

30:4-123.47

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

(Parole Board--members)

NJSA: 30:4-123.47

LAWS OF: 1997 CHAPTER: 219

BILL NO: A26

SPONSOR(S): O'Toole

DATE INTRODUCED: February 20, 1997

COMMITTEE: ASSEMBLY: Law & Public Safety

SENATE: Law & Public Safety

AMENDED DURING PASSAGE: Yes Amendments during passage  
First reprint enacted denoted 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: No

HEARINGS: No

974.90 New Jersey. Study Commission on Parole.  
P959 Report...December, 1996. Trenton, 1996.  
1996a [see especially pp. 58-62]

KBP:pp

[Passed Both Houses]

[First Reprint]

ASSEMBLY, No. 26

# STATE OF NEW JERSEY

INTRODUCED FEBRUARY 20, 1996

By Assemblyman O'TOOLE, Assemblywoman WRIGHT,  
Assemblymen Blee, Geist, Assemblywoman Heck, Assemblymen  
Kramer, Talarico, Azzolina, Zecker, DeSopo and Senator  
Kosco

1 AN ACT concerning the State Parole Board and amending P.L.1979,  
2 c.441.

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

6  
7 1. Section 3 of P.L.1979, c.441 (C.30:4-123.47) is amended to  
8 read as follows:

9 3. a. There is hereby created and established within the Department  
10 of Corrections a State Parole Board which shall consist of a chairman  
11 **[and]**, eight associate members and one alternate board member. <sup>1</sup>**[**  
12 A vice- chairman shall be designated by the Governor from among the  
13 associate members and shall assume the duties of the chairman when  
14 the chairman is absent. The alternate board member shall assume the  
15 duties of an associate member only when the associate member is  
16 removed, incapacitated or assumes the duties of the chairman.]<sup>1</sup> The  
17 chairman <sup>1</sup>**[and]** <sup>1</sup> associate members <sup>1</sup>and alternate board member<sup>1</sup>  
18 shall be appointed by the Governor with the advice and consent of the  
19 Senate from qualified persons with training or experience in law,  
20 sociology, criminal justice, juvenile justice or related branches of the  
21 social sciences. Members of the board <sup>1</sup>and the alternate board  
22 member<sup>1</sup> shall be appointed for terms of six years and the terms of  
23 their successors shall be calculated from the expiration of the  
24 incumbent's term. Members shall serve until their successors are  
25 appointed and have qualified.

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:

<sup>1</sup> Assembly ALP committee amendments adopted March 3, 1997.

1 'The Governor shall designate a vice-chairman from among the  
2 associate members. The vice-chairman shall assume the duties of the  
3 chairman when the chairman is absent or otherwise incapable of  
4 performing his duties, or, in the case of removal or a permanent  
5 incapacity, until the qualification of a successor chairman appointed by  
6 the Governor.

7 The alternate board member shall assume the duties of an associate  
8 member only when the associate member is removed, incapacitated or  
9 assumes the duties of the chairman, and shall perform those duties only  
10 until the associate resumes his duties, or, in the case of removal or a  
11 permanent incapacity, the qualification of a successor appointed by the  
12 Governor.'

13 b. Any vacancy occurring in the membership of the board,  
14 otherwise than by expiration of term, shall be filled in the same manner  
15 as one occurring by expiration of term, but for the unexpired term  
16 only. In the event that any member of the board shall be rendered  
17 incapable of performing his duties <sup>1</sup>and the alternate board member is  
18 incapable of performing that associate's duties, either because the  
19 alternate board member has assumed the duties of another associate or  
20 is otherwise rendered incapable of performing the associate's duties<sup>1</sup>,  
21 the **【Governor shall appoint a qualified person to】** <sup>1</sup>**【 alternate board**  
22 **member shall】** Governor shall appoint a qualified person to<sup>1</sup> act in his  
23 stead during the period of his incapacity. Any member of the board <sup>1</sup>,  
24 including the alternate board member,<sup>1</sup> may be removed from office by  
25 the Governor for cause.

26 c. The members of the board shall devote their full time to the  
27 performance of their duties and be compensated pursuant to section 2  
28 of P.L.1974, c.55 (C.52:14-15.108). The alternate member shall be  
29 <sup>1</sup>【compensated at a rate not to exceed 50 percent of the rate of  
30 compensation of an associate member unless he assumes the full-time  
31 duties of an associate member, which service shall be compensated at  
32 the rate paid an associate member】 entitled to compensation. The  
33 amount of such compensation shall be determined by multiplying the  
34 rate an associate member would be paid on a per diem basis times the  
35 number of days the alternate board member actually performed the  
36 duties of an associate member in accordance with the provisions of this  
37 section<sup>1</sup> .

38 d. At the time of appointment, the Governor shall designate two  
39 associate members of the board to serve on a panel on juvenile  
40 commitments. The remaining six associate members of the board shall  
41 be appointed by the Governor to panels on adult sentences. The  
42 chairman of the board shall assign four of the associate members so  
43 appointed to two panels on prison sentences, and the remaining two  
44 associate members so appointed to a panel on young adult sentences.  
45 The chairman of the board shall be a member of each panel. Nothing  
46 provided herein shall prohibit the chairman from reassigning any

1 member appointed to a panel on adult sentences to facilitate the  
2 efficient function of the board. <sup>1</sup>The alternate board member may  
3 assume, in accordance with the provisions of this section, the duties of  
4 any associate member, regardless of whether that associate member  
5 serves on a panel on juvenile commitments or panels on adult  
6 sentences either as a member of a panel on prison sentences or a panel  
7 on young adult sentences.<sup>1</sup>

8 (cf: P.L.1987, c.396, s.1)

9

10 2. This act shall take effect on the first day of the fourth month  
11 after enactment.

12

13

14

15

16 Provides for vice-chairman, permanent alternate member on State  
17 Parole Board.

1 of P.L.1974, c.55 (C.52:14-15.108). The alternate member shall be  
2 compensated at a rate not to exceed 50 percent of the rate of  
3 compensation of an associate member unless he assumes the full-time  
4 duties of an associate member, which service shall be compensated at  
5 the rate paid an associate member.

6 d. At the time of appointment, the Governor shall designate two  
7 associate members of the board to serve on a panel on juvenile  
8 commitments. The remaining six associate members of the board shall  
9 be appointed by the Governor to panels on adult sentences. The  
10 chairman of the board shall assign four of the associate members so  
11 appointed to two panels on prison sentences, and the remaining two  
12 associate members so appointed to a panel on young adult sentences.  
13 The chairman of the board shall be a member of each panel. Nothing  
14 provided herein shall prohibit the chairman from reassigning any  
15 member appointed to a panel on adult sentences to facilitate the  
16 efficient function of the board.

17 (cf: P.L.1987, c.396, s.1)

18  
19 2. This act shall take effect on the first day of the fourth month  
20 after enactment.

#### 21 22 23 STATEMENT

24  
25 This bill provides for organizational changes to the State Parole  
26 Board in response to a recommendation by the Study Commission on  
27 Parole. A vice-chairman would be designated by the Governor to act  
28 in the absence of the chairman; and a permanent alternate member  
29 would be added to act in place of a board member who is removed or  
30 incapacitated. The alternate board member would be paid up to 50  
31 percent of the compensation of an associate member unless he assumes  
32 full-time duties of the associate member, at which time he would be  
33 paid at the rate paid an associate member.

34 Now, in the absence of the chairman, the senior board member is  
35 required pursuant to N.J.A.C.10A:71-1.5 to function as the presiding  
36 member of the board or board panel. Under the same section, when  
37 a member of a board panel on adult inmates is disqualified resulting in  
38 the absence of a quorum, the chairman may immediately assign another  
39 member of one of the board panels on adult inmates to serve while the  
40 other member is disqualified. In the absence of a quorum on a juvenile  
41 panel due to a disqualification, the chairman currently must  
42 immediately request the Governor to appoint a qualified person to  
43 serve during the absence of the disqualified board member.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 26**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 3, 1997

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 26 with Assembly committee amendments.

Assembly Bill No. 26 provides for organizational changes to the State Parole Board in response to a recommendation of the Governor's Study Commission on Parole.

Under the provisions of the bill, the Governor is authorized to designate vice-chairman from among the regular associate members of the Parole Board to assume the chairman's duties and responsibilities whenever the chairman is absent or incapable of performing those duties or responsibilities. The Governor also is authorized to appoint a permanent alternate member. This alternate member would assume the duties and responsibilities of any absent or incapacitated associate member.

The committee amended the bill to:

(1) Clarify that the alternate board member is appointed by the Governor;

(2) Specify that the alternate board member, just like the associate members, is to serve a term of six years;

(3) Clarify when the vice-chairman and the alternate member are to assume their duties and the "temporary" nature of those duties (the provisions provide that they hold their positions only until the chairman or associate member, as the case may be, returns to his duties or, in the case of a removal or permanent incapacity, until a successor appointed by the Governor qualifies);

(4) Provide that the alternate member is entitled to per diem compensation; and

(5) Clarifying that the alternate member is authorized to replace any associate, regardless of whether that associate is serving on the panel on juvenile commitments, adult sentences, prison sentences or young adult sentences.

Currently, in the absence of the chairman, the senior board member is required pursuant to N.J.A.C.10A:71-1.5 to function as the presiding member of the board or board panel. Under the same section, when a member of a board panel on adult inmates is

disqualified resulting in the absence of a quorum, the chairman may immediately assign another member of one of the board panels on adult inmates to serve while the other member is disqualified. In the absence of a quorum on a juvenile panel due to a disqualification, the chairman currently must immediately request the Governor to appoint a qualified person to serve during the absence of the disqualified board member.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

[First Reprint]

### ASSEMBLY, No. 26

# STATE OF NEW JERSEY

DATED: JUNE 16, 1997

The Senate Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 26 (1R).

Assembly Bill No. 26 (1R) provides for organizational changes to the State Parole Board in response to a recommendation of the Governor's Study Commission on Parole.

Under the provisions of the bill, the Governor is authorized to designate a vice-chairman from among the regular associate members of the Parole Board to assume the chairman's duties and responsibilities whenever the chairman is absent or incapable of performing those duties or responsibilities. The Governor also is authorized to appoint a permanent alternate member who, like the associate members, would serve a term of six years. This alternate member would assume the duties and responsibilities of any absent or incapacitated associate member.

The bill provides that the vice chairman and the alternate member hold their positions only until the chairman or associate member, as the case may be, returns to his duties or, in the case of a removal or permanent incapacity, until a successor appointed by the Governor qualifies.

The bill also provides that the alternate member is authorized to replace any associate, regardless of whether that associate is serving on the panel on juvenile commitments, adult sentences, prison sentences or young adult sentences.

Currently, in the absence of the chairman, the senior board member is required pursuant to N.J.A.C.10A:71-1.5 to function as the presiding member of the board or board panel. Under the same section, when a member of a board panel on adult inmates is disqualified resulting in the absence of a quorum, the chairman may immediately assign another member of one of the board panels on adult inmates to serve while the other member is disqualified. In the absence of a quorum on a juvenile panel due to a disqualification, the chairman currently must immediately request the Governor to appoint a qualified person to serve during the absence of the disqualified board member.

This bill is identical to Senate Bill No. 2202, which also was released by the committee on this date.



V. 74.90  
561



## OFFICE OF THE GOVERNOR NEWS RELEASE

PO BOX-004

CONTACT: Jayne O'Connor  
Rita Malley  
609-777-2600

TRENTON, NJ 08625

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 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.

###

### **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).
-