

§2 - C.2C:43-7.2
§3 - C.30:4-123.51b
§1 - Note to §§2,3

P.L. 1997, CHAPTER 117, *approved June 9, 1997*
Senate, No. 855 (*Fourth Reprint*)

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

3

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 “No Early
8 Release Act.”

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10 2. a. ³[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] A court imposing a sentence of incarceration³ for
14 a crime of the first or second degree ³[involving violence to the
15 custody of the Department of Corrections]³ ⁴shall fix a minimum term
16 of 85% of the sentence during which the defendant⁴ shall not be
17 eligible for parole ⁴[until the inmate has served not less than 85
18 percent of the court-ordered term of incarceration]⁴ ³if the crime is a
19 violent crime as defined in subsection d. of this section³.

20 b. The provisions of subsection a. of this section shall not ³be
21 construed or applied to³ reduce the time that must be served before

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:

¹ Senate SLP committee amendments adopted May 2, 1996.

² Assembly ALP committee amendments adopted February 3, 1997.

³ Assembly AAP committee amendments adopted March 3, 1997.

⁴ Assembly floor amendments adopted May 8, 1997.

1 eligibility for parole by an inmate sentenced to a mandatory minimum
2 period of incarceration.

3 c. ³[The Parole Board shall promulgate rules and regulations
4 necessary to carry out the purposes this act pursuant to the
5 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
6 seq.).] Notwithstanding any other provision of law to the contrary and
7 in addition to any other sentence imposed, a court imposing a
8 minimum period of parole ineligibility of 85 percent of the sentence
9 pursuant to this section shall also, unless the court imposes a sentence
10 of lifetime parole supervision pursuant to P.L. , c. (C.)(now
11 pending before the Legislature as Senate Bill No. 524 SCS), impose
12 a five-year term of parole supervision if the defendant is being
13 sentenced for a crime of the first degree, or a three-year term of parole
14 supervision if the defendant is being sentenced for a crime of the
15 second degree. The term of parole supervision shall commence upon
16 the completion of the sentence of incarceration imposed by the court
17 pursuant to subsection a. of this section unless the defendant is serving
18 a sentence of incarceration for another crime at the time he completes
19 the sentence of incarceration imposed pursuant to subsection a., in
20 which case the term of parole supervision shall commence immediately
21 upon the defendant's release from incarceration. During the term of
22 parole supervision the defendant shall remain in release status in the
23 community in the legal custody of the Commissioner of the
24 Department of Corrections and shall be supervised by the Bureau of
25 Parole of the Department of Corrections as if on parole and shall be
26 subject to the provisions and conditions of section 3 of P.L. ,
27 c. (C.)(now pending before the Legislature as this bill).

28 d. For the purposes of this section, "violent crime" means any
29 crime in which the actor causes death, causes serious bodily injury as
30 defined in subsection b. of N.J.S.2C:11-1, or uses or threatens the
31 immediate use of a deadly weapon. "Violent crime" also includes any
32 aggravated sexual assault or sexual assault in which the actor uses, or
33 threatens the immediate use of, physical force.

34 For the purposes of this section, "deadly weapon" means any
35 firearm or other weapon, device, instrument, material or substance,
36 whether animate or inanimate, which in the manner it is used or is
37 intended to be used, is known to be capable of producing death or
38 serious bodily injury.

39 e. A court shall not impose sentence pursuant to this section unless
40 the ground therefor has been established at a hearing after the
41 conviction of the defendant and on written notice to him of the ground
42 proposed. The defendant shall have the right to hear and controvert
43 the evidence against him and to offer evidence upon the issue.³

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45 ³. a. A person who has been sentenced to a term of parole
46 supervision and is on release status in the community pursuant to

1 section 2 of P.L. , c. (C.)(now pending before the Legislature
2 as this bill) shall, during the term of parole supervision, remain on
3 release status in the community, in the legal custody of the
4 Commissioner of the Department of Corrections, and shall be
5 supervised by the Bureau of Parole of the Department of Corrections
6 as if on parole, and shall be subject to the provisions and conditions
7 set by the appropriate board panel. The appropriate board panel shall
8 have the authority, in accordance with the procedures and standards
9 set forth in sections 15 through 21 of P.L.1979, c.441 (C.30:4-123.59
10 through 30:4-123.65), to revoke the person's release status and return
11 the person to custody for the remainder of the term or until it is
12 determined, in accordance with regulations adopted by the board, that
13 the person is again eligible for release consideration pursuant to
14 section 9 of P.L.1979, c.441 (C.30:4-123.53).

15 b. The Parole Board shall promulgate rules and regulations
16 necessary to carry out the purposes of this act pursuant to the
17 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
18 seq.).³

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20 ³[3.] 4.³ This act shall take effect immediately ²[¹.and shall be
21 applicable to any person sentenced for a crime of the first or second
22 degree involving violence who becomes eligible for parole after the
23 effective date¹]².

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28 Requires persons convicted of certain crimes to serve at least 85% of
29 the term of incarceration.