

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1849

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 4, 1998

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 1849.

Assembly Bill No. 1849, as amended by the committee, requires the Department of Corrections to notify the prosecutor whenever an inmate who is incarcerated for a violent crime is scheduled for a review which might result in making that inmate eligible to leave the correctional facility to participate in a residential community release program.

Under the provisions of the amended bill, the department is to give notice to the county prosecutor or Attorney General, depending upon which of those officers originally prosecuted the case, whenever an inmate who has been convicted of one of the enumerated crimes set forth in the bill is subject to a review which may result in that inmate's participation in any residential community release program. Upon notice by the department, the county prosecutor or Attorney General, as the case may be, would notify the appropriate county Office of Victim and Witness Advocacy which in turn would 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 amended 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 department. If no comments are submitted within that 10 day period, the department may presume that the parties do not wish to submit any comments for consideration. Any comments submitted are deemed 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: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 Department of Corrections, 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.

The committee, at the sponsor's request, amended the bill to bring its provisions into conformity with the provisions of Senate Bill No. 176 (1R). The amendments clarify the notification procedures required under the bill.