SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1507

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 24, 1996

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1507.

Presently, in criminal cases, the sentencing court has considerable discretion in determining whether the sentences imposed on a defendant convicted of multiple offenses be served concurrently or consecutively. The bill would provide that the sentence for a crime while on parole must be served consecutively with any other term of imprisonment imposed unless the court, in consideration of the character and conditions of the defendant and the facts related to the crimes, finds that consecutive sentences would be a serious injustice that overrides society's need to discourage the commission of crimes by other parolees. The court must set forth, in detail its reasons for imposing a concurrent sentence. This is intended to assist an appeals court in determining if the trial court's imposition of concurrent sentencing is a valid exercise of discretion.

The committee amendments provide that if a judge does impose a concurrent sentence for a crime committed while on parole, the sentence would not become final for a period of 10 days in order to permit the prosecution an opportunity to appeal that sentence. The committee amendments also clarified the bill's language.