

## CHAPTER 330

**AN ACT** concerning inmates, revising various parts of the statutory law and supplementing Title 30 of the Revised Statutes.

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

C.30:4-92.1 Mandatory workforce skills training program.

1. The Commissioner of Corrections, in consultation with the Commissioner of Labor and Workforce Development, shall establish a mandatory workforce skills training program in each State correctional facility under the jurisdiction of the Department of Corrections.

a. The requirement of participating in a workforce skills training program shall apply to an inmate who:

(1) is in the custody of the Department of Corrections on the effective date of P.L.2009, c.330 (C.30:4-92.1 et al.);

(2) has 18 months or more remaining to be served before a mandatory release date; and

(3) is not exempted due to a medical, developmental, or learning disability.

b. The mandatory workforce skills training program requirement may be deferred for an inmate who is serving a sentence exceeding 10 years.

c. The workforce skills training program shall contain a computer literacy component, including instruction on word processing, typing, Internet navigation, and use of e-mail.

d. An inmate who satisfactorily participates in the mandatory workforce skills training program shall be eligible for commutation time for good behavior pursuant to R.S.30:4-140 or credits for diligent application to work and other institutional assignments pursuant to R.S.30:4-92.

e. The commissioner shall report to the State Parole Board the progress of an inmate participating in the mandatory workforce skills training program.

f. The commissioner, in consultation with the Commissioner of Labor and Workforce Development, shall promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the rules and regulations that are necessary to implement the provisions of P.L.2009, c.330 (C.30:4-92.1 et al.). These rules and regulations shall include, but not be limited to, provisions to:

(1) determine when an inmate shall be exempted from the mandatory workforce skills training requirement due to a medical, developmental, or learning disability as authorized under paragraph (3) of subsection a. of this section; and

(2) authorize these exempted inmates to voluntarily participate in the mandatory workforce skills training program.

C.30:4-92.2 Program of mandatory education.

2. a. The Commissioner of Corrections, in consultation with the Commissioner of Education, shall establish a program of mandatory education in each State correctional facility under the jurisdiction of the Department of Corrections for each inmate who fails to attain a minimal educational standard.

b. The minimal educational standard set forth in subsection a. of this section shall be the attainment of a high school equivalency certificate or high school diploma.

c. Consistent with the phase-in schedule adopted by the commissioner pursuant to subsection h. of this section, the requirement of attaining a minimal educational standard shall apply to an inmate who:

(1) is in the custody of the Department of Corrections on and after the effective date of P.L.2009, c.330 (C.30:4-92.1 et al.);

(2) has 18 months or more remaining to be served before a mandatory release date;

- (3) is not exempted due to a medical, developmental, or learning disability; and
- (4) does not possess a high school equivalency certificate or high school diploma.

d. The mandatory education requirement may be deferred for an inmate who is serving a sentence exceeding 10 years.

e. An inmate who satisfactorily participates in the mandatory education program shall be eligible for commutation time for good behavior pursuant to R.S.30:4-140 or credits for diligent application to work and other institutional assignments pursuant to R.S.30:4-92.

f. The commissioner shall report to the State Parole Board the academic progress of an inmate participating in the mandatory education program.

g. The commissioner may utilize digital technology and on-line education methods to meet the mandatory education requirement established by this section provided these alternate methods are documented to be as effective with inmate populations as live instruction.

h. The commissioner shall establish a schedule for the incremental implementation of the minimal educational standard required by this section. As hereinafter provided, the schedule shall consist of five foundation stages and shall provide for the full implementation of the minimal educational standard within five years of the effective date of this act.

(1) Stage One: The Prisoner Reentry Commission, established pursuant to section 10 of P.L.2009, c.329 (C.30:4-6.2), shall prepare a report outlining and assessing the availability of innovative technology, volunteer services and private sector resources the Department of Corrections may utilize to support and enhance in-prison education programs. In preparing this report, the commission, in consultation with the Department of Corrections and the Department of Education, shall prepare an inventory of the in-house educational programs currently available to inmates, the curricula for those programs, and the educational materials utilized. The report shall be submitted to the Commissioner of Corrections and the Commissioner of Education, along with any recommendations the commission may have, not later than the first day of the 12th month following the effective date of P.L.2009, c.330 (C.30:4-92.1 et al.).

(2) Stage Two: Beginning in the 13th month following the effective date of P.L.2009, c.330 (C.30:4-92.1 et al.), the commissioner shall initiate a program designed to raise the literacy level of inmates scheduled for release within three years to a ninth grade level. The program shall utilize, to the greatest extent feasible, available technology, volunteer services and private sector resources.

(3) Stage Three: Beginning in the 25th month following the effective date of P.L.2009, c.330 (C.30:4-92.1 et al.), the commissioner shall initiate a program designed to raise the literacy level of inmates scheduled to be released within 10 years to a ninth grade level. The program shall utilize, to the greatest extent feasible, available technology, volunteer services and private sector resources.

(4) Stage Four: Beginning in the 48th month following the effective date of P.L.2009, c.330 (C.30:4-92.1 et al.), the commissioner shall initiate a program designed to raise the literacy level of inmates scheduled to be released within 10 years to a 12th grade level. The program shall utilize, to the greatest extent feasible, available technology, volunteer services and private sector resources.

(5) Stage Five: Beginning in the 60th month following the effective date of P.L.2009, c.330 (C.30:4-92.1 et al.), the commissioner shall initiate a program designed to raise the literacy level of all inmates to a 12th grade level. The program shall utilize, to the greatest extent feasible, available technology, volunteer services and private sector resources.

- i. The commissioner, in consultation with the Commissioner of Education, shall

promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the rules and regulations that are necessary to implement the provisions of P.L.2009, c.330 (C.30:4-92.1 et al.). These rules and regulations shall include, but not be limited to, provisions to:

(1) determine when an inmate shall be exempted from the mandatory education program due to a medical, developmental, or learning disability as authorized under paragraph (3) of subsection c. of this section;

(2) authorize these exempted inmates to voluntarily participate in the mandatory education program; and

(3) offer and encourage these exempted inmates who possess the capability to participate in an alternate educational program.

#### C.30:4-92a Special credits.

3. In addition to credits received pursuant to R.S.30:4-92 and R.S.30:4-140, the commissioner also may award inmates special credits to provide further remission from time of sentence for achievements in education and workforce training.

4. R.S.30:4-127 is amended to read as follows:

Visitation of certain institutions; application to Superior Court judge.

30:4-127. a. An assignment judge of the Superior Court may grant, on a written application to him of a majority of the board of managers of the State Charities Aid Association of New Jersey, to such person as may be named in such application an order enabling such person to visit, inspect and examine, on behalf of such association, any of the county, town, township or city prisons, jails, penitentiaries, and reformatories, located within any of the counties of which he is the assignment judge. Every such order shall specify the institutions to be visited, inspected and examined, and the name of the person by whom the visitation, inspection and examination are to be made, and shall be in force for one year from the date on which it shall have been granted, unless sooner revoked.

b. A person convicted of a crime or offense in this State, or another state or jurisdiction, who has completed his sentence, and who seeks to visit persons incarcerated in a State correction facility for motivational purposes, but has been denied access to that facility, may apply to the Superior Court for an order granting access to that, or any other, State correctional facility. A copy of the written application shall be served on the Commissioner of Corrections at the same time it is filed with the court. A judge of the Superior Court may grant the relief requested in the application and issue an order granting the applicant access to the State correctional facility, or facilities, cited in the application; provided, the applicant successfully establishes that the visits are for motivational purposes and are likely to be beneficial to the rehabilitation of certain inmates incarcerated in that facility, or facilities, as the case may be, and if the commissioner provides no valid objections to the court identifying safety or security concerns associated with the applicant being granted access to a particular facility, or facilities.

#### C.30:4-91.18 Establishment of mentoring program.

5. The Department of Corrections shall establish a program within each prison facility to provide for the mentoring of inmates who have been in the department's custody for a continuous uninterrupted period of less than two years. The program shall utilize inmates who have been in the department's custody for a continuous uninterrupted period of more

than 10 years to provide the mentoring services, provided that such inmates have demonstrated to the commissioner and the supervisor of the facility wherein they are incarcerated that they can serve as positive role models to inmates being mentored pursuant to this section.

6. Section 12 of P.L.1979, c.441 (C.30:4-123.56) is amended to read as follows:

C.30:4-123.56 Schedule of future parole eligibility dates; statement of denial.

12. a. The board shall develop a schedule of future parole eligibility dates for adult inmates denied release at their eligibility date. In developing such schedule, particular emphasis shall be placed on the severity of the offense for which he was denied parole and on the characteristics of the offender, such as, but not limited to, the prior criminal record of the inmate and the need for continued incapacitation of the inmate, however, in no case shall any parole eligibility date scheduled pursuant to this subsection be more than three years following the date on which an inmate was denied release.

b. If the release on the eligibility date is denied, the board panel which conducted the hearing shall refer to the schedule published pursuant to subsection a., and include in its statement denying parole notice of the date of future parole consideration. If such date differs from the date otherwise established by the schedule, the board panel shall include particular reasons therefor, however, in no case shall such date be more than three years following the date on which the inmate was denied release. The future parole eligibility date shall not be altered to take into account remissions of sentence for good behavior and diligent application to work and other assignments; provided however, the future parole eligibility date may be altered pursuant to section 8 of P.L.1979, c. 441 (C.30:4-123.52).

c. An inmate shall be released on parole on the new parole eligibility date unless information filed pursuant to a procedure identical to that set forth in section 10 of P.L.1979, c.441 (C.30:4-123.54) indicates by a preponderance of the evidence that the inmate has failed to cooperate in his or her own rehabilitation or that there is a reasonable expectation that the inmate will violate conditions of parole imposed pursuant to section 15 of P.L.1979, c.441 (C.30:4-123.59) if released on parole at that time. The determination of whether the inmate shall be released on the new parole eligibility date shall be made pursuant to the procedure set forth in section 11 of P.L.1979, c.441 (C.30:4-123.55) and this section.

For the purposes of this subsection, "failed to cooperate in his or her own rehabilitation" shall include, in the case of an inmate who suffers from mental illness as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2) that does not require institutionalization, that the inmate failed to fully participate in or cooperate with all prescribed treatment offered during incarceration.

7. Section 23 of P.L.1979, c.441 (C.30:4-123.67) is amended to read as follows:

C.30:4-123.67 Parole contract agreements resulting in reduction of term of parole.

23. a. The appropriate board panel and the Department of Corrections or the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) shall enter into formal parole contract agreements with officials of the board, officials of the Department of Corrections or the Juvenile Justice Commission and individual parolees or inmates reduced to writing and signed by all parties, which parole contract agreements stipulate individual programs of education, training, or other activity which shall result in a specified reduction of the parolee's parole term pursuant to section 22 of P.L.1979, c.441

(C.30:4-123.66) or the inmate's primary parole eligibility date pursuant to section 8 of P.L.1979, c.441 (C.30:4-123.52), upon such successful completion of the program. The formal parole contract agreements required under this subsection shall be entered into within two months of an inmate's admission to a correctional facility.

b. Any parolee or inmate shall be permitted to apply to the board for such an agreement. The board panel shall accept all such applications. The board panel shall approve any application consistent with eligibility requirements promulgated by the board pursuant to section 4 of P.L.1979, c.441 (C.30:4-123.48). The commission may, by regulation, specify eligibility requirements for agreements with juvenile parolees and inmates and the procedures for effecting such agreements and reviewing juveniles' application for such agreements.

c. Upon approval of the parolee or inmate's application, the board panel shall be responsible for specifying the components necessary for any such agreement. Upon acceptance of the agreement by the Department of Corrections or by the commission, by the board panel and by the parolee or the inmate, the board panel shall reduce the agreement to writing and monitor compliance with the parole contract agreement at least once every 12 months. The parolee or inmate and the Department of Corrections or the Juvenile Justice Commission shall be given a copy of any such agreement.

d. Any such agreement shall be terminated by the board panel in the event the parolee or inmate fails to or refuses to satisfactorily complete each component of the agreement. The inmate or parolee shall be notified in writing of any such termination and the reasons therefor. Any such termination may be appealed to the full board pursuant to section 14 of P.L.1979, c.441 (C.30:4-123.58).

C.30:4-123.51d Early release under certain circumstances.

8. a. An inmate sentenced to a term of incarceration in a State correctional institution who (1) has declined to participate in the parole consideration hearing process or (2) has been denied parole release pursuant to the provisions of section 11 of P.L.1979, c.441 (C.30:4-123.55) shall, notwithstanding the provisions of section 12 of P.L.1979, c. 441 (C.30:4-123.56), be released on parole on a date which precedes the date on which the aggregate of the inmate's court imposed term of incarceration is to end by six months; provided, however, that the early release authorized under the provisions of this subsection shall not apply to any inmate subject to a judicial or statutory mandatory minimum term of incarceration. An inmate subject to a mandatory minimum term of incarceration shall remain in the custody of the Commissioner of Corrections until the completion of that term.

b. In computing the date on which the inmate's court imposed term of incarceration is to end, the calculations shall include any reductions for good behavior remitted to the inmate in accordance with the provisions of R.S.30:4-140 and credits for diligent application to work and other institutional assignments granted the inmate pursuant to R.S.30:4-92; provided, however, that commutation time for good behavior and credits for diligent application to work and other institutional assignments shall not be utilized to reduce any judicial or statutory mandatory minimum term of incarceration imposed on an inmate.

c. An inmate released on parole pursuant to subsection a. of this section shall, during the term of parole supervision, remain in the legal custody of the Commissioner of Corrections; be supervised by the Division of Parole of the State Parole Board; and be subject to the provisions and conditions established by the appropriate board panel in accordance with the procedures and standards set forth in section 15 of P.L.1979, c.441 (C.30:4-123.59). If the parolee violates a condition of parole, the parolee shall be subject to the provisions of section

16 through section 19 of P.L.1979, c.441 (C.30:4-123.60 through C.30:4-123.63) and may have his parole revoked and be returned to custody. If revocation and return to custody are deemed appropriate, the appropriate board panel shall revoke the parolee's release and return the parolee to custody and confinement for the remainder of his sentence.

d. An inmate released on parole pursuant to this section and whose parole is revoked shall not be credited for any time served during that period of parole and shall not be eligible for parole during the remainder of his sentence.

e. For the purpose of establishing a primary parole eligibility date pursuant to subsection h. of section 7 of P.L.1979, c.441 (C.30:4-123.51), the period of incarceration required to be served pursuant to subsections c. and d. of this section shall not be aggregated with a term of imprisonment imposed on the parolee for the commission of any offense.

f. The provisions of this section shall not apply to any inmate paroled pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55) and returned to custody upon the revocation of parole by the appropriate board panel pursuant to the provisions of section 16 through section 20 of P.L.1979, c.441 (C.30:4-123.60 through C.30:4-123.64).

g. The provisions of this section shall not apply to an inmate serving a sentence subject to the provisions of section 2 of P.L.1997, c.117 (C.2C:43-7.2) or a sentence imposed for the offense of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, 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 a child pursuant to subsection a. of N.J.S.2C:24-4, endangering the welfare of a child pursuant to paragraph (3) of subsection b. of N.J.S.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 an attempt to commit any of these offenses.

h. The provisions of section 22 of P.L.1979, c.441 (C.30:4-123.66) shall not apply to an inmate released on parole pursuant to this section.

i. Written notice of the parole release of an inmate pursuant to this section shall be provided to the prosecutor of that inmate in accordance with the provisions of section 3 of P.L.1994, c.131 (C.30:4-6.1).

j. Except as otherwise provided, the provisions of this section shall apply to all inmates in the custody of the Commissioner of Corrections on and after the effective date of P.L.2009, c.330 (C.30:4-92.1 et al.). In the case of inmates in the custody of the commissioner on the effective date of P.L.2009, c.330 (C.30:4-92.1 et al.), the Parole Board may postpone, for a period not to exceed six months, the application of P.L.2009, c.330 (C.30:4-92.1 et al.) in order to permit the board an opportunity to identify, investigate and process the development and establishment of specific policies and plans, including the availability of treatment services, if deemed appropriate, for inmates eligible for release under P.L.2009, c.330 (C.30:4-92.1 et al.).

k. In accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the Parole Board shall promulgate rules and regulations necessary to effectuate the purposes of this act.

C.30:4-91.19 Report on status of Residential Community Release Program beds.

9. The Commissioner of Corrections shall certify on a monthly basis to the Director of the Division of Budget and Accounting that all available Residential Community Release Program beds in the State of New Jersey are filled to contract capacity with eligible State inmates who are within 18 to 24 months of release, pursuant to the eligibility requirements

for community release programs provided under the administrative code, prior to the incarceration of any inmate in any county penal facility.

C.30:4-91.20 Inventory, review of vocational training programs.

10. The Commissioner of Corrections, in collaboration with the Commissioner of Labor and Workforce Development, biennially shall inventory and review the various vocational training programs offered to inmates in the State's adult correctional facilities to ensure that:

a. Each inmate vocational training program is attuned to actual post-release employment opportunities and reflects current industry and business workforce needs; and

b. The inmate vocational training programs meet the same curricula standards as the current standards of programs at private and public vocational training institutions, and earn the inmates who successfully complete inmate vocational training programs comparable certifications or certificates of achievement to those issued by programs at private and public vocational training institutions.

C.30:4-91.21 Actions relative to revising, terminating inmate vocational training program.

11. If the Commissioner of Corrections and Commissioner of Labor and Workforce Development determine that an inmate vocational training program is not attuned to actual post-release employment opportunities or does not reflect current industry and business workforce needs, or that an inmate vocational training program does not meet the same current curricula standards of programs at private and public vocational training institutions or earn inmates who successfully complete an inmate vocational training program comparable certifications or certificates of achievement to those issued by private and public vocational training institutions, the commissioners, in concert, shall:

a. Revise the affected inmate vocational training program to reflect post-release employment opportunities, adjust to changes in industry and business workforce needs, or award inmates who successfully complete the program comparable certifications or certificates of achievement; or

b. Terminate the affected inmate vocational training program and direct the inmates participating in that program to alternative inmate vocational training programs.

12. Section 3 of this act shall take effect immediately; section 8 of this act shall take effect on the first day of the fourth month following enactment; sections 1, 2, 5, 6, 7, 9, 10, and 11 of this act shall take effect on the first day of the seventh month after enactment; section 4 shall take effect on the first day of the 13th month following enactment. The Commissioner of Corrections, the Commissioner of Education, and the Commissioner of Labor and Workforce Development, and the State Parole Board may take any anticipatory action prior to the effective date necessary to implement the provisions of this act.

Approved January 18, 2010.