

THE NEW PAROLE ACT

We, the collective prisoner and student groups of the State of New Jersey are asking for your support in reference to legislating new parole criteria. The enclosed Act is a manifestation of our efforts in conjunction with Mr. Andrew Vachss. Mr. Vachss is a trained criminologist and sociologist, a penologist with experience in institutional administration, having worked in the area of correctional and penal reform on a very active basis for the past ten years. Mr. Vachss has had close contact with, and assisted inmates in numerous institutions throughout the United States. His approach to solutions to the problems has always been through the judicial system utilizing the legal and sociological resources. Mr. Vachss is presently a law student at New England Law School.

The importance of this Act lies in the fact that it's the first Act in New Jersey penal legislation history to be written by a criminologist. In addition, the Act also has the input of the inmates of Trenton State Prison, Rahway State Prison and other inmates throughout the state, students from some of the institutions of higher learning in the state and community organizations.

We, collectively, are trying to make it known that the opportunity now exists for effectively dealing with the basic contradiction of the penal-rehabilitative syndrome in a legislated, socially-scientific, and logical manner, a rational manner as opposed to the arbitrary approach characterized by tradition.

The Act incorporates historical facts concerning parole and subsequent recidivist rates and has laid down guidelines in reference to parole for both the potential parolees and the Parole Board structure, e.g., under the guidelines of this Act, a prisoner will know, from the outset of his/her imprisonment, just what she/he must do to be released on parole, consequently, the authorities will be aware of their roles and powers in reference to the extent and nature of their control over the prisoners' lives. The historical arbitrariness of the control that the Parole Board has had over the lives of inmates is a major factor in the failure of the Parole Board and penal process to alleviate recidivism and further criminal behavior.

Most of the negativity surrounding prisoners and prison is caused by the fear, the paranoia, anxiety, and defensiveness that are the result, simply, of not knowing, of having no knowledge of what must be done, of helplessness.

When an individual is imprisoned, there is, naturally a degree of anxiety and in many cases, shock; in the very least, the prisoner's outlook on the value of humanity is negatively effected-it's at this juncture that the majority of prisoners branch off, according to their character structures and levels of consciousness, into anti-rehabilitative outlooks and, consequently, a continuation of the negative forms of behavior that eventually may lead to their being labeled as incorrigible and/or recidivistic, or, as is too often the unfortunate case, neurotic or psychotic.

At the same time, there is an anxiety created in the correction officers who work within this atmosphere due to the fact of the reactionary, anxious behavior of the inmates; its for this very reason that prison guards ask for more money, higher salaries; the intent of this bill is to alleviate considerably that element of anxiety. It is impossible to incarcerate an individual and then base the approach of the rehabilitative super-structure on arbitrary decisions and non-clear-cut guidelines in reference to what is to be done with him/her and expect to avoid creating a negative atmosphere. In essence, disregarding that person's sense of self-regulation creates the very negation that perpetuates deviance. It is not here contested that the fact of incarceration will always be negative, what is to be contested, however, is the fact that after being incarcerated, this negation is not balanced out by any positivity indicative of the rehabilitative super-structure, i.e., the legal-traditional attitudes and activities allegedly designed to direct the inmate toward regaining his/her sense of self-worth, hence, the sense of the worth of our collective

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society, are inherently antithetical to this end.

The intent of this Act is to take into consideration the individual characteristics, circumstances, needs, and potentialities of those persons convicted of crimes(s) and sentenced to any of the New Jersey State Prisons (as adult offenders) as revealed by a completed case study; and to deal with such persons, from the pre-release period through and including the final discharge, by a uniformly organized system of constructive rehabilitation to the end of promoting the safety and well-being of both society in general, and the individual offender in particular.

We urge you to read this Act, we urge you to support it by telling others about it, by telling us what you feel could possibly improve it, our telephone numbers appear at the bottom of the last page of the Act. We urge you to write, call, and do all that you can to influence the politicians and political figures within your reach; make your Senate and Assembly Representatives aware of this Act.

We are in the process of communicating with progressive individuals and organizations throughout the State but we are handicapped - we need large business envelopes, 8½ x 11 inch paper, and stamps; any contributions can be sent to:

Mrs. Grace Collier / Apt. 209 423 Lawrence Rd. Trenton, N.J.
tel.# (609) 989-9582

In addition, we would also like to know if you can accept a collect call from one of our group, if so, please specify below and return, Thank You.

Collective Prisoner/Student Groups
Trenton State Prison

NOTE: Please address your replies to one of the groups that appear at the bottom of the last page of the Act, the address for all is:

Drawer 'N' Trenton, N.J.
08625

TEAR OFF AND RETURN BY MAIL

---Please check the line if you would be willing to accept a collect call from one of our groups.

NOTICE !!!

A MEETING TO BRING PROMINENT POLITICAL AND PAROLE-ORIENTED FIGURES TOGETHER WITH THOSE INDIVIDUALS AND GROUPS INTERESTED IN THE ISSUE OF PAROLE IS TENTATIVELY SCHEDULED TO CONVENE THIS MONTH (MAY 1974).

FOR FURTHER INFORMATION PLEASE CALL ONE OF THE NUMBERS LISTED ON THE BOTTOM OF THE LAST PAGE OF THE ACT

AN ACT

TO PROVIDE FOR ADULT PAROLE, CONDITIONAL RE-
LEASE, AND PROCEDURE IN THE CONSIDERATION OF
EXECUTIVE CLEMENCY

ARTICLE I. CONSTRUCTION AND PURPOSE

§1 Construction and Purpose of Act

This act shall be liberally construed to the end that the treatment of persons convicted of crime(s) and sentenced to any of the New Jersey State Prisons [as adult offenders] shall take into consideration their individual characteristics, circumstances, needs, and potentialities as revealed by a completed Case Study; and that such persons shall be dealt with, from the Pre-Release Period through and including the Final Discharge, by a uniformly organized system of constructive rehabilitation to the end of promoting the safety and well-being of both society in general and the individual offender in particular.

§2 Definitions

When used in this act, unless the context otherwise requires:

(a) "Case Study" is an individualized report to be prepared on each separate candidate for Parole. This report shall include, but not be limited to, the pre-sentence investigative report as presented to the sentencing court, all institutional reports of the prisoner's behavior, sentencing, and attitude while incarcerated, whatever testing has been performed prior to or during incarceration, specific recommendations of interested individuals and/or agencies, an investigation into the prisoner's Parole Plan, and a criminological work-up to include the prisoner's past criminal pattern [if any], the circumstances of the offense for which convicted, and the prisoner's age and background at the time of the offense.

(b) "Pre-Release Period" is that time span from initial eligibility for Parole up to the actual grant of Parole.

(c) "Parole" is the release of the prisoner to the community by the Parole Board prior to the expiration of sentence, subject to specific conditions,

if any and as limited by §14 of this act, imposed by the Parole Board and subject to its supervision.

(d) "Final Discharge" is the end of all supervision by the Parole Board and the correctional authorities; this is achieved by institutional completion of sentence, completion of sentence while on Parole, Early Termination of Parole, Commutation of Sentence to time served, Executive Clemency, or Pardon.

(e) "Contract" is that series of specifications as to institutional behavior and performance disclosed to all new prisoners as provided for in Article III §11(f) and required for release on Parole at first eligibility date.

(f) "Hearing Examiner" is that individual appointed by the Parole Board pursuant to §7 of this act whose duties shall be to hear all cases for release on Parole and make all initial determinations thereof.

(g) "Institutional Parole Officer" is that individual appointed by the Parole Board pursuant to §7 of this act whose duties shall be to coordinate the institutional activities of the prisoner with the requirements of §2(e) of this act. The assistance provided by this individual shall include, but not be limited to, preparation of the prisoner's Parole Plan.

(h) "Parole Plan" is the individual prisoner's plan for self-maintenance following the grant of Parole. It may be prepared by the prisoner alone, with the assistance of the Institutional Parole Officer, or with the outside assistance of any individual or agency interested in the prisoner.

ARTICLE II. STATE BOARD OF PAROLE

§3 [State Administered Parole System] State Board: Appointment, Terms, Compensation, Removal

(a) A State Board of Parole, hereinafter referred to as "the Board", of five (5) members appointed by the Governor with the advice and consent of the Senate, is hereby created. The Board shall administer the state Parole system. Its purpose in so doing shall be to secure the effective application and improvement of the Parole system and the laws upon which it is based. Within ninety (90) days after this act becomes effective, the members of the Board shall be appointed from a list of fifteen (15) persons whose names shall be submitted to the Office of the Governor as follows: the Chief Justice of the New Jersey

State Supreme Court [or an individual delegated this power in writing by the Chief Justice], the President of the New Jersey State Conference of Social Workers, A.C.S.W. [or delegate as previously specified in this act], the President of the New Jersey Bar Association, A.B.A. [or delegate as previously specified in this act], the President of the New Jersey Psychoanalytic Association [or delegate as previously specified in this act]. Any or all of the aforementioned individuals [or delegates] shall also consider recommendations submitted to them by representative community groups to include, but not be limited to: religious organizations, charitable organizations, prison reform organizations, and any organization or agency devoted to public service. Such recommendations, if meritorious, shall be submitted to the Office of the Governor as would recommendations directly from the individuals previously named in this act.

(b) When this act becomes effective, the Governor shall advise those persons appointed of their duties under this section and shall, as soon as practicable but in no event more than ninety (90) days, convene a meeting of the members of the Board so designated. Their necessary expenses in attending meetings and transacting business of the Board shall be paid by the state. The individuals whose names are submitted in accordance with §3(a) of this act shall be selected with reference to their demonstrated knowledge and experience in correctional treatment, offender rehabilitation, and/or crime prevention; to this end, due regard shall be given not only to academic or associational certification but also to practical, clinical, and/or experiential factors.

(c) The members of the Board shall devote full-time to the duties of their office and shall receive necessary traveling expenses and \$27,500 per annum compensation. Their terms of office shall be six (6) years or until their successors have been appointed and have qualified, except that the first members shall be appointed to terms of two (2), three (3), four (4), five (5), and the final appointments to be for full six (6) year terms. Their successors shall all be appointed for full terms of six (6) years each, except that a vacancy occurring prior to the expiration of a term shall be filled only to the end of the unexpired term. Three names shall be certified by the appointing/recommending panel, as described in §3(a) of this act, for each vacancy to be filled. The internal organization of the Board shall be determined by its members, except that the Chairman of the Parole Board shall be directly appointed by the Governor from the original list presented. In no event may the Chairman's term of office exceed his original appointment.

(d) The Governor may remove a member of the Board only for verified disability, documented inefficiency, proven neglect of duty, or malfeasance in office. Before any such removal, he shall give the member a written copy of the charges against him and shall fix the time when he can be heard in defense/denial, which shall not be less than thirty (30) days thereafter. The Governor may suspend any member of the Board upon such notification. Upon removal for any reason, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against the member and findings thereupon, with a complete record of the proceedings upon which findings were based.

§4 Seal, Orders, Records, Annual Report

(a) The Board shall adopt an official seal of which the state courts shall take judicial notice. A quorum of the Board shall be three (3) of five (5) members, and decisions of the Board may be by a majority vote of a quorum. The orders of the Board shall not be reviewable except as to compliance with the terms and intent of this act.

(b) The Board shall keep a record of its acts and shall notify each institution affected of its decisions relating to the individuals who are or who have been confined therein. At the close of each fiscal year, the Board shall submit to the Governor, the Secretary of State, and to the National Council of Crime and Delinquency a report with statistical and other data of its work, including research studies which it may make of sentencing, parole, or related functions, and a compilation and analysis of parolees returned to prison. The latter compilation is to specifically delineate between prisoners returned to prison for commission of additional crimes and those returned for technical violations of Parole.

§5 Protection of Records

The pre-sentence report, the pre-parole report, and the supervision history, obtained in the discharge of official duty of any member or employee of the Board, shall be privileged and shall not be disclosed directly to anyone other than the Board, a court in contemplation of a new criminal disposition, or others entitled under this act to receive such information, except that any portion of the aforementioned or other reports relied upon in denying or revoking Parole shall be disclosed to the prisoner or parolee and to

the prisoner/parolee's representative. Reports which may be counter-productive to rehabilitation if disclosed to the prisoner must be disclosed to the prisoner's legal representative if such reports are a factor in denying/revoking parole.

§6 Compensation of Employees

The employees of the Board shall be paid such salaries as the Board shall determine within the total appropriation therefor, and shall be reimbursed for their actual and necessary travel and other expenses. The salaries and expenses provided for the Board and its employees shall be paid in the same manner as are those of other state employees upon certification by the Board to the [proper fiscal authorities of the State].

§7 Staff to be Appointed

The Board shall appoint a State Director of Parole, hereinafter referred to as the Director, who shall appoint, with the approval of the Board, a sufficient number of assistant directors, parole officers, hearing examiners, and other employees required to administer the provisions of this act. The Director and all other employees of the Board shall be within the classified service of the civil service or public personnel system and promoted, maintained, and/or disciplined accordingly.

§8 Duties of the Director

The Director shall be the executive officer of the Board. He shall be responsible for such investigations and supervision as may be requested by the Board or by the courts. He shall, subject to the approval of the Board, divide the state into districts and assign parole officers to serve in the various districts and courts, and shall obtain office quarters for staff in each location as may be necessary. He shall assign the secretarial, bookkeeping, and accounting work to clerical employees, including all receipt and disbursement of money. He shall direct the work of the parole officers and other employees assigned to him; shall formulate methods of investigation, supervision, record keeping, and reporting and reduce same to codified form as soon as and as much as is practicable; shall conduct training courses for staff, contracting for

such services where necessary and within appropriation; and shall cooperate with all agencies, public and private, which are concerned with the treatment and/or welfare of parole candidates or parolees.

§9 Residence, Diagnostic, and Treatment Facilities

The Board may establish and maintain residence facilities for the housing of parolees, or may contract for such housing/services in facilities approved by it at a per capita rate not to exceed established institutionalization costs; it may establish and maintain diagnostic and treatment facilities for persons on parole or may contract for such services. As a condition of parole, a parolee may be placed in such a residence, diagnostic, or treatment facility by order of the court or the Board. Placement in a diagnostic or treatment facility shall not exceed ninety (90) days, but may be renewed by further ninety (90) day period on certificates presented to the court by the director of such facility, during which hearing the individual affected shall have the opportunity to appear, with counsel, confront witnesses against him, and dispute any material presented. In no circumstance will the failure of the director of such a facility to obtain a second ninety (90) day commitment result in re-incarceration as a violation of parole.

§10 Duties of Parole Officers

(a) Parole Officers shall investigate all persons referred to them by the Director or by any court in which they are authorized to serve. They shall furnish to each person released under their supervision a written statement of the conditions of Parole and shall instruct the parolee regarding these conditions. The Parole Officer shall obtain from the parolee a signed copy of these conditions; an additional signed copy is to be filed with the Board, and another signed copy to be retained by the parolee. The Parole Officer shall keep informed as to each parolee's conduct/condition and use all suitable methods of encouragement and assistance to the end of improving the parolee's conduct/condition.

(b) Parole Officers shall keep detailed records of their work; shall supervise the collection and disbursement of all monies in accordance with the orders of the Director; and shall make such reports in writing and perform such other duties as may be

incidental to those above enumerated, as the Director or the courts may require. They shall coordinate their work with that of other social welfare agencies and shall file identifying information regarding their caseload with any social service index or exchange operating in the area to which they are assigned. The Parole Officer's personal appearance shall be required at any revocation proceedings directed against any parolee under his supervision or against whom he may file a report instigating such proceedings.

ARTICLE III. PAROLE AND CONDITIONAL RELEASE

§11 Eligibility for Parole

(a) Any person confined in the adult correctional institution by state authorities shall be eligible for Parole when the prisoner shall have completed one-third (1/3) of the minimum sentence, less such work, good behavior, and exemplary credits as have been earned, or at the end of ten (10) years, whichever occurs first. Within six (6) months after having been sentenced to such correctional institution, the prisoner shall be informed of such first eligibility date by the institutional authorities, in writing. The function may be performed by the Institutional Parole Officer.

(b) In so informing a prisoner as to date of first eligibility for Parole, work and good behavior credits will be computed as presumptively earned. This presumption will maintain unless the prisoner shall have been informed in writing, of notice that such credits will be forfeited.

(c) In the event of such an impending forfeiture, and prior to it taking effect, the prisoner shall be entitled to appear before the authorities of the institution in which confined and challenge the ruling. Any such forfeiture must be substantiated by specific evidence with which the prisoner must be confronted at the hearing granted pursuant to this act.

(d) If the reason for such forfeiture is given as commission of a criminal offense by the prisoner while incarcerated, the alleged crime must be reduced to indictment form if appropriate. If not so appropriate, the prisoner shall be entitled to a Probable Cause Hearing conducted by the Superior Court.

(e) No finding of a substantive criminal act shall be made against any confined prisoner unless the prisoner is convicted following trial in the Superior Court. Absent such finding, no forfeiture of work or good behavior credits may be effected.

Loss of good behavior credits or work credits for minor institutional infractions shall be deemed to be within the administrative discretion of the institutional authorities, not to exceed a maximum forfeiture of thirty (30) days for any one connected series of offenses.

(f) Within thirty (30) days after sentence to any adult correctional institution, the prisoner shall meet with an Institutional Parole Officer. At this time, the initial eligibility date for Parole may be disclosed to the prisoner pursuant to §11(a) of this act; the Institutional Parole Officer shall, at this meeting, relay any pertinent information by which the prisoner can earn favorable consideration by the Board. This shall include, but not be limited to: educational programs, work programs, counselling programs, voluntary programs, self-help programs, community outreach programs, and any or all other productive activities designed to enhance the prisoner's potential for successful return to the community. The prisoner shall be informed that the Board's evaluative emphasis is on progress as opposed to raw accomplishment and that due notice will be taken of the prisoner's attitude as well as his end accomplishments. To this end, any prisoner who volunteers for any productive institutional program and who is not admitted because of lack of space will be treated by the Board as if the prisoner had, in fact, entered the program. All such information given the prisoner will be reduced to a writing, with a copy to be retained by the Institutional Parole Officer, and a copy to be forwarded to the Board; a copy will be furnished to the prisoner. This is pursuant to §2(e) of this act and will be called the Contract.

§12 The Parole Grant Hearing

(a) After first eligibility, and at such intervals thereafter determined so as not to exceed one hundred and eighty (180) days except where there has been an offense as set out in §11(d) of this act, the prisoner will be considered for release on Parole by the Board which must consider all pertinent information regarding each prisoner including the circumstances of offense, the Pre-Sentence Report, previous social history and conduct of the prisoner, age at the time of the criminal offense for which sentenced; employment and attitude while incarcerated, the reports of such physical and mental examinations as have been made, and the Case Study as defined in §2(a) of this act. The Board's initial hearing with the prisoner shall be conducted, on behalf of the Board, by a Hearing Examiner, as defined in §2(f) of this act.

(b) A prisoner shall be placed on Parole when

initial eligibility has been established pursuant to §11(a) of this act and when the requirements disclosed to the prisoner pursuant to §11(f) of this act shall have been substantially complied with.

(c) In order to insure compliance as set out above is not thwarted by difficulty in interpretation, the requirements disclosed to each individual prisoner in the Contract shall be reduced by the Board to codified form, the specifics of which formation are left to the Board. The Board may adopt other such rules not inconsistent with law as it may deem proper and necessary with respect to the eligibility of prisoners for Parole.

(d) The determination as to whether or not to grant Parole shall be initially made by the Hearing Examiner. The Board shall directly employ no less than sixteen (16) Hearing Examiners. It shall be the duty of the Hearing Examiners to meet with each individual prisoner on the prisoner's first eligibility date, or prior to that date when special circumstances warrant. At this hearing, the prisoner will present to the Hearing Examiner the original contract executed with the Institutional Parole Officer, and both parties will then review the Contract and the prisoner's individual institutional record; as these requirements will be codified, as required by §12(c) of this act, the hearing will consist of a resolution of fact-finding disputes.

(e) If the Contract has been fulfilled to the satisfaction of the Hearing Examiners, he will so notify the Board, which will summarily grant Parole, barring documented exigent circumstances.

(f) If the Contract has been substantially fulfilled, the Hearing Examiner may recommend that the prisoner be released on Parole; in such a case, the Board may grant Parole or, if it does not summarily grant Parole, summon the prisoner to appear before it and render a decision on the merits of the individual case.

(g) A prisoner may voluntarily, in writing, waive a hearing with the Hearing Examiner if the prisoner believes that an extension of this hearing will work to the prisoner's benefit in meeting the terms of the Contract. Only one (1) such extension is to be granted, not to exceed sixty (60) days.

(h) A prisoner may, in writing, request that a given Hearing Examiner not be utilized for a subsequent hearing which resulted in a denial of Parole. This option may be exercised only one (1) time during the entire Pre-Release Period.

(i) If the Hearing does not result in Parole, the prisoner must be re-heard at a time established by the Hearing Examiner, in no event to exceed one hundred and eighty (180) days.

§13 Internal Appellate Process

(a) If the prisoner wishes to contest the decision of the Hearing Examiner, an appeal may be taken to the full Board. The Board will then meet, will personally hear the prisoner within the presence of the Hearing Examiner, and will review with the prisoner the substantive reasons for rendering its decision. The decision of the Hearing Examiner may be overruled only upon a majority vote of a quorum of the Board. In the event that the Hearing Examiner's decision is overruled, the prisoner shall be paroled; in not so overruled, the decision of the Hearing Examiner shall stand, subject to review at a later date.

(b) The Board shall have an indefinite period, not to exceed ninety (90) days, to meet and hear any prisoner's appeal from a Hearing Examiner's decision.

(c) If the prisoner wishes to contest any specific finding upon which a denial of Parole was based, the prisoner shall be entitled to a hearing on this issue before the Board as outlined in §13(a) of this act.

(d) If the prisoner is denied Parole based on the report of an institutional psychiatrist, the prisoner shall have the option to be re-heard at another psychiatric interview conducted by a member of the New Jersey Psychoanalytic Association in accordance with the procedures and policies of that organization. The resulting psychiatric report shall be filed with the Board and shall become a permanent part of the prisoner's record and shall be considered in all subsequent hearings to grant Parole. This option may be exercised only one (1) time during the Pre-Release Period.

§14 Conditions of Parole

Conditions of Parole may be imposed by the Board. The parolee shall be subject only to the conditions set out by the Board for all parolees which shall include but not be limited to: the duty to report periodically to a Parole Officer, to maintain adequate employment or make reasonable effort thereto, and to notify the Parole Officer of any change in address or circumstances, unless additional conditions are clearly specified in writing, with a copy signed by the parolee who shall retain a copy. No parolee, except for extraordinary circumstances which must be documented in a fact-finding hearing, may be denied permission to marry, to obtain a driver's license, to obtain gainful employment, to adopt children or regain custody of children, or to associate with other individuals on Parole when such association is consistent with this act's goals of gainful employment and/or rehabilitation.

§15 Transcripts of Board Hearings

Any proceedings of the Board will be recorded and a transcript maintained. Such transcript will be available to any concerned party for the payment of the prescribed fee, and to any indigent individual without such payment. Such proceedings shall include, but not be limited to: appeal of Parole denial as in §13(a), contesting of specific facts as in §13(c), and at any hearing through which a parolee could be returned to institutional custody.

§16 Good Behavior and Work Time Earned On Parole

All parolees shall continue to earn both work credits and good behavior credits as though they were still incarcerated in full minimum security within the state correctional system. This time shall be deducted from their sentence as imposed by the courts and shall be computed in determining the date of Final Discharge.

§17 Information from Attornies and Other Sources

The Board shall not be required to hear oral statements or presentations by attornies or other persons not connected with the correctional system. They may, however, hear such statements when they might be dispositive of a contested issue. However, in the event that a prisoner or parolee is, for any reason, insufficiently able to comprehend the nature of the proceedings, the prisoner/parolee may be represented by an advocate of the prisoner's choice. All other persons presenting information or arguments to the Board or Hearing Examiner shall submit their statements in writing, except when a personal appearance is necessitated as set out in §17 of this act, and shall submit therewith an affidavit stating whether any fee has been paid or is to be paid for their services in the case, and by whom such fee is to be paid.

§18 Witnesses; Production of Records

The Board shall have power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers, and documents as it may deem necessary for investigation of the case of any individual before it. Subpoenas

may be signed and oaths administered by any member of the Board. Subpoenas so issued may be served by any sheriff, constable, police officer, parole officer, or other law enforcement officer, in the same manner as similar process in the Superior Court. Any person who testifies falsely or fails to appear when subpoenaed, or fails or refuses to produce such material pursuant to the same orders and penalties to which a person the Superior Court is subject. Any Superior Court of this state, upon application of the Board, may in its discretion compel the attendance of witnesses, the production of such material, and the giving of testimony before the Board, by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled before the Superior Court.

§19 Provision for Parolees

When a prisoner is placed on Parole, the prisoner shall receive from the state civilian clothing and transportation to the place when the prisoner intends to reside. At the discretion of the Board, and depending on the economic needs and circumstances of the individual parolee, the prisoner may be advanced such sum of money for his temporary maintenance as the Board may allow, not to exceed two hundred and fifty dollars (\$250.00), from a fund which shall be provided for the use of the Board for this purpose.

ARTICLE IV. EXECUTIVE CLEMENCY

§20 Cases of Executive Clemency; Investigations and Reports

All applications for Pardon, commutation of sentence, reprieve, or remission of fine or forfeiture shall be referred to the Board for investigation. The Board shall thereupon investigate each case and shall submit to the Governor a report of this investigation, together with all other information the Board may have regarding the applicant. A copy of this report is to be disclosed to the applicant so that the applicant may remedy any defects in performance thus achieving a more suitable candidacy for Executive Clemency.

ARTICLE V. SEVERABILITY AND EFFECT ON PRIOR
LEGISLATION

§21 Severability

Any portion of this act found to be unconstitution-
al may be severed from the entire act; those portions
of the act not so severed will remain in full force and
effect.

§22 Effect on Prior Legislation

Any prior legislation inconsistent with the
purpose or provisions of this act is hereby repealed
and rendered null and void.

ARTICLE VI. APPLICATION OF THE ACT

§23 Application to Specific Individuals

The terms and conditions of this act shall be
applied without discrimination as to race, sex,
economic status, national origin, or religious
belief.

For further information:

Prisoner's Representative Committee
(609) 392-1996

James Hill (51587)
T. Robert Clements (40409)
Darryl X. Brower (50770)

The Forum Project
(609) 393-3544

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Peter Sinacore (52508)

8:30-11:30 A.M. 12:30-4:30 P.M. 4:30-9:30 P.M.

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