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
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
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
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 (i) of subsection a. of N.J.S.2C:43-b.”

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