

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.