

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1849

STATE OF NEW JERSEY

DATED: JUNE 4, 1998

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1849 (1R).

Assembly Bill No. 1849 (1R) requires the Department of Corrections (DOC) to notify the relevant prosecuting officer whenever an inmate who is incarcerated for a violent crime is scheduled for a review that might result in making the inmate eligible to leave the correctional facility to participate in a residential community release program.

The bill requires the DOC to give notice to the county prosecutor or Attorney General who originally prosecuted the case whenever an inmate who has been convicted of one of the crimes enumerated in the bill is subject to a review that may result in that inmate's participation in any residential community release program. Upon notice by the DOC, the county prosecutor or Attorney General, will notify the appropriate county Office of Victim and Witness Advocacy which in turn will give notice within 10 working days to the victim of the crime or the victim's nearest relative if the crime resulted in death.

The bill specifies that the prosecuting officer and the victim, or the victim's nearest relative, have, upon receiving notice, 10 working days in which to submit comments to the DOC. If no comments are submitted within that 10 day period, the DOC may presume that the parties do not wish to submit any comments for consideration. Any comments submitted are confidential and may not be disclosed to unauthorized persons.

The crimes enumerated in the bill are: murder; manslaughter; vehicular homicide; aggravated sexual assault; sexual assault; aggravated assault; aggravated criminal sexual contact; robbery; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); or any crime of the first or second degree involving serious bodily injury.

Under current parole law (section 1 of P.L.1994, c.135; C.30:4-

123.53a), the DOC, in the case of an adult, and the Juvenile Justice Commission, in the case of a juvenile, are required to provide written notice to the county prosecutor prior to the release of inmates who have been convicted, or adjudicated delinquent, of violent crimes, sexual offenses or offenses which endanger the welfare of a child or would impair or debauch the morals of a child.

As reported by this committee, the bill is identical to Senate Bill No. 176 (1R) as reported by this committee.

FISCAL IMPACT:

The DOC states that although specific statistics are not available for the number of cases which would fall under this notification requirement, during calendar year 1997, approximately 3,000 inmates were referred for consideration for community release programs. The Community Release Administrator estimates that about 1,200 to 1,500 of the referrals were violent offenders.

The DOC estimates that if this notification requirement were centralized, it would require one additional position at a salary and fringe benefits cost of \$33,000 and incur a non-salary cost of \$1,600 for furnishings and supplies, for a first-year cost of \$34,500.