

SENATE, No. 2244

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 17, 1997

By Senators ADLER and McGREEVEY

1 AN ACT concerning the parole of certain inmates and amending
2 P.L.1997, c.117.

3

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

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7 1. Section 2 of P.L.1997, c.117 (C.2C:43-7.2) is amended to read
8 as follows:

9 2. a. A court imposing a sentence of incarceration for a crime of
10 the first or second degree shall fix a minimum term of 85% of the
11 sentence during which the defendant shall not be eligible for parole if
12 the crime is a violent crime as defined in subsection d. of this section.

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

17 c. Notwithstanding any other provision of law to the contrary and
18 in addition to any other sentence imposed, a court imposing a
19 minimum period of parole ineligibility of 85 percent of the sentence
20 pursuant to this section shall also, unless the court imposes a sentence
21 of lifetime parole supervision pursuant to P.L. , c. (C.)(now
22 pending before the Legislature as Senate Bill No. 524 SCS), impose
23 a five-year term of parole supervision if the defendant is being
24 sentenced for a crime of the first degree, or a three-year term of parole
25 supervision if the defendant is being sentenced for a crime of the
26 second degree. The term of parole supervision shall commence upon
27 the completion of the sentence of incarceration imposed by the court
28 pursuant to subsection a. of this section unless the defendant is serving
29 a sentence of incarceration for another crime at the time he completes
30 the sentence of incarceration imposed pursuant to subsection a., in
31 which case the term of parole supervision shall commence immediately
32 upon the defendant's release from incarceration. A defendant shall not
33 be released from incarceration and placed under parole supervision
34 until the defendant tests negative for illegal drugs or intoxicating

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.

1 liquor. During the term of parole supervision the defendant shall
2 remain in release status in the community in the legal custody of the
3 Commissioner of the Department of Corrections and shall be
4 supervised by the Bureau of Parole of the Department of Corrections
5 as if on parole and shall be subject to the provisions and conditions of
6 section 3 of P.L.1997, c.117 (C.30:4-123.51b).

7 d. For the purposes of this section, "violent crime" means any
8 crime in which the actor causes death, causes serious bodily injury as
9 defined in subsection b. of N.J.S.2C:11-1, or uses or threatens the
10 immediate use of a deadly weapon. "Violent crime" also includes any
11 aggravated sexual assault or sexual assault in which the actor uses, or
12 threatens the immediate use of, physical force or any violation of
13 N.J.S.2C:15-1 or subsection b. of N.J.S.2C:12-1.

14 For the purposes of this section, "deadly weapon" means any
15 firearm or other weapon, device, instrument, material or substance,
16 whether animate or inanimate, which in the manner it is used or is
17 intended to be used, is known to be capable of producing death or
18 serious bodily injury.

19 e. A court shall not impose sentence pursuant to this section unless
20 the ground therefor has been established at a hearing after the
21 conviction of the defendant and on written notice to him of the ground
22 proposed. The defendant shall have the right to hear and controvert
23 the evidence against him and to offer evidence upon the issue.
24 (cf: P.L.1997, c.117, s.2)

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26 2. This act shall take effect immediately.

27 28 29 STATEMENT

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31 P.L.1997, c.117 requires a defendant who has committed a crime
32 of the first or second degree involving violence to serve at least 85
33 percent of the term of incarceration imposed by the court before being
34 eligible for parole.

35 This bill would clarify that all aggravated assaults and robberies are
36 to be included among the crimes for which a defendant would be
37 required to serve at least 85 percent of the term of incarceration. The
38 bill also requires that a defendant be alcohol and drug free before
39 being released from incarceration and placed under parole supervision.

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44 Includes aggravated assaults and robberies under No Early Release
45 Act; requires defendant to be drug and alcohol free before being
46 paroled.