

[First Reprint]

**SENATE, No. 381**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

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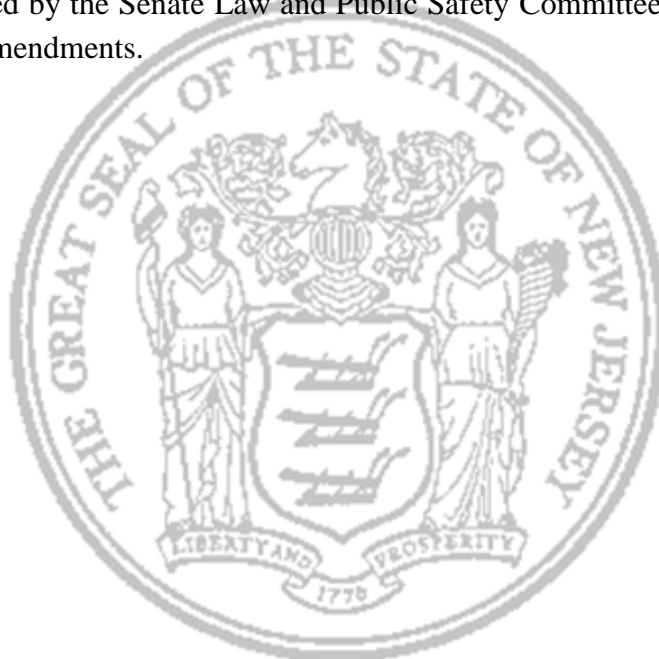
**Senators Pou, Ruiz and Turner**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Senate Law and Public Safety Committee on August 25, 2020, with amendments.



**(Sponsorship Updated As Of: 8/27/2020)**

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 1. (New section) a. There is hereby established in the  
 9 Department of Corrections a supervised community reintegration  
 10 program. The purpose of the program is to foster the successful  
 11 community reintegration of certain domestic violence victims who  
 12 meet the following criteria:

13 (1) the person was convicted of crimes committed against the  
 14 person's abuser. "Abuser" is defined for purposes of P.L. ,  
 15 c. (C. ) (pending before the Legislature as this bill) as the  
 16 named perpetrator of the domestic violence in the documentation  
 17 provided pursuant to paragraph (1) of subsection e. of this section;

18 (2) the inmate is serving a sentence of imprisonment <sup>1</sup>and meets  
 19 the eligibility criteria pursuant to rules and regulations established by  
 20 the department for residential community programs<sup>1</sup>;

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

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

23 b. An eligible inmate approved for participation in the program  
 24 shall undergo a period of <sup>1</sup>[reentry training] rehabilitative services<sup>1</sup>,  
 25 be required to agree to <sup>1</sup>[a reintegration plan setting out the conditions  
 26 of participation] participate<sup>1</sup> in the program, and gradually transition  
 27 to supervision in the community, which may include assignment to a  
 28 <sup>1</sup>[secure]<sup>1</sup> residential community <sup>1</sup>[placement] release program<sup>1</sup> and  
 29 participation in a work release program.

30 c. <sup>1</sup>[Notwithstanding any provision of P.L.1979, c.441 (C.30:4-  
 31 123.45 et al.), N.J.S.2C:7-2, N.J.S.2C:43-11, or any other law to the  
 32 contrary, the State Parole Board] The department<sup>1</sup> may authorize the  
 33 participation of an eligible inmate in the <sup>1</sup>[supervised community  
 34 reintegration] residential community release<sup>1</sup> program in accordance  
 35 with the requirements of this section. An eligible inmate participating  
 36 in the <sup>1</sup>[supervised community reintegration] residential community  
 37 release<sup>1</sup> program shall remain in the custody of the Commissioner of  
 38 Corrections and <sup>1</sup>[be subject to custody, supervision, and conditions  
 39 as provided in section 15 of P.L.1979, c.441 (C.30:4-123.59), as well  
 40 as those set out in this section. Any participating inmate also shall be  
 41 subject to the same sanctions for violation of a condition of the  
 42 program that apply for violations of a condition of parole as provided  
 43 in sections 16 through 21 of P.L.1979, c.441 (C.30:4-123.60 through  
 44 30:4-123.65), including removal from the program and a return to

**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:

<sup>1</sup>Senate SLP committee amendments adopted August 25, 2020.

1 prior custody status] be subject to the department's rules and  
2 regulations<sup>1</sup>.

3 d. A request for consideration to participate in the <sup>1</sup>[supervised]  
4 residential<sup>1</sup> community <sup>1</sup>[reintegration] release<sup>1</sup> program shall be  
5 submitted <sup>1</sup>by the inmate<sup>1</sup> to the <sup>1</sup>[appropriate panel of the State  
6 Parole Board. The request shall be submitted] department<sup>1</sup> in a  
7 manner and form prescribed by the <sup>1</sup>[board] department<sup>1</sup>.

8 e. (1) For the purposes of <sup>1</sup>[this act] P.L. \_\_\_\_\_ c. \_\_\_\_\_ (C. \_\_\_\_\_)  
9 (pending before the Legislature as this bill<sup>1</sup>, a person shall be  
10 considered a victim of domestic violence if the person provides one or  
11 more of the following:

12 (a) a restraining order or other documentation of equitable relief  
13 issued <sup>1</sup>to the person<sup>1</sup> by a court of competent jurisdiction <sup>1</sup>against the  
14 abuser<sup>1</sup>;

15 (b) a police record documenting the domestic violence <sup>1</sup>between  
16 the person and the abuser<sup>1</sup>;

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

20 (d) medical documentation of the domestic violence;

21 (e) certification from a certified Domestic Violence Specialist or  
22 the director of a designated domestic violence agency that the person  
23 is a victim of domestic violence; or

24 (f) other documentation or certification of the domestic violence  
25 provided by a social worker <sup>1</sup>[, member of the clergy, shelter  
26 worker,]<sup>1</sup> or other professional who has assisted the person in dealing  
27 with domestic violence <sup>1</sup>or any sufficient documentary evidence that  
28 the person has been a victim of domestic violence by the abuser.<sup>1</sup>

29 (2) As used in this subsection:

30 "Certified Domestic Violence Specialist" means a person who has  
31 fulfilled the requirements of certification as a Domestic Violence  
32 Specialist established by the New Jersey Association of Domestic  
33 Violence Professionals.

34 "Designated domestic violence agency" means a countywide  
35 organization with a primary purpose to provide services to victims of  
36 domestic violence, and which provides services that conform to the  
37 core domestic violence services profile as defined in the Division of  
38 Child Protection and Permanency in the Department of Children and  
39 Families and is under contract with the division for the express  
40 purpose of providing those services.

41

42 2. (New section) An <sup>1</sup>eligible<sup>1</sup> inmate may <sup>1</sup>[be eligible to]<sup>1</sup>  
43 apply <sup>1</sup>[for a hearing to the State Parole Board] to the Department of  
44 Corrections<sup>1</sup> seeking participation in the <sup>1</sup>[supervised] residential<sup>1</sup>  
45 community <sup>1</sup>[reintegration] release<sup>1</sup> program. The application also  
46 shall provide information affirming the following:

1           <sup>1</sup>[(1)] a.<sup>1</sup> the crime for which the inmate is serving a sentence of  
2 imprisonment was committed against the alleged abuser and no one  
3 else; and

4           <sup>1</sup>[(2)] b.<sup>1</sup> the inmate has not been convicted of a crime of  
5 violence against a person other than the alleged abuser.  
6

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

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

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

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

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

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

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

43           <sup>1</sup>[5] 4<sup>1</sup>. (New section) <sup>1</sup>[If an application is recommended for  
44 consideration by the full State Parole Board membership, the board  
45 shall conduct a hearing to consider the application.]<sup>1</sup> If <sup>1</sup>[it] the  
46 Department of Corrections<sup>1</sup> finds that the requirements set out in  
47 section <sup>1</sup>[4] 1<sup>1</sup> of P.L. , c. (C. ) (pending before the

1 Legislature as this bill) are met, **1[it] the department**<sup>1</sup> may **1[order**  
2 **that the inmate] approve that inmate to**<sup>1</sup> be admitted to the  
3 **1[supervised] residential**<sup>1</sup> community **1[reintegration] release**<sup>1</sup>  
4 program, and shall determine any special conditions of participation  
5 that shall apply.

6  
7 **1[6] 5**<sup>1</sup>. (New section) a. **1[At] Pursuant to rules and**  
8 **regulations established by the Department of Corrections, at**<sup>1</sup> least  
9 **1[30] 10 working**<sup>1</sup> days prior to commencing its review of an  
10 application for participation in the program, the **1[State Parole Board]**  
11 **department**<sup>1</sup> shall notify the appropriate county prosecutor or the  
12 Attorney General, if **1[the matter was prosecuted by him, and any**  
13 **victim or member of the family of a victim who would be entitled to**  
14 **notice relating to a parole or the consideration of a parole under the**  
15 **provisions of P.L.1979, c.441 (C.30:4-123.45 et al.)]** **appropriate**<sup>1</sup>.  
16 The notice shall be given in the manner prescribed by the **1[board]**  
17 **department**<sup>1</sup> and shall contain all **1[such]**<sup>1</sup> information and  
18 documentation relating to the application as the **1[board] department**<sup>1</sup>  
19 shall deem appropriate and necessary, as well as information on the  
20 program and the consideration process.

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

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

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

34 **e.]**<sup>1</sup> The **1[appropriate board panel] department**<sup>1</sup> shall provide  
35 written notice of its decision to the county prosecutor or Attorney  
36 General, as the case may be<sup>1</sup>, and any victim or members of a  
37 victim's family given notice pursuant to subsection a. of this section.

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

- 42 (1) identification of a community sponsor;
- 43 (2) verification of the availability of appropriate placement in a  
44 secure residential community placement, when necessary; and
- 45 (3) such other conditions of participation specific to the inmate as  
46 may be determined by the board]<sup>1</sup>.

1 Nothing in this subsection shall be construed to limit the authority  
2 of the <sup>1</sup>["State Parole Board, an appropriate board panel, or parole  
3 officer of the State Parole Board"] department<sup>1</sup> to address a violation of  
4 a condition for participation in the program, including through  
5 dismissal from the program for a violation of conditions or a failure to  
6 meet the requirements of the reintegration plan.

7  
8 <sup>1</sup>["7"] 6<sup>1</sup>. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is  
9 amended to read as follows:

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

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

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

47 d. Each adult inmate sentenced to an indeterminate term of years  
48 as a young adult offender pursuant to N.J.S.2C:43-5 shall become

1 primarily eligible for parole consideration pursuant to a schedule of  
2 primary eligibility dates developed by the board, less adjustment for  
3 program participation. In no case shall the board schedule require that  
4 the primary parole eligibility date for a young adult offender be greater  
5 than the primary parole eligibility date required pursuant to this section  
6 for the presumptive term for the crime authorized pursuant to  
7 subsection f. of N.J.S.2C:44-1.

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

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

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

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

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

44 h. When an inmate is sentenced to more than one term of  
45 imprisonment, the primary parole eligibility terms calculated pursuant  
46 to this section shall be aggregated by the board for the purpose of  
47 determining the primary parole eligibility date. The board shall

1 promulgate rules and regulations to govern aggregation under this  
2 subsection.

3 i. The primary eligibility date shall be computed by a designated  
4 representative of the board and made known to the inmate in writing  
5 not later than 90 days following the commencement of the sentence.  
6 In the case of an inmate sentenced to a county penal institution such  
7 notice shall be made pursuant to subsection g. of this section. Each  
8 inmate shall be given the opportunity to acknowledge in writing the  
9 receipt of such computation. Failure or refusal by the inmate to  
10 acknowledge the receipt of such computation shall be recorded by the  
11 board but shall not constitute a violation of this subsection.

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

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

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



1        m. <sup>1</sup>~~【Notwithstanding the provisions of this section, the】~~ The<sup>1</sup>  
2 State Parole Board, pursuant to the provisions of P.L. \_\_\_\_\_, c.  
3 (C. \_\_\_\_\_) (pending before the Legislature as this bill),<sup>1</sup>~~【may release】~~  
4 shall consider<sup>1</sup> an inmate serving a sentence of imprisonment<sup>1</sup>for  
5 parole<sup>1</sup>.

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

7

8        <sup>1</sup>~~【8】~~ 7<sup>1</sup>. (New section) The State Parole Board <sup>1</sup>and the  
9 Department of Corrections<sup>1</sup>, in accordance with the provisions of  
10 the “Administrative Procedure Act” P.L.1968, c.410 (C.52:14B-1 et  
11 seq.), <sup>1</sup>~~【shall】~~ may<sup>1</sup> promulgate rules and regulations to effectuate  
12 the purposes of this act.

13

14        <sup>1</sup>~~【9】~~ 8<sup>1</sup>. This act shall take effect <sup>1</sup>~~【immediately】~~ on the first  
15 day of the thirteenth month next following enactment<sup>1</sup>.