

SENATE, No. 173

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator McGREEVEY

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. a. Notwithstanding any commutation credits allowed for good  
8 behavior and credits earned for diligent application to work and other  
9 institutional assignments, or any other provision of law to the contrary,  
10 an inmate sentenced for a crime of the first or second degree to the  
11 custody of the Department of Corrections shall not be eligible for  
12 parole until the inmate has served not less than 85 percent of the  
13 court-ordered term of incarceration.

14 b. The provisions of subsection a. of this section shall not reduce  
15 the time that must be served before eligibility for parole by an inmate  
16 sentenced to a mandatory minimum period of incarceration.

17 c. If, during the term of imprisonment, an inmate is involved in any  
18 flagrant misconduct, all or part of the credits he has earned may be  
19 forfeited at the discretion of the superintendent or administrator, as the  
20 case may be.

21 d. Except in the case of mandatory sentences, the Parole Board  
22 may consider granting parole to offenders subject to this act who (1)  
23 are 65 years or older and have served not less than five years of their  
24 sentence or (2) are 60 years or older and have served not less than 10  
25 years of the sentence imposed or (3) after a public hearing is held at  
26 which representatives of the public and the prisoner's victims have an  
27 opportunity to testify regarding the proposed release, is determined to  
28 have a medical condition that precludes the prisoner from posing a  
29 threat to the public.

30 e. The Parole Board shall promulgate rules and regulations  
31 necessary to carry out the purposes this act pursuant to the  
32 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
33 seq.).

