

ASSEMBLY, No. 2510

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 14, 1996

By Assemblywoman BUONO

1 AN ACT concerning eligibility for parole in certain cases,  
2 supplementing Title 2C of the New Jersey Statutes and amending  
3 N.J.S.2C:14-6, R.S.30:4-92, R.S.30:40-140 and P.L.1979, c.441.

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

7  
8 1. (New section) The sentence of any person sentenced to a term  
9 of imprisonment for a crime under N.J.S.2C:14-2 shall include a term  
10 of post-incarceration supervision equal to 35 percent of the sentence  
11 imposed.

12  
13 2. N.J.S.2C:14-6 is amended to read as follows:

14 2C:14-6. Sentencing If a person is convicted of a second or  
15 subsequent offense under [sections 2C:14-2 or] section 2C:14-3a., the  
16 sentence imposed under those sections for the second or subsequent  
17 offense shall, unless the person is sentenced pursuant to the provisions  
18 of 2C:43-7, include a fixed minimum sentence of not less than 5 years  
19 during which the defendant shall not be eligible for parole. The court  
20 may not suspend or make any other non-custodial disposition of any  
21 person sentenced as a second or subsequent offender pursuant to this  
22 section. For the purpose of this section an offense is considered a  
23 second or subsequent offense, if the actor has at any time been  
24 convicted under [sections 2C:14-2 or] section 2C:14-3a. or under any  
25 similar statute of the United States, this state, or any other state for an  
26 offense that is substantially equivalent to [sections 2C:14-2 or] section  
27 2C:14-3a.

28 (cf: N.J.S.2C:14-6)

29

30 3. R.S.30:4-92 is amended to read as follows:

31 30:4-92. The inmates of all correctional and charitable, hospital,  
32 relief and training institutions within the jurisdiction of the State Board  
33 shall be employed in such productive occupations as are consistent  
34 with their health, strength and mental capacity and shall receive such

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 compensation therefor as the State Board shall determine.

2 Compensation for inmates of correctional institutions may be in the  
3 form of cash or remission of time from sentence or both. Such  
4 remission from the time of sentence shall not exceed one day for each  
5 five days of productive occupation, but remission granted under this  
6 section shall in no way affect deductions for good behavior or  
7 provided by law.

8 From moneys paid to inmates of correctional institutions, the  
9 superintendent of the institution shall withdraw sufficient moneys, in  
10 an amount not to exceed one-third of the inmate's total income, as may  
11 be required to pay any assessment, restitution or fine ordered as part  
12 of any sentence, and is authorized to withdraw from the remainder of  
13 the inmate's total income an amount not to exceed one-third of the  
14 total income as may be required to pay costs and fees charged or  
15 owing, pursuant to section 2 of P.L.1995, c.254 (C.30:7E-2).

16 In addition, all inmates classified as minimum security and who are  
17 considered sufficiently trustworthy to be employed in honor camps,  
18 farms or details shall receive further remission of time from sentence  
19 at the rate of three days per month for the first year of such  
20 employment and five days per month for the second and each  
21 subsequent year of such employment.

22 The provisions of this section with regard to the remission of time  
23 shall not apply to any inmate imprisoned for a crime under  
24 N.J.S.2C:14-2.

25 (cf: P.L.1995, c.254, s.10)

26

27 4. R.S.30:4-140 is amended to read as follows:

28 30:4-140. For every year or fractional part of a year of sentence  
29 imposed upon any person committed to any State correctional  
30 institution for a minimum-maximum term there shall be remitted to him  
31 from both the maximum and minimum term of his sentence, for  
32 continuous orderly deportment, the progressive time credits indicated  
33 in the schedule herein. When a sentence contains a fractional part of  
34 a year in either the minimum or maximum thereof, then time credits in  
35 reduction of such fractional part of a year shall be calculated at the  
36 rate set out in the schedule for each full month of such fractional part  
37 of a year of sentence. No time credits shall be calculated as provided  
38 for herein on time served by any person in custody between his arrest  
39 and the imposition of sentence. In case of any flagrant misconduct  
40 the board of managers may declare a forfeiture of the time previously  
41 remitted, either in whole or in part, as to them shall seem just.

1	Schedule		
2			
3	A	B	C
4		Progressive Credits	Credits for Each Full
5		for Minimum and	Month of Fractional
6	Minimum and	Maximum Sentences	Part of a Year in
7	Maximum Sentences	in Years	Excess of Column A
8	in Years	(days)	(days)
9			
10	1	72	7
11	2	156	8
12	3	252	8
13	4	348	8
14	5	444	8
15	6	540	8
16	7	636	10
17	8	756	10
18	9	876	10
19	10	996	10
20	11	1,116	10
21	12	1,236	11
22	13	1,368	11
23	14	1,500	11
24	15	1,632	11
25	16	1,764	11
26	17	1,896	12
27	18	2,040	12
28	19	2,184	12
29	20	2,328	12
30	21	2,472	12
31	22	2,616	13
32	23	2,772	13
33	24	2,928	13
34	25	3,084	15
35	26	3,264	15
36	27	3,444	15
37	28	3,624	15
38	29	3,804	15
39	30	3,984	16
40			

41 Any sentence in excess of 30 years shall be reduced by time credits  
42 for continuous orderly deportment at the rate of 192 days for each  
43 such additional year or 16 days for each full month of any fractional  
44 part of a year. Nothing herein contained shall be deemed to limit or  
45 affect a convict's eligibility for parole consideration as provided for in  
46 section 10, chapter 84, P.L.1948, as amended, in any situation where

1 the sentence or consecutive sentences imposed upon a convict shall  
2 exceed 25 years.

3 The provisions of this section shall not apply to any inmate  
4 imprisoned for a crime under N.J.S.2C:14-2.

5 (cf: P.L.1957, c.27, s.1)

6

7 5. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is amended to  
8 read as follows:

9 7. a. [Each] Except as provided in subsection k. of this section,  
10 each adult inmate sentenced to a term of incarceration in a county  
11 penal institution, or to a specific term of years at the State Prison or  
12 the correctional institution for women shall become primarily eligible  
13 for parole after having served any judicial or statutory mandatory  
14 minimum term, or one-third of the sentence imposed where no  
15 mandatory minimum term has been imposed less commutation time for  
16 good behavior pursuant to N.J.S.2A:164-24 or R.S.30:4-140 and  
17 credits for diligent application to work and other institutional  
18 assignments pursuant to P.L.1972, c.115 (C.30:8-28.1 et seq.) or  
19 R.S.30:4-92. Consistent with the provisions of the New Jersey Code  
20 of Criminal Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7),  
21 commutation and work credits shall not in any way reduce any judicial  
22 or statutory mandatory minimum term and such credits accrued shall  
23 only be awarded subsequent to the expiration of the term.

24 b. [Each] Except as provided in subsection k. of this section, each  
25 adult inmate sentenced to a term of life imprisonment shall become  
26 primarily eligible for parole after having served any judicial or  
27 statutory mandatory minimum term, or 25 years where no mandatory  
28 minimum term has been imposed less commutation time for good  
29 behavior and credits for diligent application to work and other  
30 institutional assignments. If an inmate sentenced to a specific term or  
31 terms of years is eligible for parole on a date later than the date upon  
32 which he would be eligible if a life sentence had been imposed, then in  
33 such case the inmate shall be eligible for parole after having served 25  
34 years, less commutation time for good behavior and credits for diligent  
35 application to work and other institutional assignments. Consistent  
36 with the provisions of the New Jersey Code of Criminal Justice  
37 (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7), commutation and work  
38 credits shall not in any way reduce any judicial or statutory mandatory  
39 minimum term and such credits accrued shall only be awarded  
40 subsequent to the expiration of the term.

41 c. Each inmate sentenced to a specific term of years pursuant to the  
42 "Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1  
43 through 45) shall become primarily eligible for parole after having  
44 served one-third of the sentence imposed less commutation time for  
45 good behavior and credits for diligent application to work and other  
46 institutional assignments.

1 d. Each adult inmate sentenced to an indeterminate term of years  
2 as a young adult offender pursuant to N.J.S.2C:43-5 shall become  
3 primarily eligible for parole consideration pursuant to a schedule of  
4 primary eligibility dates developed by the board, less adjustment for  
5 program participation. In no case shall the board schedule require that  
6 the primary parole eligibility date for a young adult offender be greater  
7 than the primary parole eligibility date required pursuant to this section  
8 for the presumptive term for the crime authorized pursuant to  
9 N.J.S.2C:44-1(f).

10 e. Each adult inmate sentenced to the Adult Diagnostic and  
11 Treatment Center, Avenel, shall become primarily eligible for parole  
12 upon recommendation by the special classification review board  
13 pursuant to N.J.S.2C:47-5, except that no such inmate shall become  
14 primarily eligible prior to the expiration of any mandatory or fixed  
15 minimum term imposed pursuant to N.J.S.2C:14-6.

16 f. Each juvenile inmate committed to an indeterminate term shall  
17 be immediately eligible for parole.

18 g. Each adult inmate of a county jail, workhouse or penitentiary  
19 shall become primarily eligible for parole upon service of 60 days of  
20 his aggregate sentence or as provided for in subsection a. of this  
21 section, whichever is greater. Whenever any such inmate's parole  
22 eligibility is within six months of the date of such sentence, the judge  
23 shall state such eligibility on the record which shall satisfy all public  
24 and inmate notice requirements. The chief executive officer of the  
25 institution in which county inmates are held shall generate all reports  
26 pursuant to subsection d. of section 10 of P.L.1979, c.441  
27 (C.30:4-123.54). The parole board shall have the authority to  
28 promulgate time periods applicable to the parole processing of inmates  
29 of county penal institutions, except that no inmate may be released  
30 prior to the primary eligibility date established by this subsection,  
31 unless consented to by the sentencing judge. No inmate sentenced to  
32 a specific term of years at the State Prison or the correctional  
33 institution for women shall become primarily eligible for parole until  
34 service of a full nine months of his aggregate sentence.

35 h. When an inmate is sentenced to more than one term of  
36 imprisonment, the primary parole eligibility terms calculated pursuant  
37 to this section shall be aggregated by the board for the purpose of  
38 determining the primary parole eligibility date, except that no juvenile  
39 commitment shall be aggregated with any adult sentence. The board  
40 shall promulgate rules and regulations to govern aggregation under  
41 this subsection.

42 i. The primary eligibility date shall be computed by a designated  
43 representative of the board and made known to the inmate in writing  
44 not later than 90 days following the commencement of the sentence.  
45 In the case of an inmate sentenced to a county penal institution such  
46 notice shall be made pursuant to subsection g. of this section. Each

1 inmate shall be given the opportunity to acknowledge in writing the  
2 receipt of such computation. Failure or refusal by the inmate to  
3 acknowledge the receipt of such computation shall be recorded by the  
4 board but shall not constitute a violation of this subsection.

5 j. Except as provided in this subsection, each inmate sentenced  
6 pursuant to N.J.S.2A:113-4 for a term of life imprisonment,  
7 N.J.S.2A:164-17 for a fixed minimum and maximum term or  
8 N.J.S.2C:1-1(b) shall not be primarily eligible for parole on a date  
9 computed pursuant to this section, but shall be primarily eligible on a  
10 date computed pursuant to P.L.1948, c.84 (C.30:4-123.1 et seq.),  
11 which is continued in effect for this purpose. Inmates classified as  
12 second, third or fourth offenders pursuant to section 12 of P.L.1948,  
13 c.84 (C.30:4-123.12) shall become primarily eligible for parole after  
14 serving one-third, one-half or two-thirds of the maximum sentence  
15 imposed, respectively, less in each instance commutation time for good  
16 behavior and credits for diligent application to work and other  
17 institutional assignments; provided, however, that if the prosecuting  
18 attorney or the sentencing court advises the board that the punitive  
19 aspects of the sentence imposed on such inmates will not have been  
20 fulfilled by the time of parole eligibility calculated pursuant to this  
21 subsection, then the inmate shall not become primarily eligible for  
22 parole until serving an additional period which shall be one-half of the  
23 difference between the primary parole eligibility date calculated  
24 pursuant to this subsection and the parole eligibility date calculated  
25 pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12). If the  
26 prosecuting attorney or the sentencing court advises the board that the  
27 punitive aspects of the sentence have not been fulfilled, such advice  
28 need not be supported by reasons and will be deemed conclusive and  
29 final. Any such decision shall not be subject to judicial review except  
30 to the extent mandated by the New Jersey and United States  
31 Constitutions. The board shall, reasonably prior to considering any  
32 such case, advise the prosecuting attorney and the sentencing court of  
33 all information relevant to such inmate's parole eligibility.

34 k. Any adult inmate convicted on or after the effective date of  
35 P.L. , c. (C. )(now pending before the Legislature as this bill) to  
36 a term of incarceration or to a specific term of years at the State  
37 Prison or the correctional institution for women shall not be eligible  
38 for parole if imprisoned for a crime under N.J.S.2C:14-2.

39 (cf: P.L.1982, c.71, s.2)

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41 6. This act shall take effect immediately.

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#### STATEMENT

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46 This bill would eliminate parole eligibility for persons convicted of

1 aggravated sexual assault and sexual assault. Persons convicted of  
2 these crimes would be required to serve the full term of imprisonment  
3 imposed by the sentencing court. The bill also provides that in addition  
4 to any term of imprisonment imposed, a sentence imposed for  
5 aggravated sexual assault or sexual assault would include a term of  
6 post-incarceration supervision equal to 35% of the sentence imposed.  
7 During this term, the sponsors envision that the person would reside  
8 in a half-way house or participate in an electronic monitoring program  
9 or a program of intensive supervision.

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14 Eliminates parole eligibility for persons convicted of aggravated sexual  
15 assault and sexual assault.