

ASSEMBLY, No. 536

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

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Assemblywoman Allen, Assemblymen Blee, LeFevre and Kelly

1 ANACT concerning post-incarceration supervision and supplementing  
2 Title 2C of the New Jersey Statutes.

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

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7 1. a. Whenever a person is sentenced to a term of imprisonment,  
8 that sentence shall include a term of post- incarceration supervision.  
9 A person shall be required to serve his term of post- incarceration  
10 supervision if the person has not been granted parole and the person  
11 serves the entire term of imprisonment imposed. The term of post-  
12 incarceration supervision shall be implemented as follows:

13 (1) In the case of a crime of the first degree, 35 percent of the  
14 sentence imposed by the court.

15 (2) In the case of a crime of the second degree, 30 percent of the  
16 sentence imposed by the court.

17 (3) In the case of a crime of the third degree, 25 percent of the  
18 sentence imposed by the court.

19 (4) In the case of a crime of the fourth degree, 20 percent of the  
20 sentence imposed by the court.

21 b. Persons serving a term of post- incarceration supervision shall  
22 be supervised as if on parole and subject to conditions appropriate to  
23 protect the public and foster rehabilitation. Failure to comply with the  
24 terms and conditions of the post-incarceration supervision shall be  
25 grounds to terminate the period of post- incarceration supervision and  
26 recommit the released inmate to the correctional facility from which  
27 he was previously released for the balance of the post- incarceration  
28 supervision term.

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30 2. The Department of Corrections shall promulgate rules and  
31 regulations pursuant to the "Administrative Procedure Act," P.L.1968,  
32 c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

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34 3. This act shall take effect immediately.

## STATEMENT

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This bill provides that whenever a person is sentenced to a term of imprisonment that sentence would include a term of post-incarceration supervision. A person would be required to serve this term of post-incarceration supervision if the person was not granted parole and served the entire term of imprisonment imposed. According to the recent report issued by the New Jersey Supreme Court's "Committee to Review the Conrad Jeffrey Matter," dated October 1995, there exists a pervasive philosophy within the criminal justice system that it is better for inmates to be paroled prior to the expiration of their prison terms so that a parole officer can maintain some level of supervision over them, rather than allowing them to serve their full terms and be released without any supervision at all. The Committee proposed that the problem be remedied by amending the current sentencing law to include a period of supervision after incarceration.

The bill would establish a system of post-incarceration supervision which involves a graduated schedule related to the degree of the crime. The system would be implemented as follows: (1) a first degree offender would serve a term of post-incarceration supervision equivalent to 35 percent of his original sentence; (2) a second degree offender would serve a term equivalent to 30 percent of the original sentence; (3) a third degree offender would serve a term equivalent to 25 percent of the original sentence; (4) a fourth degree offender would serve a term equivalent to 20 percent of the original sentence.

Persons serving their term of post-incarceration supervision would be monitored as if they were on parole. If a person fails to comply with any conditions imposed, the term of post-incarceration supervision would be terminated and the inmate would be recommitted to the correctional facility from which he was previously released for the balance of the post-incarceration supervision.

The bill gives the Department of Corrections rulemaking powers to effectuate the purpose of the bill.

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Authorizes the court to impose a term of post-incarceration supervision under certain circumstances.