



LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1998

CHAPTER: 68

NJSA: 30:4-91.8

"Inmate custody review"

BILL NO:S176 (Substituted for A1849)

SPONSOR(S): Bennett and Allen

DATE INTRODUCED: Pre-filed

COMMITTEE:

ASSEMBLY:Law and Public Safety; Appropriations

SENATE: Law and Public Safety

AMENDED DURING PASSAGE:Yes

DATE OF PASSAGE:

ASSEMBLY: June 18, 1998

SENATE: March 30, 1998

DATE OF APPROVAL: August 12, 1998

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: 1st reprint

(Amendments during passage denoted by superscript numbers)

S176

SPONSORS STATEMENT: *Yes* (Begins on page 3 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY:*Yes*

May 4, 1998

June 4, 1998

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *Yes*

LEGISLATIVE FISCAL ESTIMATE: *Yes*

A1849

SPONSORS STATEMENT: *Yes* (Begins on page 3 of original bill)
(Bill and Sponsors Statement identical to S176)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

May 4, 1998

June 4, 1998

(Identical to Assembly Statement of 6-4-98 for S176)

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *Yes*

(Identical to Legislative Fiscal Estimate for S176)

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

[First Reprint]

SENATE, No. 176

STATE OF NEW JERSEY
208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

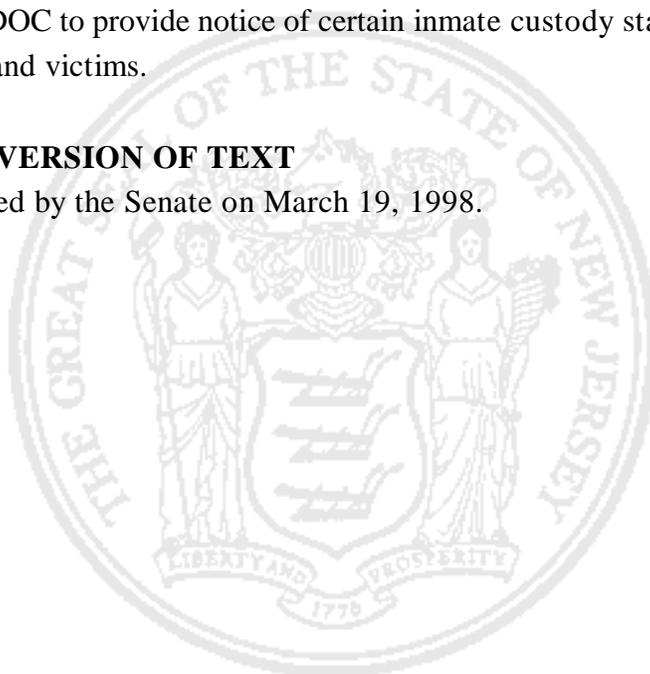
**Senator Matheussen, Assemblymen Bodine, Weingarten, O'Toole and
Thompson**

SYNOPSIS

Requires DOC to provide notice of certain inmate custody status reviews to prosecutors and victims.

CURRENT VERSION OF TEXT

As amended by the Senate on March 19, 1998.



(Sponsorship Updated As Of: 6/19/1998)

1 AN ACT concerning changes in the custody status of certain inmates
2 and supplementing chapter 4 of 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. a. Whenever an inmate who has been convicted of murder;
8 manslaughter; vehicular homicide; aggravated sexual assault; sexual
9 assault; aggravated assault; aggravated criminal sexual contact;
10 robbery; kidnapping pursuant to paragraph (2) of subsection c. of
11 N.J.S.2C:13-1; endangering the welfare of a child by engaging in
12 sexual conduct which would impair or debauch the morals of the child
13 pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare
14 of a child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4;
15 luring or enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-
16 6); or any crime of the first or second degree involving serious bodily
17 injury is subject to a ¹**[custody status]**¹ review by an Institutional
18 Classification Committee which may result in ¹**[a reclassification to a**
19 reduced custody status level of full minimum custody status, or such
20 other reduced custody status level that would make that inmate eligible
21 for]¹ participation in ¹**[a Residential Community Release Agreement**
22 Program, a halfway house program or a substance abuse treatment
23 program] any residential community release program¹, the Department
24 of Corrections shall provide written notice of that review in
25 accordance with the provisions of subsection b. of this section.

26 b. (1) Upon the scheduling of a review subject to the notification
27 requirement of this section, the ¹**[classification officer of the**
28 Institutional Classification Committee, or such other officer as may be
29 designated by the superintendent of the correctional facility,]
30 Department of Corrections¹ shall so notify the prosecutor of the
31 county in which the inmate was convicted or, if the matter was
32 prosecuted by the Attorney General, the Attorney General.

33 Upon receipt of such notice, the county prosecutor or Attorney
34 General, as the case may be, shall have 10 working days in which to
35 submit comments. If the county prosecutor or Attorney General does
36 not provide comments within those 10 working days, the
37 ¹**[Institutional Classification Committee]** Department of Corrections¹
38 may presume that the prosecutor or Attorney General, as the case may
39 be, does not wish to submit any comments on the matter. ¹The notice
40 shall include the inmate's name, identifying factors and offense
41 history.¹

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 Senate floor amendments adopted March 19, 1998.

1 (2) ¹~~["At the same time as notice is given"]~~ Immediately upon
2 receipt of such notice.¹ the county prosecutor or Attorney General in
3 accordance with the provisions of paragraph (1) of this subsection ¹~~["~~,
4 the classification officer of the Institutional Classification Committee,
5 or such other officer as may be designated by the superintendent of the
6 correctional facility, ¹~~"]~~ shall ¹notify the Office of Victim and Witness
7 Advocacy of the county in which the inmate was convicted and that
8 office shall use any reasonable means available to it to¹ give notice
9 ¹within 10 working days¹ to the victim of the crime or the victim's
10 nearest relative if the crime resulted in death.

11 The notice required under this paragraph shall be given only if a
12 request for such notification has been made by the victim or the
13 victim's nearest relative, as the case may be, to the county prosecutor
14 or Attorney General, as the case may be, at the time the inmate was
15 sentenced. ¹~~["The prosecutor or Attorney General, as the case may be,~~
16 ~~shall transmit the request to the appropriate Institutional Classification~~
17 ~~Committee.]~~¹

18 Upon receipt of such notice, the victim or the victim's nearest
19 relative, as the case may be, shall have 10 working days in which to
20 submit comments. If the victim or the victim's nearest relative, as the
21 case may be, does not provide comments within those 10 working
22 days, the ¹~~["Institutional Classification Committee"]~~ Department of
23 Corrections¹ may presume that the victim or victim's nearest relative,
24 as the case may be, does not wish to submit any comments on the
25 matter.

26 (3) Any comments provided pursuant to paragraph (1) or (2) of
27 this subsection shall be ¹in writing and shall be¹ delivered to the
28 ¹~~["Institutional Classification Committee by the same method as the~~
29 ~~notice was given by the committee to the county prosecutor or~~
30 ~~Attorney General, as the case may be, and the victim or the victim's~~
31 ~~nearest relative, as the case may be]~~ Department of Corrections¹.

32 Comments submitted pursuant to this subsection shall be deemed
33 confidential and shall not be disclosed to any person who is not
34 authorized to receive or review them.

35 c. Whenever ¹~~["an Institutional Classification Committee"]~~ the
36 Department of Corrections¹ receives comments from a prosecutor or
37 the Attorney General, as the case may be, or from a victim or a
38 victim's nearest relative, as the case may be, concerning the ¹~~["the~~
39 ~~reclassification"]~~ participation¹ of an inmate ¹~~["to a reduced custody~~
40 ~~status"]~~¹ in accordance with this act, it shall give all due consideration
41 to the information contained in those comments when considering ¹~~["a~~
42 ~~change in custody status for]~~ the participation of¹ that inmate.

43 d. The Commissioner of Corrections, in accordance with the
44 provisions of the "Administrative Procedure Act," P.L.1968, c.410
45 (C.52:14B-1 et seq.), ¹~~["shall"]~~ may¹ promulgate rules and regulations

1 to effectuate the provisions of this act.

2

3 2. The provisions of this act shall take effect on the first day of the
4 seventh month following enactment, except that the Commissioner of
5 Corrections may take such anticipatory administrative action in
6 advance as shall be necessary for the implementation of the act.

SENATE, No. 176

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

SYNOPSIS

Requires DOC to provide notice of certain inmate custody status reviews to prosecutors and victims.

CURRENT VERSION OF TEXT

As Introduced.



S176 BENNETT

2

1 AN ACT concerning changes in the custody status of certain inmates
2 and supplementing chapter 4 of 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. a. Whenever an inmate who has been convicted of murder;
8 manslaughter; vehicular homicide; aggravated sexual assault; sexual
9 assault; aggravated assault; aggravated criminal sexual contact;
10 robbery; kidnapping pursuant to paragraph (2) of subsection c. of
11 N.J.S.2C:13-1; endangering the welfare of a child by engaging in
12 sexual conduct which would impair or debauch the morals of the child
13 pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare
14 of a child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4;
15 luring or enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-
16 6); or any crime of the first or second degree involving serious bodily
17 injury is subject to a custody status review by an Institutional
18 Classification Committee which may result in a reclassification to a
19 reduced custody status level of full minimum custody status, or such
20 other reduced custody status level that would make that inmate eligible
21 for participation in a Residential Community Release Agreement
22 Program, a halfway house program or a substance abuse treatment
23 program, the Department of Corrections shall provide written notice
24 of that review in accordance with the provisions of subsection b. of
25 this section.

26 b. (1) Upon the scheduling of a review subject to the notification
27 requirement of this section, the classification officer of the Institutional
28 Classification Committee, or such other officer as may be designated
29 by the superintendent of the correctional facility, shall so notify the
30 prosecutor of the county in which the inmate was convicted or, if the
31 matter was prosecuted by the Attorney General, the Attorney General.

32 Upon receipt of such notice, the county prosecutor or Attorney
33 General, as the case may be, shall have 10 working days in which to
34 submit comments. If the county prosecutor or Attorney General does
35 not provide comments within those 10 working days, the Institutional
36 Classification Committee may presume that the prosecutor or Attorney
37 General, as the case may be, does not wish to submit any comments on
38 the matter.

S176 BENNETT

1 request for such notification has been made by the victim or the
2 victim's nearest relative, as the case may be, to the county prosecutor
3 or Attorney General, as the case may be, at the time the inmate was
4 sentenced. The prosecutor or Attorney General, as the case may be,
5 shall transmit the request to the appropriate Institutional Classification
6 Committee.

7 Upon receipt of such notice, the victim or the victim's nearest
8 relative, as the case may be, shall have 10 working days in which to
9 submit comments. If the victim or the victim's nearest relative, as the
10 case may be, does not provide comments within those 10 working
11 days, the Institutional Classification Committee may presume that the
12 victim or victim's nearest relative, as the case may be, does not wish
13 to submit any comments on the matter.

14 (3) Any comments provided pursuant to paragraph (1) or (2) of
15 this subsection shall be delivered to the Institutional Classification
16 Committee by the same method as the notice was given by the
17 committee to the county prosecutor or Attorney General, as the case
18 may be, and the victim or the victim's nearest relative, as the case may
19 be.

20 Comments submitted pursuant to this subsection shall be deemed
21 confidential and shall not be disclosed to any person who is not
22 authorized to receive or review them.

23 c. Whenever an Institutional Classification Committee receives
24 comments from a prosecutor or the Attorney General, as the case may
25 be, or from a victim or a victim's nearest relative, as the case may be,
26 concerning the the reclassification of an inmate to a reduced custody
27 status in accordance with this act, it shall give all due consideration to
28 the information contained in those comments when considering a
29 change in custody status for that inmate.

30 d. The Commissioner of Corrections, in accordance with the
31 provisions of the "Administrative Procedure Act," P.L.1968, c.410
32 (C.52:14B-1 et seq.), shall promulgate rules and regulations to
33 effectuate the provisions of this act.

34

35 2. The provisions of this act shall take effect on the first day of the
36 seventh month following enactment, except that the Commissioner of
37 Corrections may take such anticipatory administrative action in
38 advance as shall be necessary for the implementation of the act.

S176 BENNETT

4

1 to leave the correctional facility to participate in a community release
2 agreement program, halfway house program or substance abuse
3 treatment program.

4 Under the provisions of the bill, the classification officer of the
5 Institutional Classification Committee of each correctional facility is
6 required to give written notice of these custody status reclassification
7 hearings to the county prosector or Attorney General, depending upon
8 who prosecuted the case. The written notice also is to be transmitted
9 to the victim or, if the crime resulted in death, the victim's nearest
10 relative, but only if requested at the time of sentencing.

11 The bill specifies that the prosecutor or Attorney General as the
12 case may be, and the victim or victim's nearest relative, as the case
13 may be, have 10 working days in which to submit comments to the
14 Institutional Classification Committee. Any comments submitted are
15 deemed confidential and may not be disclosed to unauthorized
16 persons.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 176

STATE OF NEW JERSEY

DATED: MAY 4, 1998

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 176 (1R).

Senate Bill No.176 (1R) requires the Department of Corrections to notify the prosecutor whenever an inmate who is incarcerated for a violent crime is scheduled for a review which might result in making that inmate eligible to leave the correctional facility to participate in a residential community release program.

Under the provisions of the bill, the department is to give notice to the county prosecutor or Attorney General, depending upon which of those officers originally prosecuted the case, whenever an inmate who has been convicted of one of the enumerated crimes set forth in the bill is subject to a review which may result in that inmate's participation in any residential community release program. Upon notice by the department, the county prosecutor or Attorney General, as the case may be, would notify the appropriate county Office of Victim and Witness Advocacy which in turn would give notice within 10 working days to the victim of the crime or the victim's nearest relative if the crime resulted in death.

The bill specifies that the prosecuting officer and the victim, or the victim's nearest relative, upon receiving notice, have 10 working days in which to submit comments to the department. If no comments are submitted within that 10-day period, the department may presume that the parties do not wish to submit any comments for consideration. Any comments submitted are deemed confidential and may not be disclosed to unauthorized persons.

The crimes enumerated in the bill are: murder; manslaughter; vehicular homicide; aggravated sexual assault; sexual assault; aggravated assault; aggravated criminal sexual contact; robbery; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993, c.291 (2C:13-6); or any crime of the first or second degree involving serious bodily injury.

Under current parole law (section 1 of P.L.1994, c.135; C.30:4-123.53a), the Department of Corrections, in the case of an adult, and the Juvenile Justice Commission, in the case of a juvenile, are required to provide written notice to the county prosecutor prior to the release of inmates who have been convicted, or adjudicated delinquent, of violent crimes, sexual offenses or offenses which endanger the welfare of a child or would impair or debauch the morals of a child.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 176

STATE OF NEW JERSEY

DATED: JUNE 4, 1998

The Assembly Appropriations Committee reports favorably Senate Bill No. 176 (1R).

Senate Bill No.176 (1R) requires the Department of Corrections (DOC) to notify the relevant prosecuting officer whenever an inmate who is incarcerated for a violent crime is scheduled for a review that might result in making the inmate eligible to leave the correctional facility to participate in a residential community release program.

The bill requires the DOC to give notice to the county prosecutor or Attorney General who originally prosecuted the case whenever an inmate who has been convicted of one of the crimes enumerated in the bill is subject to a review that may result in that inmate's participation in any residential community release program. Upon notice by the DOC, the county prosecutor or Attorney General, will notify the appropriate county Office of Victim and Witness Advocacy which in turn will give notice within 10 working days to the victim of the crime or the victim's nearest relative if the crime resulted in death.

The bill specifies that the prosecuting officer and the victim, or the victim's nearest relative, have, upon receiving notice, 10 working days in which to submit comments to the DOC. If no comments are submitted within that 10 day period, the DOC may presume that the parties do not wish to submit any comments for consideration. Any comments submitted are confidential and may not be disclosed to unauthorized persons.

The crimes enumerated in the bill are: murder; manslaughter; vehicular homicide; aggravated sexual assault; sexual assault; aggravated assault; aggravated criminal sexual contact; robbery; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); or any crime of the first or second degree involving serious bodily injury.

Under current parole law (section 1 of P.L.1994, c.135; C.30:4-123.53a), the DOC, in the case of an adult, and the Juvenile Justice

Commission, in the case of a juvenile, are required to provide written notice to the county prosecutor prior to the release of inmates who have been convicted, or adjudicated delinquent, of violent crimes, sexual offenses or offenses which endanger the welfare of a child or would impair or debauch the morals of a child.

As reported by this committee, the bill is identical to Assembly Bill No. 1849 (1R) as reported by this committee.

FISCAL IMPACT:

The DOC states that although specific statistics are not available for the number of cases which would fall under this notification requirement, during calendar year 1997, approximately 3,000 inmates were referred for consideration for community release programs. The Community Release Administrator estimates that about 1,200 to 1,500 of the referrals were violent offenders.

The DOC estimates that if this notification requirement were centralized, it would require one additional position at a salary and fringe benefits cost of \$33,000 and incur a non-salary cost of \$1,600 for furnishings and supplies, for a first-year cost of \$34,500.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 176

STATE OF NEW JERSEY

DATED: MARCH 5, 1998

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 176.

This bill requires the Department of Corrections to notify the prosecutor and the victim whenever an inmate who is incarcerated for a violent crime is scheduled for a custody status review which might result in a reduced custody classification that would make him eligible to leave the correctional facility to participate in a community release agreement program, halfway house program or substance abuse treatment program.

Under the provisions of the bill, the classification officer of the Institutional Classification Committee of each correctional facility is required to give written notice of these custody status reclassification hearings to the county prosecutor or Attorney General, depending upon who prosecuted the case. The written notice also is to be transmitted to the victim or, if the crime resulted in death, the victim's nearest relative, but only if requested at the time of sentencing.

The bill specifies that the prosecutor or Attorney General, as the case may be, and the victim or victim's nearest relative, as the case may be, have 10 working days in which to submit comments to the Institutional Classification Committee. Any comments submitted are deemed confidential and may not be disclosed to unauthorized persons.

STATEMENT TO
SENATE, No. 176

with Senate Floor Amendments
(Proposed By Senator BENNETT)

ADOPTED: MARCH 19, 1998

These amendments clarify the notification procedures required under the bill. Rather than the Institutional Classification Committee of the particular correctional facility, the amendments provide that the Department of Corrections is to give notice to the county prosecutor or the Attorney General, depending upon which of those officers originally prosecuted the case, whenever an inmate who has been convicted of one of the enumerated crimes is subject to a review which may result in that inmate's participation in any residential community release program.

In addition, the amendments clarify that after notification by the Department of Corrections, the particular county prosecutor or the Attorney General would notify the appropriate county Office of Victim and Witness Advocacy which in turn would give notice to the victim or the crime or the victim's nearest relative if the crime resulted in death.

FISCAL NOTE

[First Reprint]

SENATE, No. 176

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: MAY 11, 1998

Senate Bill No. 176 (1R) of 1998 requires the Department of Corrections to notify the county prosecutor whenever an inmate who is incarcerated for a violent crime is scheduled for a custody status review which might result in a reduced custody classification that would make the inmate eligible to leave the correctional facility to participate in any residential community release program. The prosecutor's office would notify the Office of Victim Witness Advocacy of the county in which the inmate was convicted and that office shall use any reasonable means available to it to give notice to the victim of the crime or the victim's nearest relative if the crime resulted in death.

The Department of Corrections states that although specific statistics are not available for the number of cases which would fall under this notification requirement, during calendar year 1997, approximately 3,000 inmates were referred for consideration for community release programs. The Community Release Administrator estimates that about 1,200 to 1,500 of the referrals were violent offenders.

The department estimates that if this notification requirement were centralized, it would require one additional position at a salary and fringe benefits cost of \$33,000 and incur a non-salary cost of \$1,600 for furnishings and supplies, for a first-year cost of \$34,500.

The Office of Legislative Services concurs.

This fiscal note has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 1849

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MARCH 23, 1998

Sponsored by:

Assemblyman FRANCIS L. BODINE
District 8 (Atlantic, Burlington and Camden)
Assemblywoman JOEL M. WEINGARTEN
District 21 (Essex and Union)

Co-Sponsored by:

Assemblyman O'Toole

SYNOPSIS

Requires DOC to provide notice of certain inmate custody status reviews to prosecutors and victims.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning changes in the custody status of certain inmates
2 and supplementing chapter 4 of 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. a. Whenever an inmate who has been convicted of murder;
8 manslaughter; vehicular homicide; aggravated sexual assault; sexual
9 assault; aggravated assault; aggravated criminal sexual contact;
10 robbery; kidnapping pursuant to paragraph (2) of subsection c. of
11 N.J.S.2C:13-1; endangering the welfare of a child by engaging in
12 sexual conduct which would impair or debauch the morals of the child
13 pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare
14 of a child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4;
15 luring or enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-
16 6); or any crime of the first or second degree involving serious bodily
17 injury is subject to a custody status review by an Institutional
18 Classification Committee which may result in a reclassification to a
19 reduced custody status level of full minimum custody status, or such
20 other reduced custody status level that would make that inmate eligible
21 for participation in a Residential Community Release Agreement
22 Program, a halfway house program or a substance abuse treatment
23 program, the Department of Corrections shall provide written notice
24 of that review in accordance with the provisions of subsection b. of
25 this section.

26 b. (1) Upon the scheduling of a review subject to the notification
27 requirement of this section, the classification officer of the Institutional
28 Classification Committee, or such other officer as may be designated
29 by the superintendent of the correctional facility, shall so notify the
30 prosecutor of the county in which the inmate was convicted or, if the
31 matter was prosecuted by the Attorney General, the Attorney General.

32 Upon receipt of such notice, the county prosecutor or Attorney
33 General, as the case may be, shall have 10 working days in which to
34 submit comments. If the county prosecutor or Attorney General does
35 not provide comments within those 10 working days, the Institutional
36 Classification Committee may presume that the prosecutor or Attorney
37 General, as the case may be, does not wish to submit any comments on
38 the matter.

39 (2) At the same time as notice is given the county prosecutor or
40 Attorney General in accordance with the provisions of paragraph (1)
41 of this subsection, the classification officer of the Institutional
42 Classification Committee, or such other officer as may be designated
43 by the superintendent of the correctional facility, shall give notice to
44 the victim of the crime or the victim's nearest relative if the crime
45 resulted in death.

46 The notice required under this paragraph shall be given only if a

1 request for such notification has been made by the victim or the
2 victim's nearest relative, as the case may be, to the county prosecutor
3 or Attorney General, as the case may be, at the time the inmate was
4 sentenced. The prosecutor or Attorney General, as the case may be,
5 shall transmit the request to the appropriate Institutional Classification
6 Committee.

7 Upon receipt of such notice, the victim or the victim's nearest
8 relative, as the case may be, shall have 10 working days in which to
9 submit comments. If the victim or the victim's nearest relative, as the
10 case may be, does not provide comments within those 10 working
11 days, the Institutional Classification Committee may presume that the
12 victim or victim's nearest relative, as the case may be, does not wish
13 to submit any comments on the matter.

14 (3) Any comments provided pursuant to paragraph (1) or (2) of
15 this subsection shall be delivered to the Institutional Classification
16 Committee by the same method as the notice was given by the
17 committee to the county prosecutor or Attorney General, as the case
18 may be, and the victim or the victim's nearest relative, as the case may
19 be.

20 Comments submitted pursuant to this subsection shall be deemed
21 confidential and shall not be disclosed to any person who is not
22 authorized to receive or review them.

23 c. Whenever an Institutional Classification Committee receives
24 comments from a prosecutor or the Attorney General, as the case may
25 be, or from a victim or a victim's nearest relative, as the case may be,
26 concerning the the reclassification of an inmate to a reduced custody
27 status in accordance with this act, it shall give all due consideration to
28 the information contained in those comments when considering a
29 change in custody status for that inmate.

30 d. The Commissioner of Corrections, in accordance with the
31 provisions of the "Administrative Procedure Act," P.L.1968, c.410
32 (C.52:14B-1 et seq.), shall promulgate rules and regulations to
33 effectuate the provisions of this act.

34
35 2. The provisions of this act shall take effect on the first day of the
36 seventh month following enactment, except that the Commissioner of
37 Corrections may take such anticipatory administrative action in
38 advance as shall be necessary for the implementation of the act.

39
40

41 STATEMENT

42

43 This bill requires the Department of Corrections to notify the
44 prosecutor and the victim whenever an inmate who is incarcerated for
45 a violent crime is scheduled for a custody status review which might
46 result in a reduced custody classification that would make him eligible

1 to leave the correctional facility to participate in a community release
2 agreement program, halfway house program or substance abuse
3 treatment program.

4 Under the provisions of the bill, the classification officer of the
5 Institutional Classification Committee of each correctional facility is
6 required to give written notice of these custody status reclassification
7 hearings to the county prosector or Attorney General, depending upon
8 who prosecuted the case. The written notice also is to be transmitted
9 to the victim or, if the crime resulted in death, the victim's nearest
10 relative, but only if requested at the time of sentencing.

11 The bill specifies that the prosecutor or Attorney General, as the
12 case may be, and the victim or victim's nearest relative, as the case
13 may be, have 10 working days in which to submit comments to the
14 Institutional Classification Committee. Any comments submitted are
15 deemed confidential and may not be disclosed to unauthorized
16 persons.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1849

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 4, 1998

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 1849.

Assembly Bill No. 1849, as amended by the committee, requires the Department of Corrections to notify the prosecutor whenever an inmate who is incarcerated for a violent crime is scheduled for a review which might result in making that inmate eligible to leave the correctional facility to participate in a residential community release program.

Under the provisions of the amended bill, the department is to give notice to the county prosecutor or Attorney General, depending upon which of those officers originally prosecuted the case, whenever an inmate who has been convicted of one of the enumerated crimes set forth in the bill is subject to a review which may result in that inmate's participation in any residential community release program. Upon notice by the department, the county prosecutor or Attorney General, as the case may be, would notify the appropriate county Office of Victim and Witness Advocacy which in turn would give notice within 10 working days to the victim of the crime or the victim's nearest relative if the crime resulted in death.

The amended bill specifies that the prosecuting officer and the victim, or the victim's nearest relative, have, upon receiving notice, 10 working days in which to submit comments to the department. If no comments are submitted within that 10 day period, the department may presume that the parties do not wish to submit any comments for consideration. Any comments submitted are deemed confidential and may not be disclosed to unauthorized persons.

The crimes enumerated in the bill are: murder; manslaughter; vehicular homicide; aggravated sexual assault; sexual assault; aggravated assault; aggravated criminal sexual contact; robbery; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or

enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); or any crime of the first or second degree involving serious bodily injury.

Under current parole law (section 1 of P.L.1994, c.135; C.30:4-123.53a), the Department of Corrections, in the case of an adult, and the Juvenile Justice Commission, in the case of a juvenile, are required to provide written notice to the county prosecutor prior to the release of inmates who have been convicted, or adjudicated delinquent, of violent crimes, sexual offenses or offenses which endanger the welfare of a child or would impair or debauch the morals of a child.

The committee, at the sponsor's request, amended the bill to bring its provisions into conformity with the provisions of Senate Bill No. 176 (1R). The amendments clarify the notification procedures required under the bill.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1849

STATE OF NEW JERSEY

DATED: JUNE 4, 1998

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1849 (1R).

Assembly Bill No. 1849 (1R) requires the Department of Corrections (DOC) to notify the relevant prosecuting officer whenever an inmate who is incarcerated for a violent crime is scheduled for a review that might result in making the inmate eligible to leave the correctional facility to participate in a residential community release program.

The bill requires the DOC to give notice to the county prosecutor or Attorney General who originally prosecuted the case whenever an inmate who has been convicted of one of the crimes enumerated in the bill is subject to a review that may result in that inmate's participation in any residential community release program. Upon notice by the DOC, the county prosecutor or Attorney General, will notify the appropriate county Office of Victim and Witness Advocacy which in turn will give notice within 10 working days to the victim of the crime or the victim's nearest relative if the crime resulted in death.

The bill specifies that the prosecuting officer and the victim, or the victim's nearest relative, have, upon receiving notice, 10 working days in which to submit comments to the DOC. If no comments are submitted within that 10 day period, the DOC may presume that the parties do not wish to submit any comments for consideration. Any comments submitted are confidential and may not be disclosed to unauthorized persons.

The crimes enumerated in the bill are: murder; manslaughter; vehicular homicide; aggravated sexual assault; sexual assault; aggravated assault; aggravated criminal sexual contact; robbery; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); or any crime of the first or second degree involving serious bodily injury.

Under current parole law (section 1 of P.L.1994, c.135; C.30:4-

123.53a), the DOC, in the case of an adult, and the Juvenile Justice Commission, in the case of a juvenile, are required to provide written notice to the county prosecutor prior to the release of inmates who have been convicted, or adjudicated delinquent, of violent crimes, sexual offenses or offenses which endanger the welfare of a child or would impair or debauch the morals of a child.

As reported by this committee, the bill is identical to Senate Bill No. 176 (1R) as reported by this committee.

FISCAL IMPACT:

The DOC states that although specific statistics are not available for the number of cases which would fall under this notification requirement, during calendar year 1997, approximately 3,000 inmates were referred for consideration for community release programs. The Community Release Administrator estimates that about 1,200 to 1,500 of the referrals were violent offenders.

The DOC estimates that if this notification requirement were centralized, it would require one additional position at a salary and fringe benefits cost of \$33,000 and incur a non-salary cost of \$1,600 for furnishings and supplies, for a first-year cost of \$34,500.

FISCAL NOTE

[First Reprint]

ASSEMBLY, No. 1849

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JUNE 24, 1998

Assembly Bill No. 1849 (1R) of 1998 requires the Department of Corrections to notify the county prosecutor whenever an inmate who is incarcerated for a violent crime is scheduled for a custody status review which might result in a reduced custody classification that would make the inmate eligible to leave the correctional facility to participate in any residential community release program. The prosecutor's office would notify the Office of Victim Witness Advocacy of the county in which the inmate was convicted and that office shall use any reasonable means available to it to give notice to the victim of the crime or the victim's nearest relative if the crime resulted in death.

The Department of Corrections states that although specific statistics are not available for the number of cases which would fall under this notification requirement, during calendar year 1997, approximately 3,000 inmates were referred for consideration for community release programs. The Community Release Administrator estimates that about 1,200 to 1,500 of the referrals were violent offenders. The department estimates that if this notification requirement were centralized, it would require one additional position at a salary and fringe benefits cost of \$33,000 and incur a non-salary cost of \$1,600 for furnishings and supplies, for a first-year cost of \$34,500.

The Office of Legislative Services concurs.

This fiscal note has been prepared pursuant to P.L.1980, c.67.

Office of the Governor

PO BOX 004
TRENTON, NJ 08625

NEWS RELEASE

CONTACT: Jayne O'Connor
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609-777-2600

RELEASE: August 12, 1998

Gov. Christie Whitman today signed the following pieces of legislation:

S-176, sponsored by Senators John Bennett (R-Monmouth) and Diane Allen (R-Burlington/Camden) and Assembly Members Francis Bodine (R-Atlantic/Burlington/Camden) and Joel Weingarten (R-Essex/Union), requires the Department of Corrections (DOC) to provide notice of certain inmate custody status reviews to prosecutors and victims. The bill will enable a victim of a crime, or the victim's relatives to have a voice in the decision making of the DOC regarding a proposed change in the incarceration of inmates convicted of certain serious or violent crimes. The bill will enable the prosecutor or Attorney General and the victim or deceased victim's relatives to submit comments regarding the proposal to the DOC within ten working days of the notification of the proposed changes.

A-1198, sponsored by Assembly Members Leonard Lance (R-Warren/Hunterdon/Mercer) and Francis Blee (R-Atlantic) and Senator Peter A. Inverso (R-Mercer/Middlesex), appropriates \$994,500 from the Jobs, Education and Competitiveness Bond Fund to the Commission on Higher Education for construction projects at various independent colleges.

The bill appropriates:

- \$450,000 to Centenary College for expansion of the Equestrian Center;
- \$350,250 to Centenary College for the construction of a Business and Technology Center;
- 50,250 to Felician College;
- \$64,000 to Saint Peter's College; and
- \$80,000 to Seton Hall University

S-758 appropriates \$8,926,336 to the Department of Corrections from the Public Purpose Buildings and Community-Based Facilities Construction Bond Act of 1989. The funds will be used for the construction of a new 200-bed dormitory unit and support building at the Jones Farm facility, the adjusted final contract cost for additional beds constructed at Northern State Prison, and for security upgrades at Northern and Riverfront State Prisons.

The legislation was sponsored by Senators Shirley K. Turner (D-Mercer) and Wynona M. Lipman (D-Essex/Union) and Assembly Members Bonnie Watson Coleman (D-Mercer) and Reed Gusciora (D-Mercer).