

P.L. 1997, CHAPTER 425, *approved January 19, 1998*
Assembly, No. 2037

1 **AN ACT** concerning certain persons incarcerated for contempt of court
2 and amending P.L.1968, c.372.

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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. Section 1 of P.L.1968, c.372 (C.30:8-44) is amended to read as
8 follows:

9 1. In any county in which the governing body, by ordinance or
10 resolution, as appropriate, approves the application of this act and
11 designates a county work release administrator who may be the sheriff,
12 warden or other person, a person convicted of any offense, except as
13 otherwise provided in section 2 of P.L.1994, c.153 (C.30:8-44.1) and
14 sentenced to the county jail, workhouse or penitentiary of the county
15 or a person incarcerated in the county jail, workhouse or penitentiary
16 pursuant to the Rules of Court for contempt of an order or judgment
17 issued by the Superior Court, Chancery Division, Family Part may be
18 placed at outside labor or permitted to attend a vocational training
19 course operated or sponsored by a public or private agency in the
20 county by order of the court by which the sentence or order of
21 incarceration was imposed, or by the assignment judge of the county
22 in which the sentence or order of incarceration was imposed, at the
23 time such person is sentenced or incarcerated or at any time thereafter
24 during the term of the sentence or term of incarceration. [In the case
25 of female offenders a] A work release order may include permission
26 for release from confinement during specified hours to care for [her]
27 the offender's family. Such order may be revoked by the court which
28 granted it at any time.

29 The Department of Corrections shall prepare and enforce
30 regulations for the operation of this act in accordance with the
31 provisions thereof.

32 (cf: P.L.1994, c.153, s.1)

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34 2. This act shall take effect immediately.

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.

STATEMENT

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Under the provisions of N.J.S.A.30:8-44 and N.J.S.A.30:8-44.1, certain offenders sentenced to the county jail are allowed to participate in work release and vocational training release programs, upon order of the court. However, persons who are ordered by the family court to be incarcerated in the county jail on grounds of contempt of court are not eligible to participate in such programs under the current wording of these statutes.

Thus, persons who are incarcerated for contempt on grounds that they failed to pay child support or to pay other court-ordered financial obligations are unable to earn money during their incarceration in order to pay those obligations.

This bill would amend N.J.S.A.30:8-44 to clarify that family court judges may, in their discretion, allow persons incarcerated for contempt for their failure to pay child support or to comply with other court-ordered obligations to participate in work release or vocational training release programs.

Allows persons incarcerated by order of the family court on grounds of contempt of court to participate in work release programs.