

ASSEMBLY, No. 2197

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 30, 2006

Sponsored by:

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman LOUIS M. MANZO

District 31 (Hudson)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Requires parole board to consider significant efforts at achieving GED in decreasing parole eligibility date.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/9/2007)

1 AN ACT concerning parole eligibility and amending P.L.1979,
2 c.441.

3

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

6

7 1. Section 8 of P.L.1979, c.441 (C.30:4-123.52) is amended to
8 read as follows:

9 8. a. If the appropriate board panel determines that an adult
10 inmate has seriously or persistently violated specifically defined
11 institutional rules or has engaged in conduct indictable in nature
12 while incarcerated, the inmate's parole eligibility date may be
13 increased pursuant to a schedule developed by the board. In
14 developing such schedule, particular emphasis shall be placed on
15 the severity of the inmate's conduct. The board shall deduct from
16 the scheduled penalty any loss of commutation time imposed by the
17 Department of Corrections pursuant to R.S.30:4-140.

18 b. If the appropriate board panel determines that an adult inmate
19 has made exceptional progress, as evidenced by documented
20 participation and progress in institutional or community
21 educational, training or other programs, particularly significant
22 efforts made by the inmate to achieve a General Educational
23 Development (GED) diploma, the inmate's parole eligibility date
24 may be decreased, except that no parole eligibility date shall be set
25 below the primary parole eligibility date without the consent of the
26 sentencing court, which need not conduct a hearing and in no case
27 shall a parole eligibility date be set below any judicial or statutory
28 mandatory minimum term, including any parole eligibility date set
29 pursuant to section 23 of [this act] P.L.1979, c.441 (C.30:4-
30 123.52).

31 c. The appropriate board panel shall annually monitor the
32 progress of each adult inmate and provide the inmate with a written
33 statement of any changes in his parole eligibility.

34 d. At any time while an inmate is committed to the custody of
35 the Commissioner of Corrections, the appropriate board panel or the
36 Parole Board may require, as often as it deems necessary, that
37 inmate to undergo an in-depth preparole psychological evaluation
38 conducted by a psychologist.

39 e. Prior to the parole eligibility date of each adult inmate, an
40 objective risk assessment shall be performed by board staff or by
41 some other appropriate agent of the State. The risk assessment,
42 which shall be in a form prescribed by the board pursuant to rule
43 and regulation, shall consist of both static and dynamic factors
44 which may assist the board panel in determining whether the inmate
45 shall be certified for parole and, if paroled, the level of supervision

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 the parolee may require. In addition to the information otherwise
2 gathered for and incorporated in the pre-parole report, the
3 assessment shall include evaluations of the inmate's ability to
4 function independently, the inmate's educational and employment
5 background, the inmate's family and marital history, and such other
6 information and factors as the board may deem appropriate and
7 necessary.

8 (cf: P.L.2001, c.79, s.18)

9
10 2. This act shall take effect immediately.

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STATEMENT

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15 This bill would require the State Board of Parole to consider an
16 inmate's significant efforts in achieving a General Educational
17 Development (GED) diploma in deciding whether to move up an
18 inmate's parole eligibility date based on exceptional progress.

19 Under current law, an inmate's parole eligibility date may be
20 decreased when that inmate has made "exceptional progress" by
21 participating in institutional or community educational, training or
22 other programs. In making the determination whether an inmate
23 had made exceptional progress, the bill would require the parole
24 board to consider, in particular, whether an inmate has tried to earn
25 a GED.

26 It is the sponsor's intent to reduce recidivism by encouraging
27 inmates to earn a GED, which is generally required to obtain basic,
28 entry-level employment. Inmates who find employment upon
29 release are less likely to become repeat offenders.