

**SENATE, No. 576**

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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 FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**Senator KRISTIN M. CORRADO**

**District 40 (Bergen, Essex, Morris and Passaic)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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.

45 d. Notwithstanding the provisions of subsection b. of this  
46 section, upon notice by the appropriate law enforcement agency 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 prosecuting authority, the chairman of the board or the chairman's  
2 designee shall detain a parolee and commence revocation  
3 proceedings on the basis of an arrest or indictment for assaulting a  
4 law enforcement officer in violation of N.J.S.2C:12-1 or a report  
5 that the parolee threatened to kill or cause physical harm to a law  
6 enforcement officer, or a member of the law enforcement officer's  
7 family with the purpose to put that law enforcement officer in  
8 imminent fear of death or physical harm under circumstances that  
9 cause the law enforcement officer to believe the immediacy of the  
10 threat and the likelihood that it will be carried out.

11 The provisions of this subsection shall apply to a parolee who  
12 assaults or threatens a retired law enforcement officer because of  
13 the retired officer's former status as an active duty law enforcement  
14 officer.

15 For the purposes of this subsection, "member of the law  
16 enforcement officer's family" means the threatened officer's  
17 spouse; parent; child, whether related by blood, marriage, adoption,  
18 or other legal custody; or other relative who resides with the  
19 threatened law enforcement officer.

20 (cf: P.L.2001, c.141, s.5)

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22 2. This act shall take effect immediately.

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## 25 STATEMENT

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27 This bill requires the Chairman of the Parole Board to detain a  
28 parolee and commence revocation proceedings when an offender is  
29 arrested or indicted for assaulting a law enforcement officer or  
30 when a parolee threatens to kill or cause physical harm to a law  
31 enforcement officer, or a member of the law enforcement officer's  
32 family.

33 Under current law, the parole board is notified immediately upon  
34 the arrest or indictment of a parolee or upon the filing of charges  
35 that the parolee committed a criminal act. The board is prohibited  
36 from revoking parole on the basis of new charges which have not  
37 resulted in a disposition at the trial level. However, upon  
38 application by the prosecuting authority, the Juvenile Justice  
39 Commission or the Director of the State Parole Board's Division of  
40 Parole, the chairman of the parole board or the chairman's designee  
41 may at any time detain the parolee and commence revocation  
42 proceedings when the chairman determines that the new charges  
43 against the parolee are of a serious nature and it appears that the  
44 parolee otherwise poses a danger to the public safety.

45 This bill requires a parolee to be detained and parole revocation  
46 proceedings to commence on the basis of an arrest or indictment of  
47 a parolee who assaulted a law enforcement officer or a report that  
48 the parolee threatened to kill or cause physical harm to a law

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