

[First Reprint]
SENATE, No. 254

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators KOSCO, GIRGENTI, Sinagra and O'Connor

1 **AN ACT** concerning parole eligibility ¹[and],¹ amending ¹R.S.30:4-92,
2 R.S.30:4-140 and P.L.1979, c.441,¹ and supplementing Title 30 of
3 the Revised Statutes.

4

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

7

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

9 30:4-92. The inmates of all correctional and charitable, hospital,
10 relief and training institutions within the jurisdiction of the State Board
11 shall be employed in such productive occupations as are consistent
12 with their health, strength and mental capacity and shall receive such
13 compensation therefor as the State Board shall determine.

14 Compensation for inmates of correctional institutions may be in the
15 form of cash or remission of time from sentence or both. Such
16 remission from the time of sentence shall not exceed one day for each
17 five days of productive occupation, but remission granted under this
18 section shall in no way affect deductions for good behavior or
19 provided by law.

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

28 In addition, all inmates classified as minimum security and who are
29 considered sufficiently trustworthy to be employed in honor camps,
30 farms or details shall receive further remission of time from sentence
31 at the rate of three days per month for the first year of 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLP committee amendments adopted October 24, 1996.

1 employment and five days per month for the second and each
2 subsequent year of such employment.

The provisions of this section with regard to the remission of time shall apply only to inmates sentenced¹ for an offense committed¹ prior to the effective date of P.L.¹[.]¹ .c. (C.) (now pending before the Legislature as this bill).

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

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

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

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Schedule

26

27

	A	B	C
29		Progressive Credits	Credits for Each Full
30		for Minimum and	Month of Fractional
31	Minimum and	Maximum Sentences	Part of a Year in
32	Maximum	in Years	Excess of Column A
33	Sentences in Years	(days)	(days)
34			
35	1	72	7
36	2	156	8
37	3	252	8
38	4	348	8
39	5	444	8
40	6	540	8
41	7	636	10
42	8	756	10
43	9	876	10
44	10	996	10
45	11	1,116	10
46	12	1,236	11

1	13	1,368	11
2	14	1,500	11
3	15	1,632	11
4	16	1,764	11
5	17	1,896	12
6	18	2,040	12
7	19	2,184	12
8	20	2,328	12
9	21	2,472	12
10	22	2,616	13
11	23	2,772	13
12	24	2,928	13
13	25	3,084	15
14	26	3,264	15
15	27	3,444	15
16	28	3,624	15
17	29	3,804	15
18	30	3,984	16

19

20 Any sentence in excess of 30 years shall be reduced by time credits
21 for continuous orderly deportment at the rate of 192 days for each
22 such additional year or 16 days for each full month of any fractional
23 part of a year. Nothing herein contained shall be deemed to limit or
24 affect a convict's eligibility for parole consideration as provided for in
25 section 10, chapter 84, P.L.1948, as amended, in any situation where
26 the sentence or consecutive sentences imposed upon a convict shall
27 exceed 25 years.

28 The provisions of this section shall apply only to inmates sentenced
29 prior to the effective date of P.L. .c. (C.)(now pending before the
30 Legislature as this bill).

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

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33 3. Section 9 of P.L.1979, c.441 (C.30:4-123.53) is amended to
34 read as follows:

35 9. a. An adult inmate sentenced 'for an offense committed' prior
36 to the effective date of P.L. . c. (C.)(now pending before the
37 Legislature as this bill) shall be released on parole at the time of parole
38 eligibility, unless information supplied in the report filed pursuant to
39 section 10 of this act or developed or produced at a hearing held
40 pursuant to section 11 of this act indicates by a preponderance of the
41 evidence that there is a substantial likelihood that the inmate will
42 commit a crime under the laws of this State if released on parole at
43 such time. In reaching such determination, the board panel or board
44 shall state on the record the reasons therefor.

45 b. A juvenile inmate shall be released on parole when it shall
46 appear that the juvenile, if released, will not cause injury to persons or

1 substantial injury to property.

2 c. (1) Except as provided in paragraph (2) of this subsection, an
3 adult inmate sentenced ¹for an offense committed on or after the
4 effective date of P.L. , c. (C.) (now pending before the Legislature as
5 this bill) shall be released on parole at the time of parole eligibility if
6 the parole board determines that there is no substantial likelihood that
7 the inmate will commit a crime under the laws of this State if released
8 on parole at such time.

9 (2) An adult inmate sentenced ¹for an offense committed¹ on or
10 after the effective date of P.L. , c. (C.) (now pending
11 before the Legislature as this bill) for an offense involving serious
12 bodily injury or the threat of serious bodily injury shall be released on
13 parole at the time of parole eligibility if the inmate demonstrates, by a
14 preponderance of the evidence, to the board panel or board that there
15 is no substantial likelihood that the inmate will commit a crime under
16 the laws of this State if released at such time.

17 (3) In reaching a decision pursuant to the provisions of either
18 paragraph (1) ¹[of] or¹ (2) of this subsection, the board panel or board
19 shall consider the information supplied in the report filed pursuant to
20 section ¹[of]¹ 10 of P.L.1979, c.441 (C.30:4-123.54) and any
21 information developed or produced at a hearing held pursuant to
22 section 11 of P.L.1979, c.411 (C.30:4-123.55). The reasons for
23 making a decision pursuant to this subsection shall be stated on the
24 record.

25 (cf: P.L.1979, c. 441, s.9.)

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27 4. (New section) a. As used in this section:

28 (1) "Commissioner" means the Commissioner of the Department
29 of Corrections.

30 (2) "Department" means the Department of Corrections.

31 (3) "Inmate" means an adult inmate sentenced to a term of
32 imprisonment in a State correctional institution on or after the
33 effective date of P.L. , c. (C.) (now pending before the
34 Legislature as this bill).

35 (4) "Prohibited act" means any conduct listed in
36 N.J.A.C.10A:4-4.1.

37 (5) "Major violation" means a violation of a prohibited act listed in
38 N.J.A.C.10A:4-4.1 that is designated by an asterisk, or any other
39 applicable provision of the administrative code.

40 (6) "Minor violation" means the violation of a prohibited act listed
41 in N.J.A.C.10A:4-4.1 which is not designated with an asterisk, or any
42 other applicable provision of the administrative code.

43 b. (1) An inmate who is found pursuant to procedures adopted by
44 the department to have committed a major violation shall have up to
45 365 days added to the inmate's parole eligibility date.

46 (2) An inmate who is found pursuant to procedures adopted by the

1 department to have committed a minor violation shall have up to 60
2 days added to the inmate's parole eligibility date.

3 c. (1) If the department determines that an inmate failed to
4 diligently perform any work assignment, one day shall be added to the
5 inmate's parole eligibility date for each day or partial day during which
6 the inmate fails to perform a work assignment in a ¹[diligent] diligent¹
7 manner.

8 (2) If the department determines that an inmate has failed to fully
9 cooperate or participate in any counseling, education or treatment
10 program to which the inmate is assigned, one day shall be added to
11 ¹[which]¹ the inmate's parole eligibility date for each day or partial day
12 during which the inmate fails to fully cooperate or participate.

13 d. Nothing in this section shall be deemed to limit the authority of
14 the department to impose any other disciplinary sanction authorized by
15 law or by any regulation adopted by the department on an inmate
16 found to have committed a prohibited act.

17 e. The commissioner is authorized to adopt any rule or regulation
18 necessary for the implementation of the provisions of this section.

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20 5. This act shall take effect immediately.

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25 Proposes a series of amendments to the laws governing parole.
