

# SENATE, No. 907

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 17, 2012

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

**Co-Sponsored by:**

**Senators Weinberg and Vitale**

**SYNOPSIS**

Requires parole board under certain circumstances to release inmates not convicted of a violent crime under the No Early Release Act at the time of parole eligibility.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 4/16/2013)**

1 AN ACT concerning parole, designated as the Presumptive Parole  
2 Act, and amending P.L.1979, c.441 and supplementing Title 30  
3 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. Section 9 of P.L.1979, c.441 (C.30:4-123.53) is amended to  
9 read as follow:

10 9. a. An adult inmate shall be released on parole at the time of  
11 parole eligibility, unless information supplied in the report filed  
12 pursuant to section 10 of P.L.1979, c.441 (C.30:4-123.54) or  
13 developed or produced at a hearing held pursuant to section 11 of  
14 P.L.1979, c.441 (C.30:4-123.55) indicates by a preponderance of  
15 the evidence that the inmate has failed to cooperate in his or her  
16 own rehabilitation or that there is a reasonable expectation that the  
17 inmate will violate conditions of parole imposed pursuant to section  
18 15 of P.L.1979, c.441 (C.30:4-123.59) if released on parole at that  
19 time. In reaching such determination, the board panel or board  
20 shall state on the record the reasons therefor.

21 For the purposes of this subsection, "failed to cooperate in his or  
22 her own rehabilitation" shall include, in the case of an inmate who  
23 suffers from mental illness as defined in section 2 of P.L.1987,  
24 c.116 (C.30:4-27.2) that does not require institutionalization, that  
25 the inmate failed to fully participate in or cooperate with all  
26 prescribed treatment offered during incarceration.

27 b. A juvenile inmate shall be released on parole when it shall  
28 appear that the juvenile, if released, will not cause injury to persons  
29 or substantial injury to property.

30 c. Notwithstanding the provisions of subsection a. of this  
31 section, an adult inmate shall be released on parole at the time of  
32 primary parole eligibility provided that the inmate:

33 (1) has not been previously convicted of, adjudicated delinquent  
34 for, or is presently serving a sentence imposed for any crime  
35 enumerated in subsection d. of N.J.S.2C:43-7.2;

36 (2) has not committed any of the disciplinary infractions  
37 determined to be the most serious pursuant to regulations of the  
38 Commissioner of Corrections during the current period of  
39 confinement; and

40 (3) fully participated in or cooperated with all prescribed  
41 treatment offered during incarceration, or made application for all  
42 prescribed treatment but was unable to participate because of  
43 circumstances beyond the control of the inmate.

44 In the case of an inmate who meets the criteria set forth in this  
45 subsection, a hearing shall not be required pursuant to section 11 of

**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 P.L.1970, c.441 (C.30:4-123.55). An inmate released on parole  
2 pursuant to subsection c. of this section shall, during the term of  
3 parole supervision, remain in the legal custody of the Commissioner  
4 of Corrections, be supervised by the Division of Parole of the State  
5 Parole Board, and be subject to the provisions and conditions  
6 established by the appropriate board panel in accordance with the  
7 procedures and standards set forth in section 15 of P.L.1979, c.441  
8 (C.30:4-123.59). If the parolee violates a condition of parole, the  
9 parolee shall be subject to the provisions of section 16 through 19  
10 of P.L.1979, c.441 (C.30:4-123.60 through C.30:4-123.63) and may  
11 have his parole revoked and be returned to custody. If revocation  
12 and return to custody are deemed appropriate, the appropriate board  
13 panel shall revoke the parolee's release and return the parolee to  
14 custody and confinement pursuant to the provisions of section 3 of  
15 P.L.1997, c.117 (C.30:4-123.51b).

16 (cf: P.L.1998, c.112, s.1)

17

18 2. (New section) The Commissioner of Corrections shall  
19 allocate a portion of any cost savings realized from the enactment  
20 of P.L. , c. (pending before the Legislature as this bill) to the  
21 Office of Victim Services for the operating costs of the Focus on  
22 the Victim Program and other services to facilitate inmates'  
23 successful reentry.

24

25 3. This act shall take effect on the first day of the third month  
26 after enactment.

27

28

29

#### STATEMENT

30

31 This bill provides that certain adult inmates would be released on  
32 parole at the time of primary parole eligibility provided that the  
33 inmate: 1) has not been convicted of a violent crime under the No  
34 Early Release Act; 2) has not committed any serious disciplinary  
35 infraction while incarcerated; and 3) fully participated in or  
36 cooperated with all prescribed treatment offered during  
37 incarceration, or made application to participate in all prescribed  
38 treatment but was unable to do so because of circumstances beyond  
39 the inmate's control.

40 A hearing would not be required if the inmate meets the criteria  
41 set forth in the bill. An inmate released on parole pursuant to the  
42 bill's provisions would, during the term of parole supervision,  
43 remain in the legal custody of the Commissioner of Corrections, be  
44 supervised by the Division of Parole of the State Parole Board, and  
45 be subject to the provisions and conditions established by the  
46 appropriate board panel. If an inmate paroled under this bill  
47 violates a condition of parole, the inmate may be subject to  
48 additional conditions of parole or loss of commutation credits. If

**S907 LESNIAK, CUNNINGHAM**

4

1 appropriate, parole may be revoked and the inmate returned to  
2 custody and confinement until the inmate is again eligible for  
3 release consideration pursuant to Parole Board regulations.

4 Finally, the bill requires the Commissioner of Corrections to  
5 allocate a portion of any cost savings realized from the bill's  
6 enactment to the Office of Victim Services for the operating costs  
7 of the Focus on the Victim Program and other services to facilitate  
8 inmates' successful reentry.