

[Fourth Reprint]

SENATE, No. 761

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

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SYNOPSIS

“Earn Your Way Out Act”; requires DOC to develop inmate reentry plan and establish information database; establishes administrative parole release and provides compliance credits.

CURRENT VERSION OF TEXT

As amended by the Senate on December 16, 2019.

(Sponsorship Updated As Of: 11/26/2019)

1 AN ACT concerning prisoner reentry, and amending and
2 supplementing various parts of the statutory law.

3

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

6

7 1. (New section) This act shall be known and may be cited as
8 the “Earn Your Way Out Act.”

9

10 2. (New section) As used in this act:

11 “Administrative parole release” means the release of an adult
12 inmate who has met the criteria set forth in section 4 of P.L. ,
13 c. (C.) (pending before the Legislature as this bill) at the time of
14 primary or subsequent parole eligibility. Administrative parole release
15 occurs after a hearing officer reviews the preparole report and the
16 inmate is certified for release by an assigned member of the board
17 panel. Administrative parole release shall not require a parole
18 consideration hearing.

19 “Reentry plan” means a plan prepared by appropriate staff within
20 the Department of Corrections ³[Division of Reentry]³ and
21 ³[Rehabilitative Services] State Parole Board³ designed to prepare an
22 inmate for successful integration as a productive, law-abiding citizen
23 upon release from incarceration.

24

25 3. (New section) a. The Commissioner of Corrections ³and
26 Chairman of the State Parole Board³ shall ³[establish a Division of
27 Reentry and Rehabilitative Services to]³ coordinate reentry
28 preparation and other rehabilitative services ³[within] for inmates in³
29 all State correctional facilities ³[, and act as a liaison to the State
30 Parole Board,]³ pursuant to P.L. , c. (C.) (pending before the
31 Legislature as this bill).

32 Appropriate staff within the ³[division] Department of
33 Corrections and State Parole Board³ shall be responsible for engaging
34 with each inmate to develop and implement an individualized,
35 comprehensive reentry plan for services during the inmate’s
36 incarceration. This plan may be refined and updated during
37 incarceration as needed, and shall include recommendations for
38 ³[community] community-based³ services prior to the inmate’s actual
39 return to the community. ¹[The comprehensive reentry plan shall be
40 designed to prepare an inmate for successful integration as a
41 productive, law-abiding citizen upon release from incarceration.]¹

42 Appropriate staff within the ³[division] Department of Corrections
43 and State Parole Board³ shall ³[coordinate with appropriate
44 departments within the Department of Corrections, the State 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:

¹Senate SLP committee amendments adopted February 8, 2018.

²Assembly ALP committee amendments adopted October 15, 2018.

³Assembly AAP committee amendments adopted November 14, 2019.

⁴Senate floor amendments adopted December 16, 2019.

1 Board, and the community, to³ determine what medical, psychiatric,
2 psychological, educational, vocational, substance abuse, and social
3 rehabilitative services shall be incorporated into a comprehensive
4 reentry plan in order to prepare each inmate for successful integration
5 upon release. The Department of Corrections shall establish
6 guidelines, timelines, and procedures to govern the institutional reentry
7 plan process.

8 b. ³【The division, in coordination with the】 Appropriate staff
9 within the Department of Corrections and³ State Parole Board ³【and
10 the community,】³ shall compile and disseminate to inmates
11 information concerning organizations and programs, whether faith-
12 based or secular programs, which provide assistance and services to
13 inmates reentering society after a period of incarceration. In compiling
14 this information, the ³【coordinator】 appropriate staff³ shall consult
15 with non-profit entities ³【, including but not limited to the New Jersey
16 Institute for Social Justice,】³ that provide informational services
17 concerning reentry, ³【and】³ the Executive Director of the Office of
18 Faith-based Initiatives in the Department of State, and the Corrections
19 Ombudsperson in, but not of, the Department of the Treasury.

20 c. The ³【division】 State Parole Board³ shall ensure that all
21 inmates are made aware of and referred to organizations which provide
22 services in the county where the inmate is to reside after being released
23 from incarceration. The ³【division】 State Parole Board³ shall assist
24 inmates in gaining access to programs and procuring the appropriate
25 post-release³ services.

26 d. The Department of Corrections ³and State Parole Board³ may
27 employ professional and clerical staff as necessary within the limits of
28 available appropriations.

29
30 4. (New section) a. Notwithstanding the provisions of subsection
31 a. of section 9 of P.L.1979, c.441 (C.30:4-123.53), an adult inmate
32 shall be administratively released on parole at the time of primary or
33 subsequent parole eligibility provided that:

34 (1) the inmate has not been previously convicted of, adjudicated
35 delinquent for, or is currently serving a sentence imposed for any
36 crime enumerated in subsection d. of section 2 of P.L.1997, c.117
37 (C.2C:43-7.2); ³subsection c. or g. of N.J.S.2C:43-6;³ subsection b. of
38 section 2 of P.L.1994, c.133 (C.2C:7-2); or section 3 of P.L.1998, c.71
39 (C.30:4-27.26);

40 (2) the inmate has not committed any prohibited acts required to
41 be reported to the prosecutor pursuant to regulations promulgated by
42 the commissioner during the current period of incarceration, and has
43 not committed any serious disciplinary infraction, designated in
44 regulations promulgated by the commissioner as a prohibited act that
45 is considered to be the most serious and results in the most severe
46 sanctions, within the previous two years;

1 (3) the inmate has completed relevant rehabilitation programs ³, as
2 determined by the Department of Corrections and State Parole Board, ³
3 available at the correctional facility or applied for but was unable to
4 complete or was denied access to these programs due to circumstances
5 beyond the inmate's control including, but not limited to, capacity
6 limitations or exclusionary policies of these programs; and

7 (4) crime victims have received notification as required by law.

8 b. In the case of an inmate who meets the criteria set forth in this
9 section for administrative parole release, a hearing shall not be
10 required pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55).
11 An inmate released on parole pursuant to subsection a. of this section
12 shall, during the term of parole supervision, remain in the legal
13 custody of the Commissioner of Corrections, be supervised by the
14 Division of Parole of the State Parole Board, and be subject to the
15 provisions and conditions established by the appropriate board panel in
16 accordance with the procedures and standards set forth in section 15 of
17 P.L.1979, c.441 (C.30:4-123.59). If the parolee violates a condition of
18 parole, the parolee shall be subject to the provisions of sections 16
19 through 19 of P.L.1979, c.441 (C.30:4-123.60 through C.30:4-123.63)
20 and may have his parole revoked and be returned to custody. If
21 revocation and return to custody are deemed appropriate, the
22 appropriate board panel shall revoke the parolee's release and return
23 the parolee to custody and confinement pursuant to the provisions of
24 section 3 of P.L.1997, c.117 (C.30:4-123.51b).

25 c. Denials of administrative parole release shall be appealable in
26 accordance with section 14 of P.L.1979, c.441 (C.30:4-123.58).

27 d. A criminal justice program at a four-year public institution of
28 higher education in this State shall conduct a study of all inmates
29 whose primary parole eligibility date was within the five years
30 immediately preceding the implementation of P.L. c. (C.)
31 (pending before the Legislature as this bill) and the five years
32 immediately following the implementation of P.L. c. (C.)
33 (pending before the Legislature as this bill). The study shall include,
34 but not be limited to, the number of inmates who met the criteria set
35 forth in subsection a. of this section, the number of inmates who did
36 not meet the criteria, and the reasons an inmate did not meet the
37 criteria.

38
39 5. (New section) Notwithstanding the provisions of subsection a.
40 of section 7 of P.L.1979, c.441 (C.30:4-123.51), any person granted
41 parole, except a person serving a parole term set forth in subsection c.
42 of section 2 of P.L.1997, c.117 (C.2C:43-7.2) or section 2 of P.L.1994,
43 c.130 (C.2C:43-6.4), shall have the parole term reduced by parole
44 compliance credits at a rate of ² [five days per month for each month
45 the person is in compliance with the conditions of parole, and has not
46 committed a serious or persistent infraction not overturned by appeal
47 or administrative review. Any person granted parole who is not in
48 compliance with the conditions of parole and receives a sanction

1 requiring satisfaction of a condition of parole shall not receive parole
2 compliance credits until the parole condition is successfully
3 completed. Upon completing the condition, parole compliance credits
4 shall be awarded for the time period between imposition of a sanction
5 and completion of the condition] one day for every six days of parole
6 supervision the person has completed.

7 Credits awarded pursuant to this section shall cease to accrue upon
8 the issuance of a warrant by the State Parole Board and initiation of
9 parole revocation proceedings. Any credits earned pursuant to this
10 section shall be forfeited upon the revocation of parole.

11 Any compliance credits awarded pursuant to this section based on
12 actions for which parole revocation proceedings were initiated, but did
13 not result in a revocation of parole and return to custody, shall be
14 forfeited upon a determination by the board panel or board that the
15 actions for which compliance credits were awarded violated a
16 condition of parole².

17

18 6. (New section) The Commissioner of Corrections shall
19 establish and maintain a centralized database of information
20 contained on each disciplinary report prepared by a corrections
21 officer in response to an inmate committing any prohibited act
22 required to be reported to the prosecutor pursuant to regulations
23 promulgated by the commissioner that resulted in a conviction
24 during the current period of incarceration.

25

26 7. Section 1 of P.L.1979, c.441 (C.30:4-123.45) is amended to
27 read as follows:

28 1. a. This act shall be known and may be cited as the "Parole
29 Act of 1979."

30 b. In this act, unless a different meaning is plainly required:

31 (1) "Adult inmate" means any person sentenced as an adult to a
32 term of incarceration.

33 (2) "Juvenile inmate" means any person under commitment as a
34 juvenile delinquent pursuant to section 25 of P.L.1982, c.77
35 (C.2A:4A-44).

36 (3) "Parole release date" means that date certified by a member
37 of the board for release of an inmate after a review of the inmate's
38 case pursuant to section 11, 13 or 14 of this act.

39 (4) "Primary parole eligibility date" means that date established
40 for parole eligibility for adult inmates pursuant to section 7 or 20 of
41 this act.

42 (5) "Public notice" shall consist of lists including names of all
43 inmates being considered for parole, the county from which [he
44 was] the inmates were committed and the [crime] crimes for which
45 [he was] the inmates were incarcerated. At least 30 days prior to
46 parole consideration ¹[such] the¹ lists shall be forwarded to the
47 office of the public defender of each county or the private attorney
48 of record for the inmates, the prosecutor's office of each county, the

1 sentencing court, the office of the Attorney General, any other
2 criminal justice agencies whose information and comment may be
3 relevant, and news organizations.

4 (6) Removal for "cause" means **1[such]**¹ substantial cause **1[as]**
5 that¹ is plainly sufficient under the law and sound public policy
6 touching upon qualifications appropriate to a member of the parole
7 board or the administration of **1[said]** the¹ board such that the
8 public interest precludes the member's continuance in office.
9 **1[Such cause]** Cause¹ includes, but is not limited to, misconduct in
10 office, incapacity, inefficiency **[and]**, nonfeasance, and violations
11 of the Parole Board's Code of Ethics .

12 (7) "Commission" means the Juvenile Justice Commission
13 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-
14 170).

15 (8) "Parole officer" means, with respect to an adult inmate, an
16 officer assigned by the Chairman of the State Parole Board or
17 **1[his]** the chairman's¹ designee and, with respect to a juvenile
18 inmate, a person assigned by the commission.
19 (cf: P.L.2001, c.79, s.2)

20

21 8. Section 9 of P.L.1979, c.441 (C.30:4-123.53) is amended to
22 read as follows:

23 9. a. An adult inmate who is not eligible for administrative
24 parole release pursuant to section 4 of P.L. c. (C.) (pending
25 before the Legislature as this bill) shall be released on parole at the
26 time of primary parole eligibility, unless information supplied in the
27 report filed pursuant to section 10 of P.L.1979, c.441 (C.30:4-
28 123.54) or developed or produced at a hearing held pursuant to
29 section 11 of P.L.1979, c.441 (C.30:4-123.55) indicates by a
30 preponderance of the evidence that the inmate has failed to
31 cooperate in his or her own rehabilitation or that there is a
32 reasonable expectation that the inmate will violate conditions of
33 parole imposed pursuant to section 15 of P.L.1979, c.441 (C.30:4-
34 123.59) if released on parole at that time. **[In reaching such**
35 **determination, the]** The board panel or board shall state the
36 following on the record:

37 (1) the reasons **[therefor]**.

38 For the purposes of this subsection, "failed to cooperate in his or
39 her own rehabilitation" shall include, in the case of an inmate who
40 suffers from mental illness as defined in section 2 of P.L.1987,
41 c.116 (C.30:4-27.2) that does not require institutionalization, that
42 the inmate failed to fully participate in or cooperate with all
43 prescribed treatment offered during incarceration **]** for a denial of
44 parole, specifically providing evidence to support the denial of
45 parole based on factors that may be deemed subjective; and

46 (2) the reasons for the established future parole eligibility date,
47 specifically providing an explanation of why and how the board

1 panel or board determined the amount of time an inmate **‘[must] is**
2 required to¹ wait for a subsequent parole hearing.

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

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

7

8 9. Section 10 of P.L.1979, c.441 (C.30:4-123.54) is amended to
9 read as follows:

10 10. a. At least 120 days but not more than 180 days prior to the
11 parole eligibility date of each adult inmate, a report concerning the
12 inmate shall be filed with the appropriate board panel, by the staff
13 members designated by the superintendent or other chief executive
14 officer of the institution in which the inmate is held.

15 b. (1) The report filed pursuant to subsection a. shall contain
16 preincarceration records of the inmate, including any history of civil
17 commitment, any disposition which arose out of any charges
18 suspended pursuant to N.J.S.2C:4-6 including records of the
19 disposition of those charges and any acquittals by reason of insanity
20 pursuant to N.J.S.2C:4-1, state the conduct of the inmate during the
21 current period of confinement, include a complete report on the
22 inmate's social and physical condition, include an investigation by
23 the Division of Parole of the inmate's parole plans, and present
24 information bearing upon the likelihood that the inmate will commit
25 a crime under the laws of this State if released on parole. The
26 report shall also include a complete psychological evaluation of the
27 inmate in any case in which the inmate was convicted of a first or
28 second degree crime involving violence and:

29 (a) the inmate has a prior acquittal by reason of insanity
30 pursuant to N.J.S.2C:4-1 or had charges suspended pursuant to
31 N.J.S.2C:4-6; or

32 (b) the inmate has a prior conviction for murder pursuant to
33 N.J.S.2C:11-3, aggravated sexual assault or sexual assault pursuant
34 to N.J.S.2C:14-2, kidnapping pursuant to N.J.S.2C:13-1,
35 endangering the welfare of a child which would constitute a crime
36 of the second degree pursuant to N.J.S.2C:24-4, or stalking which
37 would constitute a crime of the third degree pursuant to P.L.1992,
38 c.209 (C.2C:12-10); or

39 (c) the inmate has a prior diagnosis of psychosis.

40 The inmate shall disclose any information concerning any history
41 of civil commitment.

42 The preincarceration records of the inmate contained in the
43 report shall include any psychological reports prepared in
44 connection with any court proceedings.

45 (2) At the time of sentencing, the prosecutor shall notify any
46 victim injured as a result of a crime of the first or second degree or
47 the nearest relative of a murder victim of the opportunity to present
48 a written or videotaped statement for the parole report to be
49 considered at the parole hearing or to testify to the parole board

1 concerning his harm at the time of the parole hearing. Each victim
2 or relative shall be responsible for notifying the board of his
3 intention to submit such a statement and to provide an appropriate
4 mailing address.

5 The report may include a written or videotaped statement
6 concerning the continuing nature and extent of any physical harm or
7 psychological or emotional harm or trauma suffered by the victim,
8 the extent of any loss of earnings or ability to work suffered by the
9 victim and the continuing effect of the crime upon the victim's
10 family. At the time public notice is given that an inmate is being
11 considered for parole pursuant to this section, the board shall also
12 notify any victim or nearest relative who has previously contacted
13 the board of the availability to provide a written or videotaped
14 statement for inclusion in the parole report or to present testimony
15 at the parole hearing.

16 The board shall notify ¹**[such person]** the victim or relative¹ at
17 ¹**[his]** the victim's or relative's¹ last known mailing address.

18 (3) If the inmate meets the requirements for administrative
19 parole release pursuant to section 4 of P.L. c. (C.) (pending
20 before the Legislature as this bill) the report shall indicate ¹**[such]**
21 this¹ eligibility.

22 c. A copy of the report filed pursuant to subsection a. of this
23 section, excepting those documents which have been classified as
24 confidential pursuant to rules and regulations of the board or the
25 Department of Corrections, shall be served on the inmate at the time
26 it is filed with the board panel. The inmate may file with the board
27 panel a written statement regarding the report, but shall do so within
28 105 days prior to the primary parole eligibility date.

29 d. Upon receipt of the public notice pursuant to section 1 of
30 P.L.1979, c.441 (C.30:4-123.45), a county prosecutor , a public
31 defender, or a private attorney of record may request from the
32 parole board a copy of the report on any adult inmate prepared
33 pursuant to subsection a. of this section, which shall be
34 expeditiously forwarded to the county prosecutor by the parole
35 board by mail, courier, or other means of delivery. Upon receipt of
36 the report, the prosecutor has 10 working days to review the report
37 and notify the parole board of the prosecutor's comments, if any, or
38 notify the parole board of the prosecutor's intent to provide
39 comments. If the county prosecutor does not provide comments or
40 notify the parole board of the prosecutor's intent to provide
41 comments within the 10 working days, the parole board may
42 presume that the prosecutor does not wish to provide comments and
43 may proceed with the parole consideration. Any comments
44 provided by a county prosecutor shall be delivered to the parole
45 board by the same method by which the county prosecutor received
46 the report. The confidentiality of the contents in a report which are
47 classified as confidential shall be maintained and shall not be

1 disclosed to any person who is not authorized to receive or review a
2 copy of the report containing the confidential information.

3 e. Any provision of this section to the contrary
4 notwithstanding, the board shall by rule or regulation modify the
5 scope of the required reports and time periods for rendering such
6 reports with reference to county penal institutions.

7 f. Notwithstanding any provision of this section, the board may
8 modify the time periods for submitting the reports required pursuant
9 to this section in processing an inmate whose parole eligibility date
10 is accelerated pursuant to section 11 of P.L.1979, c.441 (C.30:4-
11 123.55).
12 (cf: P.L.2001, c.141, s.3)

13
14 10. Section 11 of P.L.1979, c.441 (C.30:4-123.55) is amended to
15 read as follows:

16 11. a. Prior to the parole eligibility date of each adult inmate, a
17 designated hearing officer shall review the reports required by
18 section 10 of P.L.1979, c.441 (C.30:4-123.54), and shall determine
19 whether:

20 (1) the inmate is eligible for administrative parole release
21 pursuant to section 4 of P.L. c. (C.) (pending before the
22 Legislature as this bill). If an inmate is eligible for administrative
23 parole release, the hearing officer shall at least 60 days prior to the
24 inmate's parole eligibility date recommend in writing to the
25 assigned member of the board panel that administrative parole
26 release be granted pursuant to section 4 of P.L. c. (C.)
27 (pending before the Legislature as this bill); or

28 (2) there is a basis for denial of parole in the preparole report,
29 any risk assessment prepared in accordance with the provisions of
30 subsection e. of section 8 of P.L.1979, c.441 (C.30:4-123.52), or the
31 inmate's statement, or an indication, reduced to writing, that
32 additional information providing a basis for denial of parole would
33 be developed or produced at a hearing. If the hearing officer
34 determines that there is no basis in the preparole report, the risk
35 assessment, or the inmate's statement for denial of parole and that
36 there is no additional relevant information to be developed or
37 produced at a hearing, he shall at least 60 days prior to the inmate's
38 parole eligibility date recommend in writing to the assigned
39 member of the board panel that parole release be granted.

40 b. If the assigned member of the board panel or in the case of
41 an inmate sentenced to a county penal institution, the assigned
42 member concurs in the hearing officer's recommendation, he shall
43 certify parole release pursuant to section 15 of P.L.1979, c.441
44 (C.30:4-123.59) as soon as practicable after the eligibility date and
45 so notify the inmate and the board. In the case of an inmate
46 recommended for administrative parole release by the hearing
47 officer pursuant to section 4 P.L. , c. (pending before the
48 Legislature as this bill), the assigned member shall review the
49 reports required by section 10 of P.L.1979, c.441 (C.30:4-123.54) to

1 confirm eligibility and if the inmate is eligible, shall certify parole
2 release pursuant to section 15 of P.L.1979, c.441 (C.30:4-123.59) as
3 soon as practicable after the eligibility date and notify the inmate
4 and the board. In the case of an inmate sentenced to a county penal
5 institution the board shall certify parole release or deny parole as
6 provided by this section, except with regard to time periods for
7 notice and parole processing which are authorized by or otherwise
8 adopted pursuant to subsection g. of section 7 of P.L.1979, c.441
9 (C.30:4-123.51). If the designated hearing officer does not
10 recommend release on parole or if the assigned member does not
11 concur in a recommendation of the designated hearing officer in
12 favor of release, then the parole release of an inmate in a county
13 penal institution shall be treated under the provisions of law
14 otherwise applicable to an adult inmate. In the case of an inmate
15 sentenced to a county penal institution, the performance of public
16 service for the remainder of the term of the sentence shall be a
17 required condition of parole, where appropriate.

18 c. If the hearing officer or the assigned member determines that
19 there is a basis for denial of parole, or that a hearing is otherwise
20 necessary, the hearing officer or assigned member shall notify the
21 appropriate board panel and the inmate in writing of his
22 determination, and of a date for a parole consideration hearing. The
23 board panel shall notify the victim of the crime, if the crime for
24 which the inmate is incarcerated was a crime of the first or second
25 degree, or the victim's nearest relative if the crime was murder, as
26 appropriate, who was previously contacted by the board and who
27 has indicated his intention to the board to testify at the hearing, of
28 the opportunity to testify or submit written or videotaped statements
29 at the hearing. Said hearing shall be conducted by the appropriate
30 board panel at least 30 days prior to the eligibility date. At the
31 hearing, which shall be informal, the board panel shall receive as
32 evidence any relevant and reliable documents or videotaped or in
33 person testimony, including that of the victim of the crime or the
34 members of the family of a murder victim if the victim or a family
35 member so desires. If a victim of a crime or the relative of a
36 murder victim chooses not to testify personally at the hearing, the
37 victim or relative may elect to present testimony to a senior hearing
38 officer designated by the board panel. The senior hearing officer
39 shall notify the victim of the right to have this testimony
40 videotaped. The senior hearing officer shall prepare a report,
41 transcript or videotape, if applicable, of the testimony for
42 presentation to the board panel at the hearing. All such evidence
43 not classified as confidential pursuant to rules and regulations of the
44 board or the Department of Corrections shall be disclosed to the
45 inmate and the inmate shall be permitted to rebut such evidence and
46 to present evidence on his own behalf. The decision of the board
47 panel shall be based solely on the evidence presented at the hearing.

48 d. At the conclusion of the parole consideration hearing, the
49 board panel shall either (1) certify the parole release of the inmate

1 pursuant to section 15 of this act. as soon as practicable after the
2 eligibility date and so notify the inmate and the board, or (2) deny
3 parole and file with the board within 30 days of the hearing a
4 statement setting forth the decision, the particular reasons therefor,
5 except information classified as confidential pursuant to rules and
6 regulations of the board or the Department of Corrections, a copy of
7 which statement shall be served upon the inmate together with
8 notice of his right to appeal to the board.

9 e. Upon request by the hearing officer or the inmate, the time
10 limitations contained in section 10 of P.L.1979, c.441 (C.30:4-
11 123.54) and this section may be waived by the appropriate board
12 panel for good cause.

13 f. Notwithstanding the provision of any other law to the
14 contrary, if an inmate incarcerated for murder is recommended for
15 parole by the assigned board member or the appropriate board
16 panel, parole shall not be certified until a majority of the full parole
17 board, after conducting a hearing, concurs in that recommendation.
18 The board shall notify the victim's family of that hearing and family
19 members shall be afforded the opportunity to testify in person or to
20 submit written or videotaped statements. The provisions of this
21 subsection shall not apply to an inmate who has his parole revoked
22 and is returned to custody pursuant to the provisions of section 19
23 of P.L.1979, c.441 (C.30:4-123.63).

24 g. Notwithstanding the provision of any other law or regulation
25 to the contrary, the board may promulgate rules and regulations for
26 the processing of any inmate whose parole eligibility date is
27 accelerated. For purposes of this section, a parole eligibility date is
28 accelerated when an inmate becomes eligible for parole at the time
29 of or within 120 days of an event or circumstance beyond the
30 control of the parole board, such as sentencing, resentencing or
31 other amendment, including the awarding of additional credit to the
32 original sentence, restoration of authorized institutional time credits
33 or the application of authorized institutional time credits on a future
34 eligibility date established pursuant to subsection a. of section 12 of
35 P.L.1979, c.441 (C.30:4-123.56) or subsection a. of section 20 of
36 P.L.1979, c.441 (C.30:4-123.64). The rules and regulations shall
37 provide for the preparation and review of a preparole report and
38 shall require that a parole consideration hearing be held not more
39 than 120 days after the board has received notice that an accelerated
40 parole eligibility date has been established.

41 (cf: P.L.2001, c.141, s.4)

42
43 11. R.S.30:4-140 is amended to read as follows:

44 30:4-140. For every year or fractional part of a year of a
45 custodial sentence imposed upon any person **【committed to any**
46 **State correctional institution for a minimum-maximum term】** there
47 shall be remitted to ¹**【him】** the person¹ from both the maximum and
48 minimum term of ¹**【his】** the person's¹ sentence, for continuous

1 orderly department, the progressive time credits indicated in the
2 schedule **1**herein **1** in this section**1**. When a sentence contains a
3 fractional part of a year in either the minimum or maximum thereof,
4 then time credits in reduction of **1**such **1** the**1** fractional part of a
5 year shall be calculated at the rate set out in the schedule for each
6 full month of **1**such **1** the**1** fractional part of a year of sentence.
7 **1**No time credits shall be calculated as provided for herein on time
8 served by any person in custody between his arrest and the
9 imposition of sentence.**1** In case of any flagrant misconduct the
10 board of managers may declare a forfeiture of the time previously
11 remitted, either in whole or in part, as **1**to them shall seem **1** they
12 deem**1** just.

A Minimum and Maximum Sentences in Years	B Progressive Credits for Minimum and Maximum Sentences in Years (days)	C Credits for Each Full Month of Fractional Part of a Year in Excess of Column A (days)
1	72	7
2	156	8
3	252	8
4	348	8
5	444	8
6	540	8
7	636	10
8	756	10
9	876	10
10	996	10
11	1,116	10
12	1,236	11
13	1,368	11
14	1,500	11
15	1,632	11
16	1,764	11
17	1,896	12
18	2,040	12
19	2,184	12
20	2,328	12
21	2,472	12
22	2,616	13
23	2,772	13
24	2,928	13
25	3,084	15
26	3,264	15
27	3,444	15
28	3,624	15
29	3,804	15
30	3,984	16

1
2 Any sentence in excess of 30 years shall be reduced by time
3 credits for continuous orderly deportment at the rate of 192 days for
4 each ¹[such]¹ additional year or 16 days for each full month of any
5 fractional part of a year. Nothing ¹[herein contained] in this
6 section¹ shall be deemed to limit or affect ¹[a convict's] an
7 inmate's¹ eligibility for parole consideration as provided for in
8 section 10 ¹[, chapter 84,] of¹ P.L.1948, ¹c.84 (C.30:4-123.1 et
9 seq.)¹ as amended, in any situation where the sentence or

1 consecutive sentences imposed upon ¹**[a convict]** an inmate¹ shall
2 exceed 25 years.

3 (cf: P.L.1957, c.27, s.1)
4

5 12. (New section) The Commissioner of Corrections shall
6 allocate a portion of any cost savings realized from the enactment
7 of P.L. , c. (pending before the Legislature as this bill) to the
8 Office of Victim Services for the operating costs of the Focus on
9 the Victim Program and other services to facilitate inmates'
10 successful reentry.

11

12 ³**[13.** (New section) a. The Commissioner of Corrections, in
13 consultation with the Chairman of the State Parole Board, shall
14 conduct a study to determine the fiscal impact of establishing,
15 pursuant to the provisions of section 3 of P.L. c. (C.)
16 (pending before the Legislature as this bill), a Division of Reentry
17 and Rehabilitative Services, and the responsibilities associated with
18 establishing the division. In conducting the study, the
19 commissioner shall analyze the costs to the State resulting from
20 initial implementation and annual operating expenditures resulting
21 from the establishment of a division, and estimate any cost savings
22 that may be realized from the enactment of P.L. c. (C.)
23 (pending before the Legislature as this bill).

24 b. The commissioner shall issue a report to the Governor and,
25 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
26 Legislature no later than one year following the date of enactment
27 that shall include at a minimum:

28 (1) a determination whether the provisions of section 3 of
29 P.L. c. (C.) (pending before the Legislature as this bill) will
30 result in additional net costs to the department on a recurring fiscal
31 year basis or if the provisions are cost-neutral within the
32 department; and

33 (2) if it is determined that implementation of section 3 of
34 P.L. c. (C.) (pending before the Legislature as this bill) will
35 result in additional net costs to the department, the report shall
36 include an itemized list of the type and amount of the additional net
37 costs.]³
38

39 ³**[14.]** ³13.³ This act shall take effect on the first day of the ⁴**[third]**
40 thirteenth⁴ month following enactment ³**[,** provided however, that
41 section 3 of this act shall take effect either on the earlier of:

42 a. the first day of the third month following one year after the
43 date of enactment if the report issued pursuant to section 13 by the
44 commissioner concludes that section 3 will result in no additional net
45 costs to the department on a recurring fiscal year basis or is cost-
46 neutral within the department; or

- 1 b. if the report concludes otherwise, upon the effective date of an
- 2 enactment by law of an appropriation of funds for the express purpose
- 3 of the implementation of section 3¹.