

30:4-123.55

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:4-123.55

(Parole Board--
require full Board
review of certain
inmates)

LAWS OF: 1989

CHAPTER: 115

Bill No: A2772

Sponsor(s): Roma and Pelly

Date Introduced: March 14, 1988

Committee: Assembly: Law, Public Safety & Corrections

Senate: Judiciary

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: July 14, 1988

Senate: May 1, 1989

Date of Approval: June 29, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: Yes

(over)

974.90 New Jersey. Legislature. Senate. Judiciary Committee.
P959 Public hearing, held 1-12-89, on S.276...,
1989 A2772, Trenton, 1989.

See clipping--attached:

"Kean signs takeover measure, parole board review legislation," 6-30-89
Asbury Park Press.

P.L.1989, CHAPTER 115, approved June 29, 1989
1988 Assembly No. 2772 (Second Reprint)

1 **AN ACT** concerning parole certification in certain
circumstances and amending section 11 of P.L.1979, c.441.

3

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

7 1. Section 11 of P.L.1979, c.441 (C.30:4-123.55) is amended to
read as follows:

9 11. a. Prior to the parole eligibility date of each adult inmate,
a designated hearing officer shall review the reports required by
section 10 of this act, and shall determine whether there is a
11 basis for denial of parole in the preparole report or the inmates's
statement, or an indication, reduced to writing, that additional
13 information providing a basis for denial of parole would be
developed or produced at a hearing. If the hearing officer
15 determines that there is no basis in the preparole report or the
inmate's statement for denial of parole and that there is no
17 additional relevant information to be developed or produced at a
hearing, he shall at least 60 days prior to the inmate's parole
19 eligibility date recommend in writing to the assigned member of
the board panel that parole release be granted.

21 b. If the assigned member of the board panel or in the case of
an inmate sentenced to a county penal institution, the assigned
23 member concurs in the hearing officer's recommendation, he
shall certify parole release pursuant to section 15 of this act as
25 soon as practicable after the eligibility date and so notify the
inmate and the board. In the case of an inmate sentenced to a
27 county penal institution the board shall certify parole release or
deny parole as provided by this section, except with regard to
29 time periods for notice and parole processing which are
authorized by or otherwise adopted pursuant to subsection g. of
31 section 7 of P.L.1979, c.441 (C.30:4-123.51g.). If the designated
hearing officer does not recommend release on parole

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted June 2, 1988.

² Senate SJU committee amendments adopted February 23, 1989.

1 or if the assigned member does not concur in a recommendation
2 of the designated hearing officer in favor of release, then the
3 parole release of an inmate in a county penal institution shall be
4 treated under the provisions of law otherwise applicable to an
5 adult inmate. In the case of an inmate sentenced to a county
6 penal institution, the performance of public service for the
7 remainder of the term of the sentence shall be a required
8 condition of parole, where appropriate.

9 c. If the hearing officer or the assigned member determines
10 that there is a basis for denial of parole, or that a hearing is
11 otherwise necessary, the hearing officer or assigned member shall
12 notify the appropriate board panel and the inmate in writing of
13 his determination, and of a date for a parole consideration
14 hearing. The board panel shall notify the victim of the crime, if
15 the crime for which the inmate is incarcerated was a crime of
16 the first or second degree, or the victim's nearest relative if the
17 crime was murder, as appropriate, who was previously contacted
18 by the board and who has indicated his intention to the board to
19 testify at the hearing, of the opportunity to testify or submit
20 written statements at the hearing. Said hearing shall be
21 conducted by the appropriate board panel at least 30 days prior to
22 the eligibility date. At the hearing, which shall be informal, the
23 board panel shall receive as evidence any relevant and reliable
24 documents or testimony, including that of the victim of the crime
25 or the members of the family of a murder victim if the victim or
26 a family member so desires. A senior hearing officer of the
27 parole board, on behalf and under the direction of the board
28 panel, may receive the testimony. The senior hearing officer
29 shall prepare a report or a transcript of the testimony for
30 presentation to the board panel at the hearing. All such evidence
31 not classified as confidential pursuant to rules and regulations of
32 the board or the Department of Corrections shall be disclosed to
33 the inmate and the inmate shall be permitted to rebut such
34 evidence and to present evidence on his own behalf. The decision
35 of the board panel shall be based solely on the evidence presented
36 at the hearing.

37 d. At the conclusion of the parole consideration hearing, the
38 board panel shall either (1) certify the parole release of the
39 inmate pursuant to section 15 of this act as soon as practicable

1 after the eligibility date and so notify the inmate and the board,
or (2) deny parole and file with the board within 30 days of the
3 hearing a statement setting forth the decision, the particular
reasons therefor, except information classified as confidential
5 pursuant to rules and regulations of the board or the Department
of Corrections, a copy of which statement shall be served upon
7 the inmate together with notice of his right to appeal to the
board.

9 e. Upon request by the hearing officer or the inmate, the time
limitations contained in sections 10 and 11 may be waived by the
11 appropriate board panel for good cause.

13 f. Notwithstanding the provision of any other law to the
contrary, if an inmate incarcerated for ¹[a crime of the]¹
²[first]² ¹[or second]¹ ²[degree]² ¹[involving the use or
15 threatened use of violence] murder¹ is recommended for parole
by the assigned board member or the appropriate board panel,
17 parole shall not be certified until a majority of the full parole
board, after conducting a hearing, concurs in that
19 recommendation.

21 ²The provisions of this subsection shall not apply to an inmate
who has his parole revoked and is returned to custody pursuant to
the provisions of section 19 of P.L.1979, c.441 (C.30:4-123.63).²
23 (cf: P.L.1983, c.453, s.2)

25 2. This act shall take effect immediately.

27 CRIMINAL JUSTICE
Probation and Parole

29
31 Requires full parole board to review parole recommendations of
inmates incarcerated for serious crimes involving violence.

1 or (2) deny parole and file with the board within 30 days of the
 hearing a statement setting forth the decision, the particular
 3 reasons therefor, except information classified as confidential
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 5 of Corrections, a copy of which statement shall be served upon
 the inmate together with notice of his right to appeal to the
 7 board.

e. Upon request by the hearing officer or the inmate, the time
 9 limitations contained in sections 10 and 11 may be waived by the
 appropriate board panel for good cause.

11 f. Notwithstanding the provision of any other law to the
contrary, if an inmate incarcerated for a crime of the first or
 13 second degree involving the use or threatened use of violence is
recommended for parole by the assigned board member or the
 15 appropriate board panel, parole shall not be certified until a
 17 majority of the full parole board, after conducting a hearing,
concurs in that recommendation.

(cf: P.L. 1983, c. 453, s. 2)

19 2. This act shall take effect immediately.

21

STATEMENT

23

25 This bill provides that if an inmate incarcerated for a crime of
 the first or second degree involving the use of violence is
 recommended for parole, parole would not be certified until a
 27 majority of the full parole board, after conducting a hearing,
 concurs in that recommendation.

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CRIMINAL JUSTICE

Probation and Parole

33

35 Requires full parole board to review parole recommendations of
 inmates incarcerated for serious crimes involving violence.

ASSEMBLY LAW, PUBLIC SAFETY AND CORRECTIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2772

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 1, 1988

The Assembly Law, Public Safety and Corrections Committee favorably reports Assembly Bill 2772 with committee amendments.

Assembly Bill 2772, as amended by the Committee, amends section 11 of P.L. 1979, c.441 (C.30:4-123.55) to require that whenever an inmate incarcerated for a crime of the first degree involving murder is recommended for parole, the parole shall not be certified until a majority of the full parole board, after conducting its own hearing on the matter, concurs in that recommendation.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 2772

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1989

The Senate Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2772 [1R].

Under present procedures, whenever any inmate nears his parole eligibility date, a hearing officer is assigned to review that inmate's record. If the hearing officer determines that no basis for denial of parole exists, he recommends to the parole board member assigned to that case that the inmate be released. If the board member concurs in that recommendation, parole is certified.

If the hearing officer does not recommend parole or if the assigned board member does not certify a parole recommendation, a parole hearing is held by the appropriate board panel. After that hearing, the board panel either certifies or denies parole.

Under this bill, whenever an inmate incarcerated for murder is recommended for parole, parole shall not be certified until a majority of the full parole board, after conducting a hearing, concurs in that recommendation.

The amendments adopted by the committee provide that if a convicted murder who was granted parole after full board review has been reincarcerated for a technical parole violation (i.e., failure to report to his parole officer), full parole board review would not be required when that person is reconsidered for parole.

The committee amendments would also delete the reference to "first degree" murder in the bill. All murders under Title 2C are crimes of the first degree. Therefore, reference to first degree murder is at best redundant. Moreover, since the term "first degree" murder under old Title 2A meant "premeditated" murder, the use of that phrase in the context of this bill might lead to the interpretation that the Legislature did not mean to require that the full parole board review the parole eligibility of all murders but only those convicted of purposeful or knowing murders.

[SECOND REPRINT]
ASSEMBLY, No. 2772

STATE OF NEW JERSEY

INTRODUCED MARCH 14, 1988

By Assemblymen ROMA and Pelly

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OFFICE OF THE GOVERNOR
NEWS RELEASE

A2772
Governor Thomas H. Kean
TRENTON, N.J. 08625
Release: THUR., 6/29/89

CN-001

Contact: BOB McHUGH
609-292-8956 OR 609-292-6000 EXT. 207

Governor Thomas H. Kean today signed the following legislation:

A-2772, sponsored by Assemblyman Patrick Roma, R-Bergen, and Senator Thomas Paterniti, D-Middlesex. The bill requires the full Parole Board to review parole recommendations for inmates convicted of first-degree murder. The bill arose out of the case of Thomas Trantino, convicted of the murder of two Lodi policemen, whose parole recommendation was overturned after review by the full board.

The bill takes effect immediately.

S-3295/A-4230, sponsored by Senator Raymond Lesniak, D-Union, and Assemblymen Garabed Haytaian, R-Warren, and John Rocco, R-Camden. The bill allows the board of directors of a corporation, in reviewing an acquisition offer or proposal, to review factors including the impact on employees, customers, suppliers and the local economy. The bill is designed to defend against hostile corporate takeovers.

The bill takes effect immediately.

S-2755, sponsored by Senator Carmen Orechio, D-Essex. The bill creates a special disability retirement allowance for members of the Police and Firemen's Retirement System who have received a heart transplant. Transplant patients under 55, with five or more years of service, could retire at 50 percent of final compensation.

The bill takes effect immediately.

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