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CHAPTER 111

An Act concerning public health emergency credits, amending N.J.S.2C:47-3, and amending and supplementing Title 30 of the Revised Statutes and P.L.1993, c.133 (C.2A:4A-44).

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

C.30:4-123.100 Public health emergency credits.

1. a. In addition to credits awarded pursuant to R.S.30:4-92; section 3 of P.L.2009, c.330 (C.30:4-92a); and R.S.30:4-140, whenever a public health emergency, pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), has been declared by the Governor and is in effect, the commissioner also shall award inmates public health emergency credits in accordance with this section if the public health emergency:

(1) arises as a result of a communicable or infectious disease; and

(2) results in substantial modifications to department-wide correctional facility operations.

b. Except as provided in subsection d. of this section, public health emergency credits shall be awarded to any inmate in the custody of the Commissioner of Corrections who:

(1) is serving a sentence or receiving jail credits applicable to the sentence; and

(2) is scheduled to be released from the custody of the Commissioner of Corrections within 365 days.

c. The public health emergency credits awarded pursuant to this section shall provide further remission from both the maximum and minimum term of the inmate's sentence, including the statutory mandatory minimum term, at the rate of 122 days for each month, or portion thereof, served during the declared emergency. An inmate shall not be awarded public health emergency credits in excess of 244 days of remission for any declared emergency.

d. Public health emergency credits shall not be awarded to an inmate serving a sentence in a State correctional facility for:

(1) murder pursuant to N.J.S.2C:11-3;

(2) aggravated sexual assault pursuant to subsection a. of N.J.S.2C:14-2; or

(3) any offense enumerated in N.J.S.2C:47-1 and whose conduct was characterized by a pattern of repetitive, compulsive behavior.

e. Nothing in this section shall be deemed to limit an inmate's eligibility for parole consideration as provided for in section 10 of P.L.1948, c.84 (C.30:4-123.1 et seq.).

f. An inmate who was in the custody of the Commissioner of Corrections during the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020 concerning the coronavirus disease 2019 pandemic shall receive public health emergency credits in accordance with this section.

g. An inmate scheduled to be released from the custody of the Commissioner of Corrections following an award of public health emergency credits pursuant to this section shall be released on the scheduled release date based on the award of public health emergency credits.

h. An inmate who is released from custody following an award of public health emergency credits pursuant to this section shall be prohibited from making contact with any victim of the crime for which the inmate was serving a sentence, as set forth in section 5 of P.L.2020, c.111 (C.30:4-123.103), which prohibition shall remain in force until the time that the inmate was scheduled to be released from custody prior to the award of public health emergency credits.

i. Prior to releasing an inmate from the custody of the commissioner following an award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100), the commissioner shall:

(1) notify the inmate in writing of the prohibition against making contact with any victim of the crime for which the inmate was convicted pursuant to section 5 of P.L.2020, c.111 (C.30:4-123.103);

(2) notify the inmate in writing that a violation of the prohibition against contact with a victim is a crime of the fourth degree;

(3) require the inmate to acknowledge in writing the receipt of the written notifications related to the contact prohibition provided pursuant to this subsection.

j. In addition to the requirements set forth in subsection i. of this section and any other relevant provision under current law related to the provision of information and services to inmates, prior to releasing an inmate from the custody of the commissioner following an award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100), the commissioner shall compile and disseminate to inmates information concerning organizations and programs, whether faith-based or secular programs, which provide assistance and services to inmates reentering society after a period of incarceration.

k. Within 30 days prior to an inmate's release from the custody of the commissioner following an award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100), the commissioner shall provide any available information related to the inmate's:

(1) eligibility for Medicaid;

(2) housing information;

(3) identification information; and

(4) eligibility for any other benefits and services.

l. Subject to the availability of the testing resources of the Department of Corrections, an inmate shall be tested for COVID-19 prior to the inmate's release from the custody of the commissioner following an award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100) if the inmate is released during the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020 concerning the coronavirus disease 2019 pandemic.

C.2A:4A-44.2 Application of public health emergency credits to juvenile.

2. a. Except as provided in subsection b. of this section, the award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100) shall apply to any juvenile serving a sentence in a State correctional facility operated by the Juvenile Justice Commission who due to the expiration of the juvenile's term of commitment is scheduled to be released from custody within 365 days.

b. Public health emergency credits shall not be awarded to any juvenile serving a sentence in a State correctional facility operated by the Juvenile Justice Commission for:

(1) murder pursuant to N.J.S.2C:11-3;

(2) aggravated sexual assault pursuant to subsection a. of N.J.S.2C:14-2; or

(3) any offense enumerated in N.J.S.2C:47-1 and who is deemed a repetitive, compulsive sex offender.

c. A juvenile who was serving a sentence in a State correctional facility operated by the Juvenile Justice Commission during the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020 concerning the coronavirus disease 2019 pandemic shall receive public health emergency credits in accordance with section 1 of P.L.2020, c.111 (C.30:4-123.100).

d. A juvenile scheduled to be released from the custody of the Juvenile Justice Commission following an award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100) shall be released on the scheduled release date based on the award of public health emergency credits.

e. (1) Notwithstanding the provisions of subsection d. of this section, a juvenile scheduled to be released from the custody of the Juvenile Justice Commission following an award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100) whose scheduled release date is less than 45 days after the effective date of P.L.2020, c.111 (C.30:4-123.100 et al.) shall be released within 45 days after the effective date, in order to allow the Juvenile Justice Commission to devise and implement a release plan for the juvenile and arrange for services to be provided to the juvenile upon release.

(2) A juvenile who is released from custody following an award of public health emergency credits pursuant to this section shall be prohibited from making contact with a victim as set forth in section 5 of P.L.2020, c.111 (C.30:4-123.103), which prohibition shall remain in force until the time that the juvenile was scheduled to be released prior to the award of public health emergency credits.

f. Prior to releasing a juvenile from the custody of the Juvenile Justice Commission following an award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100), the Executive Director of the Juvenile Justice Commission shall:

(1) notify the juvenile in writing of the prohibition against making contact with any victim of the crime for which the juvenile was serving a sentence pursuant to section 5 of P.L.2020, c.111 (C.30:4-123.103);

(2) notify the juvenile that a violation of the prohibition against contact with the victim is a crime of the fourth degree; and

(3) require the juvenile to acknowledge in writing the receipt of the notifications provided pursuant to this subsection.

C.30:4-123.101 Identification of inmates scheduled to be released; notification.

3. a. The Commissioner of Corrections shall immediately identify any inmate who is scheduled to be released from custody within 365 days as a result of the award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100).

b. Notwithstanding any provision of law to the contrary, the Commissioner of Corrections shall provide notice to the prosecutor of the county in which the inmate was convicted or the Attorney General if the matter was prosecuted by the Attorney General. The notice shall include:

(1) the name of any inmate who is scheduled to be released from the custody of the Commissioner of Corrections within 365 days as a result of the award of public health emergency credits;

(2) the date on which the inmate is scheduled to be released from custody based on the award of public health emergency credits; and

(3) the date on which the inmate was scheduled to be released from custody prior to the award of public health emergency credits.

c. The Commissioner of Corrections shall make available to the public on the Internet website of the Department of Corrections, in both English and Spanish, information concerning:

(1) the procedures for filing an application for a restraining order pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

(2) resources for victims of domestic violence; and

(3) procedures established by the court for filing a petition to dissolve the prohibition established pursuant to section 5 of P.L.2020, c.111 (C.30:4-123.103) prohibiting an inmate from making contact with any victim of the crime for which the inmate is serving a sentence .

C.30:4-123.102 Actions of prosecutor, Attorney General.

4. a. Upon receipt of notice from the Commissioner of Corrections that an inmate is scheduled to be released from custody within 365 days based on the award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100), the prosecutor or Attorney General may, prior to the inmate's scheduled release date:

(1) use any reasonable means available to notify any identifiable victim of the crime for which the inmate is incarcerated of the inmate's scheduled release date;

(2) notify the identifiable victim that the law prohibits the inmate from having any contact with the victim unless a petition is filed with the court to dissolve the prohibition;

(3) notify the victim of the duration of the prohibition against contact;

(4) notify the victim of the penalties imposed for the inmate's violation of the prohibition against contact;

(5) provide information to the victim concerning the procedures for filing a petition with the court to dissolve the prohibition against the inmate having contact with the victim; and

(6) provide information to the victim concerning the procedures for filing an application for a restraining order pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.), and resources for victims of domestic violence.

b. The Attorney General shall make available to the public on the Internet website of the Department of Law and Public Safety, in both English and Spanish, information concerning:

(1) the procedures for filing an application for a restraining order pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

(2) resources for victims of domestic violence; and

(3) procedures for filing with the court a petition to dissolve the prohibition established pursuant to section 5 of P.L.2020, c.111 (C.30:4-123.103)prohibiting an inmate or juvenile, as the case may be, from making contact with the victim.

C.30:4-123.103 Prohibition against making contact with victim.

5. a. An inmate who is released from the custody of the Commissioner of Corrections or a juvenile who is released from the custody of the Juvenile Justice Commission following an award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100), from the date of release until the date the inmate or juvenile, as the case may be, was scheduled to be released prior to the award of public health emergency credits, shall be prohibited from purposely or knowingly making contact with any victim of the crime for which the inmate or juvenile was serving a sentence.

For purposes of this subsection, making contact with a victim shall include contact made personally by the inmate or juvenile, as the case may be, or through an agent, and shall include but not be limited to: personal, written, electronic, or telephone contact or communication; or entering the residence, property, school, or place of employment of the victim.

b. A violation of subsection a. of this section shall be a crime of the fourth degree.

c. (1) A petition may be filed with the court to dissolve the prohibition established pursuant to the provisions of this section prohibiting an inmate or juvenile, as the case may be, from making contact with the victim in accordance with procedures established by the court.

(2) The Director of the Administrative Office of the Courts shall provide the Department of Corrections, Juvenile Justice Commission, and Attorney General with information concerning the procedures established by the court for filing a petition to dissolve the prohibition established pursuant to this section prohibiting an inmate or juvenile, as the case may be, from making contact with any victim of the crime for which the inmate or juvenile was serving a sentence.

C.2A:4A-44.3 Identification of juveniles scheduled for release.

6. a. The Executive Director of the Juvenile Justice Commission shall immediately identify any juvenile who is scheduled to be released from the custody of the Juvenile Justice Commission within 365 days as a result of the award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100).

b. Notwithstanding any provisions of law to the contrary, the Executive Director of the Juvenile Justice Commission shall provide notice to the prosecutor of the county in which the juvenile was adjudicated delinquent or the Attorney General if the matter was prosecuted by the Attorney General. The notice shall include:

(1) the name of any juvenile who, due to the expiration of the juvenile's term of commitment, is scheduled to be released from the custody of the Juvenile Justice Commission within 365 days as a result of the award of public health emergency credits;

(2) the date on which the juvenile is scheduled to be released from custody based on the award of public health emergency credits; and

(3) the date on which the juvenile was scheduled to be released from custody prior to the award of public health emergency credits.

c. The Executive Director of the Juvenile Justice Commission shall make available to the public on the Internet website of the Juvenile Justice Commission, in both English and Spanish, information concerning:

(1) the procedures for filing an application for a restraining order pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

(2) resources for victims of domestic violence; and

(3) procedures for filing with the court a petition to dissolve the prohibition established pursuant to section 5 of P.L.2020, c.111 (C.30:4-123.103) prohibiting a juvenile from making contact with any victim of the crime for which the juvenile was serving a sentence.

C.2A:4A-44.4 Actions of prosecutor, Attorney General.

7. Notwithstanding the provisions of any law to the contrary, upon receipt of notice from the Executive Director of the Juvenile Justice Commission that a juvenile is scheduled to be released from the custody of the Juvenile Justice Commission within 365 days based on the award of public health emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-123.100), the prosecutor or Attorney General, prior to the juvenile's scheduled release date, may:

a. use any reasonable means available to notify any identifiable victim of the crime for which the juvenile is serving a sentence in a State correctional facility operated by the Juvenile Justice Commission of the juvenile's scheduled release date;

b. notify the identifiable victim that the law prohibits the juvenile from having any contact with the victim unless a petition is filed with the court to dissolve the prohibition in accordance with the procedures established by the court;

c. notify the victim of the duration of the prohibition against the juvenile having contact with the victim;

d. notify the victim of the penalties imposed for the juvenile's violation of the prohibition against contact;

e. provide information to the victim concerning how a petition may be filed with the court to dissolve the prohibition against the juvenile having contact with the victim; and

f. provide information to the victim concerning the procedures for filing an application for a restraining order pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.), and resources for victims of domestic violence.

C.30:4-123.55f Reduction of term of supervision of parolee during public health emergency.

8. a. Whenever a public health emergency, pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), has been declared by the Governor and is in effect, the term of supervision of a parolee shall be reduced by the award of public health emergency credits pursuant to this section if the public health emergency arises as a result of a communicable or infectious disease.

b. Except as provided in subsection d. of this section, public health emergency credits shall be awarded to any person who is serving a sentence of parole supervision if the full maximum term for which the parolee was sentenced, or the term authorized by the

parolee's disposition, expires within 365 days.

c. The public health emergency credits awarded pursuant to this section shall reduce the term of supervision of a parolee at the rate of 122 days for each month, or portion thereof, served during the declared emergency. A parolee shall not be awarded public health emergency credits in excess of 244 days of remission for any declared emergency.

d. Public health emergency credits shall not be awarded to a parolee who has been sentenced to a special sentence of community supervision for life or parole supervision for life.

e. A parolee for whom a warrant has been issued by the State Parole Board and parole revocation proceedings have been initiated shall be ineligible to receive public health emergency credits.

f. Nothing in this section shall be deemed to limit a parolee's eligibility to receive parole compliance credits pursuant to section 5 of P.L.2019, c.364 (C.30:4-123.55e).

9. Section 5 of P.L.2019, c.364 (C.30:4-123.55e) is amended to read as follows:

C.30:4-123.55e Parole compliance credits.

5. Notwithstanding the provisions of subsection a. of section 7 of P.L.1979, c.441 (C.30:4-123.51), any person granted parole, except a person serving a parole term set forth in subsection c. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) or section 2 of P.L.1994, c.130 (C.2C:43-6.4), shall have the parole term reduced by parole compliance credits at a rate of one day for every six days of parole supervision the person has completed.

Credits awarded pursuant to this section shall cease to accrue upon the issuance of a warrant by the State Parole Board and initiation of parole revocation proceedings. Any credits earned pursuant to this section shall be forfeited upon the revocation of parole.

Any compliance credits awarded pursuant to this section based on actions for which parole revocation proceedings were initiated, but did not result in a revocation of parole and return to custody, shall be forfeited upon a determination by the board panel or board that the actions for which compliance credits were awarded violated a condition of parole.

Nothing in this section shall be deemed to limit a parolee's eligibility to receive public health emergency credits pursuant to section 8 of P.L.2020, c.111 (C.30:4-123.55f).

10. This act shall take effect on the sixteenth day next following the date of enactment; however, the Commissioner of Corrections, Attorney General, Executive Director of the Juvenile Justice Commission, Chairman of the State Parole Board, and Director of the Administrative Office of the Courts shall take any anticipatory action necessary in advance thereof to effectuate the purposes of this act.

Approved October 19, 2020.

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