

SENATE, No. 277

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator CARDINALE

1 AN ACT creating the People's Prison program and supplementing Title
2 2C of the New Jersey Statutes and Title 30 of the Revised Statutes.

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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. This act shall be known and may be cited as the "People's Prison
8 Act."

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10 2. The Legislature hereby finds and declares that violent crime
11 continues to hold many New Jersey residents in its grip. According to
12 the State Police, the volume of crimes committed in this State has
13 risen by almost 10 percent over the past 10 years, with violent crime
14 comprising an ever-greater proportion of the total. A recent statewide
15 survey revealed that one of every seven New Jersey residents had been
16 a crime victim within the past six months.

17 Many New Jersey citizens feel that their lives and freedom have
18 been compromised by the fear of violent crime. They are constantly
19 in fear for their own safety or the safety of their families. Violent
20 crime knows no geographical boundaries. Rural and suburban
21 communities are now as likely as urban areas to be targeted by violent
22 offenders.

23 The vast majority of the public is convinced that the justice and
24 prison systems have failed. Justice appears to have become a
25 revolving door, whereby offenders are released back into society,
26 commit more crimes and are imprisoned once again. Our prison
27 system has become a breeding ground for criminals, who are
28 frequently released back into society more hardened and vicious than
29 when they entered prison. Rehabilitative efforts are tested when the
30 inmate is released back into society, and all too often these efforts
31 have failed.

32 In recognition of these failures, it is altogether fitting and proper,
33 and within the public interest, for the State to establish a unique
34 program to deal severely with those who perpetrate crimes which
35 seriously threaten the social order. The program, to be known as the
36 People's Prison, would be designed to isolate violent offenders and
37 stress punishment as a means of rehabilitation.

1 3. The Department of Corrections shall establish a People's Prison
2 program at each adult correctional facility where inmates sentenced
3 pursuant to the provisions of section 4 of P.L. , c. (C.)(now
4 pending before the Legislature as this bill) have been incarcerated.

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6 4. a. In any disposition where the court has imposed a term of
7 imprisonment on a defendant who has committed a violation of
8 N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:35-3, N.J.S.2C:35-4,
9 N.J.S.2C:35-5, or a violation of N.J.S.2C:12-1b, N.J.S.2C:13-1,
10 N.J.S.2C:14-2a, N.J.S.2C:14-2b or N.J.S.2C:15-1 which resulted in
11 bodily injury to another person, and where the defendant would be no
12 more than 54 years of age and eligible for parole after serving no more
13 than 15 years of the sentence, the court shall require one-fifth of the
14 term imposed to be served in the People's Prison program established
15 pursuant to section 3 of P.L. , c. (C.)(now pending before the
16 Legislature as this bill). The provisions of this subsection shall not be
17 construed to eliminate, reduce or increase any period of parole
18 ineligibility or any extended term required or imposed pursuant to any
19 other provision of law. Except as provided in subsection b. of this
20 section, the person shall be transferred out of the People's Prison
21 program and shall serve his remaining incarceration, if any, in another
22 correctional facility upon having served one-fifth of the term imposed
23 plus any additional period which may be imposed pursuant to section
24 7 of P.L. , c. (C.)(now pending before the Legislature as this
25 bill).

26 b. In any disposition where the court has imposed a term of
27 imprisonment on a defendant who has committed a violation of
28 N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:35-3 N.J.S.2C:35-4, or
29 N.J.S.2C:35-5, or a violation of N.J.S.2C:12-1b, N.J.S.2C:13-1,
30 N.J.S.2C:14-2a, N.J.S.2C:14-2b or N.J.S.2C:15-1 which resulted in
31 bodily injury to another person, where the defendant would be no
32 more than 54 years of age and eligible for parole after serving no more
33 than 15 years of the sentence, and where the defendant has previously
34 been convicted of a crime among these enumerated crimes and as a
35 result of that conviction, was sentenced to and served a term of
36 incarceration in the People's Prison program established pursuant to
37 section 3 of P.L. , c. (C.)(now pending before the Legislature
38 as this bill), or where the defendant has previously been convicted of
39 a crime under any statute of the United States, this State, or any other
40 state which was similar to any of these enumerated crimes, and as a
41 consequence of that conviction, was sentenced to and actually served
42 a period of incarceration at least as long as the minimal period which
43 the person would have been required to serve if the person had been
44 sentenced pursuant to the provisions of subsection a. of this section,
45 the defendant shall serve the entire term of imprisonment in the
46 People's Prison program.

1 5. The People's Prison program shall provide an alternative form
2 of correctional life, stressing punishment as a means of rehabilitation.
3 This program shall emphasize a highly structured and regimented daily
4 routine which includes rigorous discipline and physical labor. Inmates
5 shall perform no less than 10 hours per day of physical labor of a type
6 and in a manner prescribed by the Commissioner of Corrections. The
7 physical labor may be performed on or off site with appropriate
8 supervision. Any inmate who refuses to participate in physical labor
9 shall be confined to his cell. Inmates in the program shall not be
10 permitted to smoke or have televisions, radios, compact disc or tape
11 players, electronic games or other entertainment devices, computers,
12 candy bars, visitors except legal counsel, or telephone privileges. No
13 furloughs shall be granted to inmates. Recreational activities shall be
14 limited to one half-hour each day; the use of exercise equipment or
15 games shall be permitted only during that half-hour.

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17 6. The Department of Corrections shall establish disciplinary
18 procedures for the People's Prison. These procedures shall be
19 appropriate for the program and shall reflect its highly structured and
20 regimented atmosphere.

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22 7. Notwithstanding the provisions of section 7 of P.L.1979, c.441
23 (C.30:4-123.51), an inmate who does not comply with the rules and
24 regulations of the People's Prison may be denied parole and be
25 required to serve the full sentence imposed at the time of conviction.
26 An inmate who is disciplined pursuant to section 6 of P.L. , c. (C.
27)(now pending before the Legislature as this bill) and who thereafter
28 complies with all rules and regulations may be granted parole. An
29 inmate who fully complies with the rules and regulations of the
30 People's Prison shall have his sentence reduced one-half day for each
31 day of compliance. An inmate shall not be paroled from the People's
32 Prison unless he can read, write and perform arithmetic at the sixth
33 grade level.

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35 8. The Department of Corrections shall submit to the Governor and
36 the Legislature an annual report describing and assessing the
37 implementation, operation, and results of the People's Prison program
38 created by P.L. , c. (C.)(now pending before the Legislature as
39 this bill). The report shall include recommendations for administrative
40 changes to the program and for the enactment of any legislation
41 deemed necessary for the more effective operation of the program.

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43 9. This act shall take effect immediately.

STATEMENT

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3 This bill requires the Department of Corrections to establish the
4 "People's Prison" program at any correctional facility where certain
5 hardcore offenders are incarcerated, whether the facility is minimum,
6 medium or maximum security. The program would be an alternative
7 correctional regimen designed to isolate violent offenders and which
8 emphasizes punishment as a means of rehabilitation. It would stress
9 a highly structured routine of discipline and hard physical labor.

10 Under the provisions of the bill, a person who is sentenced to a
11 term of imprisonment for a first offense of murder, manslaughter,
12 being a drug kingpin, maintaining or operating a controlled dangerous
13 substance production facility or manufacturing or dispensing a
14 controlled dangerous substance would serve a minimum of one-fifth
15 of the sentence imposed in the People's Prison. For any subsequent
16 offense, the full sentence would be served in the People's Prison. A
17 person who is convicted for a first offense of aggravated assault,
18 kidnapping, aggravated sexual assault, sexual assault or robbery,
19 which resulted in bodily injury to another person, would serve a
20 minimum of one-fifth of the sentence imposed in the People's Prison.
21 For any subsequent offense, the entire sentence would be served in the
22 People's Prison. Only offenders who would be under 55 years of age
23 and eligible for parole within 15 years would be sentenced to this
24 program.

25 The People's Prison would stress a highly structured and regimented
26 daily routine, which includes rigorous discipline and physical labor.
27 Inmates would perform no less than 10 hours per day of physical labor
28 on or off site. An inmate who refuses to participate in physical labor
29 would be confined to his cell. There are to be no televisions, radios,
30 compact disc or tape players, electronic games or other entertainment
31 devices, computers, candy bars, visitors except for legal counsel,
32 smoking or telephone privileges, or furloughs. Recreational activities
33 would be limited to one half-hour each day; the use of exercise
34 equipment and games would be permitted only during that half-hour
35 period.

36 Inmates would be expected to adhere to a strict standard of
37 discipline within the program. An inmate who does not comply with
38 the rules and regulations of the People's Prison may be denied parole.
39 An inmate who complies with the rules and regulations would have his
40 sentence reduced one half-day for each day of compliance. However,
41 an inmate in the program would not be paroled unless he could read,
42 write and perform arithmetic at a sixth grade level.

43 This bill also requires the Department of Corrections to submit to
44 the Governor and the Legislature an annual report describing and
45 assessing the operation and effectiveness of the People's Prison
46 program.

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3 "People's Prison Act;" creates special correctional program for certain

4 violent offenders.