

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

SENATE BILL NO. 2308  
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 2308 (First Reprint) with my recommendations for reconsideration.

This bill amends P.L. 1979, c.441 and seeks to modify the current limitations imposed on the New Jersey Parole Board's ability set future parole eligibility. For more than thirty years, the Parole Board relied on its institutional experience and reasoned discretion to determine when inmates would be considered for parole. This common-sense standard balanced the administrative needs of the corrections system with the rehabilitative goals of incarceration, and allowed the Parole Board to devote its limited resources to consideration of appropriate cases. During the last legislative term, however, P.L.2009, c.330 replaced the Parole Board's authority to make individualized determinations of parole eligibility based on the facts and circumstances of each case, with a new mandate that all inmates be considered for parole every three years. As implemented, the law now requires that even the worst and most violent criminals who have made no efforts to progress in their rehabilitation must be considered for parole at automatic intervals, no matter how unlikely their chances for release.

In addition to the administrative burden and resources that the agency would have to expend to rehear countless cases, where the granting of parole would be patently unwarranted, the current law also would impose on the victims of these crimes the enormous and unnecessary pain of attending parole hearings every three years. Testimony during the hearings on this bill

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revealed the depths of the pain and suffering endured by victims and their families as a result of the mandatory parole hearings. It makes no sense to subject these unfortunate family members to recount, again and again, the tragedies inflicted on their loved ones where there is no reasonable likelihood that the offender would be released on parole supervision.

This bill seeks to remedy, in part, the flawed system of parole review created last term by extending the automatic parole review period from three years, to every ten, for inmates convicted of murder or other enumerated serious crimes or those inmates serving sentences at least as long as the minimum term for a first degree crime. While I commend the sponsors for their attempt to provide relief to the victims of crimes through this amendment, this approach does not provide sufficient reform. Requiring automatic parole hearings at any interval not set by the State Parole Board, and not based on the Board's judgment of the facts of each offender's case, perpetuates a system that values bureaucracy over rehabilitation at the expense of innocent victims. I recommend, therefore, that the discretion and authority accorded to the State Parole Board for more than three decades be reinstated.

Moreover, the changes imposed by P.L.2009, c.330 were not limited solely to parole reviews. Another section of that law mandated the early release of any prisoner who was denied parole, or voluntarily elected not to seek parole. Whatever policy or principle motivated the passage of that law failed to adequately consider the safety of our public. In recent months we have seen the impact of the early release law. Simply stated, by removing the Parole Board's discretion to determine the inmates suitable for parole, P.L.2009, c.330 strips away the authority of the entity charged with perhaps the most sensitive

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and personalized determination in our criminal justice system: whether a person has earned the right to rejoin society before the conclusion of his court-ordered sentence. Together with the current law that compels the Parole Board to triennially review all parole applications, the early release law mandates that release from incarceration is based on the calendar, rather than the offender's rehabilitation. Therefore, I recommend reversal of the changes enacted through P.L.2009, c.330 affecting the Parole Board's ability to consider parole eligibility and future parole eligibility, as provided under the law prior to the effective date of P.L.2009, c.330.

Accordingly, I herewith return Senate Bill No. 2308 (First Reprint) and recommend that it be amended as follows:

Page 2, Section 1, Line 14:

After "inmate", delete  
", however, in no case,  
except those enumerated  
in subsection d. of this  
section, shall [any] a  
parole eligibility date  
scheduled pursuant to  
this subsection be more  
than three years  
following the date on  
which an inmate was  
denied release"

Page 2, Section 1, Line 24:

After "therefor", delete  
", however, in no case,  
except those enumerated  
in subsection d. of this  
section, shall such date  
be more than three years  
following the date on  
which the inmate was  
denied release"

Page 3, Section 1, Line 7:

Delete "d. The board  
shall have discretion to  
schedule an inmate's  
next parole eligibility  
date pursuant to  
subsections a. and b. of  
this section up to 10  
years from the date the  
inmate was denied  
release [,] if:

(1) the inmate is  
incarcerated as a result  
of a judgment of  
conviction or judgments  
of conviction that  
include a conviction for  
homicide or an attempt

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or conspiracy to commit  
homicide, any first  
degree crime, or any  
second degree crime  
enumerated in paragraph  
(d) of section 2 of  
P.L.1997, c.117  
(C.2C:43-7.2); or  
(2) the inmate is  
serving [a] an aggregate  
sentence that equals or  
exceeds the minimum  
ordinary term sentence  
that may be imposed for  
a crime of the first  
degree as prescribed in  
paragraph (1) of  
subsection a. of  
N.J.S.2C:43-6."

Page 3, Section 2, Line 22:

Insert new section "2.  
The following is  
repealed: Section 8 of  
P.L.2009, c.330 (C.30:4-  
123.51d)."

Page 3, Line 22:

Delete "2" and insert  
"3"

Respectfully,

/s/ Chris Christie  
Governor

[seal]

Attest:

/s/ Jeffrey S. Chiesa

Chief Counsel to the Governor