

# Geriatric Release *Report*



Photo: Ron Levine/Prisoners of Age



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## FOREWORD

New Jersey prides itself on having a criminal justice system that is uniquely fair and guided by both the rule of law and the dictates of facts, evidence and science. As a State, we also view ourselves as a compassionate people, very willing to be tough when that is required to keep us safe and to teach the kinds of lessons that incentivize law-abiding conduct, but also committed to tempering justice with mercy, to caring about the real human costs of crime—for both victims and offenders.

In this context, our failure to join many of our sister states in creating and implementing a program of Geriatric Release for old offenders, who have paid their debt to society, no longer need to be deterred from further criminal activity and can safely be released to live out the rest of their lives in precious freedom, is a disgrace. Instead of compassion, it bespeaks blind harshness; instead of wisdom and analysis, it bespeaks a waste of scarce resources that are expended warehousing old, harmless inmates so that they will die in custody, after receiving costly medical care for which we all have to pay. And it does so for no good reason—not public safety, not the interests of victims, not good policy—even as it overwhelmingly continues the mass incarceration of an overwhelmingly Black and Latino population, in a prison system that is already the most disproportionately minority in the nation.

The Geriatric Release legislation proposed in this report is a common-sense solution to a serious social problem, and one that, uniquely, will save rather than cost money, even as it keeps our society safe by precluding those who would harm us from being freed. It does so based upon rigorous scientific principles, for we know from well-established and undisputed research that those who have served long sentences and are advanced in age simply do not recidivate. And it amounts to a powerful statement of our common humanity—our refusal to lock people up and throw away the key because of acts committed decades before, to forgive those who have long since made amends, and to value human life throughout its entire course, for people of all races, creeds and socioeconomic positions.

The legislation proposed herein should be immediately enacted and promptly and effectively implemented. Doing so will be a credit to our State and to us all.

Lawrence S. Lustberg



December 4, 2023

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(in memoriam)  
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Dear New Jerseyan,

As our nation and state grapple with criminal justice reform, many correctional facilities throughout the United States house an increasing number of elderly persons. Given the extensive and costly medical needs, states are confronting the challenges that have emerged from longer prison sentences and legislation such as the No Early Release Act (NERA).

Elderly adults are a rapidly growing cohort of the nation's prison population. According to the U.S. Bureau of Justice Statistics, between 1999 and 2007 the number of people 55 or older in state and federal prisons grew 76.9 percent, from 43,300 to 76,600, and the number of those ages 45 to 54 grew 67.5 percent. In New Jersey, there are currently 989 individuals incarcerated in state prisons over the age of 60 years, which represents 7.5 percent of the total prison population in the state.

New Jersey currently has no geriatric release policies in place. Although inmates may petition for compassionate release, the burden on petitions is extremely high in New Jersey, requiring inmates to show clear and convincing evidence that the petitions suffer from a terminal condition or disease as to be permanently physically incapable of committing a crime. The vast majority of elderly inmates are unable to meet this burden.

This report proposes legislation that will provide for the geriatric release of those inmates who at least 60 years old and have served a sentence of at least 20 years. If the inmate was convicted for murder, they must be at least 62 years old and have served a sentence of at least 30 years. This proposal provides a cost-effective, safe, and just solution to the Department of Corrections, as well as New Jersey itself.

I fully support this proposed legislation. Allowing elderly inmates in our state prisons an avenue by which to seek release due to their advanced age is a just step that our State should take.

Thank you for your attention and support of this most important issue.

Sincerely,

A handwritten signature in blue ink that reads "Jim McGreevey". The signature is stylized and includes a long horizontal flourish at the end.

Jim McGreevey

Executive Director, New Jersey Reentry Corporation



# Part I: Introduction

## A. Geriatric Release -- What Is It?

- i. Nine states in the U.S. have an early release mechanism for elderly inmates who have served a substantial portion of their state prison sentence. There is no medical requirement for release.
- ii. The most common elements of geriatric release are as follows:
  - a) Typically, inmates must be 60 years old and have served 10 years of their sentence to be eligible for geriatric release.
  - b) Most states do not permit geriatric release of inmates convicted of serious violent crimes or sex crimes.
  - c) The inmate must apply for geriatric release (as opposed to being automatically considered when eligible).
  - d) The parole board handles whether an inmate is granted release.

## B. Geriatric Release -- Why It Makes Sense For New Jersey

Discussed more below in Part III, there are four reasons why geriatric release makes sense for New Jersey.

- i. Immense Cost Savings

The cost of caring for an elderly inmate is almost **double** that of the average inmate. Reducing the elderly inmate population has the potential to save New Jersey taxpayers tens of millions of dollars.

# COMPASSIONATE RELEASE



## ii. Public Safety Not Impacted

Age is one of the most significant predictors of criminality. Data shows that arrest rates drop to less than 3% for individuals ages 50 to 65 and less than 1% for those older than 65.<sup>3</sup>

## iii. Most Elderly Inmates Do Not Qualify for Compassionate Release

The burden on petitioners who seek compassionate release in New Jersey is extremely high. It requires a showing by clear and convincing evidence that the petitioner suffers from a terminal condition, disease, or syndrome, or permanent physical disability as to be permanently physically incapable of committing any crime.<sup>4</sup> The vast majority of elderly inmates cannot meet this burden.

## iv. Elderly Inmates Can Die With Dignity

As elderly inmates age in prison, they outlive their family and friends and face the reality of dying alone. Releasing elderly inmates who have already served a lengthy sentence and no longer pose a threat to society gives these inmates a chance to die with some level of dignity and humanity.

# Part II: The Proposal -- Geriatric Release

## A. A Sentencing Reform

This Proposal envisions Geriatric Release as a sentencing reform whereby certain elderly inmates are automatically considered for supervised release. It is the next logical step in reforming New Jersey's criminal justice system that aligns with nationwide efforts to reform excessive sentencing laws and will reduce our overpopulated and costly prisons.

## B. Core Principles of Geriatric Release

### ***Eligibility Factors: Age and Time Served***

- A Certificate of Eligibility ("COE") shall be issued by the Department of Correction to any inmate who has attained the **age of 60** and has served **20 years in custody** on the offense of which the inmate was convicted.
- For those convicted of murder, a COE shall be issued when the inmate has attained the **age of 62** and has served **30 years in custody** on the offense of which the inmate was convicted.

### ***Petition Process***

- With a COE, the inmate may file a petition for Geriatric Release with the Superior Court in the county where the inmate was originally sentenced.
- The OPD shall represent the inmate for the purpose of filing a petition for Geriatric Release, unless the inmate retains other counsel.
- At the release hearing, all relevant parties shall have an opportunity to be heard (i.e., inmate and inmate's family, victim and victim's family, County Prosecutor, Attorney General, and OPD).

### ***Release Factors for Consideration by the Court***

- The inmate's age at the time of the offense.
- The inmate's age at the time of the petition.
- The history and characteristics of the inmate at the time of the petition, including (a) rehabilitation demonstrated by the inmate and (b) disciplinary record while incarcerated.
- Any statement by the victim or victim's family members.
- Any report from a physical, mental, or psychiatric examination of the inmate conducted by a licensed health care professional.
- The seriousness of the offense and the inmate's role.
- The potential benefits to the inmate's children and family members of reunification with

the inmate.

- The potential cost savings to the State.
- Any reentry plan for the inmate upon release, to include community sponsor, housing, and ability to support himself.
- Any other information, without limitation, that the inmate may provide that is relevant to this inquiry.

### **Presumption of Release; Overcoming the Presumption**

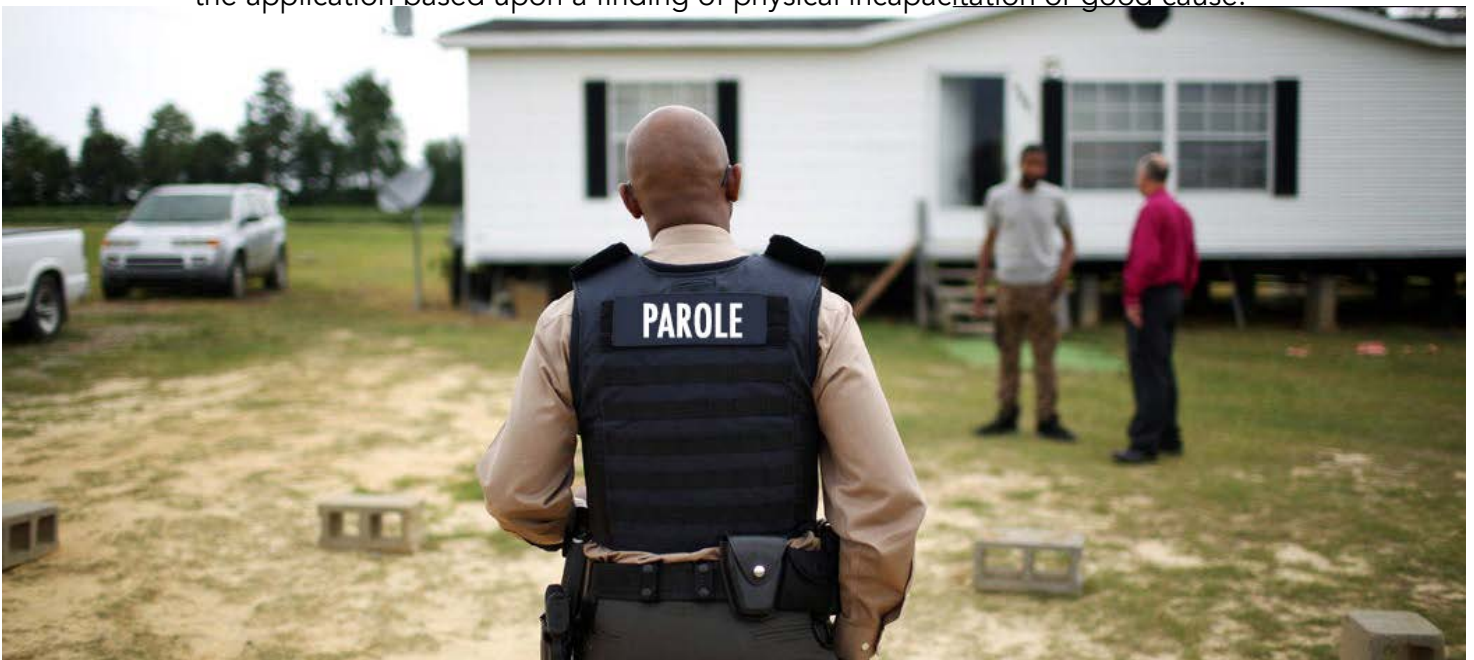
- The court shall release the inmate unless, after considering the release factors, the court finds by clear and convincing evidence that:
  1. the inmate is a danger to the safety of any person or the community; or
  2. the inmate has shown that he is not ready for reentry, based upon, among other factors, his failure to participate in available educational, therapeutic, or vocational opportunities while incarcerated; or the interests of justice do not otherwise warrant a sentence modification.

### **Presumptive 5-Year Term of Supervised Release**

- If granted Geriatric Release, the court shall modify the inmate's sentence such that the inmate is immediately eligible for and granted a 5-year term of parole supervision.
- 5 years is the presumptive term of parole supervision. However, for good cause the court may impose a lesser period of parole supervision or a time-served sentence.

### **Reduction or Elimination of Parole Supervision**

- At any time after being granted Geriatric Release, the parolee may apply for a reduction of parole supervision or time-served sentenced. The court in its discretion may grant the application based upon a finding of physical incapacitation or good cause.



- Any other information, without limitation, that the inmate may provide that is relevant to this inquiry.

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## **Part III: Geriatric Release Makes Sense**

### **A. Immense Cost Savings**

Efforts to address mass incarceration and the excessive sentencing laws of the past have seen some success, as overall prison populations have decreased in many states over the last decade. However, there remains an outlier inmate group whose **population size has steadily increased – elderly inmates.**<sup>5</sup> New Jersey is sadly a case in point. In 2017, New Jersey’s total prison population was 19,619 inmates, with 868 inmates over 60.<sup>6</sup> As of 2023, there over-60 inmate population has grown to 989, despite a significant reduction in the overall prison population to 13,196 inmates.<sup>7</sup> Implementing Geriatric Release would drastically reduce the growing, elderly inmate population and result in **immense cost-savings.**

To be sure, the cost of care for elderly inmates is **at least double** that of younger inmates,<sup>8</sup> though some posit the difference is in fact much larger. Elderly inmates suffer from age-related and chronic diseases such as cardiovascular disease, arthritis, obesity, and asthma – all of which require allocating resources toward treatment, medication, and prison medical staff.<sup>10</sup> The stress of incarceration also accelerates the aging process, which exacerbates age-related diseases and further increases cost. And in some cases, elderly inmates must be admitted to a hospital or long-term care facility for specialized care and rehabilitation because prisons are not able to provide complex care – which results in incredible expenditures of money. It can cost over \$35,000 for **a single** “catastrophic” medical incident, which is 8 times more likely to happen with an elderly inmate than a younger one.<sup>11</sup>



The growing elderly inmate population is turning New Jersey's prison system into a shockingly expensive and inefficient nursing home. Geriatric Release will fix this problem and save New Jersey taxpayers tens of millions of dollars.

## **B. No Impact on Public Safety**

There is no dispute that age is one of the most significant predictors of criminality – as people get older, they are much less likely to engage in crime.<sup>12</sup> Data shows that arrest rates drop to less than 3% for individuals ages 50 to 65 and less than 1% for those older than 65.<sup>13</sup> The same is true for recidivism. One study found that of those convicted of violent crimes, only one percent of individuals released at age 55 or older were reincarcerated for new crimes within three years.<sup>14</sup> New Jersey-specific data shows a similar decrease in the recidivism rate the older an inmate is at release.<sup>15</sup>

Geriatric Release would provide a pathway for the reentry of a forgotten-about vulnerable group of individuals that have a statistically insignificant impact on public safety.

## **C. Most Elderly Inmates Do Not Qualify for Compassionate Release**

The burden on petitioners who seek compassionate release in New Jersey is extremely high. It requires a showing by clear and convincing evidence that the petitioner suffers from a terminal condition, disease, or syndrome, or permanent physical disability as to be permanently physically incapable of committing any crime.<sup>16</sup> The vast majority of elderly inmates cannot meet this burden.

NOTE: I wasn't able to connect with the compassionate release "maven" who I heard existed. He/she may have a few good statistics to include here.

## **D. Elderly Inmates Can Die With Dignity**

As elderly inmates age in prison, they outlive their family and friends and face the reality of dying alone. Releasing elderly inmates who have already served a lengthy sentence and no longer pose a threat to society gives these inmates a chance to die with some level of dignity and humanity.



Karen Thomas

# Part IV: Geriatric Release Proposed Legislation

**AN ACT** concerning rehabilitative release for certain inmates, amending P.L.1979, c.441, and supplementing Title 2C of the New Jersey Statutes.

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

1. a. Except as provided in subsection b. of this section, the Commissioner of the Department of Corrections shall issue a Certificate of Eligibility for Geriatric Release to any inmate who:
  - (1) has served at least 20 years in custody on the sentence imposed for the offense or offenses of which the inmate was convicted; and
  - (2) has attained the age of 60.
    - b. For an inmate convicted of murder pursuant to N.J.S.2C:11-3, the commissioner shall issue a Certificate of Eligibility for Rehabilitative Release if the inmate:
      - (1) has served at least 30 years in custody on the sentence imposed for the offense or offenses of which the inmate was convicted; and
      - (2) has attained the age of 62.
        - c. At least 60 days prior to the anticipated date of issuance of a Certificate of Eligibility for Geriatric Release, the department shall notify the State Parole Board of its intent to issue the certificate and to initiate the report required pursuant to subsection e. of this section.
        - d. Notwithstanding any provision of law to the contrary, an inmate who receives a Certificate of Eligibility for Geriatric Release and who has not been resentenced or previously sought relief under this section may petition the court for resentencing pursuant to the provisions of this section.
        - e. A report concerning any inmate issued a Certificate of Eligibility pursuant to this section shall be prepared by staff members designated by the superintendent or other chief executive officer of the institution in which the inmate is held in accordance with the provisions of section 10 of P.L.1979, c.441 (C.30:4-123.54), for consideration by the court in hearing a petition for rehabilitative release pursuant to this section.
        - f. Following the issuance of a Certificate of Eligibility for Geriatric Release, the Office of the Public Defender shall represent the inmate for the purpose of filing a petition for rehabilitative release, unless the inmate retains other counsel.
        - g. A hearing on a petition for rehabilitative release shall be held in the Superior Court in the county where the inmate was originally sentenced for the crime or crimes for which rehabilitative release is being sought and in accordance with the Rules of Court. The inmate shall have the right to be present at the hearing or may waive such right. A copy of the petition shall be served in accordance with the Rules of Court on the county prosecutor who prosecuted the matter or, if the matter was prosecuted by the Division of Criminal Justice, the director of the division.
        - h. The county prosecutor or the director, as appropriate, shall have 60 days to file a response to the petition. The court may grant an extension of time for good cause.



i. The county prosecutor or the director, as appropriate, shall provide as soon as practicable a copy of the petition to any victim or family member of a victim entitled to notice relating to a parole or the consideration of a parole under the provisions of P.L.1979, c.441 (C.30:4-123.45 et seq.) or the "Crime Victim's Bill of Rights," P.L.1985, c.249 (C.52:4B-34 et seq.) and shall notify any such victim or family member of the opportunity to: supplement the report issued pursuant to subsection e. of this section with a written statement; present a written or videotaped statement at the hearing on the petition; or testify to the court at the time of the hearing concerning the harm to the victim or family member that resulted from the crime. Victim statements or notices of intention to provide a statement or testify at the hearing shall be submitted to the court through the prosecutor or director, as appropriate, within 60 days of notification.

j. (1) Notwithstanding any provision of law to the contrary, the Superior Court shall, upon consideration of a petition and following a hearing, modify, reduce, or suspend a sentence, including any minimum or mandatory sentence or a portion of the sentence, unless, after considering the factors set forth in subsection k. of this section, the court finds by clear and convincing evidence that:

(a) the inmate is a danger to the safety of any person or the community; or

(b) the inmate has shown that he is not ready for reentry, based upon, among other factors, his failure to participate in available educational, therapeutic, or vocational opportunities while incarcerated; or

(c) the interests of justice do not otherwise warrant a sentence modification.

(2) The court shall issue a written order stating the reasons for granting or denying modification.

k. In determining whether the standards set forth in paragraph (1) of subsection j. of this section are met, the court shall meaningfully consider the following:

(1) the inmate's age at the time of the offense;

(2) the inmate's age at the time of the petition;

(3) the history and characteristics of the inmate at the time of the petition, including (a) rehabilitation demonstrated by the inmate and (b) disciplinary record while incarcerated;

(4) any statement by the victim or victim's family members;

(5) any report from a physical, mental, or psychiatric examination of the inmate conducted by a licensed health care professional;

(6) the seriousness of the offense and the inmate's role;

(7) the potential benefits to the inmate's children and family members of reunification with the inmate;

(8) the potential cost savings to the State;

(9) any reentry plan for the inmate upon release, to include community sponsor, housing, and ability to support himself;

(10) the report prepared pursuant to subsection e. of this section; and

(1) any other information, without limitation, that the inmate may provide that is relevant to this inquiry.

l. Any inmate who receives a sentence modification pursuant to this section shall also be sentenced to a five-year term of parole supervision.

. An order by the court granting a petition for rehabilitative release shall not become final for 10 days in order to permit the prosecution an opportunity to appeal the court's order. An inmate shall have the right to appeal a denied petition.

2. Section 10 of P.L.1979, c.441 (C.30:4-123.54) is amended to read as follows:

10. a. At least 120 days but not more than 180 days prior to the parole eligibility date of each adult inmate, or within 60 days of notification by the Department of Corrections of its intent to issue a Certificate of Eligibility for Geriatric Release pursuant to section 1 of P.L. , c. (C. ) (pending before the Legislature as this bill), as appropriate, a report concerning the inmate shall be filed with the appropriate board panel, by the staff members designated by the superintendent or other chief executive officer of the institution in which the inmate is held.

b. (1) The report filed pursuant to subsection a. shall contain preincarceration records of the inmate, including any history of civil commitment, any disposition which arose out of any charges suspended pursuant to N.J.S.2C:4-6 including records of the disposition of those charges and any acquittals by reason of insanity pursuant to N.J.S.2C:4-1, state the conduct of the inmate during the current period of confinement, include a complete report on the inmate's social and physical condition, include an investigation by the Division of Parole of the inmate's parole plans, and present information bearing upon the likelihood that the inmate will commit a crime under the laws of this State if released on parole. The report shall also include

a complete psychological evaluation of the inmate in any case in which the inmate was convicted of a first or second degree crime involving violence and:

- (a) the inmate has a prior acquittal by reason of insanity pursuant to N.J.S.2C:4-1 or had charges suspended pursuant to N.J.S.2C:4-6; or
  - (b) the inmate has a prior conviction for murder pursuant to N.J.S.2C: 11-3, aggravated sexual assault or sexual assault pursuant to N.J.S.2C:14-2, kidnapping pursuant to N.J.S.2C:13-1, endangering the welfare of a child which would constitute a crime of the second degree pursuant to N.J.S.2C:24-4, or stalking which would constitute a crime of the third degree pursuant to P.L.1992, c.209 (C.2C:12-10); or
  - (c) the inmate has a prior diagnosis of psychosis.  
The inmate shall disclose any information concerning any history of civil commitment. The preincarceration records of the inmate contained in the report shall include any psychological reports prepared in connection with any court proceedings.
- (2) At the time of sentencing, the prosecutor shall notify any victim injured as a result of a crime of the first or second degree or the nearest relative of a murder victim of the opportunity to present a written or videotaped statement for the parole report to be considered at the parole hearing or to testify to the parole board concerning his harm at the time of the parole hearing. Each victim or relative shall be responsible for notifying the board of his intention to submit such a statement and to provide an appropriate mailing address.

The report may include a written or videotaped statement concerning the continuing nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss of earnings or ability to work suffered by the victim and the continuing effect of the crime upon the victim's family. At the time public notice is given that an inmate is being considered for parole pursuant to this section, the board shall also notify any victim or nearest relative who has previously contacted the board of the availability to provide a written or videotaped statement for inclusion in the parole report or to present testimony at the parole hearing. The board shall notify the victim or relative at the victim's or relative's last known mailing address.

- (3) If the inmate meets the requirements for administrative parole release pursuant to section 4 of P.L.2019, c.364 (C.30:4-123.55d) the report shall indicate this eligibility.
- c. A copy of the report filed pursuant to subsection a. of this section, excepting those documents which have been classified as confidential pursuant to rules and regulations of the board or the Department of Corrections, shall be served on the inmate at the time it is filed with the board panel. The inmate may file with the board panel a written statement regarding the report, but shall do so within 105 days prior to the primary parole eligibility date.
  - d. Upon receipt of the public notice pursuant to section 1 of P.L.1979, c.441 (C.30:4-123.45), a county prosecutor, a public defender, or a private attorney of record may request from the parole board a copy of the report on any adult inmate prepared pursuant to subsection a. of this section, which shall be expeditiously forwarded to the county prosecutor by the parole board by mail, courier, or other means of delivery. Upon receipt of the report, the prosecutor has 10 working days to review the report and notify the parole board of the prosecutor's comments, if any, or notify the parole board of the prosecutor's intent to provide comments. If the county prosecutor does not provide comments or notify the parole board of the prosecutor's intent to provide comments within the 10 working days, the parole board may presume that the prosecutor does not wish to provide comments and may proceed with the parole

consideration. Any comments provided by a county prosecutor shall be delivered to the parole board by the same method by which the county prosecutor received the report. The confidentiality of the contents in a report which are classified as confidential shall be maintained and shall not be disclosed to any person who is not authorized to receive or review a copy of the report containing the confidential information.

- e. Any provision of this section to the contrary notwithstanding, the board shall by rule or regulation modify the scope of the required reports and time periods for rendering such reports with reference to county penal institutions.
- f. Notwithstanding any provision of this section, the board may modify the time periods for submitting the reports required pursuant to this section in processing an inmate whose parole eligibility date is accelerated pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55). (P.L.2019, c.364, s.9)

3. This act shall take effect immediately.

## STATEMENT

This bill provides for the geriatric release of certain inmates.

Under the bill, the Department of Corrections (DOC) is required to issue a Certificate of Eligibility for Geriatric Release (certificate) to any inmate who: (1) is at least 60 years of age, and has served at least 20 years in custody on the sentence imposed for the offense or offenses of which the inmate was convicted; or (2) if convicted of murder, is at least 62 years of age and has served at least 30 years in custody.

An inmate who has been issued a certificate, and has not previously sought relief under the bill, may petition the court for rehabilitative release. The Office of the Public Defender is required to represent the inmate, unless the inmate retains other counsel.

At least 60 days prior to the date of issuance of a certificate, the DOC is required to notify the State Parole Board of its intent to issue the certificate. The superintendent or other chief executive officer of the institution in which the inmate is held is required to prepare a report for any inmate issued a certificate under the bill for consideration by the court at a hearing for rehabilitative release.

In accordance with the provisions of the bill, a hearing on a petition for rehabilitative release is to be held in the Superior Court in the county in which the inmate was originally sentenced and in accordance with the Rules of Court. In addition to other service requirements under the bill, the county prosecutor or the director, as appropriate, is required to provide a copy of the petition for

rehabilitative release to any victim or family member of a victim entitled to notice relating to a parole or the consideration of a parole under current law. The victim or family member also is to be notified of their opportunity to supplement the report to be issued under the bill with a statement attached to the report, a written or videotaped statement at the hearing on the petition, or to testify to the court at the time of the hearing.

Upon consideration of a petition and following a hearing, the Superior Court may modify, reduce, or suspend an inmate's sentence if the court finds by clear and convincing evidence that:

- the inmate is not a danger to the safety of any person or the community;
- the inmate demonstrates a readiness for reentry, which shall be demonstrated by, among other things, significant efforts to participate in educational, therapeutic, or vocational opportunities while incarcerated; and
- the interests of justice warrant a sentence modification.

The court is required to issue a written order stating the reasons for granting or denying modification.

In determining whether the foregoing standards are met, the court is required to meaningfully consider a list of factors enumerated in the bill. An inmate who receives a modified sentence under the bill also is to be sentenced to a five-year term of parole supervision. An order for rehabilitative release under the bill is not to become final for 10 days in order to permit the prosecution an opportunity to appeal the court's order. A petitioner may also appeal a denied petition.

Provides for geriatric release for certain inmates.

<sup>1</sup> Alaska, California, Georgia, Louisiana, Maryland, Mississippi, Nevada, Oklahoma, and Virginia.

<sup>2</sup> G. Pro and M. Marzell (2017, April). *Medical Parole and Aging Prisoners: A Qualitative Study*. Journal of Correctional Health Care.

<sup>3</sup>Chiu, T. (2010, April). *It's About Time: Aging Prisoners, Increasing Costs, and Geriatric Release*. Vera Institute of Justice. <https://www.vera.org/publications/its-about-time-aging-prisoners-increasing-costs-and-geriatric-release>

<sup>4</sup> N.J. Stat. § 30:4-123.51e.

<sup>5</sup> *Aging Out, Using Compassionate Release to Address the Growth of Aging and Infirm Prison Populations*, Silber, Shames, and Reid, [www.vera.org/downloads/publications/Using-Compassionate-Release-to-Address-the-Growth-of-Aging-and-Infirm-Prison-Populations—Full-Report.pdf](http://www.vera.org/downloads/publications/Using-Compassionate-Release-to-Address-the-Growth-of-Aging-and-Infirm-Prison-Populations—Full-Report.pdf)

<sup>6</sup> *Incarcerated Persons in New Jersey Correctional Institutions on January 3, 2017, By Age*, [www.nj.gov/corrections/pdf/offender\\_statistics/2017/By%20Age%202017.pdf](http://www.nj.gov/corrections/pdf/offender_statistics/2017/By%20Age%202017.pdf)

<sup>7</sup> *Incarcerated Persons in New Jersey Correctional Institutions on January 3, 2023, By Age*, [https://www.nj.gov/corrections/pdf/offender\\_statistics/2023/By\\_Age\\_2023.pdf](https://www.nj.gov/corrections/pdf/offender_statistics/2023/By_Age_2023.pdf)

<sup>8</sup> Chiu, T. (2010, April). *It's About Time: Aging Prisoners, Increasing Costs, and Geriatric Release*. Vera Institute of Justice, [www.vera.org/publications/its-about-time-aging-prisoners-increasing-costs-and-geriatric-release](http://www.vera.org/publications/its-about-time-aging-prisoners-increasing-costs-and-geriatric-release)

<sup>9</sup> *The High Costs of Low Risk*, The Osborne Association (May 2018), [www.osborneny.org/assets/files/Osborne\\_HighCostsofLowRisk.pdf](http://www.osborneny.org/assets/files/Osborne_HighCostsofLowRisk.pdf)

<sup>10</sup> Skarupski, K., Gross, A., Schrack, J., Deal, J., Eber, G. (2018, March), *The Health of America's Aging Population*, [www.ncbi.nlm.nih.gov/pmc/articles/PMC5982810/](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC5982810/)

<sup>11</sup> Demyan, A. (2015, July), *Elderly people in prison present little risk, but staggering cost*. [www.vera.org/news/elderly-people-in-prison-present-little-risk-but-staggering-costs](http://www.vera.org/news/elderly-people-in-prison-present-little-risk-but-staggering-costs)

<sup>12</sup> Families for Justice Reform (FAMM), *The Older You Get: Why Incarcerating the Elderly Makes us Less Safe*, <https://famm.org/wp-content/uploads/Aging-out-of-crime-FINAL.pdf>; The Sentencing Project, *A Second Look at Injustice*, <https://www.sentencingproject.org/app/uploads/2022/10/A-Second-Look-at-Injustice.pdf>.

<sup>13</sup> Chiu, T. (2010, April). *It's About Time: Aging Prisoners, Increasing Costs, and Geriatric Release*. Vera Institute of Justice. <https://www.vera.org/publications/its-about-time-aging-prisoners-increasing-costs-and-geriatric-release>

<sup>14</sup> FAMM, *The Older You Get*, supra.

<sup>15</sup> State of New Jersey, Department of Corrections, State Parole Board, Juvenile Justice Commission, *2015 Release Cohort Outcome Report: A Three-Year Follow Up*, available at [https://www.state.nj.us/corrections/pdf/offender\\_statistics/2015\\_Release\\_Recidivism\\_Report.pdf](https://www.state.nj.us/corrections/pdf/offender_statistics/2015_Release_Recidivism_Report.pdf).

<sup>16</sup> N.J. Stat. § 30:4-123.51e.



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