

[Second Reprint]

ASSEMBLY, No. 720

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

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District 37 (Bergen)

Co-Sponsored by:

Assemblywomen Jimenez, Jasey and Downey

SYNOPSIS

Establishes supervised community reintegration program for certain victims of domestic abuse.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on May 18, 2021, with amendments.



(Sponsorship Updated As Of: 5/20/2021)

1 AN ACT establishing a supervised community reintegration
 2 program, supplementing Title 30 of the Revised Statutes, and
 3 amending P.L.1979, c.441.

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

7
 8 ¹1. (New section) As used in P.L. , c. (C.) (pending
 9 before the Legislature as this bill):

10 “Abuser” means the named perpetrator of the domestic violence
 11 in the documentation provided pursuant to paragraph (3) of
 12 subsection a. of this section.

13 Certified Domestic Violence Specialist" means a person who has
 14 fulfilled the requirements of certification as a Domestic Violence
 15 Specialist established by the New Jersey Association of Domestic
 16 Violence Professionals.

17 "Designated domestic violence agency" means a countywide
 18 organization with a primary purpose to provide services to victims
 19 of domestic violence, and which provides services that conform to
 20 the core domestic violence services profile as defined in the
 21 Division of Child Protection and Permanency in the Department of
 22 Children and Families and is under contract with the ²[division]
 23 Department of Children and Families² for the express purpose of
 24 providing those services.¹

25
 26 ¹[1.] ²1. (New section) a. There is hereby established in the
 27 Department of Corrections a supervised community reintegration
 28 program. ¹The department shall consult with a Statewide domestic
 29 violence advocacy organization in the establishment and
 30 administration of the program.¹ The purpose of the program is to
 31 foster the successful community reintegration of certain domestic
 32 violence victims who meet the following criteria:

33 (1) the ¹[person] inmate¹ was convicted of crimes committed
 34 against the ¹[person's] inmate's¹ abuser¹["Abuser" is defined for
 35 purposes of P.L. , c. (C.) (pending before the Legislature as
 36 this bill) as the named perpetrator of the domestic violence in the
 37 documentation provided pursuant to paragraph (1) of subsection e.
 38 of this section] as defined in section 2 of P.L. , c. (C.)
 39 (pending before the Legislature as this bill)¹;

40 (2) the inmate is serving a sentence of imprisonment ¹and meets
 41 the eligibility criteria pursuant to rules and regulations established
 42 by the department for residential community programs¹;

43 (3) the inmate is found to present a low risk of re-offense; and

44 (4) the other requirements of this section are met.

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:

¹Assembly AWC committee amendments adopted March 15, 2021.

²Assembly AAP committee amendments adopted May 18, 2021.

1 b. An eligible inmate approved for participation in the program
2 'established pursuant to this section' shall undergo a period of
3 '[reentry training] rehabilitative services', be required to agree to
4 '[a reintegration plan setting out the conditions of participation]
5 participate' in the program, and gradually transition to supervision
6 in the community, which may include assignment to a '[secure]'
7 residential community '[placement] release program' and
8 participation in a work release program.

9 c. '[Notwithstanding any provision of P.L.1979, c.441 (C.30:4-
10 123.45 et al.), N.J.S.2C:7-2, N.J.S.2C:43-11, or any other law to the
11 contrary, the State Parole Board] The department' may authorize
12 the participation of an eligible inmate in the '[supervised
13 community reintegration] residential community release' program
14 in accordance with the requirements of '[this]' section '3 of
15 P.L. , c. (C.) (pending before the Legislature as this bill)'.
16 An eligible inmate participating in the '[supervised community
17 reintegration] residential community release' program shall remain
18 in the custody of the Commissioner of Corrections and '[be subject
19 to custody, supervision, and conditions as provided in section 15 of
20 P.L.1979, c.441 (C.30:4-123.59), as well as those set out in this
21 section. Any participating inmate also shall be subject to the same
22 sanctions for violation of a condition of the program that apply for
23 violations of a condition of parole as provided in sections 16
24 through 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-
25 123.65), including removal from the program and a return to prior
26 custody status] be subject to the department's rules and
27 regulations'.

28 '[d. A request for consideration to participate in the supervised
29 community reintegration program shall be submitted to the
30 appropriate panel of the State Parole Board. The request shall be
31 submitted in a manner and form prescribed by the board.

32 e. (1) For the purposes of this act, a person shall be considered
33 a victim of domestic violence if the person provides one or more of
34 the following:

35 (a) a restraining order or other documentation of equitable relief
36 issued by a court of competent jurisdiction;

37 (b) a police record documenting the domestic violence;

38 (c) documentation that the perpetrator of the domestic violence
39 has been convicted of one or more of the offenses enumerated in
40 section 3 of P.L.1991, c.261 (C.2C:25-19);

41 (d) medical documentation of the domestic violence;

42 (e) certification from a certified Domestic Violence Specialist or
43 the director of a designated domestic violence agency that the
44 person is a victim of domestic violence; or

45 (f) other documentation or certification of the domestic violence
46 provided by a social worker, member of the clergy, shelter worker,

1 or other professional who has assisted the person in dealing with
2 domestic violence.

3 (2) As used in this subsection:

4 "Certified Domestic Violence Specialist" means a person who
5 has fulfilled the requirements of certification as a Domestic
6 Violence Specialist established by the New Jersey Association of
7 Domestic Violence Professionals.

8 "Designated domestic violence agency" means a county-wide
9 organization with a primary purpose to provide services to victims
10 of domestic violence, and which provides services that conform to
11 the core domestic violence services profile as defined in the
12 Division of Child Protection and Permanency in the Department of
13 Children and Families and is under contract with the division for
14 the express purpose of providing such services.】¹

15

16 ¹【2.】 3.¹ (New section) ¹a.¹ An ¹eligible¹ inmate may ¹【be
17 eligible to】¹ apply ¹【for a hearing to the State Parole Board】 to the
18 Department of Corrections¹ seeking participation in the
19 ¹【supervised】 residential¹ community ¹【reintegration】 release¹
20 program ¹in a manner and form prescribed by the department¹. The
21 application ¹【also shall provide information affirming】 contain¹ the
22 following:

23 (1) the crime for which the inmate is serving a sentence of
24 imprisonment was committed against the alleged abuser and no one
25 else; ¹【and】¹

26 (2) the inmate has not been convicted of a crime of violence
27 against a person other than the alleged abuser ¹; and

28 (3) documentation that the inmate is a victim of domestic
29 violence, including², but not limited to²;

30 (a) a restraining order or other documentation of equitable relief
31 issued to the inmate by a court of competent jurisdiction against the
32 abuser;

33 (b) a police record documenting the domestic violence between
34 the inmate and the abuser;

35 (c) documentation that the abuser has been convicted of one or
36 more of the offenses enumerated in section 3 of P.L.1991, c.261
37 (C.2C:25-19);

38 (d) medical documentation of the domestic violence;

39 (e) certification from a certified Domestic Violence Specialist or
40 the director of a designated domestic violence agency that the
41 inmate is a victim of domestic violence; or

42 (f) other documentation or certification of the domestic violence
43 provided by a social worker or other professional who has assisted
44 the inmate in dealing with domestic violence or any sufficient
45 documentary evidence that the inmate has been a victim of domestic
46 violence by the abuser.

1 b. Prior to considering an eligible inmate's application to
2 participate in the residential community release program, the
3 Department of Corrections shall cause to be completed application
4 review materials, including a psychological evaluation of the
5 applicant, an objective risk assessment, and a summary of the
6 applicant's conduct regarding the offense, history, and evidence of
7 abuse, and classification of institutional record since conviction¹.

8
9 ¹**[3. (New section) Prior to the State Parole Board panel**
10 **considering an application, the Department of Corrections shall**
11 **cause to be completed application review materials, including a**
12 **psychological evaluation of the applicant, an objective risk**
13 **assessment, and a summary of the applicant's conduct regarding the**
14 **offense, history and evidence of abuse, and classification of**
15 **institutional record since conviction.]**¹

16
17 ¹**[4. (New section) a. The application shall first be considered**
18 **by the appropriate panel of the State Parole Board, which may**
19 **include a hearing at the discretion of the board; provided, however,**
20 **that no application shall be passed onto the full board for**
21 **consideration unless a hearing is held.**

22 b. The panel shall recommend that the application be
23 considered by the full parole board if it finds the following:

24 (1) the crime for which the inmate is serving a sentence of
25 imprisonment was committed against the abuser and no one else;

26 (2) the inmate has not been convicted of a crime of violence
27 against another person; and

28 (3) upon a review of the institutional record, victim input, and
29 all other relevant information, including the results of the risk
30 assessment and a psychological evaluation, the panel concludes that
31 the inmate presents a low risk of reoffense. Notwithstanding the
32 foregoing, if the board panel determines that an adult inmate has
33 seriously or persistently violated specifically defined institutional
34 rules or has engaged in conduct indictable in nature while
35 incarcerated, the inmate shall not be recommended for participation.

36 c. Any recommendation for participation that is forwarded to
37 the board shall also make recommendations for provisions of a
38 reintegration plan and any special conditions of participation
39 appropriate for the applicant. The conditions shall include
40 identification of a community sponsor, medical, custody and
41 training conditions, as well as the types of supervision that may be
42 appropriate for the inmate.]¹

43
44 ¹**[5.]** ^{4.1} (New section) ¹**[If an application is recommended for**
45 **consideration by the full State Parole Board membership, the board**
46 **shall conduct a hearing to consider the application.]**¹ If ¹**[it] the**
47 **Department of Corrections**¹ finds that the requirements set out in

1 ~~1~~ **[section 4]** sections 2 and 3¹ of P.L. , c. (C.) (pending
2 before the Legislature as this bill) are met, ~~1~~ **[it]** the department¹
3 may ~~1~~ **[order that the inmate]** approve that inmate to¹ be admitted to
4 the ~~1~~ **[supervised]** residential¹ community ~~1~~ **[reintegration]** release¹
5 program, and shall determine any special conditions of participation
6 that shall apply.

7
8 ~~1~~ **[6.]** 5.¹ (New section) a. ~~1~~ **[At]** Pursuant to rules and
9 regulations established by the Department of Corrections, at¹ least
10 ~~1~~ **[30]** 10 working¹ days prior to ~~1~~ **[commencing its review]** final
11 determination¹ of an application for participation in the program,
12 the ~~1~~ **[State Parole Board]** department¹ shall notify the appropriate
13 county prosecutor or the Attorney General, if ~~1~~ **[the matter was**
14 **prosecuted by him, and any victim or member of the family of a**
15 **victim who would be entitled to notice relating to a parole or the**
16 **consideration of a parole under the provisions of P.L.1979, c.441**
17 **(C.30:4-123.45 et al.)]** appropriate¹. The notice shall be given in
18 the manner prescribed by the ~~1~~ **[board]** department¹ and shall
19 contain all ~~1~~ **[such]**¹ information and documentation relating to the
20 application as the ~~1~~ **[board]** department¹ shall deem appropriate and
21 necessary, as well as information on the program and the
22 consideration process.

23 b. Upon receipt of the notice, the county prosecutor or Attorney
24 General, as the case may be, ~~1~~ **[and the victim or members of the**
25 **victim's family, as the case may be,]**¹ may submit comments to the
26 ~~1~~ **[appropriate board panel and also may be heard by the panel if a**
27 **hearing is held by the panel and by the board]** department¹.

28 c. The information contained in any notice given by ~~1~~ **[a panel]**
29 the department¹ pursuant to this section and the contents of any
30 comments submitted by a recipient in response thereto shall be
31 confidential and shall not be disclosed to any person who is not
32 authorized to receive or review that information or those comments.

33 d. ~~1~~ **[Nothing** in this section shall be construed to impair any
34 party's right to be heard pursuant to P.L.1979, c.441 (C.30:4-
35 123.45 et al.).

36 e.]¹ The ~~1~~ **[appropriate board panel]** department¹ shall provide
37 written notice of its decision to the county prosecutor or Attorney
38 General, as the case may be¹, and any victim or members of a
39 victim's family given notice pursuant to subsection a. of this
40 section.

41 f. Whenever an eligible inmate is permitted to participate in the
42 supervised community reintegration program pursuant to this
43 section, the appropriate board shall require, as a condition precedent
44 to release, that a reintegration plan be prepared to include:

45 (1) identification of a community sponsor;

1 (2) verification of the availability of appropriate placement in a
2 secure residential community placement, when necessary; and

3 (3) such other conditions of participation specific to the inmate
4 as may be determined by the board¹.

5 Nothing in this subsection shall be construed to limit the
6 authority of the ¹**State Parole Board, an appropriate board panel, or**
7 **parole officer of the State Parole Board** department¹ to address a
8 violation of a condition for participation in the program, including
9 through dismissal from the program for a violation of conditions or
10 a failure to meet the requirements of the ¹**reintegration plan**
11 program¹.

12
13 ¹**[7.] 6.**¹ Section 7 of P.L.1979, c.441 (C.30:4-123.51) is
14 amended to read as follows:

15 7. a. Each adult inmate sentenced to a term of incarceration in a
16 county penal institution, or to a specific term of years at the State
17 Prison or the correctional institution for women shall become
18 primarily eligible for parole after having served any judicial or
19 statutory mandatory minimum term, or one-third of the sentence
20 imposed where no mandatory minimum term has been imposed less
21 commutation time for good behavior pursuant to N.J.S.2A:164-24
22 or R.S.30:4-140 and credits for diligent application to work and
23 other institutional assignments pursuant to P.L.1972, c.115 (C.30:8-
24 28.1 et seq.) ¹**[, section 1 of P.L.1981, c.140 (C.30:8-28.4)]**¹, or
25 R.S.30:4-92. Consistent with the provisions of the New Jersey
26 Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-
27 7), commutation and work credits shall not in any way reduce any
28 judicial or statutory mandatory minimum term and such credits
29 accrued shall only be awarded subsequent to the expiration of the
30 term.

31 b. Each adult inmate sentenced to a term of life imprisonment
32 shall become primarily eligible for parole after having served any
33 judicial or statutory mandatory minimum term, or 25 years where
34 no mandatory minimum term has been imposed less commutation
35 time for good behavior and credits for diligent application to work
36 and other institutional assignments. If an inmate sentenced to a
37 specific term or terms of years is eligible for parole on a date later
38 than the date upon which he would be eligible if a life sentence had
39 been imposed, then in such case the inmate shall be eligible for
40 parole after having served 25 years, less commutation time for good
41 behavior and credits for diligent application to work and other
42 institutional assignments. Consistent with the provisions of the
43 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,
44 2C:43-6, 2C:43-7), commutation and work credits shall not in any
45 way reduce any judicial or statutory mandatory minimum term and
46 such credits accrued shall only be awarded subsequent to the
47 expiration of the term.

1 c. Each adult inmate sentenced to a specific term of years
2 pursuant to the "New Jersey Controlled Dangerous Substances Act,"
3 P.L.1970, c.226 (C.24:21-1 et al.) shall become primarily eligible
4 for parole after having served one-third of the sentence imposed
5 less commutation time for good behavior and credits for diligent
6 application to work and other institutional assignments.

7 d. Each adult inmate sentenced to an indeterminate term of
8 years as a young adult offender pursuant to N.J.S.2C:43-5 shall
9 become primarily eligible for parole consideration pursuant to a
10 schedule of primary eligibility dates developed by the board, less
11 adjustment for program participation. In no case shall the board
12 schedule require that the primary parole eligibility date for a young
13 adult offender be greater than the primary parole eligibility date
14 required pursuant to this section for the presumptive term for the
15 crime authorized pursuant to subsection f. of N.J.S.2C:44-1.

16 e. Each adult inmate sentenced for an offense specified in
17 N.J.S.2C:47-1 shall become primarily eligible for parole as follows:

18 (1) If the court finds that the offender's conduct was not
19 characterized by a pattern of repetitive, compulsive behavior or
20 finds that the offender is not amenable to sex offender treatment, or
21 if after sentencing the Department of Corrections in its most recent
22 examination determines that the offender is not amenable to sex
23 offender treatment, the offender shall become primarily eligible for
24 parole after having served any judicial or statutory mandatory
25 minimum term or one-third of the sentence imposed where no
26 mandatory minimum term has been imposed. Neither such term
27 shall be reduced by commutation time for good behavior pursuant
28 to R.S.30:4-140 or credits for diligent application to work and other
29 institutional assignments pursuant to R.S.30:4-92.

30 (2) Young adult offenders shall be eligible for parole pursuant to
31 the provisions of N.J.S.2C:47-5, except no offender shall become
32 primarily eligible for parole prior to the expiration of any judicial or
33 statutory mandatory minimum term.

34 f. (Deleted by amendment, P.L.2019, c.363)

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

1 sentencing judge. No inmate sentenced to a specific term of years
2 at the State Prison or the correctional institution for women shall
3 become primarily eligible for parole until service of a full nine
4 months of his aggregate sentence.

5 h. When an inmate is sentenced to more than one term of
6 imprisonment, the primary parole eligibility terms calculated
7 pursuant to this section shall be aggregated by the board for the
8 purpose of determining the primary parole eligibility date. The
9 board shall promulgate rules and regulations to govern aggregation
10 under this subsection.

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

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

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

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

8 l. Notwithstanding the provisions of subsections a. through j.
9 of this section, the appropriate board panel, as provided in section 1
10 of P.L.1997, c.214 (C.30:4-123.51c), may release an inmate serving
11 a sentence of imprisonment on medical parole at any time.

12 m. ¹~~Notwithstanding the provisions of this section, the~~ The¹
13 State Parole Board, pursuant to the provisions of
14 P.L. , c. (C.) (pending before the Legislature as this
15 bill),¹~~may release~~ shall consider¹ an inmate serving a sentence of
16 imprisonment ¹for parole¹ .

17 (cf: P.L.2019, c.363, s.10)

18
19 ¹~~8~~ 7.¹ (New section) The State Parole Board ¹and the
20 Department of Corrections¹, in accordance with the provisions of
21 the "Administrative Procedure Act" P.L.1968, c.410 (C.52:14B-
22 1 et seq.), ¹~~shall~~ may¹ promulgate rules and regulations to
23 effectuate the purposes of this act.

24
25 ¹~~9~~ 8.¹ This act shall take effect ¹~~immediately~~ on the first
26 day of the 13th month next following enactment¹.