

ASSEMBLY, No. 2809

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblymen Dancer and Webber

SYNOPSIS

Requires revocation of parole for assaulting or threatening law enforcement officers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/5/2020)

1 AN ACT concerning revocation of parole and amending P.L.1979,
2 c.441.

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

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

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

15 b. Any parolee who has seriously or persistently violated the
16 conditions of **his** parole, may have **his** parole revoked and may
17 be returned to custody pursuant to sections 18 and 19 of P.L.1979,
18 c.441 (C.30:4-123.62 and 30:4-123.63). The board shall be notified
19 immediately upon the arrest or indictment of a parolee or upon the
20 filing of charges that the parolee committed an act which, if
21 committed by an adult, would constitute a crime. The board shall
22 not revoke parole on the basis of new charges which have not
23 resulted in a disposition at the trial level except that upon
24 application by the prosecuting authority, the Juvenile Justice
25 Commission established pursuant to section 2 of P.L.1995, c.284
26 (C.52:17B-170) or the Director of the State Parole Board's Division
27 of Parole or **his** the director's designee, the chairman of the board
28 or **his** the chairman's designee may at any time detain the parolee
29 and commence revocation proceedings pursuant to sections 18 and
30 19 of P.L.1979, c.441 (C.30:4-123.62 and 30:4-123.63) when the
31 chairman determines that the new charges against the parolee are of
32 a serious nature and it appears that the parolee otherwise poses a
33 danger to the public safety. In such cases, a parolee shall be
34 informed that, if **he** the parolee testifies at the revocation
35 proceedings, **his** the parolee's testimony and the evidence derived
36 therefrom shall not be used against **him** the parolee in a
37 subsequent criminal prosecution or delinquency adjudication.

38 c. Any parolee who is convicted of a crime or adjudicated
39 delinquent for an act which, if committed by an adult, would
40 constitute a crime, committed while on parole shall have **his**
41 parole revoked and shall be returned to custody unless the parolee
42 demonstrates, by clear and convincing evidence at a hearing
43 pursuant to section 19 of P.L.1979, c.441 (C.30:4-123.63), that
44 good cause exists why he should not be returned to confinement.

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.

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1 a parolee who assaulted a law enforcement officer or a report that
2 the parolee threatened to kill or cause physical harm to a law
3 enforcement officer, or a member of the law enforcement officer's
4 family. In order to have parole revoked, the bill requires the threat
5 to be made with the purpose to put the law enforcement officer in
6 imminent fear of death or physical harm under circumstances that
7 cause the law enforcement officer to believe the immediacy of the
8 threat and the likelihood that it will be carried out. The bill also
9 would apply to a parolee who assaults or threatens a retired law
10 enforcement officer on the basis of the retired officer's former
11 status as an active duty law enforcement officer.