

ASSEMBLY, No. 451

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ROMA and Assemblywoman HECK

1 AN ACT requiring the creation of a People's Prison and supplementing  
2 Title 30 of the Revised Statutes and Title 2C of the New Jersey  
3 Statutes.

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

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8 1. This act shall be known and may be cited as the "People's Prison  
9 Act."

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11 2. The Legislature hereby finds and declares that violent crime  
12 continues to hold many New Jersey residents in its grip. According to  
13 the State Police, the volume of crimes committed in this State has  
14 risen by almost 10 percent over the past 10 years, with violent crime  
15 comprising an ever-greater proportion of the total. A recent statewide  
16 survey revealed that one of every seven New Jersey residents had been  
17 a crime victim within the past six months.

18 Many New Jersey citizens feel that their lives and freedom have  
19 been compromised by the fear of violent crime. They are constantly  
20 in fear for their own safety or the safety of their family. Violent crime  
21 knows no geographical boundaries. Rural and suburban communities  
22 are now as likely as urban areas to be targeted by violent offenders.

23 The vast majority of the public is convinced that the justice and  
24 prison systems have failed. Justice appears to have become a  
25 revolving door, whereby offenders are released back into society,  
26 commit more crimes and are imprisoned once again. Our prison  
27 system has become a breeding ground for criminals, who are  
28 frequently released back into society more hardened and vicious than  
29 when they entered prison. Rehabilitative efforts are tested when the  
30 inmate is released back into society, and all too often these efforts  
31 have failed.

32 In recognition of these failures, it is altogether fitting and proper,  
33 and within the public interest, for the State to establish a unique penal  
34 facility designed to deal severely with those who perpetrate crimes  
35 which seriously threaten the social order. Known as the People's

1 Prison, it shall be an alternative correctional facility designed to isolate  
2 violent offenders and which stresses punishment rather than  
3 rehabilitation.

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5 3. The Department of Corrections shall establish a People's Prison  
6 at an adult correctional facility which provides maximum security  
7 detention.

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9 4. a. A person convicted of a crime under N.J.S.2C:11-3,  
10 N.J.S.2C:11-4, N.J.S.2C:35-3, or N.J.S.2C:35-5, or a crime under  
11 N.J.S.2C:12-1b, N.J.S.2C:13-1, N.J.S.2C:14-2, or N.J.S.2C:15-1  
12 which resulted in bodily injury to another person, shall be sentenced  
13 to a term of imprisonment. The term of imprisonment shall include a  
14 term equal to one-fifth of the term imposed during which the person  
15 shall be incarcerated at the People's Prison established by section 3 of  
16 P.L. , c. (C. )(pending before the Legislature as this bill). This  
17 subsection shall not eliminate or reduce or increase any period of  
18 parole ineligibility or any extended term required or warranted by any  
19 other provision of law. Except as provided in subsection b., the  
20 person shall be transferred out of the People's Prison and shall serve  
21 his remaining incarceration, if any, in another correctional facility upon  
22 having served one-fifth of the term imposed plus any additional period  
23 which may result pursuant to section 7 of P.L. , c. (C. )(pending  
24 before the Legislature as this bill).

25 b. A person who commits a crime under N.J.S.2C:11-3,  
26 N.J.S.2C:11-4, N.J.S.2C:35-3, or N.J.S.2C:35-5, or a crime under  
27 N.J.S.2C:12-1b, N.J.S.2C:13-1, N.J.S.2C:14-2, or N.J.S.2C:15-1  
28 which resulted in bodily injury to another person, who has previously  
29 been convicted of a crime among these enumerated crimes and who,  
30 as a result of that conviction, was sentenced to and served a term of  
31 incarceration at the People's Prison established by section 3 of P.L.  
32 , c. (C. )(pending before the Legislature as this bill), or who has  
33 previously been convicted of a crime under any statute of the United  
34 States, this state, or any other state which was similar to any of these  
35 enumerated crimes, and who, as a consequence of that conviction, was  
36 sentenced to and actually served a period of incarceration at least as  
37 long as the minimal period which the person would have been required  
38 to serve if the person had been sentenced under the provisions of  
39 subsection a. of this section, shall be sentenced to a term of  
40 imprisonment. The term of imprisonment shall be served at the  
41 People's Prison.

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43 5. The People's Prison shall be an alternative form of correctional  
44 life, stressing punishment rather than rehabilitation. This facility shall  
45 emphasize a highly structured and regimented daily routine which  
46 includes rigorous discipline and physical labor. Inmates shall perform

1 no less than 10 hours per day of physical labor of a type and in a  
2 manner prescribed by the Commissioner of Corrections. The physical  
3 labor may be performed on or off site with appropriate supervision.  
4 Any inmate who refuses to participate in physical labor shall be  
5 confined to his cell. There shall be no educational or vocational  
6 training in this facility. No television or telephone privileges or  
7 furloughs shall be granted to inmates. There shall be limited  
8 recreational activities granted to the inmates.

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10 6. The Department of Corrections shall establish disciplinary  
11 procedures for the People's Prison. These procedures shall be  
12 appropriate for the facility and shall reflect its highly structured and  
13 regimented atmosphere.

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15 7. Notwithstanding the provisions of Section 7 of P.L.1979, c.441  
16 (C.30:4-123.51), an inmate who does not comply with the rules and  
17 regulations of the People's Prison may be denied parole and be  
18 required to serve the full sentence imposed at the time of conviction.  
19 An inmate who is disciplined pursuant to section 6 of this act and who  
20 thereafter complies with all rules and regulations may be granted  
21 parole.

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23 8. Inmates who are not physically capable of fulfilling the physical  
24 labor requirements of the People's Prison shall be assigned alternative  
25 duties in the facility.

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27 9. Notwithstanding the provisions of Title 11A of the New Jersey  
28 Statutes, the Commissioner of Corrections shall appoint appropriate  
29 personnel to staff the People's Prison. Personnel so appointed shall be  
30 qualified by experience and training.

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32 10. The Department of Corrections shall submit to the Governor  
33 and the Legislature an annual report describing and assessing the  
34 implementation, operation, and results of the People's Prison program  
35 created by this act. The report shall include recommendations for  
36 administrative changes to the program and for the enactment of any  
37 legislation deemed necessary for the more effective operation of the  
38 program.

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40 11. The Department of Corrections shall promulgate rules and  
41 regulations pursuant to the "Administrative Procedure Act," P.L.1968,  
42 c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act. The  
43 rules and regulations shall include, but shall not be limited to, those  
44 regarding the establishment, staffing, and operation of the People's  
45 Prison facility, the disciplinary procedures for People's Prison inmates,  
46 and a procedure to monitor the effectiveness of the People's Prison

1 program.

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3 12. This act shall take effect on the first day of the seventh month  
4 after enactment, except that section 11 shall take effect immediately.

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#### STATEMENT

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9 This bill requires the Department of Corrections to establish a  
10 special facility to be known as the "People's Prison" at an adult  
11 correctional facility which provides maximum security detention.

12 The People's Prison will be an alternative correctional facility  
13 designed to isolate violent offenders and which emphasizes punishment  
14 rather than rehabilitation. It will stress a highly structured routine of  
15 discipline and hard physical labor.

16 Any person who is convicted for a first offense of murder (2C:11-3)  
17 or manslaughter (2C:11-4), of being a drug kingpin (2C:35-3), or of  
18 manufacturing or dispensing a controlled dangerous substance  
19 (2C:35-5) would serve a minimum of one-fifth of the sentence imposed  
20 in the People's Prison. For any subsequent offense, the full sentence  
21 would be served in the People's Prison. Any person who is convicted  
22 for a first offense of aggravated assault (2C:12-1b.), kidnapping  
23 (2C:13-1), aggravated sexual assault (2C:14-2), sexual assault  
24 (2C:14-2) or robbery (2C:15-1), which resulted in bodily injury to  
25 another person, would serve a minimum of one-fifth of the sentence  
26 imposed in the People's Prison. For any subsequent offense, the entire  
27 sentence would be served in the People's Prison.

28 The People's Prison would be an alternative form of correctional  
29 life stressing a highly structured and regimented daily routine which  
30 includes rigorous discipline and physical labor. Inmates will perform  
31 no less than 10 hours per day of physical labor on or off site. An  
32 inmate who refuses to participate in physical labor will be confined to  
33 his cell. There will be no educational or vocational training in this  
34 facility. There are to be no television or telephone privileges or  
35 furloughs.

36 Inmates will be expected to adhere to a strict standard of discipline  
37 within the People's Prison.

38 This bill also requires the Department of Corrections to submit to  
39 the Governor and the Legislature an annual report describing and  
40 assessing the operation and effectiveness of the People's Prison  
41 program.

42 The bill applies to all sexual assaults. The bill clarifies that a  
43 conviction under Title 2A of the New Jersey Statutes and a conviction  
44 in another jurisdiction, state or federal, would be considered a first  
45 conviction under the bill. The bill provides that for purposes of  
46 sentencing a defendant to the People's Prison for a second conviction,

1 the second conviction could be for any one of the crimes enumerated  
2 in the bill; it would not have to be the same crime as the first  
3 conviction.

4 The bill also provides that a defendant would have to have served  
5 part of his sentence for an offense in the People's Prison before he  
6 could be sent to the People's Prison for a second offense. However,  
7 if a conviction was imposed in another jurisdiction and the person  
8 served a period of incarceration at least as long as the person would  
9 have been required to serve if he had been sentenced as a first offender  
10 under this bill, the defendant could be considered a second offender  
11 and sentenced to the People's Prison.

12 The bill provides discretion in denying parole to Peoples's Prison  
13 inmates who do not comply with the institution's rules and regulations.  
14 An inmate who is disciplined pursuant to section 6 of the bill and who  
15 thereafter complies with all rules and regulations may be granted  
16 parole.

17 The bill also provides that there shall be limited recreational  
18 activities granted to the inmates. The denial of exercise may be  
19 construed as cruel and unusual under U.S. Supreme Court decisions  
20 which have held that exercise may be an "identifiable human need."

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25 "People's Prison Act;" creates special correctional facility for certain  
26 violent offenders.