

30:4-123.59

**LEGISLATIVE HISTORY CHECKLIST**

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(Victims input--parole)

**NJSA:** 30:4-123.59

**LAWS OF:** 1997 **CHAPTER:** 218

**BILL NO:** A24

**SPONSOR(S):** Geist and others

**DATE INTRODUCED:** February 20, 1997

**COMMITTEE:** **ASSEMBLY:** Law & Public Safety  
**SENATE:** Law & Public Safety

**AMENDED DURING PASSAGE:** No

**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

974.90 New Jersey. Parole Study Commission.  
P959 Report...December, 1996. Trenton, 1996.  
1996a [see especially pp. 40-41]

For newspaper clippings--see Legislative History of 1997 C214.

KBP:pp

P.L. 1997, CHAPTER 218, *approved August 19, 1997*  
Assembly, No. 24

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

2

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

5

6 1. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to  
7 read as follows:

8 15. a. Each adult parolee shall at all times remain in the legal  
9 custody of the Commissioner of Corrections and each juvenile parolee  
10 shall at all times remain in the legal custody of the Juvenile Justice  
11 Commission established pursuant to section 2 of P.L.1995, c.284  
12 (C.52:17B-170), except that the Commissioner of Corrections or the  
13 Executive Director of the Juvenile Justice Commission, after providing  
14 notice to the Attorney General, may consent to the supervision of a  
15 parolee by the federal government pursuant to the Witness Security  
16 Reform Act, Pub.L.98-473 (18 U.S.C.3251 et seq.). A parolee, except  
17 those under the Witness Security Reform Act, shall remain under the  
18 supervision of the Bureau of Parole of the Department of Corrections  
19 or the Juvenile Justice Commission, as appropriate, in accordance with  
20 the rules of the board.

21 b. Each parolee shall agree, as evidenced by his signature to abide  
22 by specific conditions of parole established by the appropriate board  
23 panel which shall be enumerated in writing in a certificate of parole  
24 and shall be given to the parolee upon release. Such conditions shall  
25 include, among other things, a requirement that the parolee conduct  
26 himself in society in compliance with all laws and refrain from  
27 committing any crime, a requirement that the parolee will not own or  
28 possess any firearm as defined in subsection f. of N.J.S.2C:39-1 or any  
29 other weapon enumerated in subsection r. of N.J.S.2C:39-1, a  
30 requirement that the parolee refrain from the use, possession or  
31 distribution of a controlled dangerous substance, controlled substance  
32 analog or imitation controlled dangerous substance as defined in  
33 N.J.S.2C:35-2 and N.J.S.2C:35-11, a requirement that the parolee  
34 obtain permission from his parole officer for any change in his

**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.**

1 residence, and a requirement that the parolee report at reasonable  
2 intervals to an assigned parole officer. In addition, based on prior  
3 history of the parolee or information provided by a victim or a  
4 member of the family of a murder victim, the member or board panel  
5 certifying parole release pursuant to section 11 of P.L.1979, c.441  
6 (C.30:4-123.55) may impose any other specific conditions of parole  
7 deemed reasonable in order to reduce the likelihood of recurrence of  
8 criminal or delinquent behavior. Such special conditions may include,  
9 among other things, a requirement that the parolee make full or partial  
10 restitution, the amount of which restitution shall be set by the  
11 sentencing court upon request of the board. In addition, the member  
12 or board panel certifying parole release may, giving due regard to a  
13 victim's request, impose a special condition that the parolee have no  
14 contact with the victim, which special condition may include, but need  
15 not be limited to, restraining the parolee from entering the victim's  
16 residence, place of employment, business or school, and from  
17 harassing or stalking the victim or victim's relatives in any way.

18 c. The appropriate board panel may in writing relieve a parolee of  
19 any parole conditions, and may permit a parolee to reside outside the  
20 State pursuant to the provisions of the Uniform Act for Out-of-State  
21 Parolee Supervision (N.J.S.2A:168-14 et seq.), the Interstate Compact  
22 on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4), and, with the  
23 consent of the Commissioner of the Department of Corrections or the  
24 Executive Director of the Juvenile Justice Commission after providing  
25 notice to the Attorney General, the federal Witness Security Reform  
26 Act, if satisfied that such change will not result in a substantial  
27 likelihood that the parolee will commit an offense which would be a  
28 crime under the laws of this State. The appropriate board panel may  
29 revoke such permission, except in the case of a parolee under the  
30 Witness Security Reform Act, or reinstate relieved parole conditions  
31 for any period of time during which a parolee is under its jurisdiction.

32 d. The appropriate board panel may parole an inmate to any  
33 residential facility funded in whole or in part by the State if the inmate  
34 would not otherwise be released pursuant to section 9 of P.L.1979,  
35 c.441 (C.30:4-123.53) without such placement. But if the residential  
36 facility provides treatment for mental illness or mental retardation, the  
37 board panel only may parole the inmate to the facility pursuant to the  
38 laws and admissions policies that otherwise govern the admission of  
39 persons to that facility, and the facility shall have the authority to  
40 discharge the inmate according to the laws and policies that otherwise  
41 govern the discharge of persons from the facility, on 10 days' prior  
42 notice to the board panel. The board panel shall acknowledge receipt  
43 of this notice in writing prior to the discharge. Upon receipt of the  
44 notice the board panel shall resume jurisdiction over the inmate.

45 e. The assigned parole officer shall provide assistance to the  
46 parolee in obtaining employment, education or vocational training or

1 in meeting other obligations.

2 f. The board panel on juvenile commitments and the assigned  
3 parole officer shall insure that the least restrictive available alternative  
4 is used for any juvenile parolee.

5 g. If the board has granted parole to any inmate from a State  
6 correctional facility or juvenile facility and the court has imposed a fine  
7 on such inmate, the appropriate board panel shall release such inmate  
8 on condition that the parolee make specified fine payments to the  
9 Bureau of Parole or the Juvenile Justice Commission. For violation of  
10 such conditions, or for violation of a special condition requiring  
11 restitution, parole may be revoked only for refusal or failure to make  
12 a good faith effort to make such payment.

13 h. Upon collection of the fine the same shall be paid over by the  
14 Department of Corrections or by the Juvenile Justice Commission to  
15 the State Treasury.

16 (cf: P.L.1995, c.280, s.39)

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18 2. This act shall take effect immediately, and be applicable to  
19 inmates who become eligible for parole after the effective date.

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## 22 STATEMENT

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24 This bill would expand the rights of crime victims and afford them  
25 greater protection when the perpetrators of those crimes are released  
26 from prison. The bill permits victims and the families of murder  
27 victims to present information for consideration by the Parole Board  
28 in establishing the conditions of an inmate's release on parole. The bill  
29 further authorizes the Parole Board member or panel certifying parole  
30 release, based on information provided by a victim, to impose special  
31 conditions barring the parolee from contacting the victim, entering the  
32 victim's home or workplace, or harassing or stalking the victim.

33 Under current law, a victim injured as a result of a first or second-  
34 degree crime or the nearest relative of a murder victim may present a  
35 statement to be considered by the Parole Board in deciding whether  
36 to grant parole or testify at a parole hearing. This bill would broaden  
37 the role of victims by giving them input into the conditions by which  
38 parolees must abide upon their release. It is based on a  
39 recommendation of the Study Commission on Parole.

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Allows victim input in setting conditions of parole.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 24**

**STATE OF NEW JERSEY**

DATED: MARCH 3, 1997

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 24.

Assembly Bill No. 24 expands the rights of crime victims and affords them greater protection when the perpetrators of those crimes are released from prison. The bill permits victims and the families of murder victims to present information for consideration by the Parole Board in establishing the conditions of an inmate's release on parole. The bill further authorizes the Parole Board member or panel certifying parole release to impose, based on the information provided by a victim, special conditions barring the parolee from contacting the victim, entering the victim's home or workplace or harassing or stalking the victim.

Under sections 4 and 5 of the "Parole Act of 1979" (P.L.1979, c.441; C.30:4-123.54 and 123.55), a victim injured as a result of a first or second-degree crime, or the nearest relative of a murder victim, may testify at a parole hearing or present a statement to be considered by the Parole Board in deciding whether to grant parole. This bill would broaden the role of victims by allowing them input concerning the conditions by which parolees must abide upon their release.

The provisions of this bill are based upon a recommendation of the Governor's Study Commission on Parole.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 24**

**STATE OF NEW JERSEY**

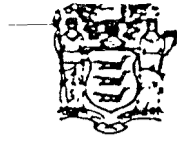
DATED: JUNE 16, 1997

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 24.

This bill would expand the rights of crime victims and afford them greater protection when the perpetrators of those crimes are released from prison. The bill permits victims and the families of murder victims to present information for consideration by the Parole Board in establishing the conditions of an inmate's release on parole. The bill further authorizes the Parole Board member or panel certifying parole release, based on information provided by a victim, to impose special conditions barring the parolee from contacting the victim, entering the victim's home or workplace, or harassing or stalking the victim.

Under current law, a victim injured as a result of a first or second-degree crime or the nearest relative of a murder victim may present a statement to be considered by the Parole Board in deciding whether to grant parole or testify at a parole hearing. This bill would broaden the role of victims by giving them input into the conditions by which parolees must abide upon their release. It is based on a recommendation of the Study Commission on Parole.

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## OFFICE OF THE GOVERNOR NEWS RELEASE

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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

#### 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).



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