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LEGISLATIVE FISCAL NOTE: Yes 12-17-09
1-12-10
1-15-10

VETO MESSAGE: No

GOVERNOR'S STATEMENT ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Controversial parole bill signed by Corzine," The Record, 1-20-10.

LAW/RWH

§§1,2 -
C.30:4-92.1 &
30:4-92.2
§3 - C.30:4-92a
§§5,9-11 -
C.30:4-91.18
to 30:4-91.21
§8 –
C.30:4-123.51d
§12 - Note

P.L. 2009, CHAPTER 330, *approved January 18, 2010*
Assembly, No. 4202 (*Second Reprint*)

1 **AN ACT** concerning inmates, revising various parts of the statutory
2 law and supplementing Title 30 of the Revised Statutes.

3

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

6

7 1. (New section) The Commissioner of Corrections, in
8 consultation with the Commissioner of Labor and Workforce
9 Development, shall establish a mandatory workforce skills training
10 program in each State correctional facility under the jurisdiction of
11 the Department of Corrections.

12 a. The requirement of participating in a workforce skills
13 training program shall apply to an inmate who:

14 (1) is in the custody of the Department of Corrections on the
15 effective date of P.L. , c. (C.) (pending before the
16 Legislature as this bill);

17 (2) has 18 months or more remaining to be served before a
18 mandatory release date; and

19 (3) is not exempted due to a medical, developmental, or learning
20 disability.

21 b. The mandatory workforce skills training program
22 requirement may be deferred for an inmate who is serving a
23 sentence exceeding 10 years.

24 c. The workforce skills training program shall contain a
25 computer literacy component, including instruction on word
26 processing, typing, Internet navigation, and use of e-mail.

27 d. An inmate who satisfactorily participates in the mandatory
28 workforce skills training program shall be eligible for commutation
29 time for good behavior pursuant to R.S.30:4-140 or credits for
30 diligent application to work and other institutional assignments
31 pursuant to R.S.30:4-92.

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:

¹Assembly AAP committee amendments adopted December 3, 2009.

²Assembly floor amendments adopted January 7, 2010.

- 1 e. The commissioner shall report to the State Parole Board the
2 progress of an inmate participating in the mandatory workforce
3 skills training program.
- 4 f. The commissioner, in consultation with the Commissioner of
5 Labor and Workforce Development, shall promulgate, pursuant to
6 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
7 seq.) the rules and regulations that are necessary to implement the
8 provisions of P.L. , c. (C.) (pending before the Legislature
9 as this bill). These rules and regulations shall include, but not be
10 limited to, provisions to:
- 11 (1) determine when an inmate shall be exempted from the
12 mandatory workforce skills training requirement due to a medical,
13 developmental, or learning disability as authorized under paragraph
14 (3) of subsection a. of this section; and
- 15 (2) authorize these exempted inmates to voluntarily participate
16 in the mandatory workforce skills training program.
- 17
- 18 2. (New section) a. The Commissioner of Corrections, in
19 consultation with the Commissioner of Education, shall establish a
20 program of mandatory education in each State correctional facility
21 under the jurisdiction of the Department of Corrections for each
22 inmate who fails to attain a minimal educational standard.
- 23 b. The minimal educational standard set forth in subsection a.
24 of this section shall be the attainment of a high school equivalency
25 certificate or high school diploma.
- 26 c. ²**[The]** Consistent with the phase-in schedule adopted by
27 the commissioner pursuant to subsection h. of this section, the²
28 requirement of attaining a minimal educational standard shall apply
29 to an inmate who:
- 30 (1) is in the custody of the Department of Corrections on ²and
31 after² the effective date of P.L. , c. (C.) (pending before the
32 Legislature as this bill);
- 33 (2) has 18 months or more remaining to be served before a
34 mandatory release date;
- 35 (3) is not exempted due to a medical, developmental, or learning
36 disability; and
- 37 (4) does not possess a high school equivalency certificate or
38 high school diploma.
- 39 d. The mandatory education requirement may be deferred for
40 an inmate who is serving a sentence exceeding 10 years.
- 41 e. An inmate who satisfactorily participates in the mandatory
42 education program shall be eligible for commutation time for good
43 behavior pursuant to R.S.30:4-140 or credits for diligent application
44 to work and other institutional assignments pursuant to R.S.30:4-92.
- 45 f. The commissioner shall report to the State Parole Board the
46 academic progress of an inmate participating in the mandatory
47 education program.
- 48 g. The commissioner may utilize digital technology and on-line

1 education methods to meet the mandatory education requirement
2 established by this section provided these alternate methods are
3 documented to be as effective with inmate populations as live
4 instruction.

5 h. The commissioner shall establish a schedule for the
6 incremental implementation of the minimal educational standard
7 required by this section. ²~~[The]~~ As hereinafter provided, the²
8 schedule shall ²[be completed] consist of five foundation stages
9 and shall provide for the full implementation of the minimal
10 educational standard² within five years of the effective date of this
11 act.

12 ²(1) Stage One: The Prisoner Reentry Commission, established
13 pursuant to P.L. , c. (C.) (pending before the Legislature as
14 Assembly Bill No. 4201 (1R) of 2009), shall prepare a report
15 outlining and assessing the availability of innovative technology,
16 volunteer services and private sector resources the Department of
17 Corrections may utilize to support and enhance in-prison education
18 programs. In preparing this report, the commission, in consultation
19 with the Department of Corrections and the Department of
20 Education, shall prepare an inventory of the in-house educational
21 programs currently available to inmates, the curricula for those
22 programs, and the educational materials utilized. The report shall
23 be submitted to the Commissioner of Corrections and the
24 Commissioner of Education, along with any recommendations the
25 commission may have, not later than the first day of the 12th month
26 following the effective date of P.L. , c. (C.) (pending before
27 the Legislature as this bill).

28 (2) Stage Two: Beginning in the 13th month following the
29 effective date of P.L. , c. (C.) (pending before the Legislature
30 as this bill), the commissioner shall initiate a program designed to
31 raise the literacy level of inmates scheduled for release within three
32 years to a ninth grade level. The program shall utilize, to the
33 greatest extent feasible, available technology, volunteer services
34 and private sector resources.

35 (3) Stage Three: Beginning in the 25th month following the
36 effective date of P.L. , c. (C.) (pending before the Legislature
37 as this bill), the commissioner shall initiate a program designed to
38 raise the literacy level of inmates scheduled to be released within 10
39 years to a ninth grade level. The program shall utilize, to the
40 greatest extent feasible, available technology, volunteer services
41 and private sector resources.

42 (4) Stage Four: Beginning in the 48th month following the
43 effective date of P.L. , c. (C.) (pending before the Legislature
44 as this bill), the commissioner shall initiate a program designed to
45 raise the literacy level of inmates scheduled to be released within 10
46 years to a 12th grade level. The program shall utilize, to the
47 greatest extent feasible, available technology, volunteer services
48 and private sector resources.

1 (5) Stage Five: Beginning in the 60th month following the
2 effective date of P.L. , c. (C.) (pending before the Legislature
3 as this bill), the commissioner shall initiate a program designed to
4 raise the literacy level of all inmates to a 12th grade level. The
5 program shall utilize, to the greatest extent feasible, available
6 technology, volunteer services and private sector resources.²

7 i. The commissioner, in consultation with the Commissioner of
8 Education, shall promulgate, pursuant to the "Administrative
9 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the rules and
10 regulations that are necessary to implement the provisions of
11 P.L. , c. (C.) (pending before the Legislature as this bill).
12 These rules and regulations shall include, but not be limited to,
13 provisions to:

14 (1) determine when an inmate shall be exempted from the
15 mandatory education program due to a medical, developmental, or
16 learning disability as authorized under paragraph (3) of subsection
17 c. of this section;

18 (2) authorize these exempted inmates to voluntarily participate
19 in the mandatory education program; and

20 (3) offer and encourage these exempted inmates who possess the
21 capability to participate in an alternate educational program.

22
23 3. (New section) In addition to credits received pursuant to
24 R.S.30:4-92 and R.S.30:4-140, the commissioner also may award
25 inmates special credits to provide further remission from time of
26 sentence for achievements in education and workforce training.

27
28 4. R.S.30:4-127 is amended to read as follows:

29 30:4-127. a. An assignment judge of the Superior Court may
30 grant, on a written application to him of a majority of the board of
31 managers of the State Charities Aid Association of New Jersey, to
32 such person as may be named in such application an order enabling
33 such person to visit, inspect and examine, **[in] on** behalf of such
34 association, any of the county, town, township or city
35 **[poorhouses,] prisons, jails, penitentiaries, reformatories, [**
36 **lunatic or orphan asylums,]** located within any of the counties of
37 which he is the assignment judge. Every such order shall specify
38 the institutions to be visited, inspected and examined, and the name
39 of the person by whom the visitation, inspection and examination
40 are to be made, and shall be in force for one year from the date on
41 which it shall have been granted, unless sooner revoked.

42 b. ²[An assignment judge of the Superior Court may grant, on
43 a written application to him from a nonincarcerated person who has
44 previously been convicted for a violation of the criminal laws of
45 this State or the criminal laws of another jurisdiction and been
46 denied access to visit persons incarcerated in a correctional or penal
47 institution in this State, an order enabling the person to visit persons
48 who are incarcerated in any correctional or penal institution in this

1 State, if the person establishes to the judge that such visits are for
2 motivational purposes that are likely to be beneficial to the
3 rehabilitation of the incarcerated persons visited. Every such order
4 shall specify that all correctional and penal institutions in this State
5 may be visited by the person who applies for a court order pursuant
6 to this subsection.] A person convicted of a crime or offense in this
7 State, or another state or jurisdiction, who has completed his
8 sentence, and who seeks to visit persons incarcerated in a State
9 correction facility for motivational purposes, but has been denied
10 access to that facility, may apply to the Superior Court for an order
11 granting access to that, or any other, State correctional facility. A
12 copy of the written application shall be served on the Commissioner
13 of Corrections at the same time it is filed with the court. A judge of
14 the Superior Court may grant the relief requested in the application
15 and issue an order granting the applicant access to the State
16 correctional facility, or facilities, cited in the application; provided,
17 the applicant successfully establishes that the visits are for
18 motivational purposes and are likely to be beneficial to the
19 rehabilitation of certain inmates incarcerated in that facility, or
20 facilities, as the case may be, and if the commissioner provides no
21 valid objections to the court identifying safety or security concerns
22 associated with the applicant being granted access to a particular
23 facility, or facilities² .
24 (cf: P.L.1953, c.29, s.41)
25

26 ¹5. (New section) The Department of Corrections shall establish
27 a program within each prison facility to provide for the mentoring
28 of inmates who have been in the department's custody for a
29 continuous uninterrupted period of less than two years. The
30 program shall utilize inmates who have been in the department's
31 custody for a continuous uninterrupted period of more than 10 years
32 to provide the mentoring services, provided that such inmates have
33 demonstrated to the commissioner and the supervisor of the facility
34 wherein they are incarcerated that they can serve as positive role
35 models to inmates being mentored pursuant to this section.¹
36

37 ¹[5.] 6.¹ Section 12 of P.L.1979, c.441 (C.30:4-123.56) is
38 amended to read as follows:

39 12. a. The board shall develop a schedule of future parole
40 eligibility dates for adult inmates denied release at their eligibility
41 date. In developing such schedule, particular emphasis shall be
42 placed on the severity of the offense for which he was denied parole
43 and on the characteristics of the offender, such as, but not limited
44 to, the prior criminal record of the inmate and the need for
45 continued incapacitation of the inmate, however, in no case shall
46 any parole eligibility date scheduled pursuant to this subsection be

1 more than three years following the date on which an inmate was
2 denied release.

3 b. If the release on the eligibility date is denied, the board
4 panel which conducted the hearing shall refer to the schedule
5 published pursuant to subsection a., and include in its statement
6 denying parole notice of the date of future parole consideration. If
7 such date differs from the date otherwise established by the
8 schedule, the board panel shall include particular reasons therefore,
9 however, in no case shall such date be more than three years
10 following the date on which the inmate was denied release. The
11 future parole eligibility date shall not be altered to take into account
12 remissions of sentence for good behavior and diligent application to
13 work and other assignments; provided however, the future parole
14 eligibility date may be altered pursuant to section 8 of P.L.1979, c.
15 441 (C.30:4-123.52).

16 c. An inmate shall be released on parole on the new parole
17 eligibility date unless information filed pursuant to a procedure
18 identical to that set forth in section 10 of P.L.1979, c.441 (C.30:4-
19 123.54) indicates by a preponderance of the evidence that the
20 inmate has failed to cooperate in his or her own rehabilitation or
21 that there is a reasonable expectation that the inmate will violate
22 conditions of parole imposed pursuant to section 15 of P.L.1979,
23 c.441 (C.30:4-123.59) if released on parole at that time. The
24 determination of whether the inmate shall be released on the new
25 parole eligibility date shall be made pursuant to the procedure set
26 forth in section 11 of P.L.1979, c.441 (C.30:4-123.55) and this
27 section.

28 For the purposes of this subsection, "failed to cooperate in his or
29 her own rehabilitation" shall include, in the case of an inmate who
30 suffers from mental illness as defined in section 2 of P.L.1987,
31 c.116 (C.30:4-27.2) that does not require institutionalization, that
32 the inmate failed to fully participate in or cooperate with all
33 prescribed treatment offered during incarceration.

34 (cf: P.L.1998, c.112, s.2)

35
36 ¹[6.] ¹7. Section 23 of P.L.1979, c.441 (C.30:4-123.67) is
37 amended to read as follows:

38 23. a. The appropriate board panel and the Department of
39 Corrections or the Juvenile Justice Commission established
40 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) **[may]**
41 **shall enter into formal ¹'parole contract¹ agreements with officials of**
42 **the board, officials of the Department of Corrections or the Juvenile**
43 **Justice Commission and individual parolees or inmates reduced to**
44 **writing and signed by all parties, which ¹'parole contract¹**
45 **agreements stipulate individual programs of education, training, or**
46 **other activity which shall result in a specified reduction of the**
47 **parolee's parole term pursuant to section 22 of P.L.1979, c.441**
48 **(C.30:4-123.66) or the inmate's primary parole eligibility date**

1 pursuant to section 8 of P.L.1979, c.441 (C.30:4-123.52), upon such
2 successful completion of the program. The formal 'parole contract'
3 agreements required under this subsection shall be entered into
4 within two months of an inmate's admission to a correctional
5 facility.

6 b. Any parolee or inmate shall be permitted to apply to the
7 board for such an agreement. The board panel shall **[review]**
8 accept all such applications. The board panel **[may]** shall approve
9 any application consistent with eligibility requirements promulgated
10 by the board pursuant to section 4 of P.L.1979, c.441 (C.30:4-
11 123.48). The commission may, by regulation, specify eligibility
12 requirements for agreements with juvenile parolees and inmates and
13 the procedures for effecting such agreements and reviewing
14 juveniles' application for such agreements.

15 c. Upon approval of the parolee or inmate's application, the
16 board panel shall be responsible for specifying the components
17 necessary for any such agreement. Upon acceptance of the
18 agreement by the Department of Corrections or by the commission,
19 by the board panel and by the parolee or the inmate, the board panel
20 shall reduce the agreement to writing and monitor compliance with
21 the 'parole contract' agreement at least once every 12 months. The
22 parolee or inmate and the Department of Corrections or the Juvenile
23 Justice Commission shall be given a copy of any such agreement.

24 d. Any such agreement shall be terminated by the board panel
25 in the event the parolee or inmate fails to refuses to satisfactorily
26 complete each component of the agreement. The inmate or parolee
27 shall be notified in writing of any such termination and the reasons
28 therefor. Any such termination may be appealed to the full board
29 pursuant to section 14 of P.L.1979, c.441 (C.30:4-123.58).

30 (cf: P.L.1995, c.280, s.46)

31

32 **'[7.] 8.'** (New section) a. An inmate sentenced to a term of
33 incarceration in a State correctional institution who (1) has declined
34 to participate in the parole consideration hearing process or (2) has
35 been denied parole release pursuant to the provisions of section 11
36 of P.L.1979, c.441 (C.30:4-123.55) shall, notwithstanding the
37 provisions of section 12 of P.L.1979, c. 441 (C.30:4-123.56), be
38 released on parole on a date which precedes the date on which the
39 aggregate of the inmate's court imposed term of incarceration is to
40 end by six months; provided, however, that the early release
41 authorized under the provisions of this subsection shall not apply to
42 any inmate subject to a judicial or statutory mandatory minimum
43 term of incarceration. An inmate subject to a mandatory minimum
44 term of incarceration shall remain in the custody of the
45 Commissioner of Corrections until the completion of that term.

46 b. In computing the date on which the inmate's court imposed
47 term of incarceration is to end, the calculations shall include any

1 reductions for good behavior remitted to the inmate in accordance
2 with the provisions of R.S.30:4-140 and credits for diligent
3 application to work and other institutional assignments granted the
4 '[inmates] inmate' pursuant to R.S.30:4-92; provided, however,
5 that commutation time for good behavior and credits for diligent
6 application to work and other institutional assignments shall not be
7 utilized to reduce any judicial or statutory mandatory minimum
8 term of incarceration imposed on an inmate.

9 c. An inmate released on parole pursuant to subsection a. of
10 this section shall, during the term of parole supervision, remain in
11 the legal custody of the Commissioner of Corrections; be
12 supervised by the Division of Parole of the State Parole Board; and
13 be subject to the provisions and conditions established by the
14 appropriate board panel in accordance with the procedures and
15 standards set forth in section 15 of P.L.1979, c.441 (C.30:4-123.59).
16 If the parolee violates a condition of parole, the parolee shall be
17 subject to the provisions of section 16 through section 19 of
18 P.L.1979, c.441 (C.30:4-123.60 through C.30:4-123.63) and may
19 have his parole revoked and be returned to custody. If revocation
20 and return to custody are deemed appropriate, the appropriate board
21 panel shall revoke the parolee's release and return the parolee to
22 custody and confinement for the remainder of his sentence.

23 d. An inmate released on parole pursuant to this section and
24 whose parole is revoked shall not be credited for any time served
25 during that period of parole and shall not be eligible for parole
26 during the remainder of his sentence.

27 e. For the purpose of establishing a primary parole eligibility
28 date pursuant to subsection h. of section 67 of P.L.1979, c.441
29 (C.30:4-123.51), the period of incarceration required to be served
30 pursuant to subsections c. and d. of this section shall not be
31 aggregated with a term of imprisonment imposed on the parolee for
32 the commission of any offense.

33 f. The provisions of this section shall not apply to any inmate
34 paroled pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55)
35 and returned to custody upon the revocation of parole by the
36 appropriate board panel pursuant to the provisions of section 16
37 through section 20 of P.L.1979, c.441 (C.30:4-123.60 through
38 C.30:4-123.64).

39 g. The provisions of this section shall not apply to an inmate
40 serving a sentence subject to the provisions of section 2 of
41 P.L.1997, c.117 (C.2C:43-7.2) or a sentence imposed for the
42 offense of aggravated sexual assault, sexual assault, aggravated
43 criminal sexual contact, kidnapping pursuant to paragraph (2) of
44 subsection c. of N.J.S.2C:13-1, endangering the welfare of a child
45 by engaging in sexual conduct which would impair or debauch the
46 morals of a child pursuant to subsection a. of N.J.S.2C:24-4,
47 endangering the welfare of a child pursuant to paragraph (3) of
48 subsection b. of N.J.S.2C:24-4, endangering the welfare of a child

1 pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4, luring,
2 or an attempt to commit any of these offenses.

3 h. The provisions of section 22 of P.L.1979, c.441 (C.30:4-
4 123.66) shall not apply to an inmate released on parole pursuant to
5 this section.

6 i. Written notice of the parole release of an inmate pursuant to
7 this section shall be provided to the prosecutor of that inmate in
8 accordance with the provisions of section 3 of P.L.1994, c.131
9 (C.30:4-6.1).

10 j. Except as otherwise provided, the provisions of this section
11 shall apply to all inmates in the custody of the Commissioner of
12 Corrections on and after the effective date of P.L. , c. (C.)
13 (pending before the Legislature as this bill). In the case of inmates
14 in the custody of the commissioner on the effective date of P.L. ,
15 c. (C.) (pending before the Legislature as this bill), the Parole
16 Board may postpone, for a period not to exceed six months, the
17 application of P.L. , c. (C.) (pending before the Legislature
18 as this bill) in order to permit the board an opportunity to identify,
19 investigate and process the development and establishment of
20 specific policies and plans, including the availability of treatment
21 services, if deemed appropriate, for inmates eligible for release
22 under P.L. , c. (C.) (pending before the Legislature as this
23 bill).

24 k. In accordance with the provisions of the “Administrative
25 Procedure Act,” ¹[P.L.1968, c.4120 (C.52:14B-1 et seq.)]
26 P.L.1968, c.410 (C.52:14B-1 et seq.)¹, the Parole Board shall
27 promulgate rules and regulations necessary to effectuate the
28 purposes of this act.

29
30 ²9. (New section) The Commissioner of Corrections shall
31 certify on a monthly basis to the Director of the Division of Budget
32 and Accounting that all available Residential Community Release
33 Program beds in the State of New Jersey are filled to contract
34 capacity with eligible State inmates who are within 18 to 24 months
35 of release, pursuant to the eligibility requirements for community
36 release programs provided under the administrative code, prior to
37 the incarceration of any inmate in any county penal facility. ²

38
39 ²[¹9.] 10.² (New section) The Commissioner of Corrections, in
40 collaboration with the Commissioner of Labor and Workforce
41 Development, biennially shall inventory and review the various
42 vocational training programs offered to inmates in the State’s adult
43 correctional facilities to ensure that:

44 a. Each inmate vocational training program is attuned to actual
45 post-release employment opportunities and reflects current industry
46 and business workforce needs; and

1 b. The inmate vocational training programs meet the same
 2 curricula standards as the current standards of programs at private
 3 and public vocational training institutions, and earn the inmates
 4 who successfully complete inmate vocational training programs
 5 comparable certifications or certificates of achievement to those
 6 issued by programs at private and public vocational training
 7 institutions.¹

8
 9 ²[¹10.] ²11.² (New section) If the Commissioner of Corrections
 10 and Commissioner of Labor and Workforce Development determine
 11 that an inmate vocational training program is not attuned to actual
 12 post-release employment opportunities or does not reflect current
 13 industry and business workforce needs, or that an inmate vocational
 14 training program does not meet the same current curricula standards
 15 of programs at private and public vocational training institutions or
 16 earn inmates who successfully complete an inmate vocational
 17 training program comparable certifications or certificates of
 18 achievement to those issued by private and public vocational
 19 training institutions, the commissioners, in concert, shall:

20 a. Revise the affected inmate vocational training program to
 21 reflect post-release employment opportunities, adjust to changes in
 22 industry and business workforce needs, or award inmates who
 23 successfully complete the program comparable certifications or
 24 certificates of achievement; or

25 b. Terminate the affected inmate vocational training program
 26 and direct the inmates participating in that program to alternative
 27 inmate vocational training programs.¹

28
 29 ²[¹8.] ¹11.¹ ²12.² Section 3 of this act shall take effect
 30 immediately; section ¹[7] ¹8¹ of this act shall take effect on the first
 31 day of the fourth month following enactment; sections 1, 2, 5,
 32 ¹[and] ¹6 ¹, 7, 9 ²[and] , ²10¹ ², and 11² of this act shall take
 33 effect on the first day of the seventh month after enactment; section
 34 4 shall take effect on the first day of the 13th month following
 35 enactment. The ²[Commissioners] ²Commissioner² of Corrections,
 36 the Commissioner of Education, and ²the Commissioner of² Labor
 37 and Workforce Development, and the State Parole Board may take
 38 any anticipatory action prior to the effective date necessary to
 39 implement the provisions of this act.

40
 41
 42
 43
 44 Concerns parole eligibility and supervision, prison visitation, and
 45 training and education standards for incarcerated persons.

ASSEMBLY, No. 4202

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblywoman MILA M. JASEY

District 27 (Essex)

Assemblywoman L. GRACE SPENCER

District 29 (Essex and Union)

Assemblywoman ELEASE EVANS

District 35 (Bergen and Passaic)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblyman ALBERT COUTINHO

District 29 (Essex and Union)

Co-Sponsored by:

Assemblyman Schaer and Assemblywoman Pou

SYNOPSIS

Concerns parole eligibility and supervision, prison visitation, and training and education standards for incarcerated persons.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/1/2009)

1 AN ACT concerning inmates, revising various parts of the statutory
2 law and supplementing Title 30 of the Revised Statutes.

3

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

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8 consultation with the Commissioner of Labor and Workforce
9 Development, shall establish a mandatory workforce skills training
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13 training program shall apply to an inmate who:

14 (1) is in the custody of the Department of Corrections on the
15 effective date of P.L. , c. (C.) (pending before the
16 Legislature as this bill);

17 (2) has 18 months or more remaining to be served before a
18 mandatory release date; and

19 (3) is not exempted due to a medical, developmental, or learning
20 disability.

21 b. The mandatory workforce skills training program
22 requirement may be deferred for an inmate who is serving a
23 sentence exceeding 10 years.

24 c. The workforce skills training program shall contain a
25 computer literacy component, including instruction on word
26 processing, typing, Internet navigation, and use of e-mail.

27 d. An inmate who satisfactorily participates in the mandatory
28 workforce skills training program shall be eligible for commutation
29 time for good behavior pursuant to R.S.30:4-140 or credits for
30 diligent application to work and other institutional assignments
31 pursuant to R.S.30:4-92.

32 e. The commissioner shall report to the State Parole Board the
33 progress of an inmate participating in the mandatory workforce
34 skills training program.

35 f. The commissioner, in consultation with the Commissioner of
36 Labor and Workforce Development, shall promulgate, pursuant to
37 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
38 seq.) the rules and regulations that are necessary to implement the
39 provisions of P.L. , c. (C.) (pending before the Legislature
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44 developmental, or learning disability as authorized under paragraph
45 (3) of subsection a. of this section; 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 (2) authorize these exempted inmates to voluntarily participate
2 in the mandatory workforce skills training program.

3
4 2. (New section) a. The Commissioner of Corrections, in
5 consultation with the Commissioner of Education, shall establish a
6 program of mandatory education in each State correctional facility
7 under the jurisdiction of the Department of Corrections for each
8 inmate who fails to attain a minimal educational standard.

9 b. The minimal educational standard set forth in subsection a.
10 of this section shall be the attainment of a high school equivalency
11 certificate or high school diploma.

12 c. The requirement of attaining a minimal educational standard
13 shall apply to an inmate who:

14 (1) is in the custody of the Department of Corrections on the
15 effective date of P.L. , c. (C.) (pending before the
16 Legislature as this bill);

17 (2) has 18 months or more remaining to be served before a
18 mandatory release date;

19 (3) is not exempted due to a medical, developmental, or learning
20 disability; and

21 (4) does not possess a high school equivalency certificate or
22 high school diploma.

23 d. The mandatory education requirement may be deferred for
24 an inmate who is serving a sentence exceeding 10 years.

25 e. An inmate who satisfactorily participates in the mandatory
26 education program shall be eligible for commutation time for good
27 behavior pursuant to R.S.30:4-140 or credits for diligent application
28 to work and other institutional assignments pursuant to R.S.30:4-92.

29 f. The commissioner shall report to the State Parole Board the
30 academic progress of an inmate participating in the mandatory
31 education program.

32 g. The commissioner may utilize digital technology and on-line
33 education methods to meet the mandatory education requirement
34 established by this section provided these alternate methods are
35 documented to be as effective with inmate populations as live
36 instruction.

37 h. The commissioner shall establish a schedule for the
38 incremental implementation of the minimal educational standard
39 required by this section. The schedule shall be completed within
40 five years of the effective date of this act.

41 i. The commissioner, in consultation with the Commissioner of
42 Education, shall promulgate, pursuant to the "Administrative
43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the rules and
44 regulations that are necessary to implement the provisions of
45 P.L. , c. (C.) (pending before the Legislature as this bill).
46 These rules and regulations shall include, but not be limited to,
47 provisions to:

48 (1) determine when an inmate shall be exempted from the

1 mandatory education program due to a medical, developmental, or
2 learning disability as authorized under paragraph (3) of subsection
3 c. of this section;

4 (2) authorize these exempted inmates to voluntarily participate
5 in the mandatory education program; and

6 (3) offer and encourage these exempted inmates who possess the
7 capability to participate in an alternate educational program.

8
9 3. (New section) In addition to credits received pursuant to
10 R.S.30:4-92 and R.S.30:4-140, the commissioner also may award
11 inmates special credits to provide further remission from time of
12 sentence for achievements in education and workforce training.

13
14 4. R.S.30:4-127 is amended to read as follows:

15 30:4-127. a. An assignment judge of the Superior Court may
16 grant, on a written application to him of a majority of the board of
17 managers of the State Charities Aid Association of New Jersey, to
18 such person as may be named in such application an order enabling
19 such person to visit, inspect and examine, **[in] on** behalf of such
20 association, any of the county, town, township or city
21 **[poorhouses,] prisons, jails, penitentiaries, reformatories, [and**
22 **lunatic or orphan asylums,]** located within any of the counties of
23 which he is the assignment judge. Every such order shall specify
24 the institutions to be visited, inspected and examined, and the name
25 of the person by whom the visitation, inspection and examination
26 are to be made, and shall be in force for one year from the date on
27 which it shall have been granted, unless sooner revoked.

28 b. An assignment judge of the Superior Court may grant, on a
29 written application to him from a nonincarcerated person who has
30 previously been convicted for a violation of the criminal laws of
31 this State or the criminal laws of another jurisdiction and been
32 denied access to visit persons incarcerated in a correctional or penal
33 institution in this State, an order enabling the person to visit persons
34 who are incarcerated in any correctional or penal institution in this
35 State, if the person establishes to the judge that such visits are for
36 motivational purposes that are likely to be beneficial to the
37 rehabilitation of the incarcerated persons visited. Every such order
38 shall specify that all correctional and penal institutions in this State
39 may be visited by the person who applies for a court order pursuant
40 to this subsection.

41 (cf: P.L.1953, c.29, s.41)

42
43 5. Section 12 of P.L.1979, c.441 (C.30:4-123.56) is amended
44 to read as follows:

45 12. a. The board shall develop a schedule of future parole
46 eligibility dates for adult inmates denied release at their eligibility
47 date. In developing such schedule, particular emphasis shall be
48 placed on the severity of the offense for which he was denied parole

1 and on the characteristics of the offender, such as, but not limited
2 to, the prior criminal record of the inmate and the need for
3 continued incapacitation of the inmate, however, in no case shall
4 any parole eligibility date scheduled pursuant to this subsection be
5 more than three years following the date on which an inmate was
6 denied release.

7 b. If the release on the eligibility date is denied, the board
8 panel which conducted the hearing shall refer to the schedule
9 published pursuant to subsection a., and include in its statement
10 denying parole notice of the date of future parole consideration. If
11 such date differs from the date otherwise established by the
12 schedule, the board panel shall include particular reasons therefore,
13 however, in no case shall such date be more than three years
14 following the date on which the inmate was denied release. The
15 future parole eligibility date shall not be altered to take into account
16 remissions of sentence for good behavior and diligent application to
17 work and other assignments; provided however, the future parole
18 eligibility date may be altered pursuant to section 8 of P.L.1979, c.
19 441 (C.30:4-123.52).

20 c. An inmate shall be released on parole on the new parole
21 eligibility date unless information filed pursuant to a procedure
22 identical to that set forth in section 10 of P.L.1979, c.441 (C.30:4-
23 123.54) indicates by a preponderance of the evidence that the
24 inmate has failed to cooperate in his or her own rehabilitation or
25 that there is a reasonable expectation that the inmate will violate
26 conditions of parole imposed pursuant to section 15 of P.L.1979,
27 c.441 (C.30:4-123.59) if released on parole at that time. The
28 determination of whether the inmate shall be released on the new
29 parole eligibility date shall be made pursuant to the procedure set
30 forth in section 11 of P.L.1979, c.441 (C.30:4-123.55) and this
31 section.

32 For the purposes of this subsection, "failed to cooperate in his or
33 her own rehabilitation" shall include, in the case of an inmate who
34 suffers from mental illness as defined in section 2 of P.L.1987,
35 c.116 (C.30:4-27.2) that does not require institutionalization, that
36 the inmate failed to fully participate in or cooperate with all
37 prescribed treatment offered during incarceration.
38 (cf: P.L.1998, c.112, s.2)

39

40 6. Section 23 of P.L.1979, c.441 (C.30:4-123.67) is amended to
41 read as follows:

42 23. a. The appropriate board panel and the Department of
43 Corrections or the Juvenile Justice Commission established
44 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) **[may]**
45 shall enter into formal agreements with officials of the board,
46 officials of the Department of Corrections or the Juvenile Justice
47 Commission and individual parolees or inmates reduced to writing
48 and signed by all parties, which agreements stipulate individual

1 programs of education, training, or other activity which shall result
2 in a specified reduction of the parolee's parole term pursuant to
3 section 22 of P.L.1979, c.441 (C.30:4-123.66) or the inmate's
4 primary parole eligibility date pursuant to section 8 of P.L.1979,
5 c.441 (C.30:4-123.52), upon such successful completion of the
6 program. The formal agreements required under this subsection
7 shall be entered into within two months of an inmate's admission to
8 a correctional facility.

9 b. Any parolee or inmate shall be permitted to apply to the
10 board for such an agreement. The board panel shall **[review]**
11 accept all such applications. The board panel **[may]** shall approve
12 any application consistent with eligibility requirements promulgated
13 by the board pursuant to section 4 of P.L.1979, c.441 (C.30:4-
14 123.48). The commission may, by regulation, specify eligibility
15 requirements for agreements with juvenile parolees and inmates and
16 the procedures for effecting such agreements and reviewing
17 juveniles' application for such agreements.

18 c. Upon approval of the parolee or inmate's application, the
19 board panel shall be responsible for specifying the components
20 necessary for any such agreement. Upon acceptance of the
21 agreement by the Department of Corrections or by the commission,
22 by the board panel and by the parolee or the inmate, the board panel
23 shall reduce the agreement to writing and monitor compliance with
24 the agreement at least once every 12 months. The parolee or inmate
25 and the Department of Corrections or the Juvenile Justice
26 Commission shall be given a copy of any such agreement.

27 d. Any such agreement shall be terminated by the board panel
28 in the event the parolee or inmate fails to refuses to satisfactorily
29 complete each component of the agreement. The inmate or parolee
30 shall be notified in writing of any such termination and the reasons
31 therefor. Any such termination may be appealed to the full board
32 pursuant to section 14 of P.L.1979, c.441 (C.30:4-123.58).
33 (cf: P.L.1995, c.280, s.46)

34
35 7. (New section) a. An inmate sentenced to a term of
36 incarceration in a State correctional institution who (1) has declined
37 to participate in the parole consideration hearing process or (2) has
38 been denied parole release pursuant to the provisions of section 11
39 of P.L.1979, c.441 (C.30:4-123.55) shall, notwithstanding the
40 provisions of section 12 of P.L.1979, c. 441 (C.30:4-123.56), be
41 released on parole on a date which precedes the date on which the
42 aggregate of the inmate's court imposed term of incarceration is to
43 end by six months; provided, however, that the early release
44 authorized under the provisions of this subsection shall not apply to
45 any inmate subject to a judicial or statutory mandatory minimum
46 term of incarceration. An inmate subject to a mandatory minimum
47 term of incarceration shall remain in the custody of the
48 Commissioner of Corrections until the completion of that term.

1 b. In computing the date on which the inmate's court imposed
2 term of incarceration is to end, the calculations shall include any
3 reductions for good behavior remitted to the inmate in accordance
4 with the provisions of R.S.30:4-140 and credits for diligent
5 application to work and other institutional assignments granted the
6 inmates pursuant to R.S.30:4-92; provided, however, that
7 commutation time for good behavior and credits for diligent
8 application to work and other institutional assignments shall not be
9 utilized to reduce any judicial or statutory mandatory minimum
10 term of incarceration imposed on an inmate.

11 c. An inmate released on parole pursuant to subsection a. of
12 this section shall, during the term of parole supervision, remain in
13 the legal custody of the Commissioner of Corrections; be
14 supervised by the Division of Parole of the State Parole Board; and
15 be subject to the provisions and conditions established by the
16 appropriate board panel in accordance with the procedures and
17 standards set forth in section 15 of P.L.1979, c.441 (C.30:4-123.59).
18 If the parolee violates a condition of parole, the parolee shall be
19 subject to the provisions of section 16 through section 19 of
20 P.L.1979, c.441 (C.30:4-123.60 through C.30:4-123.63) and may
21 have his parole revoked and be returned to custody. If revocation
22 and return to custody are deemed appropriate, the appropriate board
23 panel shall revoke the parolee's release and return the parolee to
24 custody and confinement for the remainder of his sentence.

25 d. An inmate released on parole pursuant to this section and
26 whose parole is revoked shall not be credited for any time served
27 during that period of parole and shall not be eligible for parole
28 during the remainder of his sentence.

29 e. For the purpose of establishing a primary parole eligibility
30 date pursuant to subsection h. of section 67 of P.L.1979, c.441
31 (C.30:4-123.51), the period of incarceration required to be served
32 pursuant to subsections c. and d. of this section shall not be
33 aggregated with a term of imprisonment imposed on the parolee for
34 the commission of any offense.

35 f. The provisions of this section shall not apply to any inmate
36 paroled pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55)
37 and returned to custody upon the revocation of parole by the
38 appropriate board panel pursuant to the provisions of section 16
39 through section 20 of P.L.1979, c.441 (C.30:4-123.60 through
40 C.30:4-123.64).

41 g. The provisions of this section shall not apply to an inmate
42 serving a sentence subject to the provisions of section 2 of
43 P.L.1997, c.117 (C.2C:43-7.2) or a sentence imposed for the
44 offense of aggravated sexual assault, sexual assault, aggravated
45 criminal sexual contact, kidnapping pursuant to paragraph (2) of
46 subsection c. of N.J.S.2C:13-1, endangering the welfare of a child
47 by engaging in sexual conduct which would impair or debauch the
48 morals of a child pursuant to subsection a. of N.J.S.2C:24-4,

1 endangering the welfare of a child pursuant to paragraph (3) of
2 subsection b. of N.J.S.2C:24-4, endangering the welfare of a child
3 pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4, luring,
4 or an attempt to commit any of these offenses.

5 h. The provisions of section 22 of P.L.1979, c.441 (C.30:4-
6 123.66) shall not apply to an inmate released on parole pursuant to
7 this section.

8 i. Written notice of the parole release of an inmate pursuant to
9 this section shall be provided to the prosecutor of that inmate in
10 accordance with the provisions of section 3 of P.L.1994, c.131
11 (C.30:4-6.1).

12 j. Except as otherwise provided, the provisions of this section
13 shall apply to all inmates in the custody of the Commissioner of
14 Corrections on and after the effective date of P.L. , c. (C.)
15 (pending before the Legislature as this bill). In the case of inmates
16 in the custody of the commissioner on the effective date of P.L. ,
17 c. (C.) (pending before the Legislature as this bill), the Parole
18 Board may postpone, for a period not to exceed six months, the
19 application of P.L. , c. (C.) (pending before the Legislature as
20 this bill) in order to permit the board an opportunity to identify,
21 investigate and process the development and establishment of
22 specific policies and plans, including the availability of treatment
23 services, if deemed appropriate, for inmates eligible for release
24 under P.L. , c. (C.) (pending before the Legislature as this
25 bill).

26 k. In accordance with the provisions of the "Administrative
27 Procedure Act," P.L.1968, c.4120 (C.52:14B-1 et seq.), the Parole
28 Board shall promulgate rules and regulations necessary to effectuate
29 the purposes of this act.

30
31 8. Section 3 of this act shall take effect immediately; section 7
32 of this act shall take effect on the first day of the fourth month
33 following enactment; sections 1, 2, 5, and 6 of this act shall take
34 effect on the first day of the seventh month after enactment; section
35 4 shall take effect on the first day of the 13th month following
36 enactment. The Commissioners of Corrections, the Commissioner
37 of Education, and Labor and Workforce Development, and the State
38 Parole Board may take any anticipatory action prior to the effective
39 date necessary to implement the provisions of this act.

40

41

42

STATEMENT

43

44 This bill contains various provisions related to policies
45 concerning the rehabilitation and education of persons who are
46 currently incarcerated.

47 The bill would direct the Commissioner of Corrections to work
48 with the Commissioner of Labor and Workforce Development to

1 establish a mandatory workforce skills training program in each of
2 this State's correctional facilities.

3 This bill also would require the Commissioner of Corrections to
4 work with the Commissioner of Education to establish a program of
5 mandatory education in this State's correctional facility under
6 which inmates would be required to attain a high school
7 equivalency certificate or high school diploma.

8 The bill also permits the commissioner to award inmates special
9 credits to provide further remission from their sentence for
10 achievements in education and workforce skills training.

11 The bill also requires that a high school equivalency certificate
12 issued to an inmate be issued by the Department of Education and
13 designated as issued by the department. Currently, it is designated
14 on these certificates that they are issued by the Department of
15 Corrections.

16 This bill permits certain persons who have been convicted in the
17 past to obtain a court order that allows them to visit prisons, if they
18 can show that such visits are likely to motivate and assist in the
19 rehabilitation of incarcerated persons. The orders granted under
20 this bill would allow a person to visit any correctional institution in
21 this State.

22 The provisions of the bill that concern parole would cap, at a
23 maximum of three years, the length of time that the parole board
24 could require an inmate denied release to serve before having
25 another hearing. Currently, the board must develop a schedule of
26 future parole eligibility dates for adult inmates denied release at
27 their eligibility date. The schedule places particular emphasis on
28 the severity of the offense for which the inmate was denied parole
29 and on the characteristics of the offender.

30 Further, the bill would also provide that inmates and parolees
31 could enter into formal agreements with various institutions which
32 would stipulate individual programs of education, training, or other
33 activities which would result in a specified reduction of the
34 parolee's parole term. The inmates' compliance with the agreement
35 would be monitored at least once every twelve months.

36 Finally, this bill would establish a mandatory six-month period
37 of post-release supervision for all State inmates.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4202

STATE OF NEW JERSEY

DATED: NOVEMBER 23, 2009

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 4202.

This bill contains various provisions related to policies concerning the rehabilitation and education of persons who are currently incarcerated.

The bill would direct the Commissioner of Corrections to work with the Commissioner of Labor and Workforce Development to establish a mandatory workforce skills training program in each of this State's correctional facilities.

This bill also would require the Commissioner of Corrections to work with the Commissioner of Education to establish a program of mandatory education in this State's correctional facility under which inmates would be required to attain a high school equivalency certificate or high school diploma.

The bill also permits the commissioner to award inmates special credits to provide further remission from their sentence for achievements in education and workforce skills training.

The bill also requires that a high school equivalency certificate issued to an inmate be issued by the Department of Education and designated as issued by the department. Currently, it is designated on these certificates that they are issued by the Department of Corrections.

This bill permits certain persons who have been convicted in the past to obtain a court order that allows them to visit prisons, if they can show that such visits are likely to motivate and assist in the rehabilitation of incarcerated persons. The orders granted under this bill would allow a person to visit any correctional institution in this State.

The provisions of the bill that concern parole would cap, at a maximum of three years, the length of time that the parole board could require an inmate denied release to serve before having another hearing. Currently, the board must develop a schedule of future parole eligibility dates for adult inmates denied release at their eligibility date. The schedule places particular emphasis on the severity of the offense for which the inmate was denied parole and on the characteristics of the offender.

Further, the bill would also provide that inmates and parolees could enter into formal agreements with various institutions which would stipulate individual programs of education, training, or other activities which would result in a specified reduction of the parolee's parole term. The inmates' compliance with the agreement would be monitored at least once every twelve months.

Finally, this bill would establish a mandatory six-month period of post-release supervision for all State inmates.

ASSEMBLY, No. 4202

MINORITY STATEMENT

By Assemblyman Bramnick and Assemblyman Rible

This bill falls into the category of legislation with worthwhile public policy intentions on the part of the sponsor, but one which will create additional costs for the state budget at a time when the State simply cannot afford additional spending.

The State is facing very serious financial difficulties. Revenues are falling substantially below budgeted projections, meaning that the State will not even have sufficient funds to cover amounts appropriated in the FY 2010 budget. The Governor has ordered his cabinet officers to recommend reductions in spending, and both he and the Governor-elect have announced means of addressing the dire fiscal circumstances that include moratoria on incurring any additional spending obligations. It would be irresponsible for the Legislature to disregard both the incumbent Governor and the incoming Governor on the most pressing issue facing the State and its taxpayers.

For this reason, we cannot support the advancement of this legislation at this time due to its budgetary impact.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4202

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2009

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4202, with committee amendments.

The bill, as amended, contains various provisions related to policies concerning the rehabilitation and education of persons who are currently incarcerated.

The bill directs the Commissioner of Corrections to work with the Commissioner of Labor and Workforce Development to establish a mandatory workforce skills training program in each of this State's correctional facilities.

This bill requires the Commissioner of Corrections to work with the Commissioner of Education to establish a program of mandatory education in this State's correctional facility under which inmates will be required to attain a high school equivalency certificate or high school diploma.

The bill permits the commissioner to award inmates special credits to provide further remission from their sentence for achievements in education and workforce skills training.

The bill requires that a high school equivalency certificate issued to an inmate be issued by the Department of Education and designated as issued by the department. Currently, the designation on these certificates indicates that they are issued by the Department of Corrections.

This bill permits certain persons, convicted in the past, to obtain a court order that allows them to visit prisons, if they can show that such visits are likely to motivate and assist in the rehabilitation of incarcerated persons. The orders granted under this bill will allow a person to visit any correctional institution in this State.

The provisions of the bill that concern parole will cap, at a maximum of three years, the length of time that the parole board can require an inmate denied release to serve before having another hearing. Currently, the board must develop a schedule of future parole eligibility dates for adult inmates denied release at their eligibility date. The schedule places particular emphasis on the severity of the offense for which the inmate was denied parole and on the characteristics of the offender.

The bill requires the appropriate parole board panel and the Department of Corrections or the Juvenile Justice Commission to enter into formal parole contract agreements with individual parolees or inmates which stipulate that if the affected parolee or inmate successfully fulfills the educational, training or other terms of the agreement, the parolee's term of parole will be reduced or the inmate's primary parole eligibility date will be moved up. These parole contract agreements will be entered into within two months of an inmate's admission to the correctional facility. The bill requires that at least once every 12 months, the department, commission or appropriate board panel will monitor each parolee or inmate's compliance with the terms of the agreement

The bill establishes a mandatory six-month period of post-release supervision for all State inmates.

FISCAL IMPACT:

Portions of this bill, concerning various educational programs, could possibly cost approximately \$3 million annually for instructional staff and fringe benefits. Additional classroom space may be needed, resulting in capital investments, which are unknown at this point in time. An accurate needs assessment would have to be undertaken.

Some inmates may be awarded special credits which would reduce the sentence time for achievements in education and workforce training. Any incentive which reduces time served would result in savings for inmate housing. However, this cannot be determined.

COMMITTEE AMENDMENTS:

The amendments:

- require the Department of Corrections (DOC) to establish a mentoring program for new inmates at each prison. The mentoring would be provided by DOC approved mentors who have been incarcerated for a continuous period of more than 10 years.

- clarify that the agreements entered into between inmates or parolees and the appropriate board panel, the DOC or the Juvenile Justice Commission are "parole contract agreements" and to provide further clarity as to the purpose and goals of these agreements.

- require the Commissioner of Corrections and the Commissioner of Labor and Workforce Development to ensure that vocational training programs provided to inmates, remain current and relevant to employers current expectations of workforce qualification standards, and revise or terminate outdated programs and redirect inmates from terminated programs into other vocational training programs that meet current employer and industry requirements.

- make technical amendments to the bill.

MINORITY STATEMENT TO
ASSEMBLY BILL NO. 4202 (1R)

By Assemblymen Merkt and Thompson, Assemblywoman Addiego,
and Assemblyman DeMaio

We concur with the Minority Statement previously submitted by Assemblymen Bramnick and Rible, based on the State's current budgetary crisis:

This bill falls into the category of legislation with worthwhile public policy intentions on the part of the sponsor, but one which will create additional costs for the State budget at a time when the State simply cannot afford additional spending.

The State is facing very serious financial difficulties. Revenues are falling substantially below budgeted projections, meaning that the State will not even have sufficient funds to cover amounts appropriated in the FY 2010 budget. The Governor has ordered his cabinet officers to recommend reductions in spending, and both he and the Governor-elect have announced means of addressing the dire fiscal circumstances that include moratoria on incurring any additional spending obligations. It would be irresponsible for the Legislature to disregard both the incumbent Governor and the incoming Governor on the most pressing issue facing the State and its taxpayers.

For this reason, we cannot support the advancement of this legislation at this time due to its budgetary impact.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 4202

with Assembly Floor Amendments
(Proposed by Assemblywomen WATSON COLEMAN and JASEY)

ADOPTED: JANUARY 7, 2010

Assembly Bill No. 4202 [1R] contains various provisions related to policies concerning the rehabilitation, education and training of persons who are currently incarcerated in New Jersey's correctional facilities.

These Assembly Amendments:

(1) Establish a five year, rather than a nine year, phase-in schedule for the inmate educational program authorized under the bill. There is no cost to the Department of Corrections during the first year of this five stage incremental timetable;

(2) Requires that the Commissioner of Corrections to certify to the Director of the Divisions of Budget and Accounting, on a monthly basis, that all available Residential Community Release Program beds are filled to contract capacity with eligible State inmates who are within 18 to 24 months of release;

(3) Revises procedure for former inmates to apply for permission to visit inmates in State correctional facilities for motivational purposes. The amendments specify that those former inmates denied access may apply to the Superior Court for permission to visit inmates. A former inmate is to be granted access to a correctional facility if he can establish the visit is for motivational purposes and is likely to be beneficial to the rehabilitation of the visited inmates. Access may be denied if the Commissioner of Corrections provides valid objections to the court citing safety or security concerns; and

(4) Makes various technical corrections.

As amended, this bill is identical to Senate Bill No. 11 (1R), also amended by the Senate on this same date.

FISCAL NOTE
 [First Reprint]
ASSEMBLY, No. 4202
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: DECEMBER 16, 2009

SUMMARY

Synopsis: Concerns parole eligibility and supervision, prison visitation, and training and education standards for incarcerated persons.

Type of Impact: General Fund expenditure.

Agencies Affected: Department of Corrections, State Parole Board, Juvenile Justice Commission.

Executive Estimate

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

- Neither the Executive nor the Office of Legislative Services (OLS) is able to estimate the impact of Assembly Bill No. 4202 (1R) on State expenditures, due to insufficiency of information and uncertainty about how certain provisions of the bill would be implemented by the Executive.
- The OLS **concurs** with the Executive that the bill requires increased State expenditures to implement certain provisions, most notably those regarding workforce skills training, high school and equivalency programs and supervised parole requirements, but further notes that insufficient information is available on which to base an estimate of all costs that would result from the bill.
- The OLS further notes that to the extent that this bill causes a reduction in time served by State sentenced prison inmates in a State operated prison, reductions in incarceration costs, currently averaging about \$39,100 per inmate per year, could result. The Executive provided no estimate of incarceration cost reductions that would result from this bill, but indicated that about 1,500 inmates annually could be eligible for release on supervised parole six months prior to their release date, as provided in section 7 of the bill. The OLS notes that based on this data, such early release could reduce incarceration costs by an average \$19,550 per inmate, or a total of \$29.3 million annually, but further notes that there are no assurances that these reductions would result, because the achievement of such savings would be dependent on reallocation of the prison population and workforce reductions.

- The Executive further estimates that parole costs would increase by about \$17.5 million annually due to the requirement that certain inmates be released from incarceration six months prior to their release dates and assigned to six months of supervised parole. The OLS **concur**s with this estimate.
- The Executive estimates that the cost of providing the high school diploma/high school equivalency programs required by the bill would approximate \$7 million annually upon full implementation. The OLS **does not concur** with this estimate, believing it to be based on an overestimate of the number of inmates that would become eligible for such programs. The OLS does not have adequate information with which to estimate the number of inmates that would be eligible for such programs or the costs, and therefore is unable to estimate the cost of complying with this requirement.
- The Executive states that the requirement that parole eligibility terms be no longer than three years would most likely increase the number of hearings, the cost of which cannot be determined. The OLS has insufficient information on which to base a cost estimate for this aspect of the bill.
- The Executive further states that the requirement for formal written parole contract agreements would increase annual administrative costs, but does not provide an estimate. The OLS concurs, but has insufficient information on which to base a cost estimate for this aspect of the bill. The OLS further notes that full inmate and parolee compliance with contract agreement terms is to result in reduced incarceration or parole terms, which could result in annual expenditure reductions of an indeterminate amount.

BILL DESCRIPTION

Assembly Bill No. 4202 (1R) of 2009 contains various provisions establishing or modifying policies concerning the rehabilitation and education of persons who are currently incarcerated.

The bill would direct the Commissioner of Corrections, in consultation with the Commissioner of Labor and Workforce Development, to establish a mandatory workforce skills training program for certain inmates in each of this State's correctional facilities.

This bill also would require the Commissioner of Corrections, in consultation with the Commissioner of Education, to establish a program of mandatory education in this State's correctional facility under which certain inmates would be required to attain a high school equivalency certificate or high school diploma.

Inmates satisfactorily participating in workforce skills and educational programs would become eligible for commutation of time. In addition, the bill permits the commissioner to award inmates special credits to provide further remission from their sentence for achievements in education and workforce skills training.

The bill also requires that a high school equivalency certificate issued to an inmate be issued by the Department of Education and designated as issued by the department. Currently, it is designated on these certificates that they are issued by the Department of Corrections (DOC).

The bill further requires the DOC to establish an inmate mentoring program in each prison facility, utilizing certain inmates qualified based on length of custody and department as mentors.

This bill permits certain persons who have been convicted in the past to obtain a court order that allows them to visit prisons, if they can show that such visits are likely to motivate and assist in the rehabilitation of incarcerated persons. The orders granted under this bill would allow a person to visit any correctional institution in this State.

The provisions of the bill that concern parole would cap, at a maximum of three years, the length of time that the parole board could require an inmate denied release to serve before having another hearing. Currently, the board must develop a schedule of future parole eligibility dates for adult inmates denied release at their eligibility date. The schedule places particular emphasis on the severity of the offense for which the inmate was denied parole and on the characteristics of the offender.

Further, the bill would require that adult and juvenile inmates and parolees enter into written formal parole contract agreements, stipulating individual programs of education, training, or other activities that would result in specified reductions of incarceration and parole terms.

Finally, this bill would establish a mandatory six-month period of post-release supervision for certain State inmates.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Executive did not provide a comprehensive assessment of this bill's fiscal impact. Relevant information provided by the DOC and the State Parole Board, respectively, is as follows:

Department of Corrections

The DOC states that the following items would impact upon DOC operations:

- Section 1 requires the DOC, in consultation with the Department of Labor and Workforce Development (DOL), to establish a mandatory workforce skills training program at each State correctional facility containing specific components. The DOC states that an inventory of programs would be needed to determine recommendations for improvements to meet these requirements, and that upgrading and adding to programs would most definitely be necessary.
- Section 2 requires the DOC to provide mandatory education programs to assure each inmate achieves high school diploma or high school equivalency certificate. The DOC currently provides these services with diplomas and certificates issued by the Department of Education. However, the bill would expand the population receiving these services and increase costs. The DOC states that according to the Offender Education Status Report, approximately 11,000 inmates currently do not have a diploma or GED.
- In order to provide both workforce skills programs and education services in all its facilities, the DOC estimates that it would require an additional 52 teachers, 26 instructional technicians, 13 learning disabilities specialists, and 13 teachers at an annual salary and fringe benefits cost of \$6,888,119. An additional \$609,195 for one-time startup costs, and an annual \$186,160 in annual operating costs for supplies would bring the first full year cost of expanding the education program to \$7,683,474. Assuming a 3 percent inflation rate, second and third year costs would total \$7,286,507 and \$7,505,103, respectively. The DOC states that this is a partial cost estimate; in addition, staff to review files and assess inmates would be required and, depending upon the educational

level of the inmate, various non-salary costs would result. The DOC also notes the possibility that additional classroom space would be needed.

- The DOC states that provisions requiring or permitting the Commissioner to award inmates special credits to further remission from time of sentence for achievements in education and workforce training cannot be evaluated with regards to costs or savings, but noted that measures that reduce time served would result in savings for housing an inmate.

State Parole Board

- Section 8 of the bill requires that certain inmates be given a six-month term of supervised parole in substitution of the final six months of incarceration. The State Parole Board (SPB) states that based upon FY 2007 data, nearly 4,000 inmates are released from state prison annually without supervision annually, and further estimated that approximately 1,500 would be eligible for this mandatory supervised parole program. The SPB states that the cost of supervising an additional 1,500 inmates would be significant: assuming a caseload of 60 offenders per parole officer, the SPB would need to hire 25 additional parole officers at a starting salary of \$53,000, for total salary and related costs of \$886,000 during the first (partial) year of implementation. Costs for additional parole officers would increase to \$2.1 million during the second (full) year after enactment and \$2.3 million in the third year. This estimate does not include training or equipment needs.
- The SPB also states that because the inmates affected by the requirement had refused programs while incarcerated, they most likely would require placement in a STEPS program for three months, followed by placement in a Community Resource Center for three months. Assuming an average cost of \$65 per day for 180 days for 1,500 parolees, the additional costs of this aspect of the bill would be \$8.78 million during the first (partial) year of implementation, increasing to \$17.6 million during the second and third year of operation. The cost of section 8 of the bill would thus total at least \$9.7 million during the first year following enactment, increasing to at least \$19.7 million and \$19.9 million during the second and third years, respectively.
- The SPB also states that the requirement (section 5) that parole eligibility terms be no longer than three years would most likely increase the number of hearings, the cost of which cannot be determined.
- The SPB also states that the mandatory development of formal parole contract agreements (section 7), stipulating individual programs of education, training, or other activities that would result in specified reductions of parole terms, requires a new administrative process, the cost of which cannot be determined.

OFFICE OF LEGISLATIVE SERVICES

The OLS is unable to estimate the impact of Assembly Bill No. 4202 (1R) on State expenditures, due to insufficiency of information and uncertainty about how certain provisions of the bill would be implemented by the Executive. The OLS with the Executive that the bill requires increased State expenditures to implement certain provisions, most notably those regarding workforce skills training, high school and equivalency programs and supervised parole requirements, but further notes that insufficient information is available on which to base an estimate of all costs that would result from the bill.

The OLS **concur**s with the SPB estimate that parole costs would increase by about \$17.5 million annually due to the requirement that certain inmates be released from incarceration six months prior to their release dates and assigned to six months of supervised parole. The OLS **does not concur** with the DOC estimate that the cost of providing workforce training and high school diploma/high school equivalency programs would approximate \$7 million annually upon full implementation, believing it to be based on an overestimate of the number of inmates that would become eligible for such programs. The OLS does not have adequate information with which to estimate the number of inmates that would be eligible for such programs or the costs, and therefore is unable to estimate the cost of complying with this requirement. The OLS generally concurs with other Executive assessments of the bill's cost impacts, and adds that according to DOC data, any policies that would result in the reduction of time served by State sentenced prison inmate in a State operated prison facility could save the DOC about \$39,099 per year in incarceration costs. For every inmate who is released 6 months prior to their stated release date, the department could save \$19,550. If 1,500 inmates were released six months early each year, the department could save \$29.3 million annually. There are no assurances that these reductions would result, because the achievement of such savings would be dependent on reallocation of the prison population and workforce reductions.

Section: Judiciary

*Analyst: Anne Raughley
 Principal Fiscal Analyst*

*Approved: David J. Rosen
 Legislative Budget and Finance Officer*

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

FISCAL NOTE
 [Second Reprint]
ASSEMBLY, No. 4202
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: JANUARY 15, 2010

SUMMARY

Synopsis: Provides for parole eligibility and supervision, prison visitation, and training and education standards for incarcerated persons.

Type of Impact: General Fund expenditure.

Agencies Affected: Department of Corrections, State Parole Board, Juvenile Justice Commission.

Executive Estimate

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

- Neither the Executive nor the Office of Legislative Services (OLS) is able to estimate the impact of Assembly Bill No. 4202 (2R) on State expenditures, due to insufficiency of information and uncertainty about how certain provisions of the bill would be implemented by the Executive.
- The OLS **concurs** with the Executive that the bill requires increased State expenditures to implement certain provisions, most notably those regarding workforce skills training, high school and equivalency programs and supervised parole requirements, but further notes that insufficient information is available on which to base an estimate of all costs that would result from the bill.
- The OLS further notes that to the extent that this bill causes a reduction in time served by State sentenced prison inmates in a State operated prison, reductions in incarceration costs, currently averaging about \$39,100 per inmate per year, could result. The Executive provided no estimate of incarceration cost reductions that would result from this bill, but indicated that about 1,500 inmates annually could be eligible for release on supervised parole six months prior to their release date, as provided in section 8 of the bill. The OLS notes that based on this data, such early release could reduce incarceration costs by an average \$19,550 per inmate, or a total of \$29.3 million annually, but further notes that there are no assurances that these reductions would result, because the achievement of such savings would be dependent on reallocation of the prison population and workforce reductions.

- The Executive further estimates that parole costs would increase by about \$17.5 million annually due to the requirement that certain inmates be released from incarceration six months prior to their release dates and assigned to six months of supervised parole. The OLS **concur**s with this estimate and notes that this cost would be offset by the savings realized by the Department of Corrections (DOC) in decreased housing costs.
- The Executive estimates that the cost of providing the high school diploma/high school equivalency programs required by the bill would approximate \$7 million annually upon full implementation. The OLS **does not concur** with this estimate, believing it to be based on an overestimate of the number of inmates that would become eligible for such programs. The OLS does not have adequate information with which to estimate the number of inmates that would be eligible for such programs or the costs, and therefore is unable to estimate the cost of complying with this requirement.
- The Executive states that the requirement that parole eligibility terms be no longer than three years would most likely increase the number of hearings, the cost of which cannot be determined. The OLS has insufficient information on which to base a cost estimate for this aspect of the bill.
- The Executive further states that the requirement for formal written parole contract agreements would increase annual administrative costs, but does not provide an estimate. The OLS concurs, but has insufficient information on which to base a cost estimate for this aspect of the bill. The OLS further notes that full inmate and parolee compliance with contract agreement terms is to result in reduced incarceration or parole terms, which could result in annual expenditure reductions of an indeterminate amount.

BILL DESCRIPTION

Assembly Bill No. 4202 (2R) of 2009 contains various provisions related to policies concerning the rehabilitation and education of persons who are currently incarcerated.

The bill would direct the Commissioner of Corrections, in consultation with the Commissioner of Labor and Workforce Development, to establish a mandatory workforce skills training program in each of this State's correctional facilities. The bill requires that the Commissioner of Corrections and the Commissioner of Labor and Workforce Development ensure that vocational training programs provided to inmates, remain current and relevant to employers current expectations of workforce qualification standards, and revise or terminate outdated programs and redirect inmates from terminated programs into other vocational training programs that meet current employer and industry requirements.

The bill also would require the Commissioner of Corrections, in consultation with the Commissioner of Education, to establish a program of mandatory education in this State's correctional facility under which inmates would be required to attain a high school equivalency certificate or high school diploma. The program would be implemented on a phase-in basis.

The bill also permits the Commissioner to award inmates special credits to provide further remission from their sentence for achievements in education and workforce skills training.

The bill also requires that a high school equivalency certificate issued to an inmate be issued by the Department of Education and designated as issued by the department. Currently, it is designated on these certificates that they are issued by the DOC.

This bill permits certain persons who have been convicted in the past to obtain a court order that allows them to visit prisons, if they can show that such visits are likely to motivate and assist in the rehabilitation of incarcerated persons. The orders granted under this bill would allow a person to visit any correctional institution in this State.

The provisions of the bill that concern parole would cap, at a maximum of three years, the length of time that the parole board could require an inmate denied release to serve before having another hearing. Currently, the board must develop a schedule of future parole eligibility dates for adult inmates denied release at their eligibility date. The schedule places particular emphasis on the severity of the offense for which the inmate was denied parole and on the characteristics of the offender.

Further, the bill would also provide that inmates and parolees could enter into formal agreements with various institutions which would stipulate individual programs of education, training, or other activities which would result in a specified reduction of the parolee's parole term. The inmates' compliance with the agreement would be monitored at least once every 12 months.

The bill requires DOC to establish a mentoring program for new inmates at each prison to be provided by DOC approved mentors who have been incarcerated for a continuous period of more than 10 years.

The bill also ensures that the Commissioner of Corrections certifies on a monthly basis to the Director of the Division of Budget and Accounting that all available Residential Community Release Program beds in the State of New Jersey are filled to contract capacity with eligible State inmates who are within 18 to 24 months of release.

In addition, the bill requires the DOC to establish a mentoring program for new inmates at each prison. The mentoring would be provided by DOC approved mentors who have been incarcerated for a continuous period of more than 10 years

Finally, this bill would establish a mandatory six-month period of post-release supervision for certain State inmates.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Executive did not provide a comprehensive assessment of this bill's fiscal impact. Relevant information provided by the DOC and the State Parole Board, respectively, is as follows:

Department of Corrections

The Department of Corrections (DOC) states that the following items would impact upon DOC operations:

- Section 1 requires the DOC, in consultation with the Department of Labor and Workforce Development, to establish a mandatory workforce skills training program at each State correctional facility containing specific components. The DOC states that an inventory of programs would be needed to determine recommendations for improvements to meet these requirements, and that upgrading and adding to programs would most definitely be necessary.
- Section 2 requires the DOC to provide mandatory education programs to assure each inmate achieves high school diploma or high school equivalency certificate. The DOC currently provides these services with diplomas and certificates issued by the Department

of Education. However, the bill would expand the population receiving these services and increase costs. The DOC states that according to the Offender Education Status Report, approximately 11,000 inmates currently do not have a diploma or GED.

- In order to provide both workforce skills programs and education services in all its facilities, the DOC estimates that when the program is fully phased in, it would require an additional 52 teachers, 26 instructional technicians, 13 learning disabilities specialists, and 13 teachers at an annual salary and fringe benefits cost of \$6,888,119. An additional \$609,195 for one-time startup costs, and an annual \$186,160 in annual operating costs for supplies would bring the first full year cost of expanding the education program to \$7,683,474. Assuming a 3 percent inflation rate, second and third year costs would total \$7,286,507 and \$7,505,103, respectively. The DOC states that this is a partial cost estimate; in addition, staff to review files and assess inmates would be required and, depending upon the educational level of the inmate, various non-salary costs would result. The DOC also notes the possibility that additional classroom space would be needed.
- The DOC states that provisions requiring or permitting the Commissioner to award inmates special credits to further remission from time of sentence for achievements in education and workforce training cannot be evaluated with regards to costs or savings, but noted that measures that reduce time served would result in savings for housing an inmate.
- The DOC states that implementing a mentoring program would pose many practical obstacles. However, if the program were developed, some level of staff supervision and materials for a structured program as well as training would be necessary for effective results generating the need for an unknown amount of funding.

State Parole Board

- Section 8 of the bill requires that certain inmates be given a six-month term of supervised parole in substitution of the final six months of incarceration. The State Parole Board (SPB) states that based upon FY 2007 data, nearly 4,000 inmates are released from state prison annually without supervision, and further estimated that approximately 1,500 would be eligible for this mandatory supervised parole program. The SPB states that the cost of supervising an additional 1,500 inmates would be significant: assuming a caseload of 60 offenders per parole officer, the SPB would need to hire 25 additional parole officers at a starting salary of \$53,000, for total salary and related costs of \$886,000 during the first (partial) year of implementation. Costs for additional parole officers would increase to \$2.1 million during the second (full) year after enactment and \$2.3 million in the third year. This estimate does not include training or equipment needs.
- The SPB also states that because the inmates affected by the requirement had refused programs while incarcerated, they most likely would require placement in a STEPS program for three months, followed by placement in a Community Resource Center for three months. Assuming an average cost of \$65 per day for 180 days for 1,500 parolees, the additional costs of this aspect of the bill would be \$8.78 million during the first (partial) year of implementation, increasing to \$17.6 million during the second and third year of operation. The cost of section 8 of the bill would thus total at least \$9.7 million during the first year following enactment, increasing to at least \$19.7 million and \$19.9 million during the second and third years, respectively.
- The SPB also states that the mandatory development of formal parole agreements (section 7), stipulating individual programs of education, training, or other activities that

would result in specified reductions of parole terms, requires a new administrative process, the cost of which cannot be determined.

OFFICE OF LEGISLATIVE SERVICES

The OLS is unable to estimate the impact of Assembly Bill No. 4202 (2R) on State expenditures, due to insufficiency of information and uncertainty about how certain provisions of the bill would be implemented by the Executive. The OLS **concur**s with the Executive that the bill requires increased State expenditures to implement certain provisions, most notably those regarding workforce skills training, high school and equivalency programs and supervised parole requirements, but further notes that insufficient information is available on which to base an estimate of all costs that would result from the bill.

The OLS **concur**s with the SPB estimate that parole costs would increase by about \$17.5 million annually due to the requirement that certain inmates be released from incarceration six months prior to their release dates and assigned to six months of supervised parole and notes that this cost would be offset by the savings realized by the DOC in decreased housing costs.

The OLS **does not concur** with the DOC estimate that the cost of providing workforce training and high school diploma/high school equivalency programs would approximate \$7 million annually upon full implementation, believing it to be based on an overestimate of the number of inmates that would become eligible for such programs. The OLS does not have adequate information with which to estimate the number of inmates that would be eligible for such programs or the costs, and therefore is unable to estimate the cost of complying with this requirement.

The OLS generally concurs with other Executive assessments of the bill's cost impacts, and adds that according to DOC data, any policies that would result in the reduction of time served by State sentenced prison inmate in a State operated prison facility could save the DOC about \$39,099 per year in incarceration costs. For every inmate who is released 6 months prior to their stated release date, the department could save \$19,550. If 1,500 inmates were released six months early each year, the department could save \$29.3 million annually. There are no assurances that these reductions would result, because the achievement of such savings would be dependent on reallocation of the prison population and workforce reductions.

Section: Judiciary
Analyst: Anne Raughley
Principal Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

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

SENATE, No. 11

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

Sponsored by:

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

SYNOPSIS

Provides for parole eligibility and supervision, prison visitation, and training and education standards for incarcerated persons.

CURRENT VERSION OF TEXT

As introduced.



S11 CUNNINGHAM

2

1 AN ACT concerning inmates, revising various parts of the statutory
2 law and supplementing Title 30 of the Revised Statutes.

3

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

6

7 1. (New section) The Commissioner of Corrections, in
8 consultation with the Commissioner of Labor and Workforce
9 Development, shall establish a mandatory workforce skills training
10 program in each State correctional facility under the jurisdiction of
11 the Department of Corrections.

12 a. The requirement of participating in a workforce skills training
13 program shall apply to an inmate who:

14 (1) is in the custody of the Department of Corrections on the
15 effective date of P.L. , c. (C.) (pending before the
16 Legislature as this bill);

17 (2) has 18 months or more remaining to be served before a
18 mandatory release date; and

19 (3) is not exempted due to a medical, developmental, or learning
20 disability.

21 b. The mandatory workforce skills training program requirement
22 may be deferred for an inmate who is serving a sentence exceeding
23 10 years.

24 c. The workforce skills training program shall contain a
25 computer literacy component, including instruction on word
26 processing, typing, Internet navigation, and use of e-mail.

27 d. An inmate who satisfactorily participates in the mandatory
28 workforce skills training program shall be eligible for commutation
29 time for good behavior pursuant to R.S.30:4-140 or credits for
30 diligent application to work and other institutional assignments
31 pursuant to R.S.30:4-92.

32 e. The commissioner shall report to the State Parole Board the
33 progress of an inmate participating in the mandatory workforce
34 skills training program.

35 f. The commissioner, in consultation with the Commissioner of
36 Labor and Workforce Development, shall promulgate, pursuant to
37 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
38 seq.) the rules and regulations that are necessary to implement the
39 provisions of P.L. , c. (C.) (pending before the Legislature
40 as this bill). These rules and regulations shall include, but not be
41 limited to, provisions to:

42 (1) determine when an inmate shall be exempted from the
43 mandatory workforce skills training requirement due to a medical,
44 developmental, or learning disability as authorized under paragraph

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.

S11 CUNNINGHAM

- 1 (3) of subsection a. of this section; and
2 (2) authorize these exempted inmates to voluntarily participate
3 in the mandatory workforce skills training program.
4
- 5 2. (New section) a. The Commissioner of Corrections, in
6 consultation with the Commissioner of Education, shall establish a
7 program of mandatory education in each State correctional facility
8 under the jurisdiction of the Department of Corrections for each
9 inmate who fails to attain a minimal educational standard.
- 10 b. The minimal educational standard set forth in subsection a. of
11 this section shall be the attainment of a high school equivalency
12 certificate or high school diploma.
- 13 c. The requirement of attaining a minimal educational standard
14 shall apply to an inmate who:
- 15 (1) is in the custody of the Department of Corrections on the
16 effective date of P.L. , c. (C.) (pending before the
17 Legislature as this bill);
- 18 (2) has 18 months or more remaining to be served before a
19 mandatory release date;
- 20 (3) is not exempted due to a medical, developmental, or learning
21 disability; and
- 22 (4) does not possess a high school equivalency certificate or high
23 school diploma.
- 24 d. The mandatory education requirement may be deferred for an
25 inmate who is serving a sentence exceeding 10 years.
- 26 e. An inmate who satisfactorily participates in the mandatory
27 education program shall be eligible for commutation time for good
28 behavior pursuant to R.S.30:4-140 or credits for diligent application
29 to work and other institutional assignments pursuant to R.S.30:4-92.
- 30 f. The commissioner shall report to the State Parole Board the
31 academic progress of an inmate participating in the mandatory
32 education program.
- 33 g. The commissioner may utilize digital technology and on-line
34 education methods to meet the mandatory education requirement
35 established by this section provided these alternate methods are
36 documented to be as effective with inmate populations as live
37 instruction.
- 38 h. The commissioner shall establish a schedule for the
39 incremental implementation of the minimal educational standard
40 required by this section. The schedule shall be completed within
41 five years of the effective date of this act.
- 42 i. The commissioner, in consultation with the Commissioner of
43 Education, shall promulgate, pursuant to the "Administrative
44 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the rules and
45 regulations that are necessary to implement the provisions of
46 P.L. , c. (C.) (pending before the Legislature as this bill).
47 These rules and regulations shall include, but not be limited to,
48 provisions to:

S11 CUNNINGHAM

1 (1) determine when an inmate shall be exempted from the
2 mandatory education program due to a medical, developmental, or
3 learning disability as authorized under paragraph (3) of subsection
4 c. of this section;

5 (2) authorize these exempted inmates to voluntarily participate
6 in the mandatory education program; and

7 (3) offer and encourage these exempted inmates who possess the
8 capability to participate in an alternate educational program.
9

10 3. (New section) In addition to credits received pursuant to
11 R.S.30:4-92 and R.S.30:4-140, the commissioner also may award
12 inmates special credits to provide further remission from time of
13 sentence for achievements in education and workforce training.
14

15 4. R.S.30:4-127 is amended to read as follows:

16 30:4-127. a. An assignment judge of the Superior Court may
17 grant, on a written application to him of a majority of the board of
18 managers of the State Charities Aid Association of New Jersey, to
19 such person as may be named in such application an order enabling
20 such person to visit, inspect and examine, **[in] on** behalf of such
21 association, any of the county, town, township or city
22 **[poorhouses,] prisons, jails, penitentiaries, reformatories, [and**
23 **lunatic or orphan asylums,]** located within any of the counties of
24 which he is the assignment judge. Every such order shall specify
25 the institutions to be visited, inspected and examined, and the name
26 of the person by whom the visitation, inspection and examination
27 are to be made, and shall be in force for one year from the date on
28 which it shall have been granted, unless sooner revoked.

29 b. An assignment judge of the Superior Court may grant, on a
30 written application to him from a nonincarcerated person who has
31 previously been convicted for a violation of the criminal laws of
32 this State or the criminal laws of another jurisdiction and been
33 denied access to visit persons incarcerated in a correctional or penal
34 institution in this State, an order enabling the person to visit persons
35 who are incarcerated in any correctional or penal institution in this
36 State, if the person establishes to the judge that such visits are for
37 motivational purposes that are likely to be beneficial to the
38 rehabilitation of the incarcerated persons visited. Every such order
39 shall specify that all correctional and penal institutions in this State
40 may be visited by the person who applies for a court order pursuant
41 to this subsection.

42 (cf: P.L.1953, c.29, s.41)
43

44 5. Section 12 of P.L.1979, c.441 (C.30:4-123.56) is amended
45 to read as follows:

46 12. a. The board shall develop a schedule of future parole
47 eligibility dates for adult inmates denied release at their eligibility
48 date. In developing such schedule, particular emphasis shall be

1 placed on the severity of the offense for which he was denied parole
2 and on the characteristics of the offender, such as, but not limited
3 to, the prior criminal record of the inmate and the need for
4 continued incapacitation of the inmate, however, in no case shall
5 any parole eligibility date scheduled pursuant to this subsection be
6 more than three years following the date on which an inmate was
7 denied release.

8 b. If the release on the eligibility date is denied, the board panel
9 which conducted the hearing shall refer to the schedule published
10 pursuant to subsection a., and include in its statement denying
11 parole notice of the date of future parole consideration. If such date
12 differs from the date otherwise established by the schedule, the
13 board panel shall include particular reasons therefore, however, in
14 no case shall such date be more than three years following the date
15 on which the inmate was denied release. The future parole
16 eligibility date shall not be altered to take into account remissions
17 of sentence for good behavior and diligent application to work and
18 other assignments; provided however, the future parole eligibility
19 date may be altered pursuant to section 8 of P.L.1979, c.441
20 (C.30:4-123.52).

21 c. An inmate shall be released on parole on the new parole
22 eligibility date unless information filed pursuant to a procedure
23 identical to that set forth in section 10 of P.L.1979, c.441 (C.30:4-
24 123.54) indicates by a preponderance of the evidence that the
25 inmate has failed to cooperate in his or her own rehabilitation or
26 that there is a reasonable expectation that the inmate will violate
27 conditions of parole imposed pursuant to section 15 of P.L.1979,
28 c.441 (C.30:4-123.59) if released on parole at that time. The
29 determination of whether the inmate shall be released on the new
30 parole eligibility date shall be made pursuant to the procedure set
31 forth in section 11 of P.L.1979, c.441 (C.30:4-123.55) and this
32 section.

33 For the purposes of this subsection, "failed to cooperate in his or
34 her own rehabilitation" shall include, in the case of an inmate who
35 suffers from mental illness as defined in section 2 of P.L.1987,
36 c.116 (C.30:4-27.2) that does not require institutionalization, that
37 the inmate failed to fully participate in or cooperate with all
38 prescribed treatment offered during incarceration.
39 (cf: P.L.1998, c.112, s.2)

40
41 6. Section 23 of P.L.1979, c.441 (C.30:4-123.67) is amended to
42 read as follows:

43 23. a. The appropriate board panel and the Department of
44 Corrections or the Juvenile Justice Commission established
45 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) **[may]**
46 shall enter into formal agreements with officials of the board,
47 officials of the Department of Corrections or the Juvenile Justice
48 Commission and individual parolees or inmates reduced to writing

1 and signed by all parties, which agreements stipulate individual
2 programs of education, training, or other activity which shall result
3 in a specified reduction of the parolee's parole term pursuant to
4 section 22 of P.L.1979, c.441 (C.30:4-123.66) or the inmate's
5 primary parole eligibility date pursuant to section 8 of P.L.1979,
6 c.441 (C.30:4-123.52), upon such successful completion of the
7 program. The formal agreements required under this subsection
8 shall be entered into within two months of an inmate's admission to
9 a correctional facility.

10 b. Any parolee or inmate shall be permitted to apply to the
11 board for such an agreement. The board panel shall **[review]**
12 accept all such applications. The board panel **[may]** shall approve
13 any application consistent with eligibility requirements promulgated
14 by the board pursuant to section 4 of P.L.1979, c.441 (C.30:4-
15 123.48). The commission may, by regulation, specify eligibility
16 requirements for agreements with juvenile parolees and inmates and
17 the procedures for effecting such agreements and reviewing
18 juveniles' application for such agreements.

19 c. Upon approval of the parolee or inmate's application, the
20 board panel shall be responsible for specifying the components
21 necessary for any such agreement. Upon acceptance of the
22 agreement by the Department of Corrections or by the commission,
23 by the board panel and by the parolee or the inmate, the board panel
24 shall reduce the agreement to writing and monitor compliance with
25 the agreement at least once every 12 months. The parolee or inmate
26 and the Department of Corrections or the Juvenile Justice
27 Commission shall be given a copy of any such agreement.

28 d. Any such agreement shall be terminated by the board panel
29 in the event the parolee or inmate fails to refuses to satisfactorily
30 complete each component of the agreement. The inmate or parolee
31 shall be notified in writing of any such termination and the reasons
32 therefor. Any such termination may be appealed to the full board
33 pursuant to section 14 of P.L.1979, c.441 (C.30:4-123.58).

34 (cf: P.L.1995, c.280, s.46)

35

36 7. (New section) a. An inmate sentenced to a term of
37 incarceration in a State correctional institution who (1) has declined
38 to participate in the parole consideration hearing process or (2) has
39 been denied parole release pursuant to the provisions of section 11
40 of P.L.1979, c.441 (C.30:4-123.55) shall, notwithstanding the
41 provisions of section 12 of P.L.1979, c. 441 (C.30:4-123.56), be
42 released on parole on a date which precedes the date on which the
43 aggregate of the inmate's court imposed term of incarceration is to
44 end by six months; provided, however, that the early release
45 authorized under the provisions of this subsection shall not apply to
46 any inmate subject to a judicial or statutory mandatory minimum
47 term of incarceration. An inmate subject to a mandatory minimum

1 term of incarceration shall remain in the custody of the
2 Commissioner of Corrections until the completion of that term.

3 b. In computing the date on which the inmate's court imposed
4 term of incarceration is to end, the calculations shall include any
5 reductions for good behavior remitted to the inmate in accordance
6 with the provisions of R.S.30:4-140 and credits for diligent
7 application to work and other institutional assignments granted the
8 inmates pursuant to R.S.30:4-92; provided, however, that
9 commutation time for good behavior and credits for diligent
10 application to work and other institutional assignments shall not be
11 utilized to reduce any judicial or statutory mandatory minimum
12 term of incarceration imposed on an inmate.

13 c. An inmate released on parole pursuant to subsection a. of
14 this section shall, during the term of parole supervision, remain in
15 the legal custody of the Commissioner of Corrections; be
16 supervised by the Division of Parole of the State Parole Board; and
17 be subject to the provisions and conditions established by the
18 appropriate board panel in accordance with the procedures and
19 standards set forth in section 15 of P.L.1979, c.441 (C.30:4-123.59).
20 If the parolee violates a condition of parole, the parolee shall be
21 subject to the provisions of section 16 through section 19 of
22 P.L.1979, c.441 (C.30:4-123.60 through C.30:4-123.63) and may
23 have his parole revoked and be returned to custody. If revocation
24 and return to custody are deemed appropriate, the appropriate board
25 panel shall revoke the parolee's release and return the parolee to
26 custody and confinement for the remainder of his sentence.

27 d. An inmate released on parole pursuant to this section and
28 whose parole is revoked shall not be credited for any time served
29 during that period of parole and shall not be eligible for parole
30 during the remainder of his sentence.

31 e. For the purpose of establishing a primary parole eligibility
32 date pursuant to subsection h. of section 67 of P.L.1979, c.441
33 (C.30:4-123.51), the period of incarceration required to be served
34 pursuant to subsections c. and d. of this section shall not be
35 aggregated with a term of imprisonment imposed on the parolee for
36 the commission of any offense.

37 f. The provisions of this section shall not apply to any inmate
38 paroled pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55)
39 and returned to custody upon the revocation of parole by the
40 appropriate board panel pursuant to the provisions of section 16
41 through section 20 of P.L.1979, c.441 (C.30:4-123.60 through
42 C.30:4-123.64).

43 g. The provisions of this section shall not apply to an inmate
44 serving a sentence subject to the provisions of section 2 of
45 P.L.1997, c.117 (C.2C:43-7.2) or a sentence imposed for the
46 offense of aggravated sexual assault, sexual assault, aggravated
47 criminal sexual contact, kidnapping pursuant to paragraph (2) of
48 subsection c. of N.J.S.2C:13-1, endangering the welfare of a child

1 by engaging in sexual conduct which would impair or debauch the
2 morals of a child pursuant to subsection a. of N.J.S.2C:24-4,
3 endangering the welfare of a child pursuant to paragraph (3) of
4 subsection b. of N.J.S.2C:24-4, endangering the welfare of a child
5 pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4, luring,
6 or an attempt to commit any of these offenses.

7 h. The provisions of section 22 of P.L.1979, c.441 (C.30:4-
8 123.66) shall not apply to an inmate released on parole pursuant to
9 this section.

10 i. Written notice of the parole release of an inmate pursuant to
11 this section shall be provided to the prosecutor of that inmate in
12 accordance with the provisions of section 3 of P.L.1994, c.131
13 (C.30:4-6.1).

14 j. Except as otherwise provided, the provisions of this section
15 shall apply to all inmates in the custody of the Commissioner of
16 Corrections on and after the effective date of P.L. , c. (C.)
17 (pending before the Legislature as this bill). In the case of inmates
18 in the custody of the commissioner on the effective date of P.L. ,
19 c. (C.) (pending before the Legislature as this bill), the Parole
20 Board may postpone, for a period not to exceed six months, the
21 application of P.L. , c. (C.) (pending before the Legislature as
22 this bill) in order to permit the board an opportunity to identify,
23 investigate and process the development and establishment of
24 specific policies and plans, including the availability of treatment
25 services, if deemed appropriate, for inmates eligible for release
26 under P.L. , c. (C.) (pending before the Legislature as this
27 bill).

28 k. In accordance with the provisions of the "Administrative
29 Procedure Act," P.L.1968, c.4120 (C.52:14B-1 et seq.), the Parole
30 Board shall promulgate rules and regulations necessary to effectuate
31 the purposes of this act.

32
33 8. Section 3 of this act shall take effect immediately; section 7
34 of this act shall take effect on the first day of the fourth month
35 following enactment; sections 1, 2, 5, and 6 of this act shall take
36 effect on the first day of the seventh month after enactment; section
37 4 shall take effect on the first day of the 13th month following
38 enactment. The Commissioners of Corrections, the Commissioner
39 of Education, and Labor and Workforce Development, and the State
40 Parole Board may take any anticipatory action prior to the effective
41 date necessary to implement the provisions of this act.

42
43

44 STATEMENT

45
46 This bill contains various provisions related to policies
47 concerning the rehabilitation and education of persons who are
48 currently incarcerated.

S11 CUNNINGHAM

1 The bill would direct the Commissioner of Corrections to work
2 with the Commissioner of Labor and Workforce Development to
3 establish a mandatory workforce skills training program in each of
4 this State's correctional facilities.

5 This bill also would require the Commissioner of Corrections to
6 work with the Commissioner of Education to establish a program of
7 mandatory education in this State's correctional facility under
8 which inmates would be required to attain a high school
9 equivalency certificate or high school diploma.

10 The bill also permits the commissioner to award inmates special
11 credits to provide further remission from their sentence for
12 achievements in education and workforce skills training.

13 The bill also requires that a high school equivalency certificate
14 issued to an inmate be issued by the Department of Education and
15 designated as issued by the department. Currently, it is designated
16 on these certificates that they are issued by the Department of
17 Corrections.

18 This bill permits certain persons who have been convicted in the
19 past to obtain a court order that allows them to visit prisons, if they
20 can show that such visits are likely to motivate and assist in the
21 rehabilitation of incarcerated persons. The orders granted under
22 this bill would allow a person to visit any correctional institution in
23 this State.

24 The provisions of the bill that concern parole would cap, at a
25 maximum of three years, the length of time that the parole board
26 could require an inmate denied release to serve before having
27 another hearing. Currently, the board must develop a schedule of
28 future parole eligibility dates for adult inmates denied release at
29 their eligibility date. The schedule places particular emphasis on
30 the severity of the offense for which the inmate was denied parole
31 and on the characteristics of the offender.

32 Further, the bill would also provide that inmates and parolees
33 could enter into formal agreements with various institutions which
34 would stipulate individual programs of education, training, or other
35 activities which would result in a specified reduction of the
36 parolee's parole term. The inmates' compliance with the agreement
37 would be monitored at least once every twelve months.

38 Finally, this bill would establish a mandatory six-month period
39 of post-release supervision for all State inmates.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 11

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 4, 2010

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 11, with committee amendments.

The bill, as amended, contains various provisions related to policies concerning the rehabilitation and education of persons who are currently incarcerated.

The bill directs the Commissioner of Corrections to work with the Commissioner of Labor and Workforce Development to establish a mandatory workforce skills training program in each of this State's correctional facilities.

This bill requires the Commissioner of Corrections to work with the Commissioner of Education to establish a program of mandatory education in this State's correctional facility under which inmates will be required to attain a high school equivalency certificate or high school diploma.

The bill permits the commissioner to award inmates special credits to provide further remission from their sentence for achievements in education and workforce skills training.

The bill requires that a high school equivalency certificate issued to an inmate be issued by the Department of Education and designated as issued by the department. Currently, the designation on these certificates indicates that they are issued by the Department of Corrections.

This bill permits certain persons, convicted in the past, to obtain a court order that allows them to visit prisons, if they can show that such visits are likely to motivate and assist in the rehabilitation of incarcerated persons. The orders granted under this bill will allow a person to visit any correctional institution in this State.

The provisions of the bill that concern parole will cap, at a maximum of three years, the length of time that the parole board can require an inmate denied release to serve before having another hearing. Currently, the board must develop a schedule of future parole eligibility dates for adult inmates denied release at their eligibility date. The schedule places particular emphasis on the severity of the offense for which the inmate was denied parole and on the characteristics of the offender.

The bill requires the appropriate parole board panel and the Department of Corrections or the Juvenile Justice Commission to enter into formal parole contract agreements with individual parolees or inmates which stipulate that if the affected parolee or inmate successfully fulfills the educational, training or other terms of the agreement, the parolee's term of parole will be reduced or the inmate's primary parole eligibility date will be moved up. These parole contract agreements will be entered into within two months of an inmate's admission to the correctional facility. The bill requires that at least once every 12 months, the department, commission or appropriate board panel will monitor each parolee or inmate's compliance with the terms of the agreement

The bill establishes a mandatory six-month period of post-release supervision for all State inmates.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) require the Department of Corrections (DOC) to establish a mentoring program for new inmates at each prison. The mentoring would be provided by DOC approved mentors who have been incarcerated for a continuous period of more than 10 years;

2) ensure that the Commissioner of Corrections certifies on a monthly basis to the Director of the Division of Budget and Accounting that all available Residential Community Release Program beds in the State of New Jersey are filled to contract capacity with eligible State inmates who are within 18 to 24 months of release;

3) clarify that the agreements entered into between inmates or parolees and the appropriate board panel, the DOC or the Juvenile Justice Commission are "parole contract agreements" and to provide further clarity as to the purpose and goals of these agreements;

4) require the Commissioner of Corrections and the Commissioner of Labor and Workforce Development to ensure that vocational training programs provided to inmates, remain current and relevant to employers current expectations of workforce qualification standards, and revise or terminate outdated programs and redirect inmates from terminated programs into other vocational training programs that meet current employer and industry requirements; and

5) make technical amendments to the bill.

FISCAL IMPACT:

Neither the Executive nor the Office of Legislative Services (OLS) is able to estimate the impact of Senate Bill No. 11 (1R) on State expenditures, in part due to insufficiency of information on the number of inmates affected by the bill and in part due to uncertainties about Executive branch implementation of the bill's provisions.

Certain sections of the bill will result in increased State expenditures. Section 1 requires the Department of Corrections

(DOC), in consultation with the Department of Labor and Workforce Development, to establish a mandatory workforce skills training program at each State correctional facility containing specific components. The DOC states that an inventory of programs would be needed to determine recommendations for improvements to meet these requirements, and that upgrading and adding to programs would most definitely be necessary. An indeterminate cost increase would result from this section of the bill.

Section 2, to be implemented in six stages over an eight year period, requires the DOC to provide mandatory education programs that would allow each inmate to attain a high school diploma or high school equivalency certificate, and that would ultimately raise inmate literacy levels to a 12th grade level. The DOC states that according to the Offender Education Status Report, approximately 11,000 inmates currently do not have a diploma or GED. The DOC currently provides educational services to some inmates, with diplomas and certificates issued by the Department of Education. However, the bill would expand the inmate population receiving these services as well as the curriculum standards, and thus increase educational costs by an indeterminate amount.

Section 6 of the bill requires that parole eligibility terms be no longer than three years. The State Parole Board (SPB) estimates that this requirement would most likely increase the number of hearings, the cost of which cannot be determined. The OLS concurs.

Section 7 of the bill mandates the development of formal parole contract agreements, stipulating individual programs of education, training, or other activities that would result in specified reductions of parole terms. The SPB states that this would require a new administrative process, the cost of which cannot be determined. The OLS concurs.

Section 8 of the bill requires that certain inmates be given a six-month term of supervised parole in substitution of the final six months of incarceration. According to the SPB, based upon FY 2007 data, nearly 4,000 inmates are released from state prison annually without supervision; the SPB further estimated that approximately 1,500 would be eligible for this mandatory supervised parole program. The SPB estimates that the cost of supervising an additional 1,500 inmates would be significant: assuming a caseload of 60 offenders per parole officer, the SPB would need to hire 25 additional parole officers at a starting salary of \$53,000, for total salary and related costs of \$886,000 during the first (partial) year of implementation. Costs for additional parole officers would increase to \$2.1 million during the second (full) year after enactment and \$2.3 million in the third year. This estimate does not include training or equipment needs. The Office of Legislative Services concurs with the SPB estimate. The SPB also states that because the inmates affected by the requirement had refused programs while incarcerated, they most likely would

require placement in a STEPS program for three months, followed by placement in a Community Resource Center for three months. Assuming an average cost of \$65 per day for 180 days for 1,500 parolees, the additional costs of this aspect of the bill would be \$8.78 million during the first (partial) year of implementation, increasing to \$17.6 million during the second and third year of operation. The cost of section 8 of the bill would thus total at least \$9.7 million during the first year following enactment, increasing to at least \$19.7 million and \$19.9 million during the second and third years, respectively.

Policies that would result in the reduction of time served by a State sentenced prison inmate in a State operated prison facility could save the DOC about \$39,099 per year in incarceration costs according to DOC data. For example, under section 8 of the bill, for every inmate who is released 6 months prior to the stated release date, the department could save \$19,550. If 1,500 inmates were released six months early each year, the department could save \$29.3 million annually. The OLS notes that there are no assurances that these reductions would result, because the achievement of such savings would be dependent on reallocation of the prison population and workforce reductions. Given this uncertainty, the OLS cannot conclude whether this bill in its totality would increase or decrease State expenditures.

STATEMENT TO

[First Reprint]

SENATE, No. 11

with Senate Floor Amendments
(Proposed by Senator CUNNINGHAM)

ADOPTED: JANUARY 7, 2010

Senate Bill No. 11 [1R] contains various provisions related to policies concerning the rehabilitation, education and training of persons who are currently incarcerated in New Jersey's correctional facilities.

These Senate Amendments:

(1) Establish a five year, rather than a nine year phase-in schedule for the inmate educational program authorized under the bill. There is no cost to the Department of Corrections during the first year of this five stage incremental timetable; and

(2) Correct technical references in the effective date.

As amended, this bill is identical to Assembly Bill No. 4202 (1R), which was also amended by the General Assembly on this same date.

FISCAL NOTE
SENATE, No. 11
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: DECEMBER 17, 2009

SUMMARY

- Synopsis:** Provides for parole eligibility and supervision, prison visitation, and training and education standards for incarcerated persons.
- Type of Impact:** General Fund expenditure.
- Agencies Affected:** Department of Corrections, State Parole Board, Juvenile Justice Commission.

Executive Estimate

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

- Neither the Executive nor the Office of Legislative Services (OLS) is able to estimate the impact of Senate Bill No. 11 on State expenditures, due to insufficiency of information and uncertainty about how certain provisions of the bill would be implemented by the Executive.
- The OLS **concurs** with the Executive that the bill requires increased State expenditures to implement certain provisions, most notably those regarding workforce skills training, high school and equivalency programs and supervised parole requirements, but further notes that insufficient information is available on which to base an estimate of all costs that would result from the bill.
- The OLS further notes that to the extent that this bill causes a reduction in time served by State sentenced prison inmates in a State operated prison, reductions in incarceration costs, currently averaging about \$39,100 per inmate per year, could result. The Executive provided no estimate of incarceration cost reductions that would result from this bill, but indicated that about 1,500 inmates annually could be eligible for release on supervised parole six months prior to their release date, as provided in section 7 of the bill. The OLS notes that based on this data, such early release could reduce incarceration costs by an average \$19,550 per inmate, or a total of \$29.3 million annually, but further notes that there are no assurances that these reductions would result, because the achievement of such savings would be dependent on reallocation of the prison population and workforce reductions.

- The Executive further estimates that parole costs would increase by about \$17.5 million annually due to the requirement that certain inmates be released from incarceration six months prior to their release dates and assigned to six months of supervised parole. The OLS **concur**s with this estimate.
- The Executive estimates that the cost of providing the high school diploma/high school equivalency programs required by the bill would approximate \$7 million annually upon full implementation. The OLS **does not concur** with this estimate, believing it to be based on an overestimate of the number of inmates that would become eligible for such programs. The OLS does not have adequate information with which to estimate the number of inmates that would be eligible for such programs or the costs, and therefore is unable to estimate the cost of complying with this requirement.
- The Executive states that the requirement that parole eligibility terms be no longer than three years would most likely increase the number of hearings, the cost of which cannot be determined. The OLS has insufficient information on which to base a cost estimate for this aspect of the bill.
- The Executive further states that the requirement for formal written parole contract agreements would increase annual administrative costs, but does not provide an estimate. The OLS concurs, but has insufficient information on which to base a cost estimate for this aspect of the bill. The OLS further notes that full inmate and parolee compliance with contract agreement terms is to result in reduced incarceration or parole terms, which could result in annual expenditure reductions of an indeterminate amount.

BILL DESCRIPTION

Senate Bill No. 11 of 2009 contains various provisions related to policies concerning the rehabilitation and education of persons who are currently incarcerated.

The bill would direct the Commissioner of Corrections, in consultation with the Commissioner of Labor and Workforce Development, to establish a mandatory workforce skills training program in each of this State's correctional facilities.

The bill also would require the Commissioner of Corrections, in consultation with the Commissioner of Education, to establish a program of mandatory education in this State's correctional facility under which inmates would be required to attain a high school equivalency certificate or high school diploma.

The bill also permits the commissioner to award inmates special credits to provide further remission from their sentence for achievements in education and workforce skills training.

The bill also requires that a high school equivalency certificate issued to an inmate be issued by the Department of Education and designated as issued by the department. Currently, it is designated on these certificates that they are issued by the Department of Corrections.

This bill permits certain persons who have been convicted in the past to obtain a court order that allows them to visit prisons, if they can show that such visits are likely to motivate and assist in the rehabilitation of incarcerated persons. The orders granted under this bill would allow a person to visit any correctional institution in this State.

The provisions of the bill that concern parole would cap, at a maximum of three years, the length of time that the parole board could require an inmate denied release to serve before having

another hearing. Currently, the board must develop a schedule of future parole eligibility dates for adult inmates denied release at their eligibility date. The schedule places particular emphasis on the severity of the offense for which the inmate was denied parole and on the characteristics of the offender.

Further, the bill would also provide that inmates and parolees could enter into formal agreements with various institutions which would stipulate individual programs of education, training, or other activities which would result in a specified reduction of the parolee's parole term. The inmates' compliance with the agreement would be monitored at least once every twelve months.

Finally, this bill would establish a mandatory six-month period of post-release supervision for certain State inmates.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Executive did not provide a comprehensive assessment of this bill's fiscal impact. Relevant information provided by the Department of Corrections and the State Parole Board, respectively, is as follows:

Department of Corrections

The Department of Corrections (DOC) states that the following items would impact upon DOC operations:

- Section 1 requires the DOC, in consultation with the Department of Labor and Workforce Development, to establish a mandatory workforce skills training program at each State correctional facility containing specific components. The DOC states that an inventory of programs would be needed to determine recommendations for improvements to meet these requirements, and that upgrading and adding to programs would most definitely be necessary.
- Section 2 requires the DOC to provide mandatory education programs to assure each inmate achieves high school diploma or high school equivalency certificate. The DOC currently provides these services with diplomas and certificates issued by the Department of Education. However, the bill would expand the population receiving these services and increase costs. The DOC states that according to the Offender Education Status Report, approximately 11,000 inmates currently do not have a diploma or GED.
- In order to provide both workforce skills programs and education services in all its facilities, the DOC estimates that it would require an additional 52 teachers, 26 instructional technicians, 13 learning disabilities specialists, and 13 teachers at an annual salary and fringe benefits cost of \$6,888,119. An additional \$609,195 for one-time startup costs, and an annual \$186,160 in annual operating costs for supplies would bring the first full year cost of expanding the education program to \$7,683,474. Assuming a 3 percent inflation rate, second and third year costs would total \$7,286,507 and \$7,505,103, respectively. The DOC states that this is a partial cost estimate; in addition, staff to review files and assess inmates would be required and, depending upon the educational level of the inmate, various non-salary costs would result. The DOC also notes the possibility that additional classroom space would be needed.
- The DOC states that provisions requiring or permitting the Commissioner to award inmates special credits to further remission from time of sentence for achievements in education and workforce training cannot be evaluated with regards to costs or savings,

but noted that measures that reduce time served would result in savings for housing an inmate.

State Parole Board

- Section 7 of the bill requires that certain inmates be given a six-month term of supervised parole in substitution of the final six months of incarceration. The State Parole Board (SPB) states that based upon FY 2007 data, nearly 4,000 inmates are released from state prison annually without supervision annually, and further estimated that approximately 1,500 would be eligible for this mandatory supervised parole program. The SPB states that the cost of supervising an additional 1,500 inmates would be significant: assuming a caseload of 60 offenders per parole officer, the SPB would need to hire 25 additional parole officers at a starting salary of \$53,000, for total salary and related costs of \$886,000 during the first (partial) year of implementation. Costs for additional parole officers would increase to \$2.1 million during the second (full) year after enactment and \$2.3 million in the third year. This estimate does not include training or equipment needs.
- The SPB also states that because the inmates affected by the requirement had refused programs while incarcerated, they most likely would require placement in a STEPS program for three months, followed by placement in a Community Resource Center for three months. Assuming an average cost of \$65 per day for 180 days for 1,500 parolees, the additional costs of this aspect of the bill would be \$8.78 million during the first (partial) year of implementation, increasing to \$17.6 million during the second and third year of operation. The cost of section 7 of the bill would thus total at least \$9.7 million during the first year following enactment, increasing to at least \$19.7 million and \$19.9 million during the second and third years, respectively.
- The SPB also states that the requirement (section 5) that parole eligibility terms be no longer than three years would most likely increase the number of hearings, the cost of which cannot be determined.
- The SPB also states that the mandatory development of formal parole agreements (section 6), stipulating individual programs of education, training, or other activities that would result in specified reductions of parole terms, requires a new administrative process, the cost of which cannot be determined.

OFFICE OF LEGISLATIVE SERVICES

The OLS is unable to estimate the impact of Senate Bill No. 11 on State expenditures, due to insufficiency of information and uncertainty about how certain provisions of the bill would be implemented by the Executive. The OLS **concurs** with the Executive that the bill requires increased State expenditures to implement certain provisions, most notably those regarding workforce skills training, high school and equivalency programs and supervised parole requirements, but further notes that insufficient information is available on which to base an estimate of all costs that would result from the bill.

The OLS **concurs** with the SPB estimate that parole costs would increase by about \$17.5 million annually due to the requirement that certain inmates be released from incarceration six months prior to their release dates and assigned to six months of supervised parole.

The OLS **does not concur** with the DOC estimate that the cost of providing workforce training and high school diploma/high school equivalency programs would approximate \$7 million annually upon full implementation, believing it to be based on an overestimate of the

number of inmates that would become eligible for such programs. The OLS does not have adequate information with which to estimate the number of inmates that would be eligible for such programs or the costs, and therefore is unable to estimate the cost of complying with this requirement.

The OLS generally concurs with other Executive assessments of the bill's cost impacts, and adds that according to DOC data, any policies that would result in the reduction of time served by State sentenced prison inmate in a State operated prison facility could save the DOC about \$39,099 per year in incarceration costs. For every inmate who is released 6 months prior to their stated release date, the department could save \$19,550. If 1,500 inmates were released six months early each year, the department could save \$29.3 million annually. There are no assurances that these reductions would result, because the achievement of such savings would be dependent on reallocation of the prison population and workforce reductions.

Section: Judiciary

Analyst: Anne Raughley
Principal Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

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

FISCAL NOTE
 [First Reprint]
SENATE, No. 11
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: JANUARY 12, 2010

SUMMARY

Synopsis: Provides for parole eligibility and supervision, prison visitation, and training and education standards for incarcerated persons.

Type of Impact: General Fund expenditure.

Agencies Affected: Department of Corrections, State Parole Board, Juvenile Justice Commission.

Executive Estimate

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

- Neither the Executive nor the Office of Legislative Services (OLS) is able to estimate the impact of Senate Bill No. 11 (1R) on State expenditures, due to insufficiency of information and uncertainty about how certain provisions of the bill would be implemented by the Executive.
- The OLS **concurs** with the Executive that the bill requires increased State expenditures to implement certain provisions, most notably those regarding workforce skills training, high school and equivalency programs and supervised parole requirements, but further notes that insufficient information is available on which to base an estimate of all costs that would result from the bill.
- The OLS further notes that to the extent that this bill causes a reduction in time served by State sentenced prison inmates in a State operated prison, reductions in incarceration costs, currently averaging about \$39,100 per inmate per year, could result. The Executive provided no estimate of incarceration cost reductions that would result from this bill, but indicated that about 1,500 inmates annually could be eligible for release on supervised parole six months prior to their release date, as provided in section 8 of the bill. The OLS notes that based on this data, such early release could reduce incarceration costs by an average \$19,550 per inmate, or a total of \$29.3 million annually, but further notes that there are no assurances that these reductions would result, because the achievement of such savings would be dependent on reallocation of the prison population and workforce reductions.

- The Executive further estimates that parole costs would increase by about \$17.5 million annually due to the requirement that certain inmates be released from incarceration six months prior to their release dates and assigned to six months of supervised parole. The OLS **concur**s with this estimate.
- The Executive estimates that the cost of providing the high school diploma/high school equivalency programs required by the bill would approximate \$7 million annually upon full implementation. The OLS **does not concur** with this estimate, believing it to be based on an overestimate of the number of inmates that would become eligible for such programs. The OLS does not have adequate information with which to estimate the number of inmates that would be eligible for such programs or the costs, and therefore is unable to estimate the cost of complying with this requirement.
- The Executive states that the requirement that parole eligibility terms be no longer than three years would most likely increase the number of hearings, the cost of which cannot be determined. The OLS has insufficient information on which to base a cost estimate for this aspect of the bill.
- The Executive further states that the requirement for formal written parole contract agreements would increase annual administrative costs, but does not provide an estimate. The OLS concurs, but has insufficient information on which to base a cost estimate for this aspect of the bill. The OLS further notes that full inmate and parolee compliance with contract agreement terms is to result in reduced incarceration or parole terms, which could result in annual expenditure reductions of an indeterminate amount.

BILL DESCRIPTION

Senate Bill No. 11 (1R) of 2009 contains various provisions related to policies concerning the rehabilitation and education of persons who are currently incarcerated.

The bill would direct the Commissioner of Corrections, in consultation with the Commissioner of Labor and Workforce Development, to establish a mandatory workforce skills training program in each of this State's correctional facilities. The bill requires that the Commissioner of Corrections and the Commissioner of Labor and Workforce Development ensure that vocational training programs provided to inmates, remain current and relevant to employers current expectations of workforce qualification standards, and revise or terminate outdated programs and redirect inmates from terminated programs into other vocational training programs that meet current employer and industry requirements.

The bill also would require the Commissioner of Corrections, in consultation with the Commissioner of Education, to establish a program of mandatory education in this State's correctional facility under which inmates would be required to attain a high school equivalency certificate or high school diploma.

The bill also permits the Commissioner to award inmates special credits to provide further remission from their sentence for achievements in education and workforce skills training.

The bill also requires that a high school equivalency certificate issued to an inmate be issued by the Department of Education and designated as issued by the department. Currently, it is designated on these certificates that they are issued by the Department of Corrections.

This bill permits certain persons who have been convicted in the past to obtain a court order that allows them to visit prisons, if they can show that such visits are likely to motivate and assist in the rehabilitation of incarcerated persons. The orders granted under this bill would allow a person to visit any correctional institution in this State.

The provisions of the bill that concern parole would cap, at a maximum of three years, the length of time that the parole board could require an inmate denied release to serve before having another hearing. Currently, the board must develop a schedule of future parole eligibility dates for adult inmates denied release at their eligibility date. The schedule places particular emphasis on the severity of the offense for which the inmate was denied parole and on the characteristics of the offender.

Further, the bill would also provide that inmates and parolees could enter into formal agreements with various institutions which would stipulate individual programs of education, training, or other activities which would result in a specified reduction of the parolee's parole term. The inmates' compliance with the agreement would be monitored at least once every 12 months.

The bill requires DOC to establish a mentoring program for new inmates at each prison to be provided by DOC approved mentors who have been incarcerated for a continuous period of more than 10 years.

The bill also ensures that the Commissioner of Corrections certifies on a monthly basis to the Director of the Division of Budget and Accounting that all available Residential Community Release Program beds in the State of New Jersey are filled to contract capacity with eligible State inmates who are within 18 to 24 months of release.

Finally, this bill would establish a mandatory six-month period of post-release supervision for certain State inmates.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Executive did not provide a comprehensive assessment of this bill's fiscal impact. Relevant information provided by the Department of Corrections and the State Parole Board, respectively, is as follows:

Department of Corrections

The Department of Corrections (DOC) states that the following items would impact upon DOC operations:

- Section 1 requires the DOC, in consultation with the Department of Labor and Workforce Development, to establish a mandatory workforce skills training program at each State correctional facility containing specific components. The DOC states that an inventory of programs would be needed to determine recommendations for improvements to meet these requirements, and that upgrading and adding to programs would most definitely be necessary.
- Section 2 requires the DOC to provide mandatory education programs to assure each inmate achieves high school diploma or high school equivalency certificate. The DOC currently provides these services with diplomas and certificates issued by the Department of Education. However, the bill would expand the population receiving these services and increase costs. The DOC states that according to the Offender Education Status Report, approximately 11,000 inmates currently do not have a diploma or GED.

- In order to provide both workforce skills programs and education services in all its facilities, the DOC estimates that it would require an additional 52 teachers, 26 instructional technicians, 13 learning disabilities specialists, and 13 teachers at an annual salary and fringe benefits cost of \$6,888,119. An additional \$609,195 for one-time startup costs, and an annual \$186,160 in annual operating costs for supplies would bring the first full year cost of expanding the education program to \$7,683,474. Assuming a 3 percent inflation rate, second and third year costs would total \$7,286,507 and \$7,505,103, respectively. The DOC states that this is a partial cost estimate; in addition, staff to review files and assess inmates would be required and, depending upon the educational level of the inmate, various non-salary costs would result. The DOC also notes the possibility that additional classroom space would be needed.
- The DOC states that provisions requiring or permitting the Commissioner to award inmates special credits to further remission from time of sentence for achievements in education and workforce training cannot be evaluated with regards to costs or savings, but noted that measures that reduce time served would result in savings for housing an inmate.

State Parole Board

- Section 8 of the bill requires that certain inmates be given a six-month term of supervised parole in substitution of the final six months of incarceration. The State Parole Board (SPB) states that based upon FY 2007 data, nearly 4,000 inmates are released from state prison annually without supervision annually, and further estimated that approximately 1,500 would be eligible for this mandatory supervised parole program. The SPB states that the cost of supervising an additional 1,500 inmates would be significant: assuming a caseload of 60 offenders per parole officer, the SPB would need to hire 25 additional parole officers at a starting salary of \$53,000, for total salary and related costs of \$886,000 during the first (partial) year of implementation. Costs for additional parole officers would increase to \$2.1 million during the second (full) year after enactment and \$2.3 million in the third year. This estimate does not include training or equipment needs.
- The SPB also states that because the inmates affected by the requirement had refused programs while incarcerated, they most likely would require placement in a STEPS program for three months, followed by placement in a Community Resource Center for three months. Assuming an average cost of \$65 per day for 180 days for 1,500 parolees, the additional costs of this aspect of the bill would be \$8.78 million during the first (partial) year of implementation, increasing to \$17.6 million during the second and third year of operation. The cost of section 8 of the bill would thus total at least \$9.7 million during the first year following enactment, increasing to at least \$19.7 million and \$19.9 million during the second and third years, respectively.
- The SPB also states that the mandatory development of formal parole agreements (section 7), stipulating individual programs of education, training, or other activities that would result in specified reductions of parole terms, requires a new administrative process, the cost of which cannot be determined.

OFFICE OF LEGISLATIVE SERVICES

The OLS is unable to estimate the impact of Senate Bill No. 11 (1R) on State expenditures, due to insufficiency of information and uncertainty about how certain provisions of the bill

would be implemented by the Executive. The OLS **concur**s with the Executive that the bill requires increased State expenditures to implement certain provisions, most notably those regarding workforce skills training, high school and equivalency programs and supervised parole requirements, but further notes that insufficient information is available on which to base an estimate of all costs that would result from the bill.

The OLS **concur**s with the SPB estimate that parole costs would increase by about \$17.5 million annually due to the requirement that certain inmates be released from incarceration six months prior to their release dates and assigned to six months of supervised parole.

The OLS **does not concur** with the DOC estimate that the cost of providing workforce training and high school diploma/high school equivalency programs would approximate \$7 million annually upon full implementation, believing it to be based on an overestimate of the number of inmates that would become eligible for such programs. The OLS does not have adequate information with which to estimate the number of inmates that would be eligible for such programs or the costs, and therefore is unable to estimate the cost of complying with this requirement.

The OLS generally concurs with other Executive assessments of the bill's cost impacts, and adds that according to DOC data, any policies that would result in the reduction of time served by State sentenced prison inmate in a State operated prison facility could save the DOC about \$39,099 per year in incarceration costs. For every inmate who is released 6 months prior to their stated release date, the department could save \$19,550. If 1,500 inmates were released six months early each year, the department could save \$29.3 million annually. There are no assurances that these reductions would result, because the achievement of such savings would be dependent on reallocation of the prison population and workforce reductions.

Section: Judiciary

*Analyst: Anne Raughley
 Principal Fiscal Analyst*

*Approved: David J. Rosen
 Legislative Budget and Finance Officer*

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

FISCAL NOTE
 [Second Reprint]
SENATE, No. 11
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: JANUARY 15, 2010

SUMMARY

Synopsis: Provides for parole eligibility and supervision, prison visitation, and training and education standards for incarcerated persons.

Type of Impact: General Fund expenditure.

Agencies Affected: Department of Corrections, State Parole Board, Juvenile Justice Commission.

Executive Estimate

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

- Neither the Executive nor the Office of Legislative Services (OLS) is able to estimate the impact of Senate Bill No. 11 (2R) on State expenditures, due to insufficiency of information and uncertainty about how certain provisions of the bill would be implemented by the Executive.
- The OLS **concurs** with the Executive that the bill requires increased State expenditures to implement certain provisions, most notably those regarding workforce skills training, high school and equivalency programs and supervised parole requirements, but further notes that insufficient information is available on which to base an estimate of all costs that would result from the bill.
- The OLS further notes that to the extent that this bill causes a reduction in time served by State sentenced prison inmates in a State operated prison, reductions in incarceration costs, currently averaging about \$39,100 per inmate per year, could result. The Executive provided no estimate of incarceration cost reductions that would result from this bill, but indicated that about 1,500 inmates annually could be eligible for release on supervised parole six months prior to their release date, as provided in section 8 of the bill. The OLS notes that based on this data, such early release could reduce incarceration costs by an average \$19,550 per inmate, or a total of \$29.3 million annually, but further notes that there are no assurances that these reductions would result, because the achievement of such savings would be dependent on reallocation of the prison population and workforce reductions.

- The Executive further estimates that parole costs would increase by about \$17.5 million annually due to the requirement that certain inmates be released from incarceration six months prior to their release dates and assigned to six months of supervised parole. The OLS **concur**s with this estimate and notes that this cost would be offset by the savings realized by the Department of Corrections (DOC) in decreased housing costs.
- The Executive estimates that the cost of providing the high school diploma/high school equivalency programs required by the bill would approximate \$7 million annually upon full implementation. The OLS **does not concur** with this estimate, believing it to be based on an overestimate of the number of inmates that would become eligible for such programs. The OLS does not have adequate information with which to estimate the number of inmates that would be eligible for such programs or the costs, and therefore is unable to estimate the cost of complying with this requirement.
- The Executive states that the requirement that parole eligibility terms be no longer than three years would most likely increase the number of hearings, the cost of which cannot be determined. The OLS has insufficient information on which to base a cost estimate for this aspect of the bill.
- The Executive further states that the requirement for formal written parole contract agreements would increase annual administrative costs, but does not provide an estimate. The OLS concurs, but has insufficient information on which to base a cost estimate for this aspect of the bill. The OLS further notes that full inmate and parolee compliance with contract agreement terms is to result in reduced incarceration or parole terms, which could result in annual expenditure reductions of an indeterminate amount.

BILL DESCRIPTION

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The bill also would require the Commissioner of Corrections, in consultation with the Commissioner of Education, to establish a program of mandatory education in this State's correctional facility under which inmates would be required to attain a high school equivalency certificate or high school diploma. The program would be implemented on a phase-in basis.

The bill also permits the Commissioner to award inmates special credits to provide further remission from their sentence for achievements in education and workforce skills training.

The bill also requires that a high school equivalency certificate issued to an inmate be issued by the Department of Education and designated as issued by the department. Currently, it is designated on these certificates that they are issued by the DOC.

This bill permits certain persons who have been convicted in the past to obtain a court order that allows them to visit prisons, if they can show that such visits are likely to motivate and assist in the rehabilitation of incarcerated persons. The orders granted under this bill would allow a person to visit any correctional institution in this State.

The provisions of the bill that concern parole would cap, at a maximum of three years, the length of time that the parole board could require an inmate denied release to serve before having another hearing. Currently, the board must develop a schedule of future parole eligibility dates for adult inmates denied release at their eligibility date. The schedule places particular emphasis on the severity of the offense for which the inmate was denied parole and on the characteristics of the offender.

Further, the bill would also provide that inmates and parolees could enter into formal agreements with various institutions which would stipulate individual programs of education, training, or other activities which would result in a specified reduction of the parolee's parole term. The inmates' compliance with the agreement would be monitored at least once every 12 months.

The bill requires DOC to establish a mentoring program for new inmates at each prison to be provided by DOC approved mentors who have been incarcerated for a continuous period of more than 10 years.

The bill also ensures that the Commissioner of Corrections certifies on a monthly basis to the Director of the Division of Budget and Accounting that all available Residential Community Release Program beds in the State of New Jersey are filled to contract capacity with eligible State inmates who are within 18 to 24 months of release.

In addition, the bill requires the DOC to establish a mentoring program for new inmates at each prison. The mentoring would be provided by DOC approved mentors who have been incarcerated for a continuous period of more than 10 years

Finally, this bill would establish a mandatory six-month period of post-release supervision for certain State inmates.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Executive did not provide a comprehensive assessment of this bill's fiscal impact. Relevant information provided by the DOC and the State Parole Board, respectively, is as follows:

Department of Corrections

The Department of Corrections (DOC) states that the following items would impact upon DOC operations:

- Section 1 requires the DOC, in consultation with the Department of Labor and Workforce Development, to establish a mandatory workforce skills training program at each State correctional facility containing specific components. The DOC states that an inventory of programs would be needed to determine recommendations for improvements to meet these requirements, and that upgrading and adding to programs would most definitely be necessary.
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of Education. However, the bill would expand the population receiving these services and increase costs. The DOC states that according to the Offender Education Status Report, approximately 11,000 inmates currently do not have a diploma or GED.

- In order to provide both workforce skills programs and education services in all its facilities, the DOC estimates that when the program is fully phased in, it would require an additional 52 teachers, 26 instructional technicians, 13 learning disabilities specialists, and 13 teachers at an annual salary and fringe benefits cost of \$6,888,119. An additional \$609,195 for one-time startup costs, and an annual \$186,160 in annual operating costs for supplies would bring the first full year cost of expanding the education program to \$7,683,474. Assuming a 3 percent inflation rate, second and third year costs would total \$7,286,507 and \$7,505,103, respectively. The DOC states that this is a partial cost estimate; in addition, staff to review files and assess inmates would be required and, depending upon the educational level of the inmate, various non-salary costs would result. The DOC also notes the possibility that additional classroom space would be needed.
- The DOC states that provisions requiring or permitting the Commissioner to award inmates special credits to further remission from time of sentence for achievements in education and workforce training cannot be evaluated with regards to costs or savings, but noted that measures that reduce time served would result in savings for housing an inmate.
- The DOC states that implementing a mentoring program would pose many practical obstacles. However, if the program were developed, some level of staff supervision and materials for a structured program as well as training would be necessary for effective results generating the need for an unknown amount of funding.

State Parole Board

- Section 8 of the bill requires that certain inmates be given a six-month term of supervised parole in substitution of the final six months of incarceration. The State Parole Board (SPB) states that based upon FY 2007 data, nearly 4,000 inmates are released from state prison annually without supervision, and further estimated that approximately 1,500 would be eligible for this mandatory supervised parole program. The SPB states that the cost of supervising an additional 1,500 inmates would be significant: assuming a caseload of 60 offenders per parole officer, the SPB would need to hire 25 additional parole officers at a starting salary of \$53,000, for total salary and related costs of \$886,000 during the first (partial) year of implementation. Costs for additional parole officers would increase to \$2.1 million during the second (full) year after enactment and \$2.3 million in the third year. This estimate does not include training or equipment needs.
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Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

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

**GOVERNOR
STATEMENT ON SIGNING
ASSEMBLY BILL No. 4202
(Second Reprint)**

I approve Assembly Bill No. 4202 (Second Reprint), only with a commitment from legislative leadership and the bill sponsors that the provision of the bill that would require parole release six months before the maximum expiration of a sentence in cases where the No Early Release Act does not apply, will be removed through immediate remedial legislation to clarify legislative intent. I take this action in light of the time constraints that result at the end of a legislative session, which do not afford time for a Conditional Veto to recommend removal of this provision. Because this provision is not effective for a four-month period, I approve this bill with the expectation, based on the commitment described above, that this provision will not become effective.

Jon S. Corzine

GOVERNOR

DATED: 1/18/10

ATTEST:

William J. Castner Jr.

CHIEF COUNSEL TO THE GOVERNOR