

ASSEMBLY, No. 2291

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 16, 1996

By Assemblywoman CRUZ-PEREZ,
Assemblymen GREENWALD, Caraballo and Zisa

1 AN ACT concerning prison sentencing and supplementing P.L.1979,
2 c.441.

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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. This act shall be known and may be cited as the "Truth in
8 Sentencing Act."

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10 2. a. Notwithstanding any commutation credits allowed for good
11 behavior and credits earned for diligent application to work and other
12 institutional assignments, or any other provision of law to the contrary,
13 an inmate sentenced to the custody of the Department of Corrections
14 for a crime of the first or second degree directly resulting in the injury
15 or death of another person shall not be eligible for parole until the
16 inmate has served not less than 85 percent of the court-ordered term
17 of incarceration. The Attorney General shall prepare a listing of
18 crimes deemed violent pursuant to this subsection.

19 b. The provisions of subsection a. of this section shall not reduce
20 the time that must be served before eligibility for parole by an inmate
21 sentenced to a mandatory minimum period of incarceration.

22 c. If, during the term of imprisonment, an inmate is involved in any
23 flagrant misconduct, all or part of the credits he has earned may be
24 forfeited at the discretion of the superintendent or administrator, as the
25 case may be.

26 d. Except in the case of mandatory sentences, the Parole Board
27 may consider granting parole to offenders subject to this act who (1)
28 are 65 years or older and have served not less than five years of their
29 sentence or (2) are 60 years or older and have served not less than 10
30 years of the sentence imposed or (3) after a public hearing is held at
31 which representatives of the public and the prisoner's victims have an
32 opportunity to testify regarding the proposed release, is determined to
33 have a medical condition that precludes the prisoner from posing a
34 threat to the public.

35 e. The Parole Board shall promulgate rules and regulations
36 necessary to carry out the purposes this act pursuant to the

1 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
2 seq.).

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4 3. This act shall take effect immediately and apply to all applicable
5 crimes committed on or after January 1, 1998, provided that the Parole
6 Board may take such anticipatory administrative action in advance,
7 including promulgating rules and regulations, as shall be necessary for
8 the implementation of this act.

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STATEMENT

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13 This bill, which supplements the "Parole Act of 1979," is intended
14 to increase prison time for offenders committing the most serious
15 crimes in society.

16 The bill requires that any person convicted of committing a first or
17 second degree crime resulting in injury or death serve a minimum of
18 85 percent of his court-ordered term of incarceration, regardless of the
19 number of commutation credits, work credits, or minimum custody
20 credits earned. Flagrant misconduct would result in the loss of all or
21 part of these credits, at the discretion of the Department of
22 Corrections. At the discretion of the Parole Board, an exception
23 would be made for offenders who are at least 65 years old who have
24 been in prison at least five years, those at least 60 years old who have
25 served at least 10 years, and those who, after a hearing is held
26 providing the public and victims an opportunity to be heard, are
27 determined to have a medical condition that precludes them from
28 posing a threat to the public.

29 This bill would not become effective until January 1, 1998 in order
30 to provide sufficient time for the construction of additional prison cells
31 necessary to accommodate the increased prison population expected
32 to result from the bill's requirements.

33 This legislation is designed to address the "revolving door" of the
34 justice system through which a relatively small group of dangerous
35 criminals keeps cycling after serving relatively short sentences.
36 Nationwide, violent criminals in state prisons only serve an average of
37 38 percent of their actual sentences.

38 This bill is also designed to take advantage of certain provisions of
39 the pending federal crime bill (H.R.667) which encourages states to
40 deal more effectively with violent crime. H.R.667 provides nearly
41 \$10.3 billion to assist states expand their prison capacity for violent
42 criminals. Those states which require these criminals to serve at least
43 85 percent of their sentences will qualify for the most substantial grant
44 funds.

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3 Requires person convicted of first or second degree crime involving

4 violence to serve 85 percent of sentence.