

30:4-123.59

LEGISLATIVE HISTORY CHECKLIST
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(Parole--conditions--revocation--
weapons, controlled dangerous
substances, subsequent crimes)

NJSA: 30:4-123.59

LAWS OF: 1992 CHAPTER: 156

BILL NO: A298

SPONSOR(S) Roma

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary

SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: April 30, 1992

SENATE: October 15, 1992

DATE OF APPROVAL: November 25, 1992

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

KEG:pp

P.L.1992, CHAPTER 156, approved November 25, 1992
1992 Assembly No. 298

1 AN ACT concerning parole revocation and conditions and
2 amending P.L.1979, c.441.

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

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 parolee shall at all times remain in the legal
9 custody of the Commissioner of Corrections, except that the
10 commissioner, after providing notice to the Attorney General,
11 may consent to the supervision of a parolee by the federal
12 government pursuant to the Witness Security Reform Act,
13 Pub.L.98-473 (18 U.S.C. § 3251 et seq.). A parolee, except those
14 under the Witness Security Reform Act, shall remain under the
15 supervision of the Bureau of Parole of the Department of
16 Corrections in accordance with the rules of the board.

17 b. Each parolee shall agree, as evidenced by his signature to
18 abide by specific conditions of parole established by the
19 appropriate board panel which shall be enumerated in writing in a
20 certificate of parole and shall be given to the parolee upon
21 release. Such conditions shall include, among other things, a
22 requirement that the parolee conduct himself in society in
23 compliance with all laws and refrain from committing any crime,
24 a requirement that the parolee will not own or possess any
25 firearm as defined in N.J.S.2C:39-1f. or any other weapon
26 enumerated in subsection r. of N.J.S.2C:39-1, a requirement that
27 the parolee refrain from the use, possession or distribution of a
28 controlled dangerous substance, controlled substance analog or
29 imitation controlled dangerous substance as defined in
30 N.J.S.2C:35-2 and N.J.S.2C:35-11, a requirement that the
31 parolee obtain permission from his parole officer for any change
32 in his residence, and a requirement that the parolee report at
33 reasonable intervals to an assigned parole officer. In addition,
34 based on prior history of the parolee, the member or board panel
35 certifying parole release pursuant to section 11 may impose any
36 other specific conditions of parole deemed reasonable in order to
37 reduce the likelihood of recurrence of criminal behavior. Such
38 special conditions may include, among other things, a
39 requirement that the parolee make full or partial restitution, the
40 amount of which restitution shall be set by the sentencing court
41 upon request of the board.

42 c. The appropriate board panel may in writing relieve a
43 parolee of any parole conditions, and may permit a parolee to

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 reside outside the State pursuant to the provisions of the Uniform
2 Act for Out-of-State Parolee Supervision (N.J.S.2A:168-14 et
3 seq.), the Interstate Compact on Juveniles, P.L.1955, c.55
4 (C.9:23-1 to 9:23-4), and, with the consent of the Commissioner
5 of the Department of Corrections after providing notice to the
6 Attorney General, the federal Witness Security Reform Act, if
7 satisfied that such change will not result in a substantial
8 likelihood that the parolee will commit an offense which would be
9 a crime under the laws of this State. The appropriate board panel
10 may revoke such permission, except in the case of a parolee
11 under the Witness Security Reform Act, or reinstate relieved
12 parole conditions for any period of time during which a parolee is
13 under its jurisdiction.

14 d. The appropriate board panel may parole an inmate to any
15 residential facility funded in whole or in part by the State if the
16 inmate would not otherwise be released pursuant to section 9
17 without such placement. But if the residential facility provides
18 treatment for mental illness or mental retardation, the board
19 panel only may parole the inmate to the facility pursuant to the
20 laws and admissions policies that otherwise govern the admission
21 of persons to that facility, and the facility shall have the
22 authority to discharge the inmate according to the laws and
23 policies that otherwise govern the discharge of persons from the
24 facility, on 10 days' prior notice to the board panel. The board
25 panel shall acknowledge receipt of this notice in writing prior to
26 the discharge. Upon receipt of the notice the board panel shall
27 resume jurisdiction over the inmate.

28 e. The assigned parole officer shall provide assistance to the
29 parolee in obtaining employment, education or vocational training
30 or in meeting other obligations.

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

34 g. If the board has granted parole to any inmate from a State
35 correctional facility and the court has imposed a fine on such
36 inmate, the appropriate board panel shall release such inmate on
37 condition that he make specified fine payments to the Bureau of
38 Parole. For violation of such conditions, or for violation of a
39 special condition requiring restitution, parole may be revoked
40 only for refusal or failure to make a good faith effort to make
41 such payment.

42 h. Upon collection of the fine the same shall be paid over by
43 the Department of Corrections to the State Treasury.

44 (cf: P.L.1987, c.116, s.26)

45 2. Section 16 of P.L.1979, c.441 (C.30:4-123.60) is amended to
46 read as follows:

47 16. a. Any parolee who violates a condition of parole may be
48 subject to an order pursuant to section 17 of this act providing
49 for one or more of the following: (1) That he be required to
50 conform to one or more additional conditions of parole; (2) That
51 he forfeit all or a part of commutation time credits granted
52 pursuant to R.S.30:4-140.

53 b. Any parolee who has seriously or persistently violated the
54 conditions of his parole, may have his parole revoked and may be

1 returned to custody pursuant to sections 18 and 19 of this act.
2 The board shall be notified immediately upon the arrest or
3 indictment of a parolee. The board shall not revoke parole on the
4 basis of new criminal charges which have not resulted in a
5 disposition at the trial level except that upon application by the
6 prosecuting authority or the Chief of the Bureau of Parole, the
7 chairman of the board or his designee may at any time detain the
8 parolee and commence revocation proceedings pursuant to
9 sections 18 and 19 of this act when he determines that the new
10 charges against the parolee are of a serious nature and it appears
11 that the parolee otherwise poses a danger to the public safety. In
12 such case, a parolee shall be informed that, if he testifies at the
13 revocation proceedings, his testimony and the evidence derived
14 therefrom shall not be used against him in a subsequent criminal
15 prosecution.

16 c. Any parolee who is convicted of a crime committed while
17 on parole shall have his parole revoked and shall be returned to
18 custody unless the parolee demonstrates, by clear and convincing
19 evidence at a hearing pursuant to section 19 of this act, that good
20 cause exists why he should not be returned to confinement.
21 (cf: P.L.1979, c.441, s.16)

22 3. This act shall take effect immediately.
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26
27 Permits Chief of Bureau of Parole to initiate revocation on basis
28 of new criminal charges; prohibits possession of certain weapons
29 or illegal drugs as condition of parole.

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7 chairman of the board or his designee may at any time detain the
8 parolee and commence revocation proceedings pursuant to
9 sections 18 and 19 of this act when he determines that the new
10 charges against the parolee are of a serious nature and it appears
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STATEMENT

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27 This bill amends the present parole law to mandate the
28 inclusion of additional requirements in the certificate of parole
29 each parolee must agree to abide by and to permit a parole
30 officer to initiate parole violation proceedings on the basis of
31 new criminal charges against the parolee under his supervision.

32 Currently, the provisions of section 15 of P.L.1979, c.441
33 (C.30:4-123.59) require that each parolee agree to certain
34 conditions of parole. Among those conditions set forth in the law
35 are: (1) a requirement that the parolee conduct himself in
36 society in compliance with all laws and refrain from committing
37 any crime, (2) a requirement that the parolee obtain permission
38 from his parole officer for any change in his residence, and (3) a
39 requirement that the parolee report at reasonable intervals to an
40 assigned parole officer. These bills would amend this section to
41 include two additional requirements. First, that the parolee not
42 own or possess any firearm or any other weapon, as defined in
43 N.J.S.2C:39-1. Second, that the parolee not violate any of the
44 provisions of chapter 35 of Title 2C of the New Jersey Statutes
45 concerning the possession, use, sale or distribution of any
46 controlled dangerous substance, controlled substance analog or
47 imitation controlled dangerous substance.

48 Under the provisions of section 16 of P.L.1979, c.44
49 (C.30:4-123.60), while a parole officer can initiate a parole
50 violation proceeding in a case where the parolee violates a
51 condition of parole, only a prosecuting agency can initiate such a
52 proceeding in a case involving a new criminal charge. This bill
53 would permit the Chief of Bureau of Parole, in addition to a
54 prosecuting agency, to initiate a parole revocation proceeding on

1 the basis of new criminal charges against the parolee.

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6 Permits Chief of Bureau of Parole to initiate revocation on basis
7 of new criminal charges; prohibits possession of certain weapons
8 or illegal drugs as condition of parole.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 298

STATE OF NEW JERSEY

DATED: APRIL 6, 1992

The Assembly Judiciary, Law and Public Safety Committee reports favorably Assembly Bill No. 298.

This bill amends the present parole law to mandate the inclusion of additional requirements in the certificate of parole each parolee must agree to abide by and to permit a parole officer to initiate parole violation proceedings on the basis of new criminal charges against the parolee under his supervision.

Currently, the provisions of section 15 of P.L.1979, c.441 (C.30:4-123.59) require that each parolee agree to certain conditions of parole. Included among those conditions are: (1) a requirement that the parolee conduct himself in society in compliance with all laws and refrain from committing any crime, (2) a requirement that the parolee obtain permission from his parole officer for any change in his residence and (3) a requirement that the parolee report at reasonable intervals to an assigned parole officer. This bill would amend this section to include two additional requirements. First, that the parolee not own or possess any firearm or any other weapon. "Weapon" is defined in subsection r. of N.J.S.A.39-1. The committee wishes to note that many household items such as knives or tire irons may be used as weapons if wielded in a threatening manner. The intent of this requirement is to prohibit ownership or possession of weapons and the ownership or possession of the household items is not prohibited assuming these items are not used inappropriately. Second, that the parolee not violate any of the provisions of chapter 35 of Title 2C of the New Jersey Statutes concerning the possession, use, sale or distribution of any controlled dangerous substance, controlled substance analog or imitation controlled dangerous substance.

Under the provisions of section 16 of P.L.1979, c.44 (C.30:4-123.60), while a parole officer can initiate a parole violation proceeding in a case where the parolee violates a condition of parole, only a prosecuting agency can initiate such a proceeding in a case involving a new criminal charge. This bill would permit the Chief of the Bureau of Parole, in addition to a prosecuting agency, to initiate a parole revocation proceeding on the basis of new criminal charges against the parolee.

This bill was pre-filed for introduction in the 1992 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 298

STATE OF NEW JERSEY

DATED: OCTOBER 1, 1992

The Senate Judiciary Committee reports favorably Assembly Bill No. 298.

A-298 amends the present parole law to mandate the inclusion of additional requirements in the certificate of parole each parolee must agree to abide by and to permit a parole officer to initiate parole violation proceedings on the basis of new criminal charges against the parolee under his supervision.

Currently, the provisions of section 15 of P.L.1979, c.441 (C.30:4-123.59) require that each parolee agree to certain conditions of parole. Among those conditions set forth in the law are: (1) a requirement that the parolee conduct himself in society in compliance with all laws and refrain from committing any crime, (2) a requirement that the parolee obtain permission from his parole officer for any change in his residence, and (3) a requirement that the parolee report at reasonable intervals to an assigned parole officer. A-298 would amend this section to include two additional requirements. First, that the parolee not own or possess any firearm or any weapon, enumerated in subsection r. of N.J.S.2C:39-1 (i.e., gravity knives, switchblade, metal knuckles, stun guns). Second, that the parolee not violate any of the provisions of chapter 35 of Title 2C of the New Jersey Statutes concerning the possession, use, sale or distribution of any controlled dangerous substance, controlled substance analog or imitation controlled dangerous substance.

Under the provisions of section 16 of P.L.1979, c.44 (C.30:4-123.60), while a parole officer can initiate a parole violation proceeding in a case where the parolee violates a condition of parole, only a prosecuting agency can initiate such a proceeding in a case involving a new criminal charge. A-298 would permit the Chief of the Bureau of Parole, in addition to a prosecuting agency, to initiate a parole revocation proceeding on the basis of new criminal charges against the parolee.



OFFICE OF THE GOVERNOR NEWS RELEASE

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Nov. 25, 1992

GOVERNOR SIGNS BILL TO REVOKE PAROLES

ELIZABETH -- Cracking down on parolees who commit crimes, Governor Jim Florio today signed a bill that would make it easier to revoke their paroles, and also bans them from owning or carrying weapons or drugs while on parole.

"This bill cracks down on paroled criminals and makes sure that if they violate their parole by being arrested for a crime, they can be sent back to jail," said Governor Florio. "We're outraged when we see people on parole commit crimes that put them behind bars in the first place."

"Parole is a necessary part of the criminal justice system, but letting parole violators walk isn't. With this bill, we're tightening the seams in the law to stop thugs and repeat criminals from slipping through and hurting people. This bill sends parole violators a very clear message. It you're arrested while on parole, you're not getting a second chance to commit another crime," he said.

The new law permits the Chief of the Bureau of Parole, within the Department of Corrections, to initiate parole revocation proceedings on the basis of new criminal charges. Under current law, an arrest for a new offense does not automatically trigger revocation. The law also prohibits the parolee's ownership or possession of a weapon or firearm, and prohibits the use, possession or distribution of drugs.

"This new parole law would give government the right to see that paroled criminals who are arrested for a new offense -- not yet convicted, but arrested -- are sent back to prison ASAP. And it says to paroled criminals loud and clear that if you're found anywhere near a weapon, you're going to find yourself in very big trouble," he said. "That makes it easier for local police to do their jobs and that's a solid sensible step toward a safer New Jersey."

The bill, A 298, was sponsored by Assemblypersons Patrick Roma and Rose Marie Heck.

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