

[First Reprint]  
ASSEMBLY, No. 2516

STATE OF NEW JERSEY

INTRODUCED DECEMBER 5, 1996

By Assemblyman KRAMER, Assemblywomen WRIGHT,  
Vandervalk, Assemblymen Arnone, Corodemus, Gregg,  
Garrett, Lance, Assemblywoman Heck, Assemblymen LeFevre,  
Blee and DeSopo

1 AN ACT concerning certain prison inmates, amending P.L.1979, c.441  
2 and supplementing Title 30 of the Revised Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. (New section) Notwithstanding the provisions of section 7 of  
8 P.L.1979, c.441 (C.30:4-123.51), R.S.30:4-140, R.S.30:4-92 or any  
9 other law to the contrary, progressive time credits or credits for  
10 diligent application to work shall be forfeited as a penalty for  
11 misconduct if an inmate violates or attempts to violate:

12 a. Any restraining order imposed upon him, including but not  
13 limited to any restraining order imposed pursuant to the "Prevention  
14 of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et  
15 seq.) or P.L.1981, c.426 (C.2C:25-1 et al.); or

16 b. The provisions of N.J.S.2C:12-3, terroristic threats;  
17 <sup>1</sup>N.J.S. 2C:33-4, harassment; or P.L.1992, c.209 (C.2C:12-10),  
18 stalking, committed against a person who was a victim of, or a witness  
19 to, the offense for which the inmate is incarcerated.

20  
21 2. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is amended to  
22 read as follows:

23 7. a. Each adult inmate sentenced to a term of incarceration in a  
24 county penal institution, or to a specific term of years at the State  
25 Prison or the correctional institution for women shall become primarily  
26 eligible for parole after having served any judicial or statutory  
27 mandatory minimum term, or one-third of the sentence imposed where  
28 no mandatory minimum term has been imposed less commutation time

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ALP committee amendments adopted June 5, 1997.

1 for good behavior pursuant to N.J.S.2A:164-24 or R.S.30:4-140 and  
2 credits for diligent application to work and other institutional  
3 assignments pursuant to P.L.1972, c.115 (C.30:8-28.1 et seq.) or  
4 R.S.30:4-92. Consistent with the provisions of the New Jersey Code  
5 of Criminal Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7),  
6 commutation and work credits shall not in any way reduce any judicial  
7 or statutory mandatory minimum term and such credits accrued shall  
8 only be awarded subsequent to the expiration of the term.

9 b. Each adult inmate sentenced to a term of life imprisonment shall  
10 become primarily eligible for parole after having served any judicial or  
11 statutory mandatory minimum term, or 25 years where no mandatory  
12 minimum term has been imposed less commutation time for good  
13 behavior and credits for diligent application to work and other  
14 institutional assignments. If an inmate sentenced to a specific term or  
15 terms of years is eligible for parole on a date later than the date upon  
16 which he would be eligible if a life sentence had been imposed, then in  
17 such case the inmate shall be eligible for parole after having served 25  
18 years, less commutation time for good behavior and credits for diligent  
19 application to work and other institutional assignments. Consistent  
20 with the provisions of the New Jersey Code of Criminal Justice  
21 (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7), commutation and work  
22 credits shall not in any way reduce any judicial or statutory mandatory  
23 minimum term and such credits accrued shall only be awarded  
24 subsequent to the expiration of the term.

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

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

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

46 f. Each juvenile inmate committed to an indeterminate term shall

1 be immediately eligible for parole.

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

19 h. When an inmate is sentenced to more than one term of  
20 imprisonment, the primary parole eligibility terms calculated pursuant  
21 to this section shall be aggregated by the board for the purpose of  
22 determining the primary parole eligibility date, except that no juvenile  
23 commitment shall be aggregated with any adult sentence. The board  
24 shall promulgate rules and regulations to govern aggregation under  
25 this subsection.

26 i. The primary eligibility date shall be computed by a designated  
27 representative of the board and made known to the inmate in writing  
28 not later than 90 days following the commencement of the sentence.  
29 In the case of an inmate sentenced to a county penal institution such  
30 notice shall be made pursuant to subsection g. of this section. Each  
31 inmate shall be given the opportunity to acknowledge in writing the  
32 receipt of such computation. Failure or refusal by the inmate to  
33 acknowledge the receipt of such computation shall be recorded by the  
34 board but shall not constitute a violation of this subsection.

35 j. Except as provided in this subsection, each inmate sentenced  
36 pursuant to N.J.S.2A:113-4 for a term of life imprisonment,  
37 N.J.S.2A:164-17 for a fixed minimum and maximum term or  
38 N.J.S.2C:1-1(b) shall not be primarily eligible for parole on a date  
39 computed pursuant to this section, but shall be primarily eligible on a  
40 date computed pursuant to P.L.1948, c.84 (C.30:4-123.1 et seq.),  
41 which is continued in effect for this purpose. Inmates classified as  
42 second, third or fourth offenders pursuant to section 12 of P.L.1948,  
43 c.84 (C.30:4-123.12) shall become primarily eligible for parole after  
44 serving one-third, one-half or two-thirds of the maximum sentence  
45 imposed, respectively, less in each instance commutation time for good  
46 behavior and credits for diligent application to work and other

1 institutional assignments; provided, however, that if the prosecuting  
2 attorney or the sentencing court advises the board that the punitive  
3 aspects of the sentence imposed on such inmates will not have been  
4 fulfilled by the time of parole eligibility calculated pursuant to this  
5 subsection, then the inmate shall not become primarily eligible for  
6 parole until serving an additional period which shall be one-half of the  
7 difference between the primary parole eligibility date calculated  
8 pursuant to this subsection and the parole eligibility date calculated  
9 pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12). If the  
10 prosecuting attorney or the sentencing court advises the board that the  
11 punitive aspects of the sentence have not been fulfilled, such advice  
12 need not be supported by reasons and will be deemed conclusive and  
13 final. Any such decision shall not be subject to judicial review except  
14 to the extent mandated by the New Jersey and United States  
15 Constitutions. The board shall, reasonably prior to considering any  
16 such case, advise the prosecuting attorney and the sentencing court of  
17 all information relevant to such inmate's parole eligibility.

18 k. <sup>1</sup>Notwithstanding any provisions of this section or  
19 N.J.S.2C:47-5 to the contrary, a person sentenced to imprisonment  
20 pursuant to paragraph (2) or (3) of subsection b. of N.J.S.2C:11-3  
21 shall not be eligible for parole.

22 l. <sup>1</sup> Notwithstanding the provisions of this section or any other law  
23 to the contrary, an inmate shall not be eligible for parole if, at any time  
24 during his incarceration, he violates or attempts to violate:

25 <sup>1</sup>[a.] (1) <sup>1</sup> Any restraining order imposed upon him, including but  
26 not limited to any restraining order imposed pursuant to the  
27 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
28 (C.2C:25-17 et seq.) or P.L.1981, c.426 (C.2C:25-1 et al.); or

29 <sup>1</sup>[b.] (2) <sup>1</sup> The provisions of N.J.S.2C:12-3, terroristic threats;  
30 <sup>1</sup>N.J.S. <sup>1</sup> 2C:33-4, harassment; or P.L.1992, c.209 (C.2C:12-10),  
31 stalking, committed against a person who was a victim of, or a witness  
32 to, the offense for which the inmate is incarcerated.

33 (cf: P.L.1997, c.60, s.3)

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35 3. Section 16 of P.L.1979, c.441 (C.30:4-123.60) is amended to  
36 read as follows:

37 16. a. Any parolee who violates a condition of parole may be  
38 subject to an order pursuant to section 17 of P.L.1979, c.441  
39 (C.30:4-123.61) providing for one or more of the following: (1) That  
40 he be required to conform to one or more additional conditions of  
41 parole; (2) That he forfeit all or a part of commutation time credits  
42 granted pursuant to R.S.30:4-140.

43 b. Any parolee who has seriously or persistently violated the  
44 conditions of his parole, may have his parole revoked and may be  
45 returned to custody pursuant to sections 18 and 19 of P.L.1979, c.441  
46 (C.30:4-123.62 and 30:4-123.63). The board shall be notified

1 immediately upon the arrest or indictment of a parolee or upon the  
2 filing of charges that the parolee committed an act which, if committed  
3 by an adult, would constitute a crime. The board shall not revoke  
4 parole on the basis of new charges which have not resulted in a  
5 disposition at the trial level except that upon application by the  
6 prosecuting authority, the Juvenile Justice Commission established  
7 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) or the Chief  
8 of the Bureau of Parole, the chairman of the board or his designee may  
9 at any time detain the parolee and commence revocation proceedings  
10 pursuant to sections 18 and 19 of P.L.1979, c.441 (C.30:4-123.62 and  
11 30:4-123.63) when the chairman determines that the new charges  
12 against the parolee are of a serious nature and it appears that the  
13 parolee otherwise poses a danger to the public safety. In such cases,  
14 a parolee shall be informed that, if he testifies at the revocation  
15 proceedings, his testimony and the evidence derived therefrom shall  
16 not be used against him in a subsequent criminal prosecution or  
17 delinquency adjudication.

18 c. [Any] (1) Except as provided in paragraph 2 of this subsection,  
19 any parolee who is convicted of a crime or adjudicated delinquent for  
20 an act which, if committed by an adult, would constitute a crime,  
21 committed while on parole shall have his parole revoked and shall be  
22 returned to custody unless the parolee demonstrates, by clear and  
23 convincing evidence at a hearing pursuant to section 19 of P.L.1979,  
24 c.441 (C.30:4-123.63), that good cause exists why he should not be  
25 returned to confinement.

26 (2) Any parolee who, while on parole:

27 (a) Commits a violation of any restraining order imposed upon him,  
28 including but not limited to any restraining order imposed pursuant to  
29 the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
30 (C.2C:25-17 et seq.) or P.L.1981, c.426 (C.2C:25-1 et al.); or

31 (b) Is convicted of a crime or the offense of harassment committed  
32 against a victim of or a witness to, the offense for which the inmate  
33 was incarcerated,

34 shall have his parole revoked and shall be returned to custody.

35 (cf: P.L.1995, c.280, s.40)

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37 4. This act shall take effect immediately.

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42 Eliminates parole eligibility and "good time" credits for inmates who  
43 harass or threaten their victims from prison.