

ASSEMBLY, No. 1849

STATE OF NEW JERSEY

208th LEGISLATURE

INTRODUCED MARCH 23, 1998

Sponsored by:

Assemblyman FRANCIS L. BODINE
District 8 (Atlantic, Burlington and Camden)
Assemblywoman JOEL M. WEINGARTEN
District 21 (Essex and Union)

Co-Sponsored by:

Assemblyman O'Toole

SYNOPSIS

Requires DOC to provide notice of certain inmate custody status reviews to prosecutors and victims.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning changes in the custody status of certain inmates
2 and supplementing chapter 4 of Title 30 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. Whenever an inmate who has been convicted of murder;
8 manslaughter; vehicular homicide; aggravated sexual assault; sexual
9 assault; aggravated assault; aggravated criminal sexual contact;
10 robbery; kidnapping pursuant to paragraph (2) of subsection c. of
11 N.J.S.2C:13-1; endangering the welfare of a child by engaging in
12 sexual conduct which would impair or debauch the morals of the child
13 pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare
14 of a child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4;
15 luring or enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-
16 6); or any crime of the first or second degree involving serious bodily
17 injury is subject to a custody status review by an Institutional
18 Classification Committee which may result in a reclassification to a
19 reduced custody status level of full minimum custody status, or such
20 other reduced custody status level that would make that inmate eligible
21 for participation in a Residential Community Release Agreement
22 Program, a halfway house program or a substance abuse treatment
23 program, the Department of Corrections shall provide written notice
24 of that review in accordance with the provisions of subsection b. of
25 this section.

26 b. (1) Upon the scheduling of a review subject to the notification
27 requirement of this section, the classification officer of the Institutional
28 Classification Committee, or such other officer as may be designated
29 by the superintendent of the correctional facility, shall so notify the
30 prosecutor of the county in which the inmate was convicted or, if the
31 matter was prosecuted by the Attorney General, the Attorney General.

32 Upon receipt of such notice, the county prosecutor or Attorney
33 General, as the case may be, shall have 10 working days in which to
34 submit comments. If the county prosecutor or Attorney General does
35 not provide comments within those 10 working days, the Institutional
36 Classification Committee may presume that the prosecutor or Attorney
37 General, as the case may be, does not wish to submit any comments on
38 the matter.

39 (2) At the same time as notice is given the county prosecutor or
40 Attorney General in accordance with the provisions of paragraph (1)
41 of this subsection, the classification officer of the Institutional
42 Classification Committee, or such other officer as may be designated
43 by the superintendent of the correctional facility, shall give notice to
44 the victim of the crime or the victim's nearest relative if the crime
45 resulted in death.

46 The notice required under this paragraph shall be given only if a

1 request for such notification has been made by the victim or the
2 victim's nearest relative, as the case may be, to the county prosecutor
3 or Attorney General, as the case may be, at the time the inmate was
4 sentenced. The prosecutor or Attorney General, as the case may be,
5 shall transmit the request to the appropriate Institutional Classification
6 Committee.

7 Upon receipt of such notice, the victim or the victim's nearest
8 relative, as the case may be, shall have 10 working days in which to
9 submit comments. If the victim or the victim's nearest relative, as the
10 case may be, does not provide comments within those 10 working
11 days, the Institutional Classification Committee may presume that the
12 victim or victim's nearest relative, as the case may be, does not wish
13 to submit any comments on the matter.

14 (3) Any comments provided pursuant to paragraph (1) or (2) of
15 this subsection shall be delivered to the Institutional Classification
16 Committee by the same method as the notice was given by the
17 committee to the county prosecutor or Attorney General, as the case
18 may be, and the victim or the victim's nearest relative, as the case may
19 be.

20 Comments submitted pursuant to this subsection shall be deemed
21 confidential and shall not be disclosed to any person who is not
22 authorized to receive or review them.

23 c. Whenever an Institutional Classification Committee receives
24 comments from a prosecutor or the Attorney General, as the case may
25 be, or from a victim or a victim's nearest relative, as the case may be,
26 concerning the the reclassification of an inmate to a reduced custody
27 status in accordance with this act, it shall give all due consideration to
28 the information contained in those comments when considering a
29 change in custody status for that inmate.

30 d. The Commissioner of Corrections, in accordance with the
31 provisions of the "Administrative Procedure Act," P.L.1968, c.410
32 (C.52:14B-1 et seq.), shall promulgate rules and regulations to
33 effectuate the provisions of this act.

34
35 2. The provisions of this act shall take effect on the first day of the
36 seventh month following enactment, except that the Commissioner of
37 Corrections may take such anticipatory administrative action in
38 advance as shall be necessary for the implementation of the act.

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41 STATEMENT

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43 This bill requires the Department of Corrections to notify the
44 prosecutor and the victim whenever an inmate who is incarcerated for
45 a violent crime is scheduled for a custody status review which might
46 result in a reduced custody classification that would make him eligible

1 to leave the correctional facility to participate in a community release
2 agreement program, halfway house program or substance abuse
3 treatment program.

4 Under the provisions of the bill, the classification officer of the
5 Institutional Classification Committee of each correctional facility is
6 required to give written notice of these custody status reclassification
7 hearings to the county prosecutor or Attorney General, depending upon
8 who prosecuted the case. The written notice also is to be transmitted
9 to the victim or, if the crime resulted in death, the victim's nearest
10 relative, but only if requested at the time of sentencing.

11 The bill specifies that the prosecutor or Attorney General, as the
12 case may be, and the victim or victim's nearest relative, as the case
13 may be, have 10 working days in which to submit comments to the
14 Institutional Classification Committee. Any comments submitted are
15 deemed confidential and may not be disclosed to unauthorized
16 persons.