

ASSEMBLY, No. 1817

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman ERIK PETERSON

District 23 (Hunterdon, Somerset and Warren)

SYNOPSIS

Allows victims and relatives to witness parole hearings.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning victims' presence at parole hearings and
2 amending P.L.1979, c.441.

3

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

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

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

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

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

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

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

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

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

44 (2) At the time of sentencing, the prosecutor shall notify any
45 victim injured as a result of a crime of the first or second degree or

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 the nearest relative of a murder victim of the opportunity to witness
2 the parole hearing proceedings, present a written or videotaped
3 statement for the parole report to be considered at the parole
4 hearing, or to testify to the parole board concerning his harm at the
5 time of the parole hearing. Each victim or relative shall be
6 responsible for notifying the board of **【his】** the person's intention to
7 submit **【such】** a statement and to provide an appropriate mailing
8 address.

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

23 The board shall notify **【such】** a person at **【his】** the person's last
24 known mailing address.

25 c. A copy of the report filed pursuant to subsection a. of this
26 section, excepting those documents which have been classified as
27 confidential pursuant to rules and regulations of the board or the
28 Department of Corrections, shall be served on the inmate at the time
29 it is filed with the board panel. The inmate may file with the board
30 panel a written statement regarding the report, but shall do so within
31 105 days prior to the primary parole eligibility date.

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

1 classified as confidential shall be maintained and shall not be
2 disclosed to any person who is not authorized to receive or review a
3 copy of the report containing the confidential information.

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

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

14
15 2. This act shall take effect on the first day of the third month
16 next following enactment.

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STATEMENT

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21 This bill would allow certain victims and family members to
22 witness parole hearings. Under current law, victims injured as a
23 result of a crime of the first or second degree and the nearest
24 relatives of murder victims are granted the opportunity to present a
25 written or videotaped statement to be considered at parole hearings
26 or to testify to the parole board at the time of the hearing. This bill
27 would extend the law to include a provision allowing these same
28 victims and relatives to witness the entire proceedings of the parole
29 hearing, regardless of whether they present a statement or
30 testimony.