

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1998

CHAPTER:17

NJSA:47:1A-2.2 et al
"Eliminates parole for inmates who harass"

BILL NO: A725/A1018 (Substituted for S672)

SPONSOR(S): Kramer and Wright

DATE INTRODUCED: Pre-filed

COMMITTEE:

ASSEMBLY: Law and Public Safety

SENATE: ~~~~

AMENDED DURING PASSAGE:No

DATE OF PASSAGE:

ASSEMBLY: March 23, 1998

SENATE: March 30, 1998

DATE OF APPROVAL: May 6, 1998

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Assembly substitute for A725/A1018
(Amendments during passage denoted by superscript numbers)

Assembly Substitute for A725/A1018

SPONSORS STATEMENT: *Yes* (Begins on page 4 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY:*No*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

A725

SPONSORS STATEMENT: *Yes* (Begins on page 6 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

A1018

SPONSORS STATEMENT: *Yes* (Begins on page 4 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

S672

SPONSORS STATEMENT: *Yes* (Begins on page 4 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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the State Library (609) 278-2640 ext. 102 or blupp@njstatelib.org*

REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES:

"Law to protect victims signed," 5-7-98, Trenton Times, p. A11.

"Cons can't harass from prison: bill," 5-7-98, Trentonian, p. 8.

ASSEMBLY SUBSTITUTE FOR
ASSEMBLY, Nos. 725 and 1018

STATE OF NEW JERSEY

208th LEGISLATURE

ADOPTED MARCH 16, 1998

Sponsored by:

Assemblyman PAUL KRAMER

District 14 (Mercer and Middlesex)

Assemblyman CHARLES "KEN" ZISA

District 37 (Bergen)

Assemblywoman BARBARA WRIGHT

District 14 (Mercer and Middlesex)

Assemblyman WILFREDO CARABALLO

District 28 (Essex)

Co-Sponsored by:

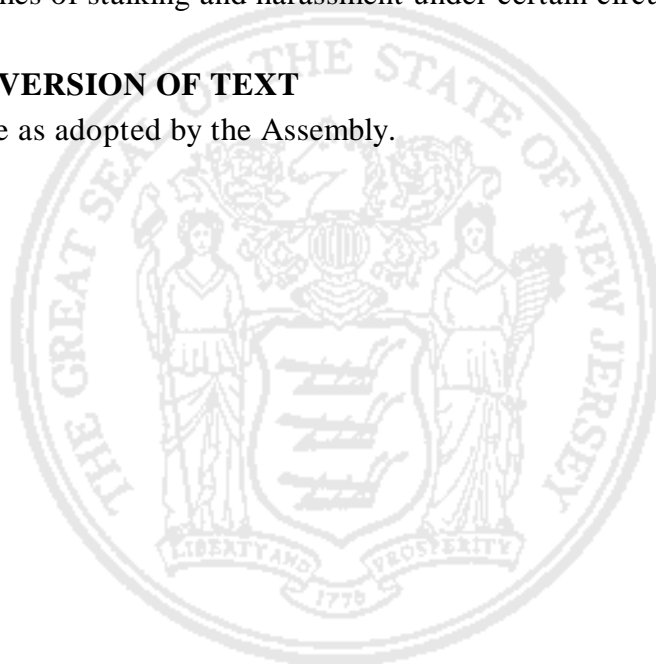
Senators Inverso and Sacco

SYNOPSIS

Prohibits inmates' access to certain information concerning victims; upgrades crimes of stalking and harassment under certain circumstances.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly.



(Sponsorship Updated As Of: 3/31/1998)

1 AN ACT concerning inmates' access to certain information, amending
2 P.L.1992, c.209 and N.J.S.2C:33-4 and supplementing P.L.1963,
3 c.73 and Title 30 of the Revised Statutes.

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

7
8 1. (New section) a. Notwithstanding the provisions of P.L.1963,
9 c.73 (C.47:1A-1 et seq.) or the provisions of any other law to the
10 contrary, where it shall appear that a person who is serving a term of
11 imprisonment or is on parole or probation as the result of a conviction
12 of any indictable offense under the laws of this State, any other state
13 or the United States is seeking public records containing personal
14 information pertaining to the person's victim or the victim's family,
15 including but not limited to a victim's home address, home telephone
16 number, work or school address, work telephone number, social
17 security account number, medical history or any other identifying
18 information, the right of examination herein provided for shall be
19 denied.

20 b. Public records containing personal identifying information
21 which is protected under the provisions of this section may be released
22 to an inmate or his representative only if the information is necessary
23 to assist in the inmate's own defense. A determination that the
24 information is necessary to assist in the inmate's defense shall be made
25 by the court upon motion by the inmate or his representative.

26
27 2. (New section) Notwithstanding the provisions of section 7 of
28 P.L.1979, c.441 (C.30:4-123.51), R.S.30:4-140, R.S.30:4-92 or any
29 other law to the contrary, accumulated time credits or remissions,
30 including commutation time for good behavior, progressive time
31 credits or credits for diligent application to work and other
32 institutional assignments shall be subject to forfeiture as a penalty for
33 misconduct if an inmate unlawfully obtains or seeks to obtain personal
34 identifying information of the inmate's victim or the victim's family in
35 violation of section 1 of P.L. , c. (C.)(now pending before the
36 Legislature as section 1 of this bill).

37
38 3. Section 1 of P.L.1992, c.209 (C.2C:12-10) is amended to read
39 as follows:

40 1. a. As used in this act:

41 (1) "Course of conduct" means repeatedly maintaining a visual or
42 physical proximity to a person or repeatedly conveying verbal or
43 written threats or threats implied by conduct or a combination thereof

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 directed at or toward a person.

2 (2) "Repeatedly" means on two or more occasions.

3 (3) "Immediate family" means a spouse, parent, child, sibling or
4 any other person who regularly resides in the household or who within
5 the prior six months regularly resided in the household.

6 b. A person is guilty of stalking, a crime of the fourth degree, if
7 he:

8 (1) Purposefully engages in a course of conduct directed at a
9 specific person that would cause a reasonable person to fear bodily
10 injury to himself or a member of his immediate family or to fear the
11 death of himself or a member of his immediate family; and

12 (2) Knowingly, recklessly or negligently places the specific person
13 in reasonable fear of bodily injury to himself or a member of his
14 immediate family or in reasonable fear of the death of himself or a
15 member of his immediate family.

16 c. A person is guilty of a crime of the third degree if he commits
17 the crime of stalking in violation of an existing court order prohibiting
18 the behavior.

19 d. A person who commits a second or subsequent offense of
20 stalking against the same victim is guilty of a crime of the third degree.

21 e. A person is guilty of a crime of the third degree if he commits
22 the crime of stalking while serving a term of imprisonment or while on
23 parole or probation as the result of a conviction for any indictable
24 offense under the laws of this State, any other state or the United
25 States.

26 f. This act shall not apply to conduct which occurs during
27 organized group picketing.

28 (cf: P.L.1996, c.39, s.1)

29

30 4. N.J.S.2C:33-4 is amended to read as follows:

31 2C:33-4. Harassment.

32 Except as provided in subsection d. and e., a person commits a
33 petty disorderly persons offense if, with purpose to harass another, he:

34 a. Makes, or causes to be made, a communication or
35 communications anonymously or at extremely inconvenient hours, or
36 in offensively coarse language, or any other manner likely to cause
37 annoyance or alarm;

38 b. Subjects another to striking, kicking, shoving, or other
39 offensive touching, or threatens to do so; or

40 c. Engages in any other course of alarming conduct or of
41 repeatedly committed acts with purpose to alarm or seriously annoy
42 such other person.

43 A communication under subsection a. may be deemed to have been
44 made either at the place where it originated or at the place where it
45 was received.

46 d. A person commits a crime of the fourth degree if in committing

1 an offense under this section, he acted with a purpose to intimidate an
2 individual or group of individuals because of race, color, religion,
3 gender, handicap, sexual orientation or ethnicity.

4 e. A person commits a crime of the fourth degree if, in committing
5 an offense under this section, he was serving a term of imprisonment
6 or was on parole or probation as the result of a conviction of any
7 indictable offense under the laws of this State, any other state or the
8 United States.

9 (cf: P.L.1995, c.211, s.2)

10
11 5. This act shall take effect immediately.

12
13
14 STATEMENT

15
16 This floor substitute would prohibit an inmate who is serving a
17 term of imprisonment or who is on parole or probation as the result of
18 a conviction of any indictable offense from using the provisions of the
19 "Right-to-Know Law," N.J.S.A.47:1A-1 et seq., to obtain public
20 records containing personal identifying information of a victim or the
21 victim's family. The substitute, however, allows an inmate or his
22 representative to obtain the information only if it is necessary to assist
23 in the inmate's own defense. The determination that the information
24 is necessary to assist in the inmate's defense would be made by the
25 court upon motion by the inmate or his representative.

26 This substitute also provides that an inmate's accumulated time
27 credits or remissions, including commutation time for good behavior,
28 good time credits or credits for diligent application to work and any
29 other institutional assignments would be subject to forfeiture if the
30 inmate unlawfully obtains or seeks to obtain personal identifying
31 information concerning a victim or the victim's family.

32 In addition, the substitute would upgrade the offense of stalking to
33 a crime of the third degree if a person commits the crime of stalking
34 while serving a term of imprisonment or while on parole or probation.
35 The offense of harassment would be upgraded to a crime of the fourth
36 degree if a person commits harassment while serving a term of
37 imprisonment or while on parole or probation.

ASSEMBLY, No. 725

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman PAUL KRAMER

District 14 (Mercer and Middlesex)

Assemblywoman BARBARA WRIGHT

District 14 (Mercer and Middlesex)

SYNOPSIS

Eliminates parole eligibility and "good time" credits for inmates who harass or threaten their victims from prison.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning certain prison inmates, amending P.L.1979, c.441
2 and supplementing 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. (New section) Notwithstanding the provisions of section 7 of
8 P.L.1979, c.441 (C.30:4-123.51), R.S.30:4-140, R.S.30:4-92 or any
9 other law to the contrary, progressive time credits or credits for
10 diligent application to work shall be forfeited as a penalty for
11 misconduct if an inmate violates or attempts to violate:

12 a. Any restraining order imposed upon him, including but not
13 limited to any restraining order imposed pursuant to the "Prevention
14 of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et
15 seq.) or P.L.1981, c.426 (C.2C:25-1 et al.); or

16 b. The provisions of N.J.S.2C:12-3, terroristic threats;
17 N.J.S.2C:33-4, harassment; or P.L.1992, c.209 (C.2C:12-10), stalking,
18 committed against a person who was a victim of, or a witness to, the
19 offense for which the inmate is incarcerated.

20

21 2. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is amended to
22 read as follows:

23 7. a. Each adult inmate sentenced to a term of incarceration in a
24 county penal institution, or to a specific term of years at the State
25 Prison or the correctional institution for women shall become primarily
26 eligible for parole after having served any judicial or statutory
27 mandatory minimum term, or one-third of the sentence imposed where
28 no mandatory minimum term has been imposed less commutation time
29 for good behavior pursuant to N.J.S.2A:164-24 or R.S.30:4-140 and
30 credits for diligent application to work and other institutional
31 assignments pursuant to P.L.1972, c.115 (C.30:8-28.1 et seq.) or
32 R.S.30:4-92. Consistent with the provisions of the New Jersey Code
33 of Criminal Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7),
34 commutation and work credits shall not in any way reduce any judicial
35 or statutory mandatory minimum term and such credits accrued shall
36 only be awarded subsequent to the expiration of the term.

37 b. Each adult inmate sentenced to a term of life imprisonment shall
38 become primarily eligible for parole after having served any judicial or
39 statutory mandatory minimum term, or 25 years where no mandatory
40 minimum term has been imposed less commutation time for good
41 behavior and credits for diligent application to work and other
42 institutional assignments. If an inmate sentenced to a specific term or
43 terms of years is eligible for parole on a date later than the date upon

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 which he would be eligible if a life sentence had been imposed, then in
2 such case the inmate shall be eligible for parole after having served 25
3 years, less commutation time for good behavior and credits for diligent
4 application to work and other institutional assignments. Consistent
5 with the provisions of the New Jersey Code of Criminal Justice
6 (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7), commutation and work
7 credits shall not in any way reduce any judicial or statutory mandatory
8 minimum term and such credits accrued shall only be awarded
9 subsequent to the expiration of the term.

10 c. Each inmate sentenced to a specific term of years pursuant to the
11 "Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1
12 through 45) shall become primarily eligible for parole after having
13 served one-third of the sentence imposed less commutation time for
14 good behavior and credits for diligent application to work and other
15 institutional assignments.

16 d. Each adult inmate sentenced to an indeterminate term of years
17 as a young adult offender pursuant to N.J.S.2C:43-5 shall become
18 primarily eligible for parole consideration pursuant to a schedule of
19 primary eligibility dates developed by the board, less adjustment for
20 program participation. In no case shall the board schedule require that
21 the primary parole eligibility date for a young adult offender be greater
22 than the primary parole eligibility date required pursuant to this section
23 for the presumptive term for the crime authorized pursuant to
24 N.J.S.2C:44-1(f).

25 e. Each adult inmate sentenced to the Adult Diagnostic and
26 Treatment Center, Avenel, shall become primarily eligible for parole
27 upon recommendation by the special classification review board
28 pursuant to N.J.S.2C:47-5, except that no such inmate shall become
29 primarily eligible prior to the expiration of any mandatory or fixed
30 minimum term imposed pursuant to N.J.S.2C:14-6.

31 f. Each juvenile inmate committed to an indeterminate term shall
32 be immediately eligible for parole.

33 g. Each adult inmate of a county jail, workhouse or penitentiary
34 shall become primarily eligible for parole upon service of 60 days of
35 his aggregate sentence or as provided for in subsection a. of this
36 section, whichever is greater. Whenever any such inmate's parole
37 eligibility is within six months of the date of such sentence, the judge
38 shall state such eligibility on the record which shall satisfy all public
39 and inmate notice requirements. The chief executive officer of the
40 institution in which county inmates are held shall generate all reports
41 pursuant to subsection d. of section 10 of P.L.1979, c.441
42 (C.30:4-123.54). The parole board shall have the authority to
43 promulgate time periods applicable to the parole processing of inmates
44 of county penal institutions, except that no inmate may be released
45 prior to the primary eligibility date established by this subsection,
46 unless consented to by the sentencing judge. No inmate sentenced to

1 a specific term of years at the State Prison or the correctional
2 institution for women shall become primarily eligible for parole until
3 service of a full nine months of his aggregate sentence.

4 h. When an inmate is sentenced to more than one term of
5 imprisonment, the primary parole eligibility terms calculated pursuant
6 to this section shall be aggregated by the board for the purpose of
7 determining the primary parole eligibility date, except that no juvenile
8 commitment shall be aggregated with any adult sentence. The board
9 shall promulgate rules and regulations to govern aggregation under
10 this subsection.

11 i. The primary eligibility date shall be computed by a designated
12 representative of the board and made known to the inmate in writing
13 not later than 90 days following the commencement of the sentence.
14 In the case of an inmate sentenced to a county penal institution such
15 notice shall be made pursuant to subsection g. of this section. Each
16 inmate shall be given the opportunity to acknowledge in writing the
17 receipt of such computation. Failure or refusal by the inmate to
18 acknowledge the receipt of such computation shall be recorded by the
19 board but shall not constitute a violation of this subsection.

20 j. Except as provided in this subsection, each inmate sentenced
21 pursuant to N.J.S.2A:113-4 for a term of life imprisonment,
22 N.J.S.2A:164-17 for a fixed minimum and maximum term or
23 N.J.S.2C:1-1(b) shall not be primarily eligible for parole on a date
24 computed pursuant to this section, but shall be primarily eligible on a
25 date computed pursuant to P.L.1948, c.84 (C.30:4-123.1 et seq.),
26 which is continued in effect for this purpose. Inmates classified as
27 second, third or fourth offenders pursuant to section 12 of P.L.1948,
28 c.84 (C.30:4-123.12) shall become primarily eligible for parole after
29 serving one-third, one-half or two-thirds of the maximum sentence
30 imposed, respectively, less in each instance commutation time for good
31 behavior and credits for diligent application to work and other
32 institutional assignments; provided, however, that if the prosecuting
33 attorney or the sentencing court advises the board that the punitive
34 aspects of the sentence imposed on such inmates will not have been
35 fulfilled by the time of parole eligibility calculated pursuant to this
36 subsection, then the inmate shall not become primarily eligible for
37 parole until serving an additional period which shall be one-half of the
38 difference between the primary parole eligibility date calculated
39 pursuant to this subsection and the parole eligibility date calculated
40 pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12). If the
41 prosecuting attorney or the sentencing court advises the board that the
42 punitive aspects of the sentence have not been fulfilled, such advice
43 need not be supported by reasons and will be deemed conclusive and
44 final. Any such decision shall not be subject to judicial review except
45 to the extent mandated by the New Jersey and United States
46 Constitutions. The board shall, reasonably prior to considering any

1 such case, advise the prosecuting attorney and the sentencing court of
2 all information relevant to such inmate's parole eligibility.

3 k. Notwithstanding any provisions of this section or N.J.S.2C:47-5
4 to the contrary, a person sentenced to imprisonment pursuant to
5 paragraph (2) or (3) of subsection b. of N.J.S.2C:11-3 shall not be
6 eligible for parole.

7 l. Notwithstanding the provisions of this section or any other law
8 to the contrary, an inmate shall not be eligible for parole if, at any time
9 during his incarceration, he violates or attempts to violate:

10 (1) Any restraining order imposed upon him, including but not
11 limited to any restraining order imposed pursuant to the "Prevention
12 of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et
13 seq.) or P.L.1981, c.426 (C.2C:25-1 et al.); or

14 (2) The provisions of N.J.S.2C:12-3, terroristic threats;
15 N.J.S.2C:33-4, harassment; or P.L.1992, c.209 (C.2C:12-10), stalking,
16 committed against a person who was a victim of, or a witness to, the
17 offense for which the inmate is incarcerated.

18 (cf: P.L.1997, c.60, s.3)

19

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

22 16. a. Any parolee who violates a condition of parole may be
23 subject to an order pursuant to section 17 of P.L.1979, c.441
24 (C.30:4-123.61) providing for one or more of the following: (1) That
25 he be required to conform to one or more additional conditions of
26 parole; (2) That he forfeit all or a part of commutation time credits
27 granted pursuant to R.S.30:4-140.

28 b. Any parolee who has seriously or persistently violated the
29 conditions of his parole, may have his parole revoked and may be
30 returned to custody pursuant to sections 18 and 19 of P.L.1979, c.441
31 (C.30:4-123.62 and 30:4-123.63). The board shall be notified
32 immediately upon the arrest or indictment of a parolee or upon the
33 filing of charges that the parolee committed an act which, if committed
34 by an adult, would constitute a crime. The board shall not revoke
35 parole on the basis of new charges which have not resulted in a
36 disposition at the trial level except that upon application by the
37 prosecuting authority, the Juvenile Justice Commission established
38 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) or the Chief
39 of the Bureau of Parole, the chairman of the board or his designee may
40 at any time detain the parolee and commence revocation proceedings
41 pursuant to sections 18 and 19 of P.L.1979, c.441 (C.30:4-123.62 and
42 30:4-123.63) when the chairman determines that the new charges
43 against the parolee are of a serious nature and it appears that the
44 parolee otherwise poses a danger to the public safety. In such cases,
45 a parolee shall be informed that, if he testifies at the revocation
46 proceedings, his testimony and the evidence derived therefrom shall

1 not be used against him in a subsequent criminal prosecution or
2 delinquency adjudication.

3 c. 【Any】 (1) Except as provided in paragraph 2 of this subsection,
4 any parolee who is convicted of a crime or adjudicated delinquent for
5 an act which, if committed by an adult, would constitute a crime,
6 committed while on parole shall have his parole revoked and shall be
7 returned to custody unless the parolee demonstrates, by clear and
8 convincing evidence at a hearing pursuant to section 19 of P.L.1979,
9 c.441 (C.30:4-123.63), that good cause exists why he should not be
10 returned to confinement.

11 (2) Any parolee who, while on parole:

12 (a) Commits a violation of any restraining order imposed upon him,
13 including but not limited to any restraining order imposed pursuant to
14 the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
15 (C.2C:25-17 et seq.) or P.L.1981, c.426 (C.2C:25-1 et al.); or

16 (b) Is convicted of a crime or the offense of harassment committed
17 against a victim of or a witness to, the offense for which the inmate
18 was incarcerated, shall have his parole revoked and shall be returned
19 to custody.

20 (cf: P.L.1995, c.280, s.40)

21

22 4. This act shall take effect immediately.

23

24

25

STATEMENT

26

27 This bill amends P.L.1979, c.441 (C.30:4-123.51) and supplements
28 chapter 4 of Title 30 of the Revised Statutes to eliminate parole
29 eligibility and both work and "good time" credits for inmates who
30 violate restraining orders or harass or threaten victims of, or witnesses
31 to, their crimes.

32 Under the provisions of the bill, any inmate who violates any
33 restraining order imposed by the court pursuant to the "Prevention of
34 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et
35 seq.) or any other law, or who violates the provisions of N.J.S.2C:12-
36 3 (terroristic threats); N.J.S.2C:33-4 (harassment); or P.L.1992, c.209
37 (C.2C:12-10) (stalking) against the victim of, or any witnesses to, the
38 crime for which he is incarcerated, would forfeit his eligibility for
39 parole and lose any work credits or progressive ("good time") credits
40 he has earned.

41 The bill also provides that an inmate who is released on parole and
42 who, while on parole, violates any such restraining order or is
43 convicted of harassing any victim of, or witness to, the offense for
44 which he was incarcerated, would automatically have his parole
45 revoked and be returned to prison.

46 Currently, violations of restraining orders imposed by the court

1 pursuant to the "Prevention of Domestic Violence Act of 1991,"
2 P.L.1991, c.261 (C.2C:25-17 et seq.) and terroristic threats,
3 harassment or stalking committed against a victim of, or witness to, a
4 crime are not specifically mentioned in the law as conditions for
5 denying parole eligibility, or a basis for revoking parole or grounds for
6 denying work or "good time" credits.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 725

STATE OF NEW JERSEY

DATED: MARCH 2, 1998

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 725.

Assembly Bill No. 725 amends P.L.1979, c.441 (C.30:4-123.51) and supplements chapter 4 of Title 30 of the Revised Statutes to eliminate parole eligibility and both work and "good time" credits for inmates who violate restraining orders or harass or threaten victims of, or witnesses to, their crimes.

Under the provisions of the bill, any inmate who violates any restraining order imposed by the court pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) or any other law, or who violates the provisions of N.J.S.2C:12-3 (terroristic threats); N.J.S.2C:33-4 (harassment); or P.L.1992, c.209 (C.2C:12-10) (stalking) against the victim of, or any witnesses to, the crime for which he is incarcerated, would forfeit his eligibility for parole and lose any work credits or progressive ("good time") credits he has earned.

The bill also provides that an inmate who is released on parole and who, while on parole, violates any such restraining order or is convicted of harassing any victim of, or witness to, the offense for which he was incarcerated, would automatically have his parole revoked and be returned to prison.

Currently, violations of restraining orders imposed by the court pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) and terroristic threats, harassment or stalking committed against a victim of, or witness to, a crime are not specifically mentioned in the law as conditions for denying parole eligibility, or a basis for revoking parole or grounds for denying work or "good time" credits.

This bill was pre-filed for introduction in the 1998 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY, No. 1018

STATE OF NEW JERSEY

208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman CHARLES "KEN" ZISA

District 37 (Bergen)

Assemblyman WILFREDO CARABALLO

District 28 (Essex)

SYNOPSIS

Prohibits inmates' access to certain information concerning victims; upgrades crimes of stalking and harassment under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1018 ZISA, CARABALLO

2

1

2 **A**

3 **N**

4 **A**

5 CT concerning inmates' access to certain information, amending
6 P.L.1992, c.209 and N.J.S.2C:33-4 and supplementing P.L.1963,
7 c.73 and Title 30 of the Revised Statutes.

8

9

10 **B**

11 **E IT ENACTED** by the Senate and General Assembly of the State
12 of New Jersey:

13

14 1. (New section) a. Notwithstanding the provisions of this act or
15 the provisions of any other law to the contrary, where it shall appear
16 that an inmate who is serving a term of imprisonment or is on parole
17 or probation as the result of a conviction of any indictable offense
18 under the laws of this State or any other state is seeking personal
19 information records pertaining to a victim or the victim's family,
20 including but not limited to a victim's home address, home telephone
21 number, social security account number, medical history or any other
22 identifying information, the right of examination herein provided for
23 shall be denied.

24 b. Personal identifying information which is privileged pursuant to
25 the provisions of this section may be released to an inmate or his
26 representative if the information is necessary to assist in his own
27 defense.

28

29 2. (New section) Notwithstanding the provisions of section 7 of
30 P.L.1979, c.441 (C.30:4-123.51), R.S.30:4-140, R.S.30:4-92 or any
31 other law to the contrary, progressive time credits or credits for
32 diligent application to work shall be forfeited as a penalty for
33 misconduct if an inmate unlawfully obtains or seeks to obtain
34 personal identifying information of a victim or the victim's family in
35 violation of section 1 of P.L. , c. (C.)(now pending before the
36 Legislature as section 1 of this bill).

37

38 3. Section 1 of P.L.1992, c.209 (C.2C:12-10) is amended to read
39 as follows:

40 1. a. As used in this act:

41 (1) "Course of conduct" means repeatedly maintaining a visual or
42 physical proximity to a person or repeatedly conveying verbal or
43 written threats or threats implied by conduct or a combination thereof

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 directed at or toward a person.

2 (2) "Repeatedly" means on two or more occasions.

3 (3) "Immediate family" means a spouse, parent, child, sibling or
4 any other person who regularly resides in the household or who within
5 the prior six months regularly resided in the household.

6 b. A person is guilty of stalking, a crime of the fourth degree, if he:

7 (1) Purposefully engages in a course of conduct directed at a
8 specific person that would cause a reasonable person to fear bodily
9 injury to himself or a member of his immediate family or to fear the
10 death of himself or a member of his immediate family; and

11 (2) Knowingly, recklessly or negligently places the specific person
12 in reasonable fear of bodily injury to himself or a member of his
13 immediate family or in reasonable fear of the death of himself or a
14 member of his immediate family.

15 c. A person is guilty of a crime of the third degree if he commits
16 the crime of stalking in violation of an existing court order prohibiting
17 the behavior.

18 d. A person who commits a second or subsequent offense of
19 stalking against the same victim is guilty of a crime of the third degree.

20 e. A person is guilty of a crime of the third degree if he commits
21 the crime of stalking while serving a term of imprisonment or while on
22 parole or probation as the result of a conviction for any indictable
23 offense under the laws of this State or any other state.

24 f. This act shall not apply to conduct which occurs during
25 organized group picketing.

26 (cf: P.L.1996, c.39, s.1)

27

28 4. N.J.S. 2C:33-4 is amended to read as follows:

29 2C:33-4. Harassment.

30 Except as provided in subsection d. and e., a person commits a petty
31 disorderly persons offense if, with purpose to harass another, he:

32 a. Makes, or causes to be made, a communication or
33 communications anonymously or at extremely inconvenient hours, or
34 in offensively coarse language, or any other manner likely to cause
35 annoyance or alarm;

36 b. Subjects another to striking, kicking, shoving, or other offensive
37 touching, or threatens to do so; or

38 c. Engages in any other course of alarming conduct or of
39 repeatedly committed acts with purpose to alarm or seriously annoy
40 such other person.

41 A communication under subsection a. may be deemed to have been
42 made either at the place where it originated or at the place where it
43 was received.

44 d. A person commits a crime of the fourth degree if in committing
45 an offense under this section, he acted with a purpose to intimidate an
46 individual or group of individuals because of race, color, religion,

1 gender, handicap, sexual orientation or ethnicity.

2 e. A person commits a crime of the fourth degree if, in committing
3 an offense under this section, he was serving a term of imprisonment
4 or was on parole or probation as the result of a conviction of any
5 indictable offense under the laws of this State or any other state.

6 (cf: P.L.1995, c.211, s.2)

7

8 5. This act shall take effect immediately .

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STATEMENT

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13 This bill would prohibit an inmate who is serving a term of
14 imprisonment or is on parole or probation as the result of a
15 conviction of any indictable offense under the laws of this State or any
16 other state from using the provisions of the "Right to Know Law"
17 (N.J.S.A.47:1A-1 et seq.) to obtain public records containing personal
18 identifying information of a victim or the victim's family. The bill,
19 however, allows an inmate or his representative to obtain the
20 information if it is necessary to assist in his own defense.

21 This bill would also provide that an inmate would forfeit his good
22 time credits if the inmate unlawfully obtains or seeks to obtain
23 personal identifying information of a victim or the victim's family.

24 In addition, this bill would amend the stalking and harassment
25 statutes to make it a crime of the third degree if an inmate stalks a
26 victim or a crime of the fourth degree if the inmate harasses a victim.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1018

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1998

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1018.

This bill would prohibit an inmate who is serving a term of imprisonment or who is on parole or probation as the result of a conviction of any indictable offense from obtaining public records containing personal identifying information of a victim or the victim's family. The bill, however, allows an inmate or his representative to obtain the information if it is necessary to assist in his own defense.

The committee amended the bill to clarify that an inmate would be prohibited from using the provisions of the "Right to Know Law," N.J.S.47:1A-1 et seq., to obtain public records pertaining to the victim. In addition, the amendments would expand the list of personal information to include work or school addresses and work telephone numbers. The committee amendments would also provide that if the prosecutor objects to the release of the information, the court shall upon motion by the inmate or his representative, determine if the information is necessary to assist in the inmate's defense.

This bill would also provide that an inmate would forfeit his good time credits if the inmate unlawfully obtains or seeks to obtain personal identifying information concerning a victim or the victim's family.

The committee amended this section of the bill to provide that accumulated time credits or remissions, including commutation time for good behavior would also be subject to forfeiture as well as other institutional assignments.

The bill would also upgrade the offense of stalking and harassment under certain circumstances. The bill would upgrade the offense of stalking to a crime of the third degree if a person commits the crime of stalking while serving a term of imprisonment or while on parole or probation. The bill would also upgrade the offense of harassment by making it a crime of the fourth degree if a person commits of harassment while serving a term of imprisonment or while on parole or probation.

This bill was prefiled for introduction in the 1998 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE, No. 672

STATE OF NEW JERSEY

208th LEGISLATURE

INTRODUCED FEBRUARY 23,1998

Sponsored by:

Senator PETER A. INVERSO

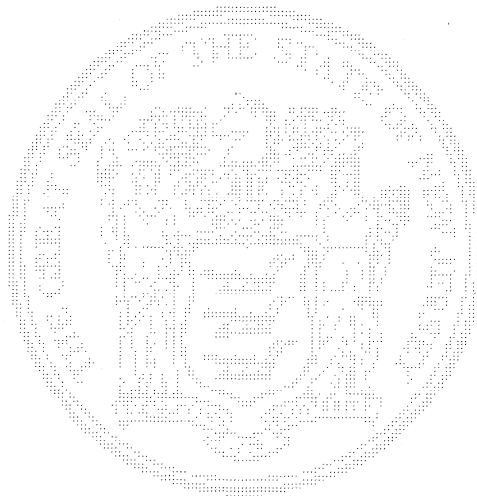
District 14 (Mercer and Middlesex)

SYNOPSIS

Prohibits inmates' access to certain information concerning victims; upgrades crimes of staking and harassment under certain circumstances,

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning inmate's access to information, amending
2 P.L.1992, c.209 and N.J.S.2C:33-4 and supplementing P.L.1963,
3 c.73 and Title 30 of the Revised Statutes.

4

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

7

8 1. (New section) Notwithstanding the provisions of this act or the
9 provisions of any other law to the contrary, where it shall appear that
10 an inmate who is serving a term of imprisonment or is on parole or
11 probation as the result of a conviction of any indictable offense under
12 the laws of this State or any other state is seeking personal information
13 records pertaining to a victim or the victim's family including but not
14 limited to a victim's home address, home telephone number, social
15 security account number, medical history or any other identifying
16 information, the right of examination herein provided for shall be
17 **denied.**

18

19 2. (New section) Notwithstanding the provisions of section 7 of
20 P.L. 1979, c.441 (c.30:4-123.51), R.S.30:4-140, R.S.30:4-92 or any
21 other law to the contrary, progressive time credits or credits for
22 diligent application to work shall be forfeited as a penalty for
23 misconduct if an inmate unlawfully obtains or seeks to obtain personal
24 identifying information of a victim or the victim's family in violation of
25 section 1 of P.L.,c. (c) (now pending before the Legislature as
26 section 1 of this bill).

27

28 3. Section 1 of P.L.1992, c.209 (c.2c:12-10) is amended to read
29 as follows:

30 2c:12-10. Definitions; stalking designated a crime

31 1. a. As used in this act:

32 (1) "Course of conduct" means repeatedly maintaining a visual or
33 physical proximity to a person or repeatedly conveying verbal or
34 written threats or threats implied by conduct or a combination thereof
35 directed at or toward a person.

36 (2) "Repeatedly" means on two or more occasions.

37 (3) "Immediate family" means a spouse, parent, child, sibling or
38 any other person who regularly resides in the household or who within
39 the prior six months regularly resided in the household,

40 b. A person is guilty of stalking, a crime of the fourth degree, if he:

41 (1) Purposefully engages in a course of conduct directed at a
42 specific person that would cause a reasonable person to fear bodily
43 injury to himself or a member of his immediate family or to fear the

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.

S672 INVERSO

3

1 death of himself or a member of his immediate family; and
2 (2) knowingly, recklessly or negligently places the specific person
3 in reasonable fear of bodily injury to himself or a member of his
4 immediate family or in reasonable fear of the death of himself or a
5 member of his immediate family.

6 c. A person is guilty of a crime of the third degree if he commits
7 the crime of stalking in violation of an existing court order prohibiting
8 the behavior.

9 d. A person who commits a second or subsequent offense of
10 stalking against the same victim is guilty of a crime of the third degree.

11 e. A person is guilty of a crime of the third degree if he commits
12 the crime of stalking while serving a term of imprisonment or while on
13 parole, or probation as the result, of a conviction for any indictable
14 offense under the laws of this State or any other state.

15 f. This act shall not apply to conduct which occurs during
16 organized group picketing.
17 (cf: P.L.1996, c.39, s.1)

18

19 4. N.J.S.2C:33-4 is amended to read as follows:

20 2c:33-4. Harassment.

21 Except as provided in subsection ~~d~~ and e, a person commits a petty
22 disorderly persons offense if, with purpose to harass another, he:

23 a, Makes, or causes to be made, a communication or
24 communications anonymously or at extremely inconvenient hours, or
25 in offensively coarse language, or any other manner likely to cause
26 annoyance or alarm;

27 b. Subjects another to striking, kicking, shoving, or other
28 offensive touching, or threatens to do so; or

29 c. Engages in any other course of alarming conduct or of
30 repeatedly committed acts with purpose to alarm or seriously annoy
31 such other person,

32 A communication under subsection a, may be deemed to have been
33 made either at the place where it originated or at the place where it
34 was received.

35 d. A person commits a crime of the fourth degree if in committing
36 an offense under this section, he acted with a purpose to intimidate an
37 individual or group of individuals because of race, color, religion,
38 gender, handicap, sexual orientation or ethnicity.

39 e. A person commits a crime of the fourth degree if in committing
40 an offense under this section, he was serving a term of imprisonment
41 or was on parole or probation as the result of a conviction of any
42 indictable offense under the laws of this State or any other state.

43 (cf: P.L.1995, c.211, s.2)

44

45 5. This act shall take effect immediately.

STATEMENT

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This bill would prohibit an inmate who is serving a term of imprisonment or is on parole or probation as the result of a conviction of any indictable offense under the laws of this State or any other state from obtaining personal identifying information of a victim or the victim's family.

This bill would also provide that an inmate would forfeit his good time credits if the inmate unlawfully obtains or seeks to obtain personal identifying information of a victim or the victim's family.

In addition, this bill would amend the stalking and harassment statutes to make it a crime of the third degree if an inmate stalks a victim or a crime of the fourth degree if the inmate harasses a victim,

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 672

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 23,1998

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 672.

This bill would deny to any person imprisoned or on parole or probation as the result of being convicted of a crime the right to obtain information which would permit the person to identify the crime victim or a member of the victim's family. Under the bill, any inmate who obtain information pertaining to a victim or the victims family would be subject to forfeiture of "good time" and work credits.

This bill would also amend N.J.S.A.2C:12-10 (Stalking) to provide that stalking if committed by an inmate or a person on parole or probation would be graded as a crime of the third degree. In addition, The bill would amend N.J.S.A. 2C:33-10 (Harassment) to provide that harassment if committed by an inmate or person on parole or probation would be graded as a crime of the fourth degree.

The amendments adopted by the committee were of a technical nature and clarified the bill's wording. The amendments clarified that the bill was applicable to persons imprisoned or on parole as a result of a federal prosecution. The amendments also clarified that information concerning a crime victim may be released to an inmate if the information is necessary to assist in the inmate's own defense.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
609-777-2600

RELEASE: May 6, 1998

Governor Signed Legislation A-725 and S-232

A-725, which amends the state's Right to Know Law to prohibit inmate access to public records containing personal identifying information about a victim or the victim's family. The law upgrades the crimes of stalking and harassment under certain circumstances.

The bill defines personal identifying information as information that includes items such as the victim's home address, home telephone number and work or school address. In certain instances, the court may allow an inmate or the inmate's representative to obtain the information if it is necessary to assist in the inmate's defense.

The bill upgrades the offenses of stalking and harassment where these offenses are committed by a person serving a term of imprisonment or on parole or probation for an indictable offense. The bill upgrades stalking from a crime of the fourth degree to a crime of the third degree. It also upgrades harassment from a disorderly persons offense to a crime of the fourth degree.

A third-degree crime is punishable by a maximum of five years in prison and a fine of up to \$7,500. A fourth-degree crime is punishable by a maximum of 18 months in prison and a fine of up to \$7,500. A disorderly persons offense is punishable by a maximum of six months in prison.

The bill was sponsored by Assembly Members Paul Kramer (R-Mercer/Middlesex), Charles Zisa (D-Bergen), Barbara Wright (R-Mercer/Middlesex) and Wilfredo Caraballo (D-Essex) and Senator Peter A. Inverso (R-Mercer/Middlesex).

S-232, which requires that state and federal flags be flown at half-staff for law enforcement officers, firefighters and EMT personnel who die in the line of duty. The legislation was sponsored by Senators James Cafiero (R-Cape May/Atlantic/Cumberland) and Louis Kosco (R-Bergen) and Assembly Members Nick Asselta (R-Cape May/Atlantic/Cumberland) and Ken Zisa (D-Bergen).