

SENATE, No. 108

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

SYNOPSIS

Establishes supervised community reintegration program in DOC for certain victims of domestic abuse.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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1 AN ACT establishing a supervised community reintegration
2 program, supplementing Title 30 of the Revised Statutes, and
3 amending P.L.1979, c.441.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) a. There is hereby established in the
9 Department of Corrections a supervised community reintegration
10 program. The purpose of the program is to foster the successful
11 community reintegration of certain domestic violence victims who
12 meet the following criteria:

13 (1) the person was convicted of crimes committed against the
14 person's abuser. "Abuser" is defined for purposes of P.L. ,
15 c. (C.) (pending before the Legislature as this bill) as the
16 named perpetrator of the domestic violence in the documentation
17 provided pursuant to paragraph (1) of subsection e. of this section;

18 (2) the inmate is serving a sentence of imprisonment;

19 (3) the inmate is found to present a low risk of re-offense; and

20 (4) the other requirements of this section are met.

21 b. An eligible inmate approved for participation in the program
22 shall undergo a period of reentry training, be required to agree to a
23 reintegration plan setting out the conditions of participation in the
24 program, and gradually transition to supervision in the community,
25 which may include assignment to a secure residential community
26 placement and participation in a work release program.

27 c. Notwithstanding any provision of P.L.1979, c.441 (C.30:4-
28 123.45 et al.), N.J.S.2C:7-2, N.J.S.2C:43-11, or any other law to the
29 contrary, the State Parole Board may authorize the participation of
30 an eligible inmate in the supervised community reintegration
31 program in accordance with the requirements of this section. An
32 eligible inmate participating in the supervised community
33 reintegration program shall remain in the custody of the
34 Commissioner of Corrections and be subject to custody,
35 supervision, and conditions as provided in section 15 of P.L.1979,
36 c.441 (C.30:4-123.59), as well as those set out in this section. Any
37 participating inmate also shall be subject to the same sanctions for
38 violation of a condition of the program that apply for violations of a
39 condition of parole as provided in sections 16 through 21 of
40 P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.65), including
41 removal from the program and a return to prior custody status.

42 d. A request for consideration to participate in the supervised
43 community reintegration program shall be submitted to the
44 appropriate panel of the State Parole Board. The request shall be
45 submitted in a manner and form prescribed by the board.

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 e. (1) For the purposes of this act, a person shall be considered
2 a victim of domestic violence if the person provides one or more of
3 the following:

4 (a) a restraining order or other documentation of equitable relief
5 issued by a court of competent jurisdiction;

6 (b) a police record documenting the domestic violence;

7 (c) documentation that the perpetrator of the domestic violence
8 has been convicted of one or more of the offenses enumerated in
9 section 3 of P.L.1991, c.261 (C.2C:25-19);

10 (d) medical documentation of the domestic violence;

11 (e) certification from a certified Domestic Violence Specialist or
12 the director of a designated domestic violence agency that the
13 person is a victim of domestic violence; or

14 (f) other documentation or certification of the domestic violence
15 provided by a social worker, member of the clergy, shelter worker,
16 or other professional who has assisted the person in dealing with
17 domestic violence.

18 (2) As used in this subsection:

19 "Certified Domestic Violence Specialist" means a person who
20 has fulfilled the requirements of certification as a Domestic
21 Violence Specialist established by the New Jersey Association of
22 Domestic Violence Professionals.

23 "Designated domestic violence agency" means a countywide
24 organization with a primary purpose to provide services to victims
25 of domestic violence, and which provides services that conform to
26 the core domestic violence services profile as defined in the
27 Division of Child Protection and Permanency in the Department of
28 Children and Families and is under contract with the division for
29 the express purpose of providing those services.

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31 2. (New section) An inmate may be eligible to apply for a
32 hearing to the State Parole Board seeking participation in the
33 supervised community reintegration program. The application also
34 shall provide information affirming the following: (1) the crime for
35 which the inmate is serving a sentence of imprisonment was
36 committed against the alleged abuser and no one else; and (2) the
37 inmate has not been convicted of a crime of violence against a
38 person other than the alleged abuser.

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40 3. (New section) Prior to the State Parole Board panel
41 considering an application, the Department of Corrections shall
42 cause to be completed application review materials, including a
43 psychological evaluation of the applicant, an objective risk
44 assessment, and a summary of the applicant's conduct regarding the
45 offense, history, and evidence of abuse, and classification of
46 institutional record since conviction.

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1 4. (New section) a. The application shall first be considered
2 by the appropriate panel of the State Parole Board, which may
3 include a hearing at the discretion of the board; provided, however,
4 that no application shall be passed on to the full board for
5 consideration unless a hearing is held.

6 b. The panel shall recommend that the application be
7 considered by the full parole board if it finds the following:

8 (1) the crime for which the inmate is serving a sentence of
9 imprisonment was committed against the abuser and no one else;

10 (2) the inmate has not been convicted of a crime of violence
11 against a person other than the alleged abuser; and

12 (3) upon a review of the institutional record, victim input, and all
13 other relevant information, including the results of the risk
14 assessment and a psychological evaluation, the panel concludes that
15 the inmate presents a low risk of re-offense. Notwithstanding the
16 foregoing, if the board panel determines that an adult inmate has
17 seriously or persistently violated specifically defined institutional
18 rules or has engaged in conduct indictable in nature while
19 incarcerated, the inmate shall not be recommended for participation.

20 c. Any recommendation for participation that is forwarded to
21 the board also shall make recommendations for provisions of a
22 reintegration plan and any special conditions of participation
23 appropriate for the applicant. The conditions shall include
24 identification of a community sponsor, medical, custody and
25 training conditions, as well as the types of supervision that may be
26 appropriate for the inmate.

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28 5. (New section) If an application is recommended for
29 consideration by the full State Parole Board membership, the board
30 shall conduct a hearing to consider the application. If it finds that
31 the requirements set out in section 4 of P.L. , c. (C.)
32 (pending before the Legislature as this bill) are met, it may order
33 that the inmate be admitted to the supervised community
34 reintegration program, and shall determine any special conditions of
35 participation that shall apply.

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37 6. (New section) a. At least 30 days prior to commencing its
38 review of an application for participation in the program, the State
39 Parole Board shall notify the appropriate county prosecutor or the
40 Attorney General, if the matter was prosecuted by him, and any
41 victim or member of the family of a victim who would be entitled to
42 notice relating to a parole or the consideration of a parole under the
43 provisions of P.L.1979, c.441 (C.30:4-123.45 et al.). The notice
44 shall be given in the manner prescribed by the board and shall
45 contain all such information and documentation relating to the
46 application as the board shall deem appropriate and necessary, as
47 well as information on the program and the consideration process.

1 b. Upon receipt of the notice, the county prosecutor or
2 Attorney General, as the case may be, and the victim or members of
3 the victim's family, as the case may be, may submit comments to
4 the appropriate board panel and also may be heard by the panel if a
5 hearing is held by the panel and by the board.

6 c. The information contained in any notice given by a panel
7 pursuant to this section and the contents of any comments submitted
8 by a recipient in response thereto shall be confidential and shall not
9 be disclosed to any person who is not authorized to receive or
10 review that information or those comments.

11 d. Nothing in this section shall be construed to impair any
12 party's right to be heard pursuant to P.L.1979, c.441 (C.30:4-123.45
13 et al.).

14 e. The appropriate board panel shall provide written notice of
15 its decision to the county prosecutor or Attorney General, as the
16 case may be, and any victim or members of a victim's family given
17 notice pursuant to subsection a. of this section.

18 f. Whenever an eligible inmate is permitted to participate in
19 the supervised community reintegration program pursuant to this
20 section, the appropriate board shall require, as a condition precedent
21 to release, that a reintegration plan be prepared to include:

22 (1) identification of a community sponsor;

23 (2) verification of the availability of appropriate placement in a
24 secure residential community placement, when necessary; and

25 (3) such other conditions of participation specific to the inmate
26 as may be determined by the board.

27 Nothing in this subsection shall be construed to limit the
28 authority of the State Parole Board, an appropriate board panel, or
29 parole officer of the State Parole Board to address a violation of a
30 condition for participation in the program, including through
31 dismissal from the program for a violation of conditions or a failure
32 to meet the requirements of the reintegration plan.

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34 7. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is amended to
35 read as follows:

36 7. a. Each adult inmate sentenced to a term of incarceration in
37 a county penal institution, or to a specific term of years at the State
38 Prison or the correctional institution for women shall become
39 primarily eligible for parole after having served any judicial or
40 statutory mandatory minimum term, or one-third of the sentence
41 imposed where no mandatory minimum term has been imposed less
42 commutation time for good behavior pursuant to N.J.S.2A:164-24
43 or R.S.30:4-140 and credits for diligent application to work and
44 other institutional assignments pursuant to P.L.1972, c.115 (C.30:8-
45 28.1 et seq.), section 1 of P.L.1981, c.140 (C.30:8-28.4), or
46 R.S.30:4-92. Consistent with the provisions of the New Jersey
47 Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-
48 7), commutation and work credits shall not in any way reduce any

1 judicial or statutory mandatory minimum term and such credits
2 accrued shall only be awarded subsequent to the expiration of the
3 term.

4 b. Each adult inmate sentenced to a term of life imprisonment
5 shall become primarily eligible for parole after having served any
6 judicial or statutory mandatory minimum term, or 25 years where
7 no mandatory minimum term has been imposed less commutation
8 time for good behavior and credits for diligent application to work
9 and other institutional assignments. If an inmate sentenced to a
10 specific term or terms of years is eligible for parole on a date later
11 than the date upon which he would be eligible if a life sentence had
12 been imposed, then in such case the inmate shall be eligible for
13 parole after having served 25 years, less commutation time for good
14 behavior and credits for diligent application to work and other
15 institutional assignments. Consistent with the provisions of the
16 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,
17 2C:43-6, 2C:43-7), commutation and work credits shall not in any
18 way reduce any judicial or statutory mandatory minimum term and
19 such credits accrued shall only be awarded subsequent to the
20 expiration of the term.

21 c. Each inmate sentenced to a specific term of years pursuant
22 to the "New Jersey Controlled Dangerous Substances Act,"
23 P.L.1970, c.226 (C.24:21-1 et al.) shall become primarily eligible
24 for parole after having served one-third of the sentence imposed
25 less commutation time for good behavior and credits for diligent
26 application to work and other institutional assignments.

27 d. Each adult inmate sentenced to an indeterminate term of
28 years as a young adult offender pursuant to N.J.S.2C:43-5 shall
29 become primarily eligible for parole consideration pursuant to a
30 schedule of primary eligibility dates developed by the board, less
31 adjustment for program participation. In no case shall the board
32 schedule require that the primary parole eligibility date for a young
33 adult offender be greater than the primary parole eligibility date
34 required pursuant to this section for the presumptive term for the
35 crime authorized pursuant to subsection f. of N.J.S.2C:44-1.

36 e. Each adult inmate sentenced for an offense specified in
37 N.J.S.2C:47-1 shall become primarily eligible for parole as follows:

38 (1) If the court finds that the offender's conduct was not
39 characterized by a pattern of repetitive, compulsive behavior or
40 finds that the offender is not amenable to sex offender treatment, or
41 if after sentencing the Department of Corrections in its most recent
42 examination determines that the offender is not amenable to sex
43 offender treatment, the offender shall become primarily eligible for
44 parole after having served any judicial or statutory mandatory
45 minimum term or one-third of the sentence imposed where no
46 mandatory minimum term has been imposed. Neither such term
47 shall be reduced by commutation time for good behavior pursuant

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1 to R.S.30:4-140 or credits for diligent application to work and other
2 institutional assignments pursuant to R.S.30:4-92.

3 (2) All other offenders shall be eligible for parole pursuant to
4 the provisions of N.J.S.2C:47-5, except no offender shall become
5 primarily eligible for parole prior to the expiration of any judicial or
6 statutory mandatory minimum term.

7 f. Each juvenile inmate committed to an indeterminate term
8 shall be immediately eligible for parole.

9 g. Each adult inmate of a county jail, workhouse or
10 penitentiary shall become primarily eligible for parole upon service
11 of 60 days of his aggregate sentence or as provided for in
12 subsection a. of this section, whichever is greater. Whenever any
13 such inmate's parole eligibility is within six months of the date of
14 such sentence, the judge shall state such eligibility on the record
15 which shall satisfy all public and inmate notice requirements. The
16 chief executive officer of the institution in which county inmates
17 are held shall generate all reports pursuant to subsection d. of
18 section 10 of P.L.1979, c.441 (C.30:4-123.54). The parole board
19 shall have the authority to promulgate time periods applicable to the
20 parole processing of inmates of county penal institutions, except
21 that no inmate may be released prior to the primary eligibility date
22 established by this subsection, unless consented to by the
23 sentencing judge. No inmate sentenced to a specific term of years
24 at the State Prison or the correctional institution for women shall
25 become primarily eligible for parole until service of a full nine
26 months of his aggregate sentence.

27 h. When an inmate is sentenced to more than one term of
28 imprisonment, the primary parole eligibility terms calculated
29 pursuant to this section shall be aggregated by the board for the
30 purpose of determining the primary parole eligibility date, except
31 that no juvenile commitment shall be aggregated with any adult
32 sentence. The board shall promulgate rules and regulations to
33 govern aggregation under this subsection.

34 i. The primary eligibility date shall be computed by a
35 designated representative of the board and made known to the
36 inmate in writing not later than 90 days following the
37 commencement of the sentence. In the case of an inmate sentenced
38 to a county penal institution such notice shall be made pursuant to
39 subsection g. of this section. Each inmate shall be given the
40 opportunity to acknowledge in writing the receipt of such
41 computation. Failure or refusal by the inmate to acknowledge the
42 receipt of such computation shall be recorded by the board but shall
43 not constitute a violation of this subsection.

44 j. Except as provided in this subsection, each inmate sentenced
45 pursuant to N.J.S.2A:113-4 for a term of life imprisonment,
46 N.J.S.2A:164-17 for a fixed minimum and maximum term or
47 subsection b. of N.J.S.2C:1-1 shall not be primarily eligible for
48 parole on a date computed pursuant to this section, but shall be

1 primarily eligible on a date computed pursuant to P.L.1948, c.84
2 (C.30:4-123.1 et seq.), which is continued in effect for this purpose.
3 Inmates classified as second, third or fourth offenders pursuant to
4 section 12 of P.L.1948, c.84 (C.30:4-123.12) shall become
5 primarily eligible for parole after serving one-third, one-half or
6 two-thirds of the maximum sentence imposed, respectively, less in
7 each instance commutation time for good behavior and credits for
8 diligent application to work and other institutional assignments;
9 provided, however, that if the prosecuting attorney or the
10 sentencing court advises the board that the punitive aspects of the
11 sentence imposed on such inmates will not have been fulfilled by
12 the time of parole eligibility calculated pursuant to this subsection,
13 then the inmate shall not become primarily eligible for parole until
14 serving an additional period which shall be one-half of the
15 difference between the primary parole eligibility date calculated
16 pursuant to this subsection and the parole eligibility date calculated
17 pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12). If the
18 prosecuting attorney or the sentencing court advises the board that
19 the punitive aspects of the sentence have not been fulfilled, such
20 advice need not be supported by reasons and will be deemed
21 conclusive and final. Any such decision shall not be subject to
22 judicial review except to the extent mandated by the New Jersey
23 and United States Constitutions. The board shall, reasonably prior
24 to considering any such case, advise the prosecuting attorney and
25 the sentencing court of all information relevant to such inmate's
26 parole eligibility.

27 k. Notwithstanding any provisions of this section to the
28 contrary, a person sentenced to imprisonment pursuant to paragraph
29 (2), (3) or (4) of subsection b. of N.J.S.2C:11-3 shall not be eligible
30 for parole.

31 l. Notwithstanding the provisions of subsections a. through j.
32 of this section, the appropriate board panel, as provided in section 1
33 of P.L.1997, c.214 (C.30:4-123.51c), may release an inmate serving
34 a sentence of imprisonment on medical parole at any time.

35 m. Notwithstanding the provisions of this section, the State
36 Parole Board, pursuant to the provisions of P.L. , c. (C.)
37 (pending before the Legislature as this bill), may release an inmate
38 -serving a sentence of imprisonment.

39 (cf: P.L.2007, c.204, s.6)

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41 8. (New section) The State Parole Board, in accordance with
42 the provisions of the "Administrative Procedure Act" P.L.1968,
43 c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations
44 to effectuate the purposes of this act.

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46 9. This act shall take effect immediately.

STATEMENT

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This bill establishes a program in the Department of Corrections to facilitate the community reintegration of certain domestic violence victims following their incarceration for crimes committed against their abusers. The program is referred to as supervised community reintegration.

To qualify for the program, the victim-inmate must submit certain documentation concerning the domestic violence, and which identifies the abuser (who was the target of the victim-inmate's crime). Additionally, qualification for the program is contingent on the victim-inmate being found to present a low risk of re-offense.

At least 30 days prior to commencing its review of an inmate-victim's application for program participation, the State Parole Board would give notice to the prosecuting authority that prosecuted the inmate-victim (either the county prosecutor or the Attorney General), as well as any victim of the inmate's crime or member of that victim's family, advising the parties that they may submit comments for consideration to the board.

Those selected for the program are to undergo reentry training, and agree to a reintegration plan outlining their responsibilities under the program, which may include a secure residential community placement and participation in a work release program. The bill requires that the reintegration plan for each participant include the name of the inmate's community sponsor, verification that appropriate residential community services are available, if necessary, and any other conditions the board deems appropriate.

Participants who fail to fulfill their responsibilities under their reintegration plan or who violate the provisions of the program would be removed from the program.

The bill also clarifies that the State Parole Board may release an inmate from incarceration into the community reintegration program pursuant to criteria established in the bill.