procedures for the suspension, debaiment, and/or disqualification of a provider in order to exclude or render ineligible certain persons or entities, as defined in the rule, from contracting or subcontracting with DFD. The section provides 25 specific causes, including the commission of State and Federal crimes involving a public or private contract, the willful failure to perform in conformance with the contract, or any cause of a serious and compelling nature that indicates a lack of responsibility by the provider. The decision to exclude a provider from contracting with DFD is within the discretion of the Director of DFD, unless otherwise required by law.

# N J A C 10 84-2 2 Withholding of Provider Payments

This section provides for the withholding of provider payments when DFD receives reliable evidence of theft fraud, willful misrepresentation, or tampering with records by a provider

# N J A C 10 84-2 3 Provider Reinstatement

This section provides the process for provider reinstatement to the DFD contracting process after a period of exclusion. The Director of DFD may order the reinstatement of a suspended, debarred, or disqualified provider or refer the matter to the Commissioner of the Department of Human Services for consideration.

(a)

HUMAN SLRVICES

# DIVISION OF FAMILY DEVELOPMENT Notice of Readoption Families First Program Readoption: N.J.A.C. 10:88

Authority NJSA 301-12

Authorized By Sarah Adelman, Acting Commissioner, Department of Human Services

Effective Date. July 12, 2021 New Expiration Date: July 12, 2028

Take notice that, in accordance with N J S.A. 52 14B-5 1, N J A C 10 88 was scheduled to expire on August 22, 2021 Pursuant to Executive Order Nos 127 (2020) and 244 (2021) and P L 2021, c 104, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No 103 (2020) is extended through January 1, 2022 Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N J.S A 52 14B-5 1.c has not yet occurred, therefore, pursuant to Executive Order No 244 (2021), and P L 2021, c 104, this notice of readoption is timely filed

The Division of Family Development has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were promulgated, as required by Executive Order No. 66 (1978) Therefore, pursuant to N J S A 30 1-12 and in accordance with N J S A 52 14B-5 1 c(1), these rules are readopted and shall continue in effect for a seven-year period from the date of filing

The following is a description of the subchapters of NJAC 10.88.

N J A C 10 88-1, General Provisions, establishes the purpose and scope of the Families First Program and recognizes the Electionic Benefits Transfer (EBT) card as the mandatory method for the issuance of Temporary Assistance for Needy Families (TANF) benefits, New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) benefits, General Assistance (GA) benefits, and child support bonus payments to eligible households. The subchapter also provides the authority for the operation of the Families First Program, provides guidance for the properties of Families First accounts, and defines terms that are used throughout the chapter

N J A C 10 88-2. Recipient Training, establishes county welfare agency responsibilities for training recipients on EBT card usage, and addresses the process by which Families First cards are issued to eligible households. Additionally, Subchapter 2 addresses card issuance and the process for selecting a personal identification number (PIN)

N J A C 10 88-3, Card Utilization, establishes the process for accessing and spending NJ SNAP and cash assistance benefits through the Families First card. The subchapter addresses transaction fees, designation of authorized representatives and payees, staggered issuances of benefits, and the use of non-traditional food retailers. Additionally, the subchapter addresses benefit issuances related to certain authorized institutions, communal dining facilities, Meals on Wheels, adjustments to Families First NJ SNAP accounts, and penalties for inappropriate use of Families First cards.

N J A C 10 88-4, Inactive Accounts (Aging), addresses the process of aging and the expungement of mactive NJ SNAP and cash benefits, detailing the aging process and addressing how households can access aged benefits.

N.J.A.C. 10 88-5, Replacement of Benefits and Cards, addresses the replacement of benefits, replacement of lost or stolen EBT cards, and PIN re-selection.

NJAC 1088-6, Fiscal Procedure, addresses NJ SNAP card replacement fees, the use of Families First benefits to repay NJ SNAP claims, crediting aged Family First cash benefits on county welfare agency fiscal reports, and provides procedures for the security and control of Families First cards

# CORRECTIONS

(b)

STATE PAROLE BOARD

Parole Board Rules
Division of Parole Rules

Readoption with Amendments: N.J.A.C. 10A:72

Adopted Repeals and New Rules: N.J.A.C. 10A:71-3.22, 7.6, 7.10, and 7.11; and 10A:72-4.11 and 5.9

Adopted Amendments: N.J.A.C. 10A:71-1.1, 1.2, 1.4, 1.5, 1.10, 2.10, 3.1, 3.2, 3.3, 3.5, 3.7, 3.8, 3.12, 3.15, 3.16, 3.21, 3.48, 3.49, 3.50, 3.54, 4.1, 5.1, 5.2, 5.7, 5.8, 6.1, 6.3, 6.4, 6.5, 6.6, 6.9, 6.10, 6.11, 6.12, 7.2, 7.3, 7.7, 7.9, 7.12, 7.13, 7.15, 7.16, 7.17B, 7.18, and 7.19A

Adopted New Rules: N.J.A.C. 10A:71-2.12 and 6.14; and 10A:72-15

Adopted Repeals: N.J.A.C. 10A:71-3.23 through 3.33, 3.57, 7.17, and 7.17A

Proposed. February 16, 2021, at 53 N J R 211(a)

Adopted, May 26, 2021, by the New Jersey State Parole Board,

Samuel J. Plumeri, Jr, Chairman

Filed July 23, 2021, as R 2021 d 090, without change

Authority N J.S A 30 4-123 48 d

Effective Dates July 23, 2021, Readoption,

August 16, 2021, New Rules, Repeals, and

Amendments

Expiration Dates March 19, 2025, N.J A C 10A 71.

July 23, 2028, N J A C 10A 72.

Take notice that pursuant to N.J S A 52.14B-5 1, the rules at N J.A C. 10A 72 were scheduled to expire on June 3. 2021, as the State Parole Board timely filed a notice of proposal to readopt the chapter Pursuant to Executive Order Nos 127 (2020) and 244 (2021) and P L 2021, c 104, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No 103 (2020) is extended through January 1, 2022 Therefore, this chapter has not yet expired and, pursuant to Executive Order No 244 (2021), and P L 2021, c 104, this notice of readoption is timely filed

Summary of Public Comments and Agency Responses

The official comment period ended on April 17, 2021 In response to the notice of proposal, the State Parole Board received one comment letter dated April 16, 2021, from Joseph J Russo, Parole Project Co-Chan, and Alison Perione, Parole Project Co-Chan, Office of the Public Defender (OPD)-Parole Project

- 1 COMMENT The OPD opposed changes to the notification requirements at NJAC 10A 71-64(a)3 (parole), 611(b)3 (community supervision for life (CSL)), and 6 12(d)3 (parole supervision for life (PSL)) The OPD believed that the notification requirements are onerous on offenders, the provisions are overbroad, that offenders must report any contact, even innocuous contact, with law enforcement to their parole officer, or risk revocation, and that innocuous contacts with law enforcement is a prevalent feature of modern life. The OPD provided, as an example, that an offender would have to inform the parole officer of a motor vehicle stop even though no crime or offense was committed. The OPD pointed out that the proposed changes would have a disproportionate impact on offenders in cities and counties that have larger police forces relative to the population and that this will likely result in racial disparities. The OPD offered that the amendments would lead to harassment resulting in revocation and that the amendments add an additional burden that is not necessary to ensure compliance with the conditions of supervision
- 2 COMMENT The OPD opposed the notification requirements at N J A C 10A 71-6 4(a)4 (parole) 6 11(b)4 (CSL), and 6 12(d)4 (PSL) The OPD is concerned that mere innocuous contact with any representative of a child protection agency triggers the notice requirement. The OPD pointed out that caseworkers from child protection agencies are often in touch with families where the children are still at home, arranging home visits and responding to requests for child welfare services. Thus, even simple check-ins that do not result in any case status changes or result in positive changes would need to be reported by the offender, or risk revocation. The OPD advised that the notification requirement is an additional builden that is not necessary to ensure compliance with the conditions of supervision.
- 3 COMMENT The OPD opposed the in-person reporting requirements at NJAC 10A 71-64(a)4 (parole), 611(b)4 (CSL), and 612(d)4 (PSL) The OPD noted that the in-person reporting requirement is more onerous than notice requirements. The OPD believed that the next-day in-person reporting requirement is unnecessary and unduly burdensome, social and economic barriers are far more likely to interfere with compliance, and would impact offenders who may have to get back to work, address medical problems or family obligations or other obligations. The OPD pointed out that transportation issues may make it difficult for an offender to report to the parole officer. The OPD advised that the reporting requirement is an additional burden that is not necessary to ensure compliance with the conditions of supervision.

RESPONSE TO COMMENTS 1, 2, AND 3 It is the position of the State Parole Board that it is essential for an assigned parole officer to be cognizant of the circumstances of the offender's case (law enforcement contact and contact with a representative of a child protection agency), as well as to have knowledge as to an offender's location (release from confinement) The State Parole Board has an obligation to ensure that offenders are making positive strides toward rehabilitation and avoiding contact that may be detrimental to the offender's rehabilitation or to public safety. Upon receipt of notification of law enforcement contact contact with a representative of a child protection agency or release from confinement, it is imperative that the State Parole Board be notified of such contact or iclease from confinement in order that the parole officer may review the circumstances of said contact and assess whether there is an impact on the offender's adjustment, assess whether there is a need for action to be taken, and assess whether upon release from custody the return to the address of record is appropriate. The State Parole Board does not believe that proposed reporting/notification conditions place an undue burden on an offender The State Parole Board notes that when an offender has law enforcement contact or contact with a representative of a child protection agency that in-person reporting is not required and notification may occur in any method of communication deemed appropriate by the Division of Parole such as by telephone or electronic communication (that is, email or text messaging) The State Parole Board deems in-person reporting necessary when an offender has accepted any pre-trial release, meluding bail, or after being released from a county or State correctional facility, as the offender's case needs to be assessed to determine the basis for the pre-trial detention or incarceration and to meet with the offender to assess any action to be taken. Furthermore, noncompliance with the reporting/notification proposed conditions is a matter for the parole officer to consult with and receive the direction of supervisory personnel. As to whether any action is warranted will be based on an assessment of the totality of the offender's case and whether the noncompliance constitutes a serious or persistent violation of the conditions of supervision. The State Parole Board elected to adopt the above referenced conditions as proposed.

4 COMMENT The OPD opposed the amendments at NJAC 10A 72-23(a) that codify the requirement that the assigned parole officer must create a case plan agreement with the offender to document supervision goals. The OPD offered that while a case plan agreement may have a positive impact on the offender, the rulemaking does not establish means for successful implementation. In particular, the rulemaking does not address funding for either training for parole officers or additional services for clients. The rulemaking does not appear to address a client-centered approach to the development of a case plan. The OPD pointed out that "noncompliance" remains undefined, and the consequences of the noncompliance are at the discretion of the parole officer. The OPD offered that successful reentry practices rely on client-focused reentry planning and a discursive process including client input for the development of a reentry plan and the consequences for not achieving the goals established in the plan.

RESPONSE The State Parole Board does not concur with the assessment of the OPD. The amendments proposed at N J A C. 10A 72-2 3(a) codify a procedure that has been in place for a period of time. A case plan agreement is created with input from the offender and documents supervision goals that are dynamic and adjusted in accordance with the risk level and needs of the offender A case plan agreement provides for the continuity of supervision in case of a change in the offender's parole officer, provides direction to the offender as to the achievement of short-term and long-term goals, and provides direction to the parole officer for the documentation of progress achieved by the offender in attaining the specified short-term and long-term goals. The case plan agreement documents supervision goals and is required to include short-term and long-term goals and the specific time periods for achieving those goals Offenders who scriously or persistently fail to with those supervision objectives or goals (that is, noncompliance) will have their cases reviewed and, if action is warranted, the appropriate action to be taken will be a determination to be rendered by supervisory personnel Regarding funding for training of parole officers and additional services for clients, parole officers during their initial training and orientation are provided with training in the development and updating of case plan agreements. No additional funding is necessary for training purposes. As to the providing of services to offenders under supervision, the State Parole Board has multiple contracts with various providers who provide services, such as mental health counseling, substance abuse counseling, and employment counseling Funding for such services is established through the State budget process and is already allocated within the State Parole Board's budget. The State Parole Board elected to adopt the amendments at N J A C 10A 72-2 3 as proposed

#### Federal Standards Statement

The rules readopted with amendments and the adopted amendments and new rules do not pertain to the implementation of, compliance with, or participation in, any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards, or requirements. An analysis of the rules readopted with amendments and the adopted amendments and new rules pursuant to Executive Order No 27 (1994), P. L. 1995, c. 65 is, therefore, not required

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N J A C 10A 72

Full text of the adopted amendments and new rules follows

### CHAPTER 71 PAROLE

### SUBCHAPTER 1. BOARD ORGANIZATION

### 10A.71-11 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Administrative parole release" shall mean the release of an adult immate who has met the criteria set forth at N J.A C. 10A 71-3 22 at the time of primary, or subsequent, parole eligibility. Administrative parole release occurs after a hearing officer reviews the pre-parole report and the immate is certified for release by an assigned member of the Board panel. Administrative parole release shall not require a parole consideration hearing.

"Division of Parole" shall mean the division within the State Parole Board responsible for the supervision of adult offenders released on parole by the State Parole Board from an adult correctional facility; the supervision of offenders who are serving a mandatory period of parole supervision pursuant to NJSA 2C 43-72(c), the supervision of offenders under parole supervision from other states who have been accepted under the terms of the Interstate Compact for Adult Offender Supervision, the supervision of offenders sentenced to community supervision for life, the supervision of offenders sentenced to parole supervision for life, and the supervision of certain Executive Clemency cases

"Parole officer" shall mean an officer assigned by the Chairpeison of the State Parole Board, or his or her designee

"Parolee" shall mean any inmate who is subject to the parole jurisdiction of the Board and who has been released on parole "Parolee" shall also include an adult offender under supervision serving a term of mandatory parole supervision pursuant to N J.S A 2C 43-7 2(c). an adult offender under supervision serving a special sentence of parole supervision for life, an adult offender who resides in New Jersey under the terms of Interstate Compact for Adult Offender Supervision, and an adult offender placed under supervision by reason of Executive Clemency.

"Reentry plan" means a plan prepared by appropriate staff within the Department and the State Parole Board designed to prepare an immate for successful integration as a productive, law-abiding citizen upon release from incarceration

# 10A.71-1.2 Board meetings

- (a) Formal Board meetings shall be any meetings where Board policy, rules, and regulations are determined
- 1. Except as provided in this section, the Chairpeison shall give at least one week's notice of a formal Board meeting to members of the Board, the Governor, and the Commissioner
- 2 Formal Board meetings shall be open only to the Governor and the Governor's representatives, the Commissioner and the Commissioner's representatives, representatives of recognized victim groups, and to such other persons as authorized by the Board
  - (b)-(j) (No change)

#### 10A 71-14 Board membership

(a) The Board shall consist of a Chairperson, 14 associate members, and three alternate Board members Members of the Board and the alternate Board members shall be appointed by the Governor with the advice and consent of the Senate from qualified persons with training or experience in law, sociology, criminal justice, or related branches of the social sciences Members shall serve until their successors are appointed and have qualified

(b)-(d) (No change)

(e) Upon certification of the Chairperson that additional parole panels are needed on a temporary basis for the efficient processing of parole decisions, the Governor also may appoint not more than four temporary acting parole Board members from qualified persons with training or

experience in law, sociology, criminal justice, or related branches of the social sciences. A temporary acting member shall be appointed for a term of three months. The Governor may extend the appointment of any, or all, of the temporary acting members for additional terms of three months, upon certification of the Chairperson that additional parole panels are needed on a temporary basis for the efficient processing of parole decisions. A temporary acting member shall be authorized to participate in administrative review of initial parole hearing decisions parole consideration hearings, and determinations concerning revocation or rescission of parole

(f) The associate members of the Board shall be appointed by the Governor to panels on adult sentences. The Chairperson of the Board shall assign the associate members so appointed to six panels on adult sentences. The Chairperson of the Board shall be a member of each panel. Nothing provided in this subsection shall prohibit the Chairperson from reassigning any member appointed to a panel on adult sentences to facilitate the efficient function of the Board. An alternate Board member may assume, in accordance with the provisions of this section, the duties of any associate member. The Chairperson may assign a temporary acting member to a panel on adult sentences.

(g) (No change)

(h) Pursuant to N J.S A 2A·4A-44.h, the Chairperson shall designate a member of the Board to be on the panel established pursuant to N.J S.A 2A·4A-44 b The designated Board member shall have experience in juvenile justice or have successfully completed a juvenile justice training program established by the Chairperson The training program shall be comprised of seven hours of instruction including, but not limited to emerging scientific knowledge concerning adolescent development, particularly adolescent brain function and how adolescent development relates to incarcerated youth, the influence of peer relationships among adolescents and peer contagion effects, and the effects of juvenile crime on victims

# 10A:71-1 5 Disqualification or incapacity of board members (a)-(e) (No change.)

# 10A.71-1 10 Public notice regarding proposed rulemaking

- (a) The Board shall provide for the following public notice for all rulemaking activity in accordance with N,J S,A  $\,52\,\,14B\text{-}1$  et seq , and N J A,C  $\,1\,30$ 
  - 1. (No change)
- 2. The notice of the rule proposal as filed, or a statement of the substance of the proposed rulemaking, shall be posted and made available electronically on the Board's Internet website at <a href="https://www.state.nj.us/parole">www.state.nj.us/parole</a> Website posting shall also be considered the Board's "additional public notice" pursuant to N J A C. 1 30-5 2(a)611;
- 3 The notice of rule proposal as filed, or a statement of the substance of the proposed action, shall be provided to the following:
  - 1 (No change)
  - 11 Electronic mailing list subscribers;
  - 111 Notice requestors.
  - iv. (No change in text)
- v A distribution list which shall include, but not be limited to, the Office of the Governor, the Commissioner, the Department of Law and Public Safety, County Prosecutors, the Office of the Public Defender, Boards of Trustees of the adult and young adult correctional complexes, the Chief Executive Officers of State and county correctional facilities, victim advocacy groups, the American Civil Liberties Union of New Jersey, the New Jersey Association on Corrections, and inmate advocacy groups; and

vi (No change in text)

(b)-(c) (No change)

# SUBCHAPTER 2 RECORDS, GENERAL ADMINISTRATIVE PROVISIONS

### 10A.71-2 10 Institutional infractions

(a) The Board panel or Board shall consider the final decision of the Department's officials responsible for adjudication of institutional infractions to be *res judicata* 

- (b) No rescission heating shall be held pursuant to N J A C 10A 71-5, not shall any alteration of the parole eligibility date be made pursuant to N J A C 10A 71-3, on the basis of an institutional infraction that has resulted in a finding of not guilty by the appropriate Department officials provided that the finding of not guilty is rendered based on a substantive finding and not due to a procedural deficiency in the disciplinary process
- (c) When the basis for the rescission hearing or the alteration of the parole eligibility date is an institutional infraction that has resulted in a finding of guilt by the appropriate Department officials, the Board panel or hearing officer reviewing the case shall consider aggravating and mitigating circumstances, but shall not consider evidence relating to the inmate's guilt or innocence of the commission of the institutional infraction.

# 10A 71-2 12 Reentry preparation

- (a) Pursuant to NJSA 30 1B-6 10, the Commissioner and the Changerson shall coordinate reentry preparation and other rehabilitative services for immates in all State correctional facilities
- (b) Appropriate staff within the Department and the Board shall be responsible for engaging each immate to develop and implement an individualized comprehensive reentry plan for services during the nimate's incarceration. This plan may be refined and updated during incarceration, as needed, and shall include recommendations for community-based services prior to the immate's actual return to the community. Appropriate staff within the Department and Board shall determine what medical, psychiatric, psychological, educational, vocational, substance abuse, and social rehabilitative services shall be incorporated into a comprehensive reentry plan in order to prepare each immate for successful integration upon release.
- (c) Appropriate staff within the Department and the Board shall compile and disseminate information to inmates concerning organizations and programs, whether faith-based or secular programs, that provide assistance and services to immates reentering society after a period of incarceration. In compiling this information, the appropriate staff shall consult with non-profit entities that provide informational services concerning reentry, the Executive Director of the Office of Faith-Based Initiatives in the Department of State, and the Corrections Ombudsman in, but not of, the Department of the Treasury
- (d) The Board shall ensure that all immates are made aware of, and referred to, organizations that provide services in the county where the immate is to reside after being released from incarceration. The Board shall assist immates in gaining access to programs and procuring the appropriate post-release services.

# SUBCHAPTER 3 PAROLE RELEASE HEARINGS

#### 10A 71-3 1 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise

"Primary eligibility date' shall mean the parole eligibility date established pursuant to N J S A 30 4-123 51 and 30 4-123 64, based upon the sentence imposed by the court of the Board schedules contained at N J A C 10A 71-3 3 and 7 17 Such date may be altered pursuant to N J A C 10A 71-3 4, 3 5, and 3 21

# 10A 71-3 2 Calculation of parole eligibility terms

- (a) (No change)
- (b) Except as provided at N J A C 10A 71-3 3(j), this section shall not apply to young adult immates
- (c) The parole eligibility terms for adult immates shall be determined by the following
  - 1-4 (No change)
- 5 Where the immate is serving time due to a revocation of parole, the parole eligibility term shall be the term set by the appropriate Board panel upon revocation of parole pursuant to N J A C  $\,$  10A 71-7 17
  - 6-11 (No change)
  - (d)-(m) (No change.)

# 10A 71-3 3 Parole eligibility for young adult inmates (a)-(f) (No change)

- (g) Except as provided in this section, any primary eligibility date for a young adult offender established pursuant to this section or N J A C 10A 71-717 may be reduced through program participation by the immate
  - 1-4 (No change)
  - (h)-(k) (No change)
- 10A:71-3 5 Parole eligibility term reductions (exceptional progress)
  - (a)-(k) (No change)
- (I) The young adult Board panel shall consider exceptional progress of young adult inmates at the time of reviews conducted pursuant to N J A C 10A 71-3 3(g)
- 10A 71-3 7 Preparation of cases for parole hearings, adult immates
  - (a)-(d) (No change)
  - (c) Such report shall consist of the following information
  - 1-11 (No change)
  - 12 Any acquittals by reason of insanity pursuant to N J S A 2C.4-1,
- 13 Any psychological reports prepared in connection with any court proceedings, and
- 14 An assessment of whether the immate meets the requirements of administrative parole release pursuant to N J A C 10A 71-3 22.

(f)-(l) (No change)

# 10A 71-3 8 Public notice adult inmates

- (a) At least 30 days prior to parole consideration, a copy of the list prepared pursuant to N J A C 10A 71-3 7(a), including the county from which the immate was sentenced and the crime for which he or she was incarcerated, shall be forwarded to the Office of the Public Defender of each county or the private attorney of record for the immate, the appropriate prosecutor's office, the sentencing court, the Office of the Attorney General, the State Police, news organizations that maintain offices at the State Capitol, and any other news organizations that request such list, and to any other criminal justice agencies whose information and comment may be relevant
  - (b) (No change)

### 10A 71-3 12 In absentia hearings, adult inmates

- (a) If an immate is physically unable to appear at a parole hearing, or if an immate refuses to appear at a parole hearing, the hearing officer, Board panel, or the Board shall consider the case on the record in the immate's absence.
  - (b) (No change)
- 10A 71-3 15 Initial hearing and case review notice of decision, adult
- (a) At the conclusion of the parole hearing or case review, the hearing officer shall
- I Recommend, except as provided at (b) below, to the members of the appropriate Board panel that the immate be released on parole,
  - 2 Refer the case to the appropriate Board panel for a hearing,
- 3 Defer a decision for up to 45 days in order to obtain relevant
- 4 Determine whether the immate is eligible for administrative parole pursuant to NJAC 10A 71-3 22 and, if the immate is eligible, recommend that the immate be granted administrative parole release
  - (b)-(c) (No change)

# 10A 71-3 16 Board member review, adult inmates

- (a) When the hearing officer recommends that an immate be released on parole, or recommends the immate for administrative parole release, the Chairperson shall assign two members of the appropriate Board panel to review such recommendation
- (b) If the assigned Board members concur with the recommendation of the hearing officer or, in the case of an immate recommended for administrative parole release, confirm that the immate is eligible for administrative parole release the members shall certify parole release as soon as practicable after the parole eligibility date by
  - 1-5 (No change)
  - (c) (No change)
- (d) If such Board members do not concur with the recommendation of the hearing officer or, in the case of an immate recommended for

administrative parole release, do not confirm that the immate is eligible for administrative parole release, the members shall refer the case to the appropriate Board panel for a hearing and issue a written decision to the immate, the Department, and the Board within seven days, consisting of the reasons for the Board members' referral

(e) (No change)

# 10A 71-3.21 Board panel action; schedule of future parole eligibility dates for adult immates

- (a) Upon determining to deny parole to a prison immate, a two-member adult Board panel shall, based upon the following schedule, establish a future parole eligibility date upon which the immate shall be primarily eligible for parole.
- 1 Except as provided in this subsection, a prison immate serving a sentence for murder, manslaughter, aggravated sexual assault, kidnapping, or strict liability for drug induced death, or serving any minimum-maximum or specific sentence in excess of 14 years for a crime not otherwise assigned pursuant to this section shall serve 27 additional months
- 2 Except as provided in this subsection, a prison immate serving a sentence for armed robbery or robbery or serving any minimum-maximum or specific sentence between eight and 14 years for a crime not otherwise assigned pursuant to this section shall serve 23 additional months.
- 3. Except as provided in this subsection, a prison immate serving a sentence for burglary, narcotic law violations, theft, arson, or aggravated assault, or serving any minimum-maximum or specific sentence of at least four, but less than eight, years for a crime not otherwise assigned pursuant to this section shall serve 20 additional months
- 4 Except as provided in this subsection, a prison inmate serving a sentence for escape, bribery, conspiracy, gambling, or possession of a dangerous weapon, or serving any minimum-maximum or specific sentence less than four years for a crime not otherwise assigned to this section shall serve 17 additional months
- (b) Upon determining to deny parole to a young adult inmate, a twomember young adult Board panel shall, based upon the following schedule, establish a future parole eligibility date upon which the inmate shall be primarily eligible for parole
- 1 Except as provided in this subsection, a young adult immate serving a sentence for a crime contained in Category A of N J.A.C 10A 71-3 3 shall serve 24 additional months
- 2 Except as provided in this subsection, a young adult immate serving a sentence for a crime contained in Category B of N J A C 10A·71-3 3 shall serve 16 additional months
- 3 Except as provided in this subsection, a young adult immate serving a sentence for a crime contained in Category C of N J A.C 10A 71-3 3 shall serve 12 additional months
- 4 Except as provided in this subsection, a young adult immate serving a sentence for a crime contained in Category D of NJAC 10A.71-3 3 shall serve 10 additional months
- 5 Except as provided in this subsection, a young adult inmate serving a sentence for a crime contained in Category E of NJAC 10A 71-3 3 shall serve eight additional months

(c)-(i) (No change)

# 10A·71-3.22 Administrative parole release

- (a) Pursuant to NJSA 30 4-123.55 d, an adult inmate shall be administratively released on parole at the time of primary or subsequent parole eligibility provided that:
- 1 The immate has not been previously convicted of, adjudicated delinquent for or is currently serving a sentence imposed for any crime enumerated at N J.S A 2C 7-2 b, 2C 43-7 2.d, 2C 43-6.c or g, or 30 4-27 26;
- 2 The numate has not committed any prohibited acts required to be reported to the prosecutor pursuant to regulations promulgated by the Commissioner during the current period of incarculation, and has not committed any serious disciplinary infraction, designated in rules promulgated by the Commissioner as a prohibited act that is considered to be the most serious, and results in the most severe sanctions, within the previous two years,

- 3 The immate has completed relevant rehabilitation programs, as determined by the Department and the Board, available at the correctional facility or applied for, but was unable to complete, or was denied access to, these programs due to circumstances beyond the immate's control including, but not limited to, capacity limitations or exclusionary policies of these programs; and
  - 4. Crime victims have received notification as required by law.
- (b) In the case of an immate who meets the criteria set forth at (a) above, a hearing pursuant to N J A.C 10A 71-3 17 shall not be required.
- (c) An immate released on parole pursuant to (a) above shall, during the term of parole supervision, remain in the legal custody of the Commissioner, be supervised by the Division of Parole, and be subject to the provisions and conditions established by the appropriate Board panel.
- (d) If the parolee violates a condition of parole, the parolee shall be subject to the provisions at N J S.A. 30 4-123 60 through 123 63 and N J A C. 10A 71-7 and may have their 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 pursuant to the provisions at N.J S A 30.4-123 51 b
- (e) Denials of administrative parole release shall be appealable in accordance with the provisions at N J A C. 10A 71-4 1(j) and 4 2

10A:71-3 23 through 3 33 (Reserved)

10A:71-3 48 Victim input

(a)-(1) (No change )

- (k) Upon the victim of nearest relative of a murder/manslaughter victim informing the Board, subsequent to notice being provided pursuant to (g) above, that such person intends to testify before the Board panel, the case shall be processed as follows
  - 1 (No change.)
- 2 The victim input segment of the Board panel hearing shall be conducted, with the consent of the Department, in the administrative area of the institution
  - 3 -4. (No change.)
- 5. Upon confirmation by the victim or nearest relative of a murder/manslaughter victim of their appearance before the Board panel, the Board shall notify the Department of the identities of the person(s) who will appear before the Board panel on the scheduled hearing date
- 6 The Board shall notify the victum or nearest relative of a murder/manslaughter victum that appropriate personal identification is required by the Department in order to enter the institution.

7-11. (No change.)

- 12 Upon the conclusion of the victim input segment of the Board panel hearing, the Board panel shall reconvene the hearing with the immate present in the hearing room designated by the Department. In the immate segment of the Board panel hearing, the victim or nearest relative of a murder/manslaughter victim shall not be present in the hearing room
- (1) If a hearing is conducted pursuant to NJA.C 10A 71-3 19, the Board shall notify the nearest relative of a murder victim, who has previously contacted the Board, of the hearing and shall afford the nearest relative of a murder victim the opportunity to testify in person before the Board or to submit a written or videotaped statement. If the nearest relative of a murder victim intends to testify before the Board, the case shall be processed as follows
  - 1 (No change)
- 2 The victim input segment of the Board hearing shall be conducted, with the consent of the Department, in the administrative area of the institution.
  - 3-4 (No change)
- 5 Upon confirmation by the nearest relative of a murder victim of their appearance before the Board, the Board shall notify the Department of the identities of the person(s) who will appear before the Board on the scheduled hearing date
- 6 The Board shall notify the nearest relative of a muder victim that appropriate personal identification is required by the Department in order to enter the institution
  - 7.-11 (No change)
- 12 Upon the conclusion of the victim input segment of the Board hearing, the Board shall reconvene the hearing with the immate present in

the hearing room designated by the Department. In the inmate segment of the Board hearing, the nearest relative of a murder victim shall not be present in the hearing room.

(m) (No change)

- (n) If notice pursuant to (h) above is received subsequent to the rendering of a decision certifying parole release, the appropriate Board member(s), Board panel, or the Board shall suspend the parole release date pursuant to NJAC 10A 71-51, pending the receipt of a written statement of the completion of a hearing pursuant to (j) above, and the submission of a report of videotape recording or a hearing has been conducted pursuant to (k) above. If it is the intent of the victim or the relative of a murder/manslaughter victim to submit a written statement, as evidenced by the notification to the Board pursuant to (h) above, the written statement must be submitted and received by the Board within 30 days of the date of the Board having received the initial notification of intent of the appropriate Board member(s) Board panel, or the Board may rescand the suspension of the parole release date
- 1 Within 14 days of submission of a written statement, the report of the designated senior hearing officer or the videotape recording of the offered testimony or the completion of the hearing pursuant to (k) above, the Board member(s), Board panel, or Board shall
  - 1-III (No change)
  - iv Notify the inmate and the Department in writing of its decision
  - (o) (No change)
- (p) The provisions of this section, except for public notice required pursuant to NJAC 10A 71-38 and except for testifying before the Board panel and Board, shall be applicable to the cases of county immates (q)-(i) (No change)
- 10A 71-3 49 Informational hearing

(a)-(1) (No change)

- (s) Upon receipt of an application by the Chairperson subsequent to the rendering of a decision certifying parole release, the appropriate Board members, Board panel, or the Board shall suspend the parole release date pursuant to N J A C 10A 71-5 1, pending the completion of the hearing(s) and the submission of a report(s)
- 1 Within 21 days of submission of the report(s), the Board member(s) Board panel, or the Board shall
  - ı -ııı (No change)
- iv Notify the interested party who submitted the application pursuant to (a) above, the inmate and the Department in writing of its decision
- (t) The provisions of this section except for public notice required pursuant to N J A C 10A 71-3 8, shall be applicable to the cases of county inmates
- 10A 71-3 50 Conditions for parole release
- (a) Release on a parole release date certified by Board members is conditioned upon
- 1 The completion of a parole plan approved by the Board members certifying parole release and acceptable to the Division of Parole,
  - 2-3 (No change)
- 10A 71-3 54 Mandatory supervision cases

(a)-(h) (No change)

- (i) If a term of parole supervision imposed by a court pursuant to NJSA 2C 43-72 is revoked by the appropriate Board panel and the offender returned to custody for violation of a condition of supervision, the Board panel shall determine
- 1 Whether the offender shall be required to serve the remainder of the term in custody and shall not be eligible for parole consideration on the remainder of the term, or
- 2 Whether the offender shall be required to serve a term established pursuant to NJAC 10A 71-717 prior to being eligible for parole consideration
  - (j)-(o) (No change )

# SUBCHAPTER 4 APPEALS

- 10A 71-4 1 Appeals by inmates
  - (a) (No change)
- (b) Any conditions of parole or pre-parole requirements established by a Board member or a Board panel or affirmed by a Board panel pursuant

- to N J A C 10A 71-6 6 shall be appealable to the appropriate Board panel or the Board, respectively, provided one of the following criteria is met
  - 1-2 (No change)
- 3 The condition of parole or pre-parole requirement will not reasonably reduce the likelihood of recurrence of criminal behavior
  - 4 (No change)

Recodify existing (d) and (e) as (c) and (d) (No change in text)

- (e) The specific application of Board schedules pursuant to N J A C 10A 71-3 3, 3 4, 3 21, or 7 17 shall be appealable to the Board or the appropriate Board panel, provided one of the following criteria is met
  - 1-3 (No change)
- 4 In the case of an institutional infraction considered pursuant to N J A C 10A·71-3 4, the immate has been convicted and sentenced for the specific incident that resulted in the institutional infraction
  - 5 (No change)

Recodify existing (g)-(j) as (f)-(i) (No change in text)

- (j) A denial of administrative parole release by a Board panel shall be appealable to the Board, provided one of the following criteria is met
- 1 The Board panel failed to document that the immate has been previously convicted of, adjudicated delinquent for, or is currently serving a sentence imposed for any crime enumerated at N J S A 2C 7-2 b, 2C:43-6 c or g, 2C 43-7 2 d, or 30 4-27 26
- 2 The Board panel failed to document that the immate has committed any prohibited acts required to be reported to the prosecutor pursuant to rules promulgated by the Commissioner during the current period of incarceration
- 3 The Board panel failed to document that the inmate has committed any serious disciplinary infraction, designated in rules promulgated by the Commissioner as a prohibited act that is considered to be the most serious and results in the most severe sanctions, within the previous two years
- 4 The Board panel failed to document that the immate has not completed relevant ichabilitation programs, as determined by the Department and the Board, available at the correctional facility
- 5 The Board panel failed to document that the immate has not applied for relevant rehabilitation programs
- 6 The Board panel failed to document that the immate was not demed access to relevant rehabilitation programs due to circumstances beyond the immate's control including, but not limited to, capacity limitations or exclusionary policies of these programs

# SUBCHAPTER 5 SUSPENDING OR RESCINDING A PAROLE RELEASE DATE

10A 71-5 1 Suspension of a parole release date

- (a) The Board, the appropriate Board panel, the Chairperson, or a designated representative, may suspend a parole release date in accordance with the provisions of this subchapter. Any suspension of a parole release date shall act to prohibit the release of the immate by the Department on the original parole release date, unless such suspension is subsequently vacated.
  - (b)-(c) (No change)
- 10A 71-5 2 Approval and acceptance of parole plan

(a) (No change)

- (b) If a parole plan has not been accepted by the appropriate supervisory agency, the immate's parole release date shall be suspended by a designated representative of the Board pending acceptance of a parole plan. If such suspension exceeds 60 days from the parole release date, the Division of Parole shall advise the Board in writing as to the reasons for the failure to approve or accept a parole plan.
- (c) Upon the Board receiving notification from the Division of Parole of the failure to approve or accept a parole plan, the Board member, or members certifying parole release shall review the immate's case, evaluate the reasons for the failure to approve or accept a parole plan, and determine if further action is appropriate
- 10A 71-5 7 Parole resession hearing, notice of hearing
- (a) Upon the initiation of the rescission hearing process, the immate shall be provided with written notification of the reasons for the hearing, the purpose of the hearing, and the information and material to be

considered at the hearing, except information classified as confidential pursuant to N.J A C.  $10A\cdot71-2$  2 or the rules of the Department

(b) Notification pursuant to (a) above shall inform the immate of the following rights to which he or she shall be entitled at the rescission hearing

1-6 (No change)

7 The right to disclosure of adverse information, except as provided at N J A C 10A.71-2.2 or the rules of the Department

(c) (No change)

## 10A:71-5 8 Parole rescission hearing, notice of decision

(a) (No change)

(b) If the rescission hearing is conducted by a hearing officer, the hearing officer shall prepare a written summary of the rescission hearing

1 Such hearing summary shall be forwarded to the Board or appropriate Board panel and a copy of the summary shall be forwarded to the inmate, in order that the inmate may object or comment on the hearing summary by submitting written exceptions to the hearing summary. Such exceptions shall be forwarded to the Board, or Board panel, within 14 days after the receipt of the hearing summary. The provisions of N J A C. 10A 71-2 2 shall be applicable to any hearing summary provided to the inmate.

2.-3 (No change.)

(c) The Board, or Board panel, shall notify the immate and the Department in writing of its decision as to rescission of parole within 21 days after the disposition of the case

(d) (No change)

### SUBCHAPTER 6 SUPERVISION

#### 10A 71-6 1 Administration

(a) Except as otherwise provided pursuant to the Interstate Compact for Adult Offender Supervision, N J S A 2A 168-26 et seq, or the Witness Security Reform Act, 18 U S C §§ 3521 et seq, all parolees released from an adult correctional facility shall at all times be under the supervision of the Division of Parole in accordance with the policies and rules of the Board

(b) (No change)

# 10A 71-63 Certificate of parole

(a)-(b) (No change)

(c) Responsibility for the delivery of the certificates of parole shall rest with the Director of Parole or a designated representative of the Board (d)-(g) (No change.)

10A 71-6 4 Conditions of parole

(a) An offender granted parole shall comply with the following general conditions of parole

1 (No change)

2. Report in person to the District Parole Supervisor, or his or her designated representative, immediately after the offender is released on parole from the institution, unless the offender has been given other written instructions by a designated representative of the Board, and the offender is to report thereafter as instructed by the District Parole Supervisor, or his or her designated representative.

3 Notify the assigned parole officer no later than the next business day after any contact (verbal, physical, written, or electionic) with a law enforcement agency, after any airest, or after being served with, or receiving, a complaint or summons

4 Report in person to the assigned parole officer no later than the next business day after accepting any pre-trial release, including bail, or after being released from a county or State correctional facility

5 Notify the assigned parole officer no later than the next business day upon the issuance by the appropriate court, pursuant to the Prevention of Domestic Violence Act NJSA 2C 25-17 et seq, the Sexual Assault Survivor Protection Act of 2015. 2C·14-13 et seq, 2C 12-10 1, 2C·12-10 2, or the provisions of similar Federal or state statutes, of an order granting emergency relief, a temporary or final restraining or protective order, or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation

6 Comply with any condition established within an order granting emergency relief, a temporary or final restraining or protective order,

issued by the appropriate court, pursuant to the Pievention of Domestic Violence Act, N J S A  $\,$  2C  $\,$ 25-17 et seq , the Sexual Assault Survivor Piotection Act of 2015, 2C  $\,$ 14-13 et seq ,  $\,$ 2C  $\,$ 12-10 1,  $\,$ 2C.12-10 2, or the provisions of similar Federal or state statutes, or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation, until the order is dissolved by the appropriate court or until a condition is modified or discharged by the appropriate court

7. Refrain from behavior that results in the issuance of a final restraining or protective order pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C 25-17 et seq., the Sexual Assault Survivoi Protection Act of 2015, 2C 14-13 et seq., 2C 12-10 1, or the provisions of

similar Federal or state statutes

Recodify existing 7.-9 as 8-10. (No change in text)

11 Refrain from owning or possessing any

- 1 Filearm, as defined at N J S A 2C 39-1 f, for any purpose, whether or not the filearm is operational,
- ii Imitation firearm, as defined at N J S A 2C 39-1 v, for any purpose, or

m. Fuearm ammunition

Recodify existing 11.-19 as 12 -20 (No change in text)

- 21 Notify the assigned parole officer no later than the next business day of any contact with a representative of a child protection service agency including, but not limited to, the New Jersey Department of Child Protection and Permanency
  - (b) (No change)
  - (c) (No change in text)
- (d) Based on the prior history of the immate or information provided by a victim or a member of the family of a murder/manslaughter victim, the Board members certifying parole release may impose any other specific conditions of parole deemed reasonable in order to reduce the likelihood of recurrence of criminal behavior. In addition, the Board members certifying parole release may, giving due regard to a victim's request, impose a special condition that the parolee have no contact with the victim, which special condition may include, but need not be limited to, restraining the parolee from entering the victim's residence, place of employment, business, or school, and from harassing or stalking the victim or the victim's relatives in any way
  - (e) (No change in text)
- (f) The assigned parole officer shall confirm that the notification required by the specific condition at (e) above has been made to the employer and is authorized to make the appropriate notification if the parolee fails to do so
  - (g) (No change in text)
- (h) Additional special conditions may be imposed by the District Parole Supervisor, or his or her designated representative, when the District Parole Supervisor, or his or her designated representative has a reasonable belief that such conditions would reduce the likelihood of recurrence of criminal behavior.
  - 1-3 (No change)
- 4 An additional special condition imposed pursuant to this subsection shall remain in effect until modified or vacated by the District Parole Supervisor, or his or her designated representative, or modified or vacated by the Board panel pursuant to N J A C 10A 71-6 6
- (1) A District Parole Supervisor, or his or her designated representative, may, under the circumstances specified at (e) above, impose as a special condition that the parolee notify an employer or intended employer of his or her parole status and criminal record Imposition of the special condition shall be in accordance with the provisions at (h) above However, the special condition shall not be deemed effective until affirmed by the appropriate Board panel
- (j) If a parolee owes an assessment, fine, penalty, lab fee, or restitution, the District Parole Supervisor shall, unless otherwise ordered by the Board or members certifying parole release or the sentencing court, be responsible for specifying a reasonable schedule for payment of such assessment, fine, penalty, lab fee, or restitution
- (k) Except as provided at (l) below, or unless otherwise directed by the Board panel or Board, a specific condition imposed in accordance with (d) above may be modified or vacated by the District Parole Supervisor if the circumstances of the parolee's case warrant such action

(I) The following specific conditions imposed in accordance with (d) above may only be modified or vacated by the Board panel or Board  $\,$ 

1-3 (No change)

#### 10A 71-6 5 Restitution

(a)-(b) (No change)

(c) Upon being notified by the sentencing court as to amount of restitution set the Board shall notify the immate, or, if released on parole, the parolee and the District Parole Supervisor of the amount of restitution

### 10A 71-6 6 Modification of conditions

(a)-(b) (No change )

- (c) Such application shall be submitted by the District Parole Supervisor at the request of either the parole or the parolee's parole officer and shall contain the recommendation of the officer and the District Parole Supervisor accompanied by supporting documentation
  - (d)-(e) (No change)
- (f) The Board panel shall consider such application and notify the District Parole Supervisor in writing of the decision within 45 days of the receipt of the application
- (g) The District Parole Supervisor shall notify the parolee in writing of any modification or vacation of a condition of parole and shall cause a written record of such modification or vacation to be made in the parolee's case file

# 10A 71-69 Discharge from parole

- (a) The appropriate Board panel may grant any parolee a complete discharge from parole prior to the expiration of the maximum term for which he or she was sentenced, provided that
  - 1-2 (No change)
- 3 The parolee has made full payment of any fine or restitution and the parolee has made full payment or, in good faith, established a satisfactory payment schedule for any assessment, penalty, or lab fee, or
- 4. In the opinion of the Board panel, continued supervision is not wairanted or appropriate based upon a review of the facts and circumstances considered pursuant to N J A C 10A 71-7 10, 7.11, 7.12 7.16, and 7.17
- (b) The Board panel will consider requests for discharge after the following periods of parole supervision have been completed
- 1 In the case of parolees serving life sentences, after a period of seven years, provided the parolee has been under advanced supervision status for the final two years
- 2 Except as provided at (b)1 above, in the case of adult parolees serving sentences for murder, manslaughter, kidnapping, aggravated sexual assault (including attempts), robbery first degree, arson aggravated assault second degree, and sale or distribution or sale of controlled dangerous substances and possession of controlled dangerous substances with intent to distribute, after a period of two years, provided the parolee is under advanced supervision status
  - 3 (No change.)
- 4 In the case of young adult parole absconders, after a period of three years from the date the parolee became an absconder, provided the parolee has no known arrests and provided the original maximum sentence has expired
  - 5-6 (No change)
- (c) The provisions of (a) and (b) above shall not preclude the appropriate Board panel from granting a county parolee a complete discharge from parole prior to the expiration of the maximum term for which he or she was sentenced when the appropriate Board panel determines that good cause exists to grant such a discharge
- (d) If the District Parole Supervisor determines that a parolee has made exceptional progress while on parole supervison, the District Parole Supervisor may request that a warver of the time periods in this section be granted by the appropriate Board panel Such warver may be granted by the appropriate Board panel for good cause
- (c) When a parolec has completed two years of parole supervision and thereafter on an annual basis, the parole officer and the District Parole Supervisor shall review the case to determine whether good reason exists to require continued supervision
- 1 If the District Parole Supervisor determines at such review that good reason exists to require continued supervision, and unfavorable discharge

determination shall be made, and a statement setting forth such determination and the reasons therefor shall be entered on the chronological supervision report

- 2 If the District Parole Supervisor determines that good reason does not exist to require continued supervision and that the parolec qualifies for discharge pursuant to (a) above, a favorable discharge recommendation shall be submitted in writing to the appropriate Board panel. The discharge recommendation shall include the basis for the recommendation and a full explanation as to the adjustment of the parolec while under supervision. A copy of all chronological supervision reports shall be submitted with the discharge recommendation to the appropriate Board panel.
- 3 The appropriate Board panel shall review requests for discharge and advise the District Parole Supervisor of its decision within 45 days of recent of the recommendation
  - (f)-(h) (No change )
- 10A 71-6 10 Transfer of parole supervision to out-of-State jurisdiction
- (a) The appropriate Board panel may permit a parolee to reside outside the State pursuant to the provisions of the Interstate Compact for Adult Offender Supervision, N J S A 2A 168-26 et seq (Interstate Compact), if the Board panel is satisfied that such change will not result in a substantial likelihood that the parolee will commit an offense, which would be a crime under the laws of this State
- (b) If an immate has been granted parole and seeks to reside in another jurisdiction, the immate shall notify institutional parole staff and complete the documents required by statutory provisions and the Interstate Compact Institutional parole staff shall forward the documents required by statutory provisions and the Interstate Compact to the Office of Interstate Services
- (c) If a parolec seeks to transfer formal supervision of his or her case to another jurisdiction, the parolec shall notify his or her parole officer and complete the documents required by statutory or regulatory provisions and the Interstate Compact. The District Parole Office shall forward the documents required by statutory and regulatory provisions and the Interstate Compact to the Office of Interstate Services.
- (d) Upon receipt of the material submitted pursuant to (b) and (c) above, the Office of Interstate Services shall review the immate's or parolee's case and determine whether the immate or parolee is a suitable candidate for the transfer of parole supervision to the designated out-of-State jurisdiction
- (e) If the Office of Interstate Services determines that the request for transfer of the supervision of the immate's or parolee's case to an out-of-State jurisdiction complies with statutory and regulatory provisions and the Interstate Compact, the Office of Interstate Services shall forward the request for transfer of parole supervision to the designated out-of-State jurisdiction for investigation
- (f) Upon receipt of the completed community investigation by the out-of-State jurisdiction, the Office of Interstate Services shall notify institutional parole staff or the District Parole Office, as applicable, of the out-of-State jurisdiction's decision
- In the case of an immate, the institutional parole staff shall notify the immate of the out-of-State jurisdiction's decision. If the out-of-State jurisdiction has determined not to accept supervision of the parolee, the institutional parole staff shall interview the offender for an alternate plan.
- 2 In the case of a parolee the assigned parole officer shall notify the parolee of the out-of-State jurisdiction's decision
- (g) If the out-of-State jurisdiction accepted supervision of the immate or parolee, the Office of Interstate Services and/or the District Parole Office shall issue the necessary travel documents
- 10A 71-6 11 Community supervision for life
  - (a) (No change)
- (b) The special sentence of community supervision for life shall commence pursuant to N J S A 2C 43-64 b upon the completion of the sentence imposed pursuant to the Code of Criminal Justice N J S A 2C 1-1 et seq. An offender serving a special sentence of community supervision for life shall be supervised by the Division of Parole as if on parole and subject to any special conditions established by the appropriate Board panel and to the following general conditions. The offender shall
  - 1-2 (No change)

- 3 Notify the assigned parole officer no later than the next business day after any contact (verbal, physical, written, or electronic) with a law enforcement agency, after any arrest or after being served with, or receiving, a complaint or summons,
- 4 Report in person to the assigned parole officer no later than the next business day after accepting any pre-trial release, including bail, or after being released from a county or State correctional facility,
- 5 Notify the assigned parole officer no later than the next business day upon the issuance by the appropriate court, pursuant to the Prevention of Domestic Violence Act, NJSA 2C 25-17 et seq, the Sexual Assault Survivor Protection Act of 2015, 2C 14-13 et seq, 2C 12-10 1, 2C 12-10 2, or the provisions of similar Federal or state statutes, of an order granting emergency relief, a temporary or final restraining or protective order, or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation,
- 6 Comply with any condition established within an order granting emergency relief, a temporary or final restraining or protective order, issued by the appropriate court, pursuant to the Prevention of Domestic Violence Act, N J S A 2C 25-17 et seq., the Sexual Assault Survivor Protection Act of 2015, 2C.14-13 et seq., 2C:12-10 1, 2C 12-10 2, or the provisions of similar Federal or state statutes, or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation, until the order is dissolved by the appropriate court or until a condition is modified or discharged by the appropriate court;
- 7 Refiam from behavior that results in the issuance of a final restraining or protective order pursuant to the Prevention of Domestic Violence Act, N J.S A 2C 25-17 et seq., the Sexual Assault Survivor Protection Act of 2015, 2C 14-13 et seq., 2C 12-10 1, or the provisions of similar Federal or state statutes.

Recodify existing 7-9 as 8-10 (No change in text)

- 11 Refrain from owning or possessing any
- i. Firearm as defined at NJSA. 2C.39-1 f for any purpose, whether or not the firearm is operational,
- 11 Imitation firearm as defined at N J S A 2C.39-1 v for any purpose,
  - iii Firearm ammunition,

Recodify existing 11-22 as 12-23. (No change in text.)

- 24 Notify the assigned parole officer no later than the next business day of any contact with a representative of a child protection service agency including, but not limited to, the New Jersey Department of Child Protection and Permanency.
- (c) If the victim(s) of an offense specified at (a) above is a minor, an offender serving a special sentence of community supervision for life shall, in addition to the conditions specified at (b) above, be subject to the following conditions. The offender shall
  - 1-2 (No change)
- 3. Refram from residing with any minor without the prior approval of the District Parole Supervisor, or his or her designated representative, or the appropriate court Staying overnight at a location where a minor is present shall constitute residing with any minor for the purpose of this condition
  - (d)-(1) (No change)
- (k) Additional special conditions may be imposed by the District Parole Supervisor, or his oi her designated representative of the District Parole Supervisor when there is a reasonable belief that such conditions would reduce the likelihood of recurrence of criminal behavior. The offender and the Board shall be given written notice upon the imposition of such conditions.
  - 1-4 (No change)
  - (l)-(n) (No change)
- 10A 71-6 12 Parole supervision for life
  - (a)-(c) (No change)
- (d) An offender sentenced to a special sentence of parole supervision for life shall comply with the following
  - 1,-2 (No change)
- 3 Notify the assigned parole officer no later than the next business day after any contact (verbal physical, written, or electronic) with a law

enforcement agency, after any arrest, or after being served with or receiving a complaint or summons,

- 4 Report in person to the assigned parole officer no later than the next business day after accepting any pre-trial release, including bail, or after being released from a county or State correctional facility,
- 5 Notify the assigned parole officer no later than the next business day upon the issuance by the appropriate court, pursuant to the Prevention of Domestic Violence Act, N J S A 2C·25-17 et seq, the Sexual Assault Survivor Protection Act of 2015, 2C·14-13 et seq, 2C 12-10 1, 2C 12-10.2, or the provisions of similar Federal or state statutes, of an order granting emergency relief, a temporary or final restraining or protective order, or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation;
- 6 Comply with any condition established within an order granting emergency relief, a temporary or final restraining or protective order, issued by the appropriate court, pursuant to the Prevention of Domestic Violence Act, N J S A 2C 25-17 et seq., the Sexual Assault Survivor Protection Act of 2015, 2C·14-13 et seq., 2C 12-10 1, 2C·12-10 2, or the provisions of similar Federal or state statutes, or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation, until the order is dissolved by the appropriate court or until a condition is modified or discharged by the appropriate court,
- 7 Refrain from behavior that results in the issuance of a final restianting or protective order pursuant to the Prevention of Domestic Violence Act, N J S A 2C.25-17 et seq the Sexual Assault Survivor Protection Act of 2015, 2C 14-13 et seq, 2C 12-10 I, or the provisions of similar Federal or state statutes.

Recodify existing 7-9 as 8-10 (No change in text)

- 11 Refrain from owning or possessing any
- 1 Firearm, as defined at N J S A 2C 39-1 f for any purpose, whether or not the firearm is operational;
- ii. Imitation firearm, as defined at N J.S A 2C 39-1 v for any purpose, or
  - iii. Firearm ammunition,

Recodify existing 11-23 as 12.-24 (No change in text)

- 25 Pursuant to NJSA 30.4-123.88, the State Parole Board, on at least an annual basis, may administer a polygraph examination to all offenders serving a special sentence of parole supervision for life. You shall submit to a polygraph examination as directed by an Assistant District Parole Supervisor, District Parole Supervisor, or Supervising Parole Officer;
- 26 Waive extradition to the State of New Jersey from any jurisdiction in which the offender is apprehended and detained for violation of parole supervision for life status and not contest any effort by any jurisdiction to return the offender to the State of New Jersey, and
- 27 Notify the assigned parole officer no later than the next business day of any contact with a representative of a child protection service agency including, but not limited to, the New Jersey Department of Child Protection and Permanency
- (e) If the victim(s) of an offense specified at (a) above is a minor, an offender serving a special sentence of parole supervision for life shall, in addition to the conditions specified at (d) above, be subject to the following conditions. The offender shall
  - 1-2 (No change)
- 3 Refrain from residing with any mmor without the prior approval of the District Parole Supervisor, or his or her designated representative, or the appropriate court Staying overnight at a location where a minor is present shall constitute residing with any minor for the purpose of this condition
  - (f)-(m) (No change)
- (n) Additional special conditions may be imposed by the District Parole Supervisor, or his oi her designated representative, when there is a reasonable belief that such conditions would reduce the likelihood of recurrence of criminal behavior. The offender and the Board shall be given written notice upon the imposition of a special condition.
  - 1-4 (No change)
  - (o)-(s) (No change)
- (t) Upon the completion of the time period established pursuant to (p) or (q) above, the offender shall be released from confinement unless the

offender is serving a sentence of incarceration for another crime. Prior to the offender being released from confinement, the offender shall be served with a written certificate pursuant to (i), (k), and (l) above. Upon the offender being released from confinement the offender shall remain under parole supervision for life.

(u)-(v) (No change)

#### 10A 71-6 14 Parole compliance ciedits

- (a) Pursuant to N.J.S.A. 30 4-123 55 e, any offender granted parole, except an offender serving a parole term pursuant to N.J.S.A. 2C 43-6 4 or 2C 43-72, shall have the parole term reduced by parole compliance credits at a rate of one day for every six days of parole supervision the offender has completed
- (b) Credits awarded pursuant to (a) above shall cease to accrue upon the issuance of a warrant by the Board and initiation of parole revocation proceedings. Any credits earned pursuant to (a) above shall be forfeited upon the revocation of parole
- (c) Any compliance credits awarded pursuant to (a) above 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

# SUBCHAPTER 7 REVOCATION OF PAROLE

#### 10A 71-72 Issuance of warrants

- (a) The parole officer shall request that a parole violation warrant be issued when the parole officer has probable cause to believe that the parolee has seriously or persistently violated parole conditions by conduct other than new criminal charges and where evidence indicates that the parolee poses a danger to the public safety or may not appear at revocation proceedings
- (b) In accordance with the provisions of N J S A 30 4-123 62, the Director of Parole, Supervising Parole Officers, the Supervisor of the Office of Interstate Services, District Parole Supervisors, and the designated representatives of the District Parole Supervisors are hereby authorized to issue warrants on behalf of the Chairperson

(c)-(d) (No change)

(e) If a parolee has been sentenced to a custodial term or sentenced to a custodial term as a condition of probation for a crime committed while on parole supervision and if a parole warrant has not been previously issued, a parole warrant shall be issued by the appropriate individual and filed against the parolee at the institution in which the parolee is confined

### 10A 71-73 Motion for accelerated revocation

- (a) Upon the arrest of a parolee for an alleged offense committed while on parole, it shall be the responsibility of the local police department to immediately notify the prosecuting authority and the parole officer of the fact of the parolee's arrest. Notification to the prosecutor may be restricted pursuant to instructions from the prosecutor's office.
- (b) If the prosecuting authority or the Director of Parole, or his or her designee, determines that the charges against the parolee are of a serious nature and the parolee otherwise poses a danger to public safety, the prosecuting authority or the Director of Parole or his or her designee, may apply in writing, to the Chairperson, or his or her designated representative, for the prompt initiation of revocation proceedings
  - 1-2 (No change)
- 3 If the application is submitted by the Director of Parole, or his or her designee, such application shall also include an up-to-date chronological supervision report on the parolec's case
- (c) Upon receipt of an application from a prosecuting authority pursuant to (b) above, the Champerson, or his or her designee, shall direct the Division of Parole to submit, within three days, for consideration, an up-to-date chronological supervision report on the parolee's case
- (d) Upon review of the application and chronological supervision report, a determination shall be made by the Chanperson and a designated Board member of a designated two-member Board panel as to whether the charges against the parolee are of a serious nature, whether the parolee otherwise poses a danger to public safety, and whether the revocation process shall be initiated. The Champerson, or his or her designated representative, shall advise the prosecuting authority or the Director of

Parole, or his or her designee, and the District Parole Supervisor as to whether the revocation process shall or shall not be initiated

(e)-(h) (No change)

#### 10A 71-76 Designation of pieliminary hearing officers

Preliminary hearings shall be conducted by a hearing officer appointed by the Champerson, or his or her designated representative

#### 10A 71-77 Preliminary hearing notice of hearing

(a) It shall be the responsibility of the parole officer or the District Parole Supervisor to give written notice to the parolee of the time, date, and place of the preliminary hearing at least three days prior to the preliminary hearing unless the parolee waives such notice

(b)-(c) (No change)

# 10A 71-79 Status of parolee pending parole revocation hearing

(a)-(b) (No change)

(c) When the hearing officer determines that probable cause exists to believe that the parolee has seriously or persistently violated conditions of parole, it shall be the responsibility of the hearing officer to determine whether the parolee shall be taken into custody pursuant to NJAC 10A 71-72, continued in custody, or released from custody pending Board panel review

1-2 (No change)

(d) In the case of a parolee who is on parole on a sentence imposed for the offense of murder aggravated manslaughter, manslaughter death by vehicular homicide, aggravated assault, kidnapping aggravated sexual assault, sexual assault, robbery first degree, burglary second degree, terroristic thicats, or endangering the welfare of a child, the warrant shall not be withdrawn pursuant to (c) above unless the hearing officer determines, based on the review of the hearing record and the review of the Board's records on the parolee, that the parolee does not pose a danger to the public safety. If the warrant is authorized to be withdrawn, the hearing officer shall include in the summary report prepared pursuant to N J A C. 10A 71-7 10, the basis for the determination that the parolee does not pose a danger to the public safety.

(e)-(f) (No change)

# 10A 71-7 10 Record of the preliminary hearing

- (a) The hearing officer shall record the preliminary hearing by an electronic recording device. If the electronic recording device is not operational, the hearing shall proceed only upon the parolec waiving the electronic recording of the hearing. The waiver shall be in writing and signed by the parolec and shall be made a part of the parolec's records. If the parolec does not wish to proceed without the electronic recording of the hearing, the hearing shall be rescheduled within 14 days.
- (b) Within seven days of the date of the preliminary hearing, the hearing officer shall prepare a written summary that shall summarize the preliminary hearing and contain the reasons for the hearing officer's opinion as to whether probable cause does or does not exist and the reason(s) therefor
- 1 The hearing summary shall be forwarded to the appropriate Board panel
- 2 A copy of the hearing summary shall be forwarded to the parolee's attorney, or directly to the parolee where he or she has appeared prose, in order that the parolee or his or her attorney may object to, or comment on, the hearing summary by submitting written exceptions to such summary. Such exceptions shall be forwarded to the appropriate Board panel within seven days after receipt of the hearing officer's hearing summary. A copy of the hearing summary shall also be forwarded to the District Parole Supervisor.

# 10A 71-7 11 Board panel action pending revocation hearing

(a) The appropriate Board panel shall review the hearing officers hearing summary and any written exceptions within 15 days of the date of the preliminary hearing. After consideration of the hearing summary and any written exceptions thereto the Board panel shall determine whether probable cause exists to believe that the parolee has seriously or persistently violated conditions of his or her parole and whether revocation of parole is desirable. The Board panel members shall not receive or consider any exparte communication. The parolee's case shall be decided on the basis of the established record.

1 If probable cause does not exist, the Board panel shall authorize the release of the parolee, if in custody, and may modify the conditions of parole or establish appropriate special parole conditions

2 If probable cause does exist, the parolee shall be continued in custody or taken into custody only where, in the opinion of the Board panel, the parolee represents a danger to public safety or where the parolee may not appear at the revocation hearing.

- (b) Within 21 days of the preliminary hearing, the appropriate Board panel shall issue a written Notice of Decision to the parolee and the parolee's attorney (if the parolee was represented by an attorney), the District Parole Supervisor, and the Department
  - (c) Such Notice of Decision shall consist of
  - 1 The decision of the Board panel, and
- 2 The particular reasons for the decision and the facts relied upon, except information classified as confidential pursuant to N J A C 10A 71-

# 10A.71-7.12 Parole revocation hearing

- (a) A parole revocation hearing shall be conducted when
- 1 (No change)
- 2 The parolee has been convicted of a crime committed while on parole
- (b) A parole revocation hearing may be conducted when the parolee has been convicted of a disorderly persons offense committed while on parole
- (c) If the parolee has not been convicted of a crime committed while on parole, the purpose of the revocation hearing shall be to determine
  - 1-2 (No change)
- (d) If the parolee has been convicted of a crime committed while on parole, the purpose of the revocation hearing shall be to determine whether, by clear and convincing evidence, good cause exists why the parolee should not be returned to confinement
  - (e) (No change)

# 10A 71-7 13 Revocation hearing, scheduling

- (a) Except as provided in this subchapter the revocation hearing shall be conducted within 60 days of the date the parolee was taken into custody as a parole violator, or, where the parolee was sentenced or committed to a State or county correctional facility within 60 days of the date of sentence or commitment
  - (b) (No change.)
- (c) If the parolee requests a postponement of the revocation hearing and the parolee is currently in custody, such postponement shall be granted by the Board panel for good cause Such request shall be made in writing and the Board panel shall record such request and the determination of the Board panel in the parolee's case record.
  - (d)-(e) (No change)

# 10A:71-7 15 Status of parolee pending Board panel action

- (a) (No change)
- (b) In the case of a parolee who is on parole on a sentence imposed for the offense of murder, aggravated manslaughter, manslaughter, death by vehicular homicide, aggravated assault, kidnapping, aggravated sexual assault, sexual assault, robbery first degree, burglary second degree, terroristic threats, or endangering the welfare of a child, the warrant shall not be withdrawn pursuant to (a) above if the hearing officer determines that, based on the review of the hearing record and the review of the Board's records on the parolee, the parolee would pose a danger to the public safety. In such case, the parolee shall remain in custody pending a review by the appropriate Board panel pursuant to NJAC 10A:71-717
  - (c)-(e) (No change)

# 10A:71-7 16 Record of the revocation hearing

- (a) (No change)
- (b) Within seven days of the date of the revocation hearing, the hearing officer shall prepare a written summary, which shall summarize the revocation hearing and contain the hearing officer's opinion as to whether the alleged violation(s) has been substantiated and the reason(s) therefor
  - 1 (No change)
- 2 A copy of the hearing summary shall be forwarded to the parolee's attorney or directly to the parolee where he or she has appeared pro se in order that the parolee, or his or her attorney, may object to, or comment

on, the hearing summary by submitting written exceptions to such summary. Such exceptions shall be forwarded to the appropriate Board panel within seven days after receipt of the hearing officer's hearing summary. A copy of the hearing summary shall also be forwarded to the District Parole Supervisor

(c) (No change)

# 10A 71-7.17 Board panel action, schedule of future parole eligibility dates upon revocation of parole

- (a) After consideration of the hearing officer's hearing summary and opinion and any written exceptions thereto, a two-member Board panel shall determine whether to revoke parole pursuant to N J.A C 10A 71-712. The Board panel members shall not receive or consider any exparte communication. The parolee's case shall be decided on the basis of the established record.
  - 1-2 (No change)
- 3. Except as provided in this section, if parole is revoked by the twomember Board panel and parole release is not certified pursuant to (a)2 above, an adult immate shall serve 12 months and a young adult immate shall serve nine months, if the immate has violated one of the following conditions of parole
- 1 Failure to report to the District Parole Supervisor or his or her designated representative, provided that such parolee is declared by the District Parole Supervisor to be missing from parole supervision,
- ii. Failure to notify the assigned parole officer no later than the next business day upon the issuance by the appropriate court, pursuant to the Prevention of Domestic Violence Act NJSA 2C 25-17 et seq. the Sexual Assault Survivoi Protection Act of 2015, 2C 14-13 et seq., 2C 12-10 1, 2C 12-10 2, or the provisions of similar Federal or state statutes, of an order granting emergency relief, a temporary or final restraining or protective order, or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation;
- nii Failure to comply with any condition established within an order granting emergency relief, a temporary or final restraining or protective order, issued by the appropriate court, pursuant to the Pievention of Domestic Violence Act, NJS.A 2C 25-17 et seq, the Sexual Assault Survivor Protection Act of 2015, 2C 14-13 et seq, 2C 12-10 1, 2C 12-10 2, or the provisions of similar Federal or state statutes, or an order establishing conditions of release or bail in a criminal matter or offense arising out of a domestic violence situation, until the order is dissolved by the appropriate court or until a condition is modified or discharged by the appropriate court,
- iv Failure to refrain from behavior that results in the issuance of a final restraining or protective order pursuant to the Prevention of Domestic Violence Act. N J S A 2C 25-17 et seq , the Sexual Assault Survivor Protection Act of 2015, 2C.14-13 et seq , 2C 12-10 1, or the provisions of similar Federal or state statutes,
- v. Owning or possessing any firearm, as defined at N J.S A. 2C 39-1 f, for any purpose, whether or not the firearm is operational;
- vi Owning or possessing any imitation firearm, as defined at N J S.A. 2C 39-1 v. for any purpose,
  - vii Owning or possessing any firearm ammunition,

Recodify existing vi -vii as viii -ix (No change in text.)

- x Failure to comply with any special condition of parole imposed pursuant to N J A C  $\,$  10A 71-6 4(d) or (e)
- (b) The future parole eligibility date established pursuant to (a)3 above may be decreased or increased by up to three months when, in the opinion of the two-member Board panel pursuant to (k) or (l) below, the circumstances of the parole violation and the characteristics and past record of the parole warrant such adjustment
- (c) Except as provided in this section, upon revocation of parole, an adult immate shall serve eight months and a young adult immate shall serve six months, if the immate has violated parole by failing to obey all laws and ordinances, by non-criminal conduct, or any parole condition not specified at (a)3 above
- (d) The future parole eligibility date established pursuant to (c) above may be decreased or increased by up to three months in the case of an adult immate or by up to two months in the case of a young adult when, in the opinion of a two-member Board panel pursuant to (k) or (l) below the

circumstances of the parole violation and the characteristics and past record of the parolee warrant such adjustment

- (e) Upon revocation of parole for the commission of a crime, an adult immate
- $1\,$  Who has committed a fourth degree crime shall serve not less than eight nor more than  $12\,$  months, except as provided at (f) and (m) below and N J A C  $10A\,$ 71-3 2,
- 2 Who has committed a third degree crime shall serve not less than 12 nor more than 16 months, except as provided at (f) and (m) below and N J A C 10A:71-3 2.
- 3 Who has committed a second degree crime shall serve not less than 16 nor more than 28 months, except as provided at (f) and (m) below and N J A C 10A 71-3 2,
- 4 Who has committed a first degree crime shall serve not less than 28 nor more than 48 months, except as provided at (f) and (m) below and N J A C 10A 71-3 2,
- 5 Who has committed the crimes of murder or kidnapping shall serve not less than four years, eight months nor more than eight years, four months, except as provided at (f) and (m) below and N J A C 10A 71-3 2,
  - 6 (No change)
- (f) Except as provided in this section, upon a two-member adult Board panel determining that an adult numate shall serve a future parole eligibility term upon revocation of parole the two-member adult Board panel shall establish such terms as follows
  - 1 (No change)
- 2 The term established may be decreased or increased within the limits provided by (e) above when, in the evaluation of the two-member adult Board panel, the mitigating and aggravating factors as set forth at (k) and (l) below, the circumstances of the parole violation and the characteristics and past record of the parolee warrant such adjustment
- (g) Except as provided in this section, upon a two-member young adult Board panel determining that a young adult inmate shall serve a future parole eligibility term upon the revocation of parole, the two-member young adult Board panel shall establish the following
- 1 Except as provided at (h) and (m) below, a term of eight months for the commission of a fourth degree crime,
- 2 Except as provided at (h) and (m) below, a term of 10 months for the commission of a third degree crime,
- 3 Except as provided at (h) and (m) below, a term of 16 months for the commission of a second degree crime,
- 4 Except as provided at (h) and (m) below, a term of 24 months for the commission of a first degree cume, and
- 5 Except as provided at (h) and (m) below a term of 30 months for the commission of the crimes of murder or kidnapping
- (h) The future parole eligibility date required pursuant to (g) above may be decreased or increased when, in the opinion of the two-member young adult Board panel pursuant to (k) or (l) below, the circumstances of the parole violation and the characteristics and past records of the parolee warrant such consideration. The increase or decrease shall be no more than the following
  - 1-5 (No change)
  - (1) (No change in text)
- (j) In no case shall a future parole eligibility date established pursuant to (a) through (h) above be greater than the balance of the custodial term remaining
- (k) A two-member Board panel may decrease, pursuant to (b), (d), (f)2, or (h) above the future parole eligibility date required pursuant to (a)3, (c), (f)1, or (g) above, if the two-member Board panel determines that one or more of the following mitigating factors is present
  - 1-7 (No change)
- (l) A two-member Board panel may increase, pursuant to (b), (d), (f)2, or (h) above, the future parole eligibility date required pursuant to (a)3, (c), (f)1, or (g) above, if the two-member Board panel determines that one or more of the following aggravating factors is present
  - 1-7 (No change)
- (m) A three-member Board panel may establish a future parole eligibility date which differs from that otherwise required by the provisions of this section if the future parole eligibility date, which would otherwise be established pursuant to this section, is clearly inappropriate

m consideration of the encumstances of the parole violation and the characteristics and prior criminal record of the parole

- If in the opinion of a two-member Board panel revoking parole, the future parole eligibility date which would otherwise be established pursuant to this section is clearly inappropriate as provided in this section the two-member Board panel shall refer such case for a three-member Board panel review for the purpose of establishing a future parole eligibility date
  - 1 (No change)
- 2 The two-member Board panel shall notify the immate and the immate's attorney, in writing pursuant to NJAC 10A71-718 that a future parole eligibility date pursuant to this section has not been established and the reasons therefor and that a three-member Board panel review of the record will be scheduled
  - 3 (No change)
- 4 The three-member Board panel shall, upon disposition of the case, state in writing to the immate and the immate's attorney the reasons for the establishment of a future parole eligibility date, which differs from that otherwise required by the provisions of this section
- 5 The decision of the three-member Board panel to establish a future parole eligibility date, which differs from that required by the provisions of this section shall be by unanimous decision only. Failure to reach a unanimous decision shall result in the referral of the immate's case to the Board for the establishment of a future parole eligibility date.
- 6 If the three-member Board panel fails to reach a unanimous decision, the three-member Board panel shall notify the immate and the immate's attorney, in writing, that his or her case has been referred to the Board for the establishment of a future parole eligibility date
- 7 The immate and/or the immate's attorney shall have 30 days from the date notice is received pursuant to (m)6 above to prepare and submit a written statement containing any additional information which the immate and/or the immate's attorney may deem relevant to the evaluation of his or her case by the Board
- 8 The Board's establishment of a future parole eligibility date shall be based on the review of the record. Upon disposition of the case, the Board shall state in writing to the immate and the immate's attorney the reasons for the establishment of a future parole eligibility date, which differs from that otherwise required by the provisions of this section.
  - Recodify existing (p)-(q) as (n)-(o) (No change in text)
- (p) If an inmate's maximum sentence will expire prior to the parole release date that could be established pursuant to (a)2 above or the future parole eligibility date that could be established pursuant to (a)3, (b), (c) (d), (f), (g), or (h) above, the appropriate Board panel may direct that such immate serve his or her maximum sentence and not be eligible for parole consideration on the balance of the maximum sentence
- 10A 71-718 Revocation hearing, notice of decision
- (a) Within 21 days of the revocation hearing, the appropriate Board panel shall issue a written Notice of Decision to the parolee and the parolee's attorney, the District Parole Supervisor, and the Department
  - (b) Such Notice of Decision shall consist of
  - 1-2 (No change)
- 3 The future parole eligibility date established pursuant to N J A C 10A 71-7 17
- 10A 71-7 19A Adult Diagnostic and Treatment Center examination for sex offenders, place of confinement, future parole eligibility
  - (a)-(g) (No change)
- (h) The adult Board panel shall establish a future parole eligibility date pursuant to N J A C 10A 71-717 if the adult Board panel affirms the revocation of parole and if the report of the examination conducted pursuant to (b), (c) and (d) above reveals that the immate's violation(s) of the parole conditions
  - 1-2 (No change)
  - (i)-(k) (No change)
- (I) An immate confined pursuant to (k) I or 2 above shall be eligible for parole pursuant to the provisions of N J S A 30 4-123 45 et seq. However, a parole eligibility date established pursuant to N J A C 10A 71-7 17 or a future parole eligibility date established pursuant to N J A C 10A 71-3 21 shall not be reduced by commutation time for good behavior pursuant to

N J S A 30.4-140 or credits for diligent application to work and other institutional assignments pursuant to N J S A. 30;4-92

(m)-(n) (No change.)

## CHAPTER 72 DIVISION OF PAROLE

### SUBCHAPTER 1 GENERAL PROVISIONS

#### 10A 72-1.1 Definitions

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Drvision of Parole" means the division within the State Parole Board responsible for the supervision of adult offenders released on parole by the State Parole Board from an adult correctional facility, the supervision of offenders who are serving a mandatory period of parole supervision pursuant to N.J.S.A. 2C.43-7.2.c, the supervision of offenders under parole supervision from other states who have been accepted under the terms of the Interstate Compact for Adult Offender Supervision; the supervision of offenders sentenced to community supervision for life, the supervision of offenders sentenced to parole supervision for life, and the supervision of certain Executive Clemency cases

"Parolee' means any immate who is subject to the parole jurisdiction of the Board and who has been released on parole "Parolee" shall also include an adult offender under supervision serving a term of mandatory parole supervision pursuant to N J S A 2C 43-7.2 c, an adult offender under supervision serving a special sentence of community or parole supervision for life, an adult offender who resides in New Jersey under the terms of Interstate Compact for Adult Offender Supervision; and an adult offender placed under supervision by reason of Executive Clemency

SUBCHAPTER 2. COMMUNITY PLAN AND SUPERVISION

### 10A 72-2 1 Investigation of community release

(a) (No change)

- (b) Upon the proposed parole residence plan being provided to the appropriate District Parole Office, the District Parole Supervisor, or designee, shall assign a parole officer to investigate the plan
  - (c) (No change.)
- (d) The parole officer assigned to complete the investigation shall perform the following tasks.
  - 1 -7. (No change.)
- 8 Submit the written report to the District Parole Supervisor, or designee
- (e) The District Parole Supervisor, or designee, shall review the report and determine whether the proposed parole residence plan is suitable. If deemed not suitable, the District Parole Supervisor, or designee, shall advise the appropriate Board staff person that an alternate plan needs to be ascertained and investigated

# 10A 72-2 3 Case Plan Agreements and Chronological Supervision Reports

- (a) The assigned parole officer shall create a Case Plan Agreement with the offender to document supervision goals. The Case Plan Agreement shall include short-term and long-term goals based upon a risk assessment, an extensive file review, and a personal interview of the offender, and specific time periods for achieving short-term and long-term goals.
- 1 As the offender meets supervision objectives, the assigned parole officer shall assess the case plan agreement with the offender and modify the short- and long-term goals for the offender
- 2 If the offender fails to meet supervision objectives, the assigned parole officer shall apply alternative means for achieving compliance, including reprioritizing goals or breaking down short-term goals into specific action steps
- 3 High risk offenders may require multiple short-term goals and more frequent follow up Low risk offenders may require fewer short-term goals and less follow up

- 4. Offenders who seriously or persistently fail to comply with supervision objectives shall be subject to the imposition of one or more consequences chosen from a range of intermediate actions available to the parole officer and the District Parole Supervisor, or designee
  - (b) (No change in text)

### 10A·72-24 Violations of parole

(a) (No change.)

- (b) The response to a violation of a condition of parole shall be proportional to the risk to the community posed by the parolee, the severity of the violation, and the potential for long-term positive outcomes Responses may include, but not be limited to, the following
  - 1. (No change)
- 2 The imposition of any special condition(s) that will reduce the likelihood of recurrence of criminal behavior, or
  - 3 The imposition of a special condition requiring
  - 1 -it (No change)
- in Assignment to, and successful completion of, a community program that provides reentry services, or
  - iv (No change.)
  - (c)-(d) (No change.)

# 10A:72-25 Residing with a minor child

(a)-(e) (No change)

- (f) The evaluation of an offender's request to reside with a minor child shall include, but not be limited to, an assessment as to whether
- I Residing with a minor child is consistent with the continued ichabilitation of the offender and will not compromise public safety,
- 2 The offender is in compliance with his or her conditions of supervision,
- 3. The written assessment from a sex offender treatment provider specified at (d) above is supportive of the offender residing with the minor child,
- 4 The offender has met the goals listed in his or her Case Plan Agreement and is progressing in a pro-social manner.
- 5 There are no known restraining order(s) against the offender involving any person(s) residing at the proposed residence,
- 6 The victim(s) of the sexual offense committed by the offender resides in or near the proposed residence, and
- 7 The parent or guardian's knowledge of the circumstances of the sexual offense committed by the offender are consistent with the official version of the commitment offense

Recodify existing (f)-(g) as (g)-(h) (No change in text)

# 10A 72-2.6 Unsupervised contact with a minor child

(a)-(d) (No change)

- (e) The evaluation of an offender's request to initiate, establish, or maintain unsupervised contact with a minor child shall include, but not be limited to an assessment as to whether
- 1 Initiating, establishing, or maintaining contact with a minor child is consistent with the continued rehabilitation of the offender and will not compromise public safety.
- 2 The offender is in compliance with his or her conditions of supervision,
- 3. The written assessment from a sex offender treatment provider specified at (d) above is supportive of the offender initiating, establishing, or maintaining contact with the minor child.
- 4 The offender has met the goals listed in his or her Case Plan Agreement and is progressing in a pro-social manner,
- 5 There are no known restraining order(s) against the offender involving the parent or guardian of the minor child,
- 6 The paient or guardian's knowledge of the circumstances of the sexual offense committed by the offender are consistent with the official version of the commitment offense, and
  - 7 Additional special conditions may be necessary
  - (f) (No change in text)

# SUBCHAPTER 4 USE OF FIREARMS AND USE OF FORCE WHILE ON-DUTY

10A 72-4 1 Parole officer authorization to earry firearm while on duty
(a) Prior to being permitted to earry a firearm on duty, a parole officer shall

1 Pursuant to N J S A 52 17B-66 et seq , have taken and successfully completed the Police Training Commission (PTC) approved Basic Course for Police Officers or Basic Course for Investigators, and

2 (No change)

### 10A 72-4.10 Training

(a) (No change)

(b) Training in proper methods and techniques of using force shall be provided as part of the Basic Course for Police Officers or Basic Course for Investigators provided at a Police Training Commission-approved training facility and shall be repeated annually

# 10A·72-4 11 Motor vehicle pursuits prohibited

Parole officers shall not operate a motor vehicle for the purpose of engaging in a motor vehicle pursuit

# SUBCHAPTER 5 USE OF PERSONAL FIREARMS AND USE OF FORCE WHILE OFF-DUTY

# 10A 72-5 1 Authorized off-duty firearm, ammunition, and holsters (a) (No change)

- (b) Prior to being permitted to carry a firearm off-duty, parole officers shall meet the following requirements
- 1 Pursuant to N J S A 52 17B-66 et seq, have taken and successfully completed the Police Training Commission (PTC) approved Basic Course for Police Officers or Basic Course for Investigators, and

2 (No change)

(c)-(k) (No change)

### 10A 72-59 Motor vehicle pursuits prohibited

Parole officers shall not operate a motor vehicle for the purpose of engaging in a motor vehicle pursuit

# SUBCHAPTER 6 SEARCH AND URINE MONITORING OF PAROLEES

# 10A 72-6 7 Testing for substances

- (a) Testing shall be conducted for the purpose of deterring the use of, or to detect the presence of, controlled dangerous substances or alcohol
- (b) Parolees may be tested for the use or presence of controlled dangerous substances or alcohol at any time pursuant to N J A C 10A 71-64(a)17, 611(b)16, and 612(d)16

# SUBCHAPTER 7 CONTRABAND AND DISPOSITION OF CONTRABAND

# 10A 72-7 1 Procedures for handling contraband upon discovery

(a) (No change)

(b) The parole officer shall record, in an investigation report the incident, including the type and amount of the contraband and whether the contraband was submitted to the local law enforcement jurisdiction, the county prosecutor's office, or maintained by the Division

(c) (No change in text)

# SUBCHAPTER 8 TRANSPORTATION OF PAROLEES IN CUSTODY

10A 72-8 2 Transport of parolees in custody

(a)-(g) (No change)

Recodify existing (1)-(m) as (h)-(l) (No change in text)

#### 10A 72-8 4 Medical transportation

(a)-(b) (No change)

(c) (No change in text)

# SUBCHAPTER 10 CURFEW, ELECTRONIC MONITORING, AND GLOBAL POSITIONING SYSTEM (GPS) MONITORING

10A 72-10 3 Procedure

(a)-(b) (No change)

(c) Upon the offender being served with written notice of the imposition of the curfew, electronic monitoring, or GPS monitoring condition the offender shall indicate, in writing, whether he or she contests the allegations the conclusions to be drawn from the allegations, or the justification supporting the imposition of the curfew, electronic monitoring, or GPS monitoring condition

(d)-(f) (No change)

## SUBCHAPTER 11 SEX OFFENDER GLOBAL POSITIONING SYSTEM (GPS) MONITORING PROGRAM

### 10A 72-11 1 Criteria

(a) Pursuant to NJSA 304-12391, the following persons whose offense(s) was committed on or after August 6, 2007, shall be enrolled in the Sex Offender Global Positioning System (GPS) Monitoring Program

1-2 (No change)

(b)-(d) (No change )

### SUBCHAPTER 14 INTERNET ACCESS CONDITION

10A 72-14 2 Procedure

(a)-(b) (No change)

(c) Upon the offender being served with written notice of the imposition of the special condition prohibiting access to the Internet, the offender shall indicate, in writing, whether he or she contests the allegations, the conclusions to be drawn from the allegations, or the justification supporting the imposition of the Internet access condition

(d)-(f) (No change)

# SUBCHAPTER 15 SOCIAL NETWORKING CONDITION

#### 10A 72-15 1 Criteria

- (a) This subchapter applies to the imposition of a special condition prohibiting an offender from using any computer and/or device to create any social networking profile or to access any social networking service or chat room in the offender's name or any other name (social networking condition) in the cases of offenders serving a special sentence of community or parole supervision for life
- 1 The following words and terms, as used in this section, shall have the following meanings, unless the context clearly indicates otherwise
- i "Chat room" means any Internet website through which users have the ability to communicate through messaging and which allows messages to be visible to all users or to a designated segment of users
- it "Internet website of application," as used at (a) Ity below, means an Internet website of application that allows users, through the creation of Internet web pages of profiles of other similar means, to provide personal information to the public or other users of the Internet website or application, and facilitates online social interactions by offering a mechanism for communication with other users of the Internet website or application. An Internet application shall include any program utilized in conjunction with a mobile of electronic device that permits access to a social networking service.
- in "Peci-to-peci network," as used at (a) liv below, means a connection of computer systems, whereby files are shared directly between the systems on a network without the need of a central server
- iv "Social networking service" includes any Internet website or application, chat room, or peer-to-peer network, that
- (1) Contains profile pages of the members of the social networking service that include the names or nicknames of such members, photographs placed on the profile pages by such members, or any other personal or personally identifying information about such members and links to other profile pages on social networking services of friends or associates of such members that can be accessed by other members of, or visitors to, the social networking service,

(2) Provides members of, or visitors to, such social networking service the ability to leave messages or comments on the profile page that are visible to all or some visitors to the profile page,

- (3) Provides members of, or visitors to, the social networking service the ability to engage in direct or real time communication with other users, such as a chat room or instant messenger, or
- (4) Provides a form of electronic mail for members of, or visitors to, the social networking service. For the purpose of this subparagraph, 'social networking service' does not include the use of email exclusively for person-to-person communication.
- (b) The District Parole Supervisor or designee, may impose a special condition prohibiting an offender from using any computer and/or device to create any social networking profile or to access any social networking service or chat room in the offender's name or any other name, if
- 1 There is a specific and articulable reason and a clear purpose for the imposition of the social networking condition,
- 2 The imposition of the social networking condition will act as an aid to the offender's re-entry effort, will promote the rehabilitation of the offender, is deemed necessary to protect the public, or will reduce recidivism by the offender, and
- 3 Social networking was a contributing factor in the offender's commitment offense or the imposition of the social networking condition is deemed appropriate based on new behavior demonstrated by the offender under supervision

### 10A 72-15.2 Procedure

- (a) Upon a determination by the District Parole Supervisor, or designee, to impose a special condition prohibiting an offender from using any computer and/or device to create any social networking profile or to access any social networking service or chat room in the offender's name or any other name (social networking condition), the offender shall be served in person with written notice of the imposition of the social networking condition. The written notice shall include the basis for the imposition of the social networking condition.
- (b) The offender shall be provided with a written informational statement that details the procedure for the imposition of the social networking condition
- (c) Upon the offender being served with written notice of the imposition of the social networking condition, the offender shall indicate, in writing, whether he or she contests the allegations, the conclusions to be drawn from the allegations, or the justification supporting the imposition of the social networking condition
- (d) If the offender does not contest the allegations, the conclusions to be drawn from the allegations, or the justification supporting the imposition of the social networking condition, the offender shall be advised that the social networking condition shall be effectuated immediately
- (e) If the offender contests the allegations, the conclusions to be drawn from the allegations, or the justification supporting the imposition of the social networking condition and exigent circumstances do not exist as to require the immediate effectuation of the social networking condition, the following procedures shall apply
- 1 The offender shall be advised that he or she will have 10 business days to submit a written statement or documentation to the District Parole Office to be considered before the social networking condition becomes effective
- 2 The offender shall be advised that if the offender fails to submit a written statement or documentation within 10 business days, the social networking condition shall become effective immediately upon the expiration of the 10 business days;
- 3 If the offender submits a written statement or documentation within 10 business days, the social networking condition shall not be effectuated until such time as a Board panel authorizes the effectuation of the social networking condition,
- 4 The District Parole Office shall forward a copy of the written notice of the imposition of the social networking condition to a Board panel. If the offender contests the imposition of the social networking condition and has submitted a written statement or documentation to the District Parole Office, a copy of the written statement or documentation, and an assessment of the written statement or documentation by the District

Parole Supervisor, or designee, shall be forwarded by the District Parole Office to the Board panel for consideration.

- 5 An offender shall not be piecluded from submitting a written statement or documentation to the District Parole Office after the expiration of the 10-business-day time period However, the failure to comply with the 10-business-day time period shall result in the immediate effectuation of the social networking condition; and
- 6 If the District Parole Office receives a written statement or documentation from an offender after the expiration of the 10-business-day time period, the District Parole Office shall forward a copy of the written statement or documentation and an assessment of the written statement or documentation by the District Parole Supervisor, or designee, to the Board panel for consideration
- (f) If the offender contests the allegations, the conclusions to be drawn from the allegations, or the justification supporting the imposition of the social networking condition, and the District Parole Office believes that evigent circumstances do exist as to require the immediate effectuation of the social networking condition, the following procedures shall apply
- 1 The District Parole Supervisor, or designee, shall review the offender's case within 24 hours of the determination to impose the social networking condition to determine whether exigent circumstances do exist as to require immediate effectuation of the social networking condition and shall verbally advise the offender and the assigned parole officer of his or her determination. If the District Parole Supervisor, or designee, determines that exigent circumstances exist, the District Parole Supervisor, or designee shall also provide written notice to the offender as to the basis for the determination,
- 2 If the District Parole Supervisor, or designee, determines that exigent circumstances do exist, the social networking condition shall be effectuated immediately,
- 3. The offender shall be advised that he or she will have 10 business days to submit a written statement or documentation to be considered,
- 4 The District Parole Office shall forward a copy of the written notice of the social networking condition and, if exigent circumstances were found to exist by the District Parole Supervisor, or designee, a copy of the written notice of the basis for the determination of the existence of exigent circumstances to a Board panel. If the offender contests the imposition of the social networking condition and has submitted a written statement or documentation to the District Parole Office, a copy of the written statement or documentation by the District Parole Supervisor, or designee, shall be forwarded by the District Parole Office to the Board panel for consideration,
- 5. An offender shall not be precluded from submitting a written statement or documentation to the District Parole Officer after the expiration of the 10-business-day time period, and
- 6 If the District Parole Office receives a written statement or documentation from an offender after the expiration of the 10-business-day time period, the District Parole Office shall forward a copy of the written statement or documentation and an assessment of the written statement or documentation by the District Parole Supervisor, or designee, to the Board panel for consideration

#### 10A 72-15.3 Board panel review

- (a) Upon receipt of the written notice of a special condition prohibiting an offender from using any computer and/or device to create any social networking profile or to access any social networking service or chat room in the offender's name or any other name (social networking condition), the basis for the imposition of the social networking condition, the written statement of the offender, if submitted, and any attendant documents, a Board panel shall review the offender's case.
- (b) The Board panel shall determine whether to affirm or vacate the imposition of the social networking condition
- (c) The offender and District Parole Office shall be notified in writing of the Board panel's decision

# 10A 72-15 4 Division of Parole review

(a) A District Parole Supervisor, or designee, shall review a special condition prohibiting an offender from using any computer and/or device to create any social networking profile or to access any social networking service or chat room in the offender's name or any other name (social

networking condition) one year from the effective date of the social networking condition, and on an annual basis thereafter, to determine if the condition remains warranted

- (b) The District Parole Supervisor, or designee, shall review the social networking condition utilizing the criteria specified at (c) below
- (c) The review of the social networking condition shall include but not be limited to, an assessment as to whether
- 1 There is a reasonable basis to preclude an offender from using any computer and/or device to create any social networking profile or from access to any social networking service or chat room in the offender's name or any other name.
- 2 Social networking is consistent with the continued rehabilitation of the offender and will not compromise public safety,
  - 3 The offender is in compliance with the conditions of supervision.
- 4 The offender has met the goals listed in his or her Case Plan Agreement and is progressing in a pro-social manner, and
- 5 The offender's treatment provider, if the offender is presently participating in counseling, is of the opinion that social networking will promote the ichabilitation of the offender and assist the offender's icentry efforts
- (d) Upon completion of the review of the social networking condition, the District Parole Supervisor, or designee, shall determine whether to continue or vacate the social networking condition
- (e) If the District Parole Supervisor, or designee, determines to continue the social networking condition, the continuation shall conform with the procedures at N J A C 10A 72-15 2 and 15 3. However, if the offender contests the justification supporting the extension of the social networking condition, the social networking condition shall remain in effect until the Board panel has reviewed the offender's case and determined whether to continue or vacate the extension of the social networking condition.
- (f) If the District Parole Supervisor, or designee, determines to vacate the social networking condition, the District Parole Supervisor, or designee, shall notify the offender in writing of the decision. The decision shall also be recorded in the chronological supervision report

# LAW AND PUBLIC SAFETY

(a)

# DIVISION OF CONSUMER AFFAIRS STATE BOARD OF COURT REPORTING

Temporary Registered Reporters

Adopted Amendments: N.J.A.C. 13:43-2.2, 2.3, 3.2, 4.1, 5.4, 5.5, and 5.8

Proposed December 21, 2020, at 52 N J R 2165(a)

Adopted May 17, 2021, by the State Board of Court Reporting,

Theodore M Formaroli, President

Filed July 15, 2021, as R 2021 d 086, without change

Authority NJSA 45 15B-1

Effective Date August 16, 2021.

Expiration Date December 21, 2022

Summary of Public Comment and Agency Response

The official comment period ended February 19, 2021 No comments were received.

### Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments do not involve any Federal standards or requirements

Full text of the adoption follows

# SUBCHAPTER 2 CERTIFICATION OF COURT REPORTERS, REGISTRATION OF TEMPORARY REGISTERED REPORTERS

- 13 43-2 2 Eligibility for registration as a temporary registered reporter, disclosure forms, penalties
- (a) In order to qualify to register as a temporary registered reporter pursuant to N J S A 45 15B-9, an applicant shall
  - 1-4 (No change)
  - 5. Pay the application fee set forth at N J A C 13 43-6 1
- (b) In addition to (a) above, the applicant must present proof of one of the following:
  - 1 (No change)

Recodify existing 3-4 as 2-3 (No change in text)

(c)-(k) (No change)

13 43-2 3 Employment of temporary registered reporters

- (a) An employer of a certified court reporter or owner of a court reporting agency or a certified court reporter may utilize temporary registered reporters referred to at NJAC 13 43-22 only in circumstances where a certified court reporter is unavailable. In such circumstances where a certified court reporter is unavailable, the employer and/or owner of a court reporting agency or certified court reporter shall contact five court reporting agencies to seek an available certified court reporter. The employer and/or owner of a court reporting agency or certified court reporter shall record the five contacts in an affidavit that shall include the names of the agencies contacted, the dates and times of the contacts, and the specific job for which the certified court reporter is sought, including the date, time, and location of the job, as well as the name(s) of the party (parties) soliciting the certified court reporter and the name of the case for which the certified court reporter is sought
- 1 The employer and/or owner of a court reporting agency or certified court reporter shall retain the affidavits referred to above for a period of three calendar years. The records shall be made available to the Board within two business days of the Board's written notice of request and shall be subject to the Board's random audit. For purposes of this paragraph, a business day is defined as the hours between 9.00 A.M. and 5.00 P.M. Monday through Friday, excluding holidays.

# SUBCHAPTER 3 CERTIFICATION OF COURT REPORTERS IN REALTIME REPORTING

- 13 43-3 2 Eligibility for certification as a certified realtime court reporter
- (a) In order to be eligible for certification as a realtime court reporter, an applicant shall
  - 1 (No change)
- 2 Submit a completed application that contains the following information:
  - 1-11 (No change)
  - in Current work status, and
  - iv (No change)
  - 3 -5 (No change)

# SUBCHAPTER 4 EXAMINATIONS

- 13 43-4 1 Examinations for certification as a certified court reporter, frequency
  - (a)-(b) (No change )
- (c) The Board will accept a National Court Reporters Association Registered Professional Reporter examination to satisfy the examination requirement for certification as a court reporter under N J A C 13 43-2 1

# SUBCHAPTER 5 GENERAL PROVISIONS

- 13 43-5 4 Prohibited practices
- (a) Certified court reporters and temporary registered reporters shall not
  - 1 (No change)
- 2 Provide or arrange to provide reporting services, in a judicial or quasi-judicial matter and/or a deposition, if he or she
  - (No change)