
8 read as follows:

9 4. a. All policies and determinations of the Parole Board shall be
10 made by the majority vote of the members.

11 b. Except where otherwise noted, parole determinations on
12 individual cases pursuant to this act shall be made by the majority vote
13 of a quorum of the appropriate board panel established pursuant to this
14 section.

15 c. The chairman of the board shall be the chief executive officer of
16 the board and, after consulting with the board, shall be responsible for
17 designating the time and place of all board meetings, for appointing the
18 board's employees, for organizing, controlling and directing the work
19 of the board and its employees, and for preparation and justification of
20 the board's budget. **[Hearing officers and such other]** Only the
21 employees in those titles and positions as are designated by the
22 Commissioner of the Department of Personnel shall serve at the
23 pleasure of the chairman and shall not be subject to the provisions of
24 Title 11A of the New Jersey Statutes. All other employees, including
25 hearing officers, shall be in the career service and subject to the
26 provisions of Title 11A of the New Jersey Statutes. All such career
27 service employees who are employed by the State Parole Board on
28 September 5, 2001 and, in the case of hearing officers, who are
29 employed by the State Parole Board on the effective date of
30 P.L. , c. (now pending before the Legislature as this bill) shall
31 have permanent career service status with seniority awarded from the
32 date of their appointments. Parole officers assigned to supervise adult
33 parolees and all supervisory titles associated with the supervision of
34 adult parolees in the parole officer series shall be classified employees
35 subject to the provisions of Title 11A of the New Jersey Statutes.
36 Parole officers assigned to supervise adult parolees and all supervisory
37 titles associated with the supervision of adult parolees in the parole
38 officer job classification series shall be organizationally assigned to the
39 State Parole Board with a sworn member of the Division of Parole
40 appointed to act as director of parole supervision. The director of
41 parole supervision shall report directly to the Chairman of the State
42 Parole Board or to such person as the chairman may designate.

43 d. The board shall promulgate such reasonable rules and

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 regulations, consistent with this act, as may be necessary for the
2 proper discharge of its responsibilities. The chairman shall file such
3 rules and regulations with the Secretary of State. The provisions of
4 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
5 seq.) shall apply to the promulgation of rules and regulations
6 concerning policy and administration, but not to other actions taken
7 under this act, such as parole hearings, parole revocation hearings and
8 review of parole cases. In determination of its rules and regulations
9 concerning policy and administration, the board shall consult the
10 Governor, the Commissioner of Corrections and the Juvenile Justice
11 Commission established pursuant to section 2 of P.L.1995, c.284
12 (C.52:17B-170).

13 e. The board, in conjunction with the Department of Corrections
14 and the Juvenile Justice Commission, shall develop a uniform
15 information system in order to closely monitor the parole process.
16 Such system shall include participation in the Uniform Parole Reports
17 of the National Council on Crime and Delinquency.

18 f. The board shall transmit a report of its work for the preceding
19 fiscal year, including information on the causes and extent of parole
20 recidivism, to the Governor, the Legislature and the Juvenile Justice
21 Commission annually. The report also may include relevant
22 information on compliance with established time frames in the
23 processing of parole eligibility determinations, the effectiveness of any
24 pertinent legislative or administrative measures, and any
25 recommendations to enhance board operations or to effectuate the
26 purposes of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45
27 et seq.).

28 g. The board shall give public notice prior to considering any adult
29 inmate for release.

30 h. The board shall give notice to the appropriate prosecutor's office
31 and to the committing court prior to the initial consideration of any
32 juvenile inmate for release.

33 (cf: P.L.2001, c.141, s.2)

34

35 2. This act shall take effect immediately.

36

37

38

STATEMENT

39

40 This bill gives hearing officers employed by the State Parole Board
41 civil service status.

42 In 2001, the State Parole Board and the Division of Parole in the
43 Department of Corrections were merged, combining the agencies
44 which were responsible for the two components of the parole system:
45 the release of inmates (the board) and supervision of parolees (the
46 division).

A4077 CHIVUKULA, JOHNSON

4

1 As part of that merger, certain employees of the State Parole Board
2 were moved from the unclassified to the classified service and thus
3 were accorded civil service protections

4 Parole hearing officers were not included among the employees
5 moved to the classified service. They remained in the unclassified
6 service and continued to serve at the pleasure of the chairman of the
7 Parole Board. This bill would move these hearing officers to the
8 classified services and give them civil service protections.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4077

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 5, 2006

The Assembly State Government Committee reports favorably and with committee amendments Assembly, No. 4077.

This bill gives hearing officers employed by the State Parole Board classified civil service status.

In 2001, the State Parole Board and the Division of Parole in the Department of Corrections were merged, combining the agencies which were responsible for the two components of the parole system: the release of inmates (the board) and supervision of parolees (the division). As part of that merger, certain employees of the State Parole Board were moved from the unclassified to the classified service and thus, were accorded civil service protections

Parole hearing officers were not included among the employees moved to the classified service. They remained in the unclassified service and continued to serve at the pleasure of the chairman of the Parole Board. This bill would move these hearing officers to the classified services and give them civil service protections.

Assembly, No. 4077 is the same as the Senate Committee Substitute for Senate, Nos. 2521 and 2711 of 2005.

COMMITTEE AMENDMENTS

The committee amended the bill to provide that the hearing officers who have been employed by the State Parole Board for a period of at least one year prior to the effective date of the bill, as opposed to those hearing officers employed on the effective date of the bill, will move to classified service status with seniority awarded from the date of their appointments.