

[First Reprint]

**SENATE, No. 176**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Senator JOHN O. BENNETT**

**District 12 (Monmouth)**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

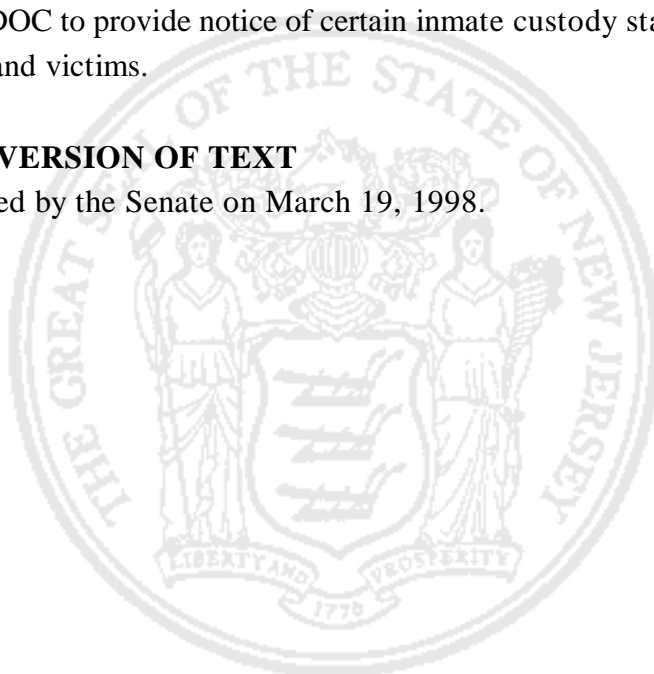
**Senator Matheussen, Assemblymen Bodine, Weingarten, O'Toole and  
Thompson**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As amended by the Senate on March 19, 1998.



**(Sponsorship Updated As Of: 6/19/1998)**

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 <sup>1</sup>**[custody status]**<sup>1</sup> review by an Institutional  
18 Classification Committee which may result in <sup>1</sup>**[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]<sup>1</sup> participation in <sup>1</sup>**[a Residential Community Release Agreement**  
22 Program, a halfway house program or a substance abuse treatment  
23 program] any residential community release program<sup>1</sup>, the Department  
24 of Corrections shall provide written notice of that review in  
25 accordance with the provisions of subsection b. of this section.

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

33 Upon receipt of such notice, the county prosecutor or Attorney  
34 General, as the case may be, shall have 10 working days in which to  
35 submit comments. If the county prosecutor or Attorney General does  
36 not provide comments within those 10 working days, the  
37 <sup>1</sup>**[Institutional Classification Committee]** Department of Corrections<sup>1</sup>  
38 may presume that the prosecutor or Attorney General, as the case may  
39 be, does not wish to submit any comments on the matter. <sup>1</sup>The notice  
40 shall include the inmate's name, identifying factors and offense  
41 history.<sup>1</sup>

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 floor amendments adopted March 19, 1998.

1 (2) <sup>1</sup>~~["At the same time as notice is given"]~~ Immediately upon  
2 receipt of such notice.<sup>1</sup> the county prosecutor or Attorney General in  
3 accordance with the provisions of paragraph (1) of this subsection <sup>1</sup>~~["~~,  
4 the classification officer of the Institutional Classification Committee,  
5 or such other officer as may be designated by the superintendent of the  
6 correctional facility, <sup>1</sup>~~"]~~ shall <sup>1</sup>notify the Office of Victim and Witness  
7 Advocacy of the county in which the inmate was convicted and that  
8 office shall use any reasonable means available to it to<sup>1</sup> give notice  
9 <sup>1</sup>within 10 working days<sup>1</sup> to the victim of the crime or the victim's  
10 nearest relative if the crime resulted in death.

11 The notice required under this paragraph shall be given only if a  
12 request for such notification has been made by the victim or the  
13 victim's nearest relative, as the case may be, to the county prosecutor  
14 or Attorney General, as the case may be, at the time the inmate was  
15 sentenced. <sup>1</sup>~~["The prosecutor or Attorney General, as the case may be,~~  
16 ~~shall transmit the request to the appropriate Institutional Classification~~  
17 ~~Committee.]~~<sup>1</sup>

18 Upon receipt of such notice, the victim or the victim's nearest  
19 relative, as the case may be, shall have 10 working days in which to  
20 submit comments. If the victim or the victim's nearest relative, as the  
21 case may be, does not provide comments within those 10 working  
22 days, the <sup>1</sup>~~["Institutional Classification Committee"]~~ Department of  
23 Corrections<sup>1</sup> may presume that the victim or victim's nearest relative,  
24 as the case may be, does not wish to submit any comments on the  
25 matter.

26 (3) Any comments provided pursuant to paragraph (1) or (2) of  
27 this subsection shall be <sup>1</sup>in writing and shall be<sup>1</sup> delivered to the  
28 <sup>1</sup>~~["Institutional Classification Committee by the same method as the~~  
29 ~~notice was given by the committee to the county prosecutor or~~  
30 ~~Attorney General, as the case may be, and the victim or the victim's~~  
31 ~~nearest relative, as the case may be]~~ Department of Corrections<sup>1</sup>.

32 Comments submitted pursuant to this subsection shall be deemed  
33 confidential and shall not be disclosed to any person who is not  
34 authorized to receive or review them.

35 c. Whenever <sup>1</sup>~~["an Institutional Classification Committee"]~~ the  
36 Department of Corrections<sup>1</sup> receives comments from a prosecutor or  
37 the Attorney General, as the case may be, or from a victim or a  
38 victim's nearest relative, as the case may be, concerning the <sup>1</sup>~~["the~~  
39 ~~reclassification"]~~ participation<sup>1</sup> of an inmate <sup>1</sup>~~["to a reduced custody~~  
40 ~~status"]~~<sup>1</sup> in accordance with this act, it shall give all due consideration  
41 to the information contained in those comments when considering <sup>1</sup>~~["a~~  
42 ~~change in custody status for]~~ the participation of<sup>1</sup> that inmate.

43 d. The Commissioner of Corrections, in accordance with the  
44 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
45 (C.52:14B-1 et seq.), <sup>1</sup>~~["shall"]~~ may<sup>1</sup> promulgate rules and regulations

1 to effectuate the provisions of this act.

2

3 2. The provisions of this act shall take effect on the first day of the  
4 seventh month following enactment, except that the Commissioner of  
5 Corrections may take such anticipatory administrative action in  
6 advance as shall be necessary for the implementation of the act.