

LEGISLATIVE HISTORY CHECKLIST

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(Parole Advisory Board)

NJSA: 30:4-123.47a to 30:4-123.47b

LAWS OF: 1997 CHAPTER: 215

BILL NO: A25

SPONSOR(S): Azzolina & Blee

DATE INTRODUCED: February 20, 1997

COMMITTEE: ASSEMBLY: Law & Public Safety

SENATE: Law & Public Safety

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
Second reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: March 13, 1997

SENATE: June 26, 1997

DATE OF APPROVAL: August 19, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: Yes

HEARINGS: No

Report mentioned instatments:

- 974.90 New Jersey. Parole Study Commission.
- P959 Report..December, 1996. Trenton, 1996.
- 1996a [see especially pp.55-56]

KBP:pp

[Passed Both Houses]

[Second Reprint]

ASSEMBLY, No. 25

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 20, 1997

By Assemblymen AZZOLINA, BLEE, Geist, Assemblywoman Heck, Assemblymen Kramer, LeFevre, Talarico, Assemblywoman Allen, Assemblymen Zecker, O'Toole and Senator Kosco

1 AN ACT establishing a parole advisory board ¹**[on substance abuse**
2 **treatment]**¹ and supplementing chapter 4 of Title 30 of the Revised
3 Statutes.

4

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

7

8 1. There is hereby established a Parole Advisory Board ¹**[on**
9 **Substance Abuse Treatment]**¹ in, but not of, the Bureau of Parole.
10 Notwithstanding the allocation of the board within the bureau, the
11 bureau or any employee thereof shall not exercise any control over the
12 board. The advisory board shall consist of ¹**[21]**²³ ¹ members. It
13 shall include in its membership the Chief of the Bureau of Parole in the
14 Department of Corrections or his designee, who shall serve ex officio;
15 one member representing each of the following organizations and
16 groups, who shall be appointed by the Governor: the State Parole
17 Board, the Department of Corrections, the Department of Health and
18 Senior Services, ¹the Department of Law and Public Safety,¹ Office
19 of the Governor, the Administrative Office of the Courts, the Victims
20 of Crime Compensation Board, the New Jersey Chapter of the
21 American Correctional Association, the County Prosecutors
22 Association of New Jersey, the Sheriffs' Association of New Jersey,
23 the New Jersey Wardens Association, the New Jersey State
24 Association of Chiefs of Police, the American Parole and Probation

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted March 3, 1997.

² Senate SLP committee amendments adopted June 16, 1997.

1 Association ¹[;] . Governor's Council on Alcoholism and Drug
2 Abuse.¹ the community at large, treatment providers, victims' rights
3 groups and former inmates who have successfully completed parole.
4 Two members of the Senate, who shall not be of the same political
5 party and who shall serve during their terms of office, shall be
6 appointed by the President of the Senate. Two members of the
7 General Assembly, who shall not be of the same political party and
8 who shall serve during their terms of office, shall be appointed by the
9 Speaker of the General Assembly.

10 Members of the board shall be appointed with the advice and
11 consent of the Senate, and serve a term of three years, except for the
12 initial gubernatorial appointees, ¹[four] ²[seven¹] six² of whom shall
13 serve for two years and ¹[four] ²[seven¹] six² of whom shall serve
14 for four years. Each member shall serve for the term of appointment
15 and until a successor is appointed. A member may be reappointed to
16 the board. A member appointed to fill a vacancy occurring in the
17 membership of the board for any reason other than the expiration of
18 the term shall serve a term of appointment for the unexpired term
19 only. All vacancies shall be filled in the same manner as the original
20 appointments. Any appointed member of the board, except the
21 legislative members, may be removed from the board by the Governor,
22 for cause, after a hearing, and may be suspended by the Governor
23 pending the completion of the hearing. Legislative members may be
24 removed for cause by the leader of their respective houses. Motions
25 and resolutions may be adopted by the board at a board meeting by an
26 affirmative vote of not less than ²[11] 12² members.

27 Members of the board shall serve without compensation but shall
28 be entitled to reimbursement for actual expenses of serving on the
29 board, to the extent that funds are available for this purpose.

30 The board shall organize as soon as possible after the appointment
31 of its members. The members shall select a chair from among their
32 number.

33

34 2. It shall be the duty of the advisory board to review and comment
35 on ²supervision issues.² the development and implementation of
36 ²[¹supervision standards.¹]² drug and alcohol treatment programs for
37 ²[inmates and]² parolees, ¹and ²[special assignments] any other
38 issues² as requested by the Commissioner of Corrections.¹ taking into
39 consideration research conducted by the Bureau of Parole. The board
40 shall sponsor conferences with criminal justice administrators and
41 community members, including treatment providers, in order to
42 educate all interested parties in the importance of relapse prevention
43 and treatment for specialized cases, and to address issues such as
44 lowering costs, developing protocols for confidentiality, identifying the
45 type and amount of treatment that should be available, and promoting
46 community involvement in the reintegration process. The advisory

1 board may make recommendations to the Commissioner of
2 Corrections, the Parole Board, the Legislature and the Governor in
3 these matters.

4 The advisory board shall meet at least semiannually and may hold
5 hearings at any place or places it shall designate during the sessions or
6 recesses of the Legislature. The Bureau of Parole shall have primary
7 responsibility for providing staff services and other necessary support
8 to the board. The board may also request the assistance and services
9 of the employees of any State, county or municipal department, board,
10 bureau, commission, task force or agency as it may require and as may
11 be available to it for its purposes. The board may, within the limits of
12 funds appropriated or otherwise made available to it for its purposes,
13 employ stenographic and clerical assistants and incur travel and
14 miscellaneous expenses necessary for the performance of its duties.

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16 3. This act shall take effect immediately.

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20

21 Establishes a parole advisory board.

1 *Statement* STATEMENT
2

3 This bill establishes a Parole Advisory Board on Substance Abuse
4 Treatment in, but not of, the Bureau of Parole. The board would
5 review and comment on the development and implementation of drug
6 and alcohol treatment programs for inmates and parolees and make
7 recommendations to the Commissioner of Corrections, the Parole
8 Board, the Governor and the Legislature concerning the adoption such
9 programs. It would also sponsor conferences with criminal justice
10 administrators and community members, including treatment
11 providers, on a variety of related issues.

12 The panel would consist of 21 members, representing a wide
13 variety of agencies and organizations that have an interest in treatment
14 programs for inmates and parolees. It will include two members of
15 each house of the Legislature appointed by their respective leaders.
16 The board would, from among its members, select a chairman or
17 chairwoman and vice chairman or chairwoman.

18 In the course of reviewing and commenting on the development and
19 implementation of drug and alcohol treatment programs for inmates
20 and parolees, the board would be encouraged to consider the Bureau
21 of Parole's research findings in these matters. It would utilize the staff
22 resources of the Bureau of Parole and meet at least semiannually.

23 This bill is based on a recommendation of the Study Commission on
24 Parole.

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29 _____
Establishes a parole advisory board on substance abuse treatment.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 25

with Committee amendments

STATE OF NEW JERSEY

DATED: MARCH 3, 1997

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 25 with Assembly committee amendments.

Assembly Bill No. 25, as amended by the committee, establishes a Parole Advisory Board in, but not of, the Bureau of Parole. The board would review and comment on the development and implementation of supervision standards, drug and alcohol treatment programs for inmates and parolees, and any special assignments requested by the Commissioner of Corrections. The advisory board is to pass on any recommendations it may have on these matters to the Commissioner of Corrections, the Parole Board, the Governor and the Legislature. It would also sponsor conferences with criminal justice administrators and community members, including treatment providers, on a variety of related issues.

The panel would consist of 23 members, representing a wide variety of agencies and organizations that have an interest in supervision and treatment programs for inmates and parolees. It will include two members of each house of the Legislature appointed by their respective leaders. The board would, from among its members, select a chairman and vice-chairman.

In the course of reviewing and commenting on its findings and recommendations, the board would be encouraged to consider the Bureau of Parole's research findings regarding these matters. It would utilize the staff resources of the Bureau of Parole and meet at least semiannually.

The committee amendments added the Department of Law and Public Safety and the Governor's Council on Alcoholism and Drug Abuse to the membership of the advisory board.

This bill is based on a recommendation of the Governor's Study Commission on Parole.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 25

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 16, 1997

The Senate Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 25 (1R).

Assembly Bill No. 25 (1R) establishes a Parole Advisory Board in, but not of, the Bureau of Parole. The board would review and comment on the development and implementation of supervision issues, drug and alcohol treatment programs for parolees and other issues as requested by the Commissioner of Corrections. The advisory board is to pass on any recommendations it may have on these matters to the Commissioner of Corrections, the Parole Board, the Governor and the Legislature. It would also sponsor conferences with criminal justice administrators and community members, including treatment providers, on a variety of related issues.

The panel would consist of 23 members, representing a wide variety of agencies and organizations that have an interest in supervision and treatment programs for parolees. It will include two members of each house of the Legislature appointed by their respective leaders. The board would, from among its members, select a chairman and vice-chairman.

In the course of reviewing and commenting on its findings and recommendations, the board would be encouraged to consider the Bureau of Parole's research findings regarding these matters. It would utilize the staff resources of the Bureau of Parole and meet at least semiannually.

The committee amended the bill to clarify the duties of the advisory board. The board would review and comment on supervision issues rather than standards, and the development and implementation of drug and alcohol treatment programs for only parolees, not inmates.

This bill is based on a recommendation of the Governor's Study Commission on Parole.

As amended and released by the committee, this bill is identical to Senate Bill No. 2203 which also was amended and released by the committee on this date.

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OFFICE OF THE GOVERNOR NEWS RELEASE

PO BOX-004

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RELEASE: TUESDAY
Aug. 19, 1997

Governor Strengthens the New Jersey Parole System

Gov. Christie Whitman today signed a series of parole bills that will toughen standards for inmate release, limit the use of certain credits given to criminals, mandate psychological testing for some inmates eligible for parole and allow crime victims to testify during parole hearings.

“Our new parole laws will better protect our families, give victims more control and keep violent criminals behind bars where they belong,” Gov. Whitman said. “These bills will work hand-in-hand with other crime-fighting laws we have put on the books which are helping to tell the right story about crime and punishment: crime is down and punishment is up.”

The Governor signed the bills at ceremonies at police headquarters in Jersey City in Hudson County and Washington Township police headquarters in Gloucester County.

“The legislation that I signed today culminates the work that began when I created the Study Commission on Parole two years ago,” the Governor said. “In the past, we had a system that better protected lethal felons than it did law-abiding families. Today, we are changing our parole statutes to shift the balance back where it belongs -- on the side of public safety.”

The new legislation allows the state Parole Board greater discretion and more control during parole hearings.

For example, the board can now examine an inmate’s entire record at all parole hearings to determine whether that person would present a danger to the public’s safety. Previously, if an inmate was denied parole during an initial hearing, the only information about that criminal that could be used during subsequent hearings was what the inmate’s behavior was since his or her prior hearing. An inmate’s full record was not allowed to be considered.

The Governor also established a Parole Advisory Board to review supervision issues, develop and implement drug and alcohol treatment programs and comment on all other inmate issues when requested by the Commissioner of Corrections.

Victims of crime and the families of murder victims now will not only have input into the Parole Board’s determination of whether to grant parole, but also into the special conditions of that parole. The board can now impose special conditions to parole based on a victim’s request such as

prohibiting the parolee from entering the victim's home, school or place of business or placing restraints against the parolee from harrasing or stalking the victim..

Several of the bills being signed today will amend the Parole Act of 1979 by implementing recommendations made in the Governor's Study Commission on Parole.

Throughout her administration Gov. Whitman has enacted strong laws such as: Megan's Law; Three Strikes; Joan's Law; the Law Enforcement Officers' Protection Act; and the No Early Release Act which forces violent criminals to serve at least 85 percent of their sentence.

Attached is a list of bills signed by the Governor today.

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Bills Gov. Whitman signed in Jersey City:

- ***More information available to the Parole Board***
The bill changes the standard that the Parole Board uses when determining whether an inmate should be paroled. It allows the Parole Board to weigh information in an inmate's record when considering the inmate's parole eligibility at second and subsequent hearings. It also prohibits the use of good time and work credits to accelerate a future parole eligibility date after an initial denial of parole. The bills A-21 / S-339 were sponsored by Assembly Members James W. Holzapfel (R-Monmouth / Ocean) and Marion Crecco (R-Essex / Passaic) and Senators Robert J. Martin (R-Essex / Morris / Passaic), Raymond J. Zane (D-Salem / Cumberland / Gloucester), Andrew R. Ciesla (R-Monmouth / Ocean) and John J. Matheussen (R-Camden / Gloucester).
- ***Medical parole***
The bill establishes special medical parole for certain inmates who are terminally ill or severely incapacitated. The bills, A-22 / S-2001, were sponsored by Assembly members James W. Holzapfel (R- Monmouth / Ocean) and Charlotte Vandervalk (R-Bergen) and Senators Andrew R. Cisela (R-Monmouth / Ocean) and John J. Matheussen (R-Camden / Gloucester).
- ***Establishment of Parole Advisory Board***
The bill establishes a Parole Advisory Board that will be in, but not of, the Bureau of Parole. The board would review and comment on supervision issues, the development and implementation of drug and alcohol treatment programs for parolees, and any issues requested by the Commissioner of Corrections. The advisory board may make recommendations to the Commissioner of Corrections, the Parole Board, the Governor and the Legislature. It will also sponsor conferences with criminal justice administrators and community members. The bills, A-25 / S-2203, were sponsored by Assembly Members Joseph Azzolina (R-Middlesex/Monmouth) and Francis J. Blee (R-Atlantic) and Senator Louis F. Kosco (R-Bergen).
- ***Criminals' psychological makeup to be evaluated***
The bill requires that pre-parole and pre-sentence reports include the disposition of prior charges filed against a potential parolee that were suspended due to mental incompetence. It also requires that some defendants and inmates undergo psychological examinations and permits the state to obtain reimbursement from defendants, inmates and health insurers. The bills, A-489 / 685, were sponsored by Assembly members Joel Weingarten (R-Essex / Union), Kevin J. O'Toole (R-Essex / Union) and Charles Zisa (D-Bergen).

Bills Gov. Whitman signed in Washington Township

- ***Risk-assessment evaluations enhanced***
The bill implements three recommendations of the Governor's Study Commission on Parole by amending three sections of the Parole Act of 1979. It establishes risk assessment evaluations for inmates eligible for parole, allows the boards to mandate in-depth psychological evaluations to assess an inmate's suitability for parole, and requires that all psychological reports are prepared in connection with any court proceeding to be included in the pre-parole report required under current law. The bills, A-23 / S-2204, were sponsored by Assembly members Carmine DeSopo (R-Burlington/Camden) and Guy F. Talarico (R-Bergen) and Senator Louis F. Kosco (R-Bergen).
- ***Victims and families of victims to have input***
The bill allows victims and the families of murder victims to have input not only in the Parole Board's determination of whether to grant parole, but also into the special conditions of parole. The bill strengthens the rights of crime victims in the parole process. The bills, A-24 / S-1949, were sponsored by Assembly Members George F. Geist (R-Camden / Gloucester) and Rose Heck (R-Bergen) and Senator John P. Scott (R- Bergen / Essex / Passaic).
- ***Organizational changes to Parole Board***
The bill provides for organizational changes to the State Parole Board. It establishes a vice-chairman and permanent alternate member on the board. The bills, A-26 / S-2202, were sponsored by Assembly members Kevin J. O'Toole (R-Essex / Union) and Barbara Wright (R-Mercer / Middlesex) and Senator Louis F. Kosco (R-Bergen).