December 21, 1962

30:4 - 123.10 and 11

LEGISLATIVE HISTORY OF R. S. 30:4-123.10 and 11

(Release of prisoners - Parole)

Laws 1948, Chapter 84 - S-12 - Introduced March 8, 1948 by Senator Young

This bill had statement:

> This bill implements Section II of Article V of the new State Constitution by providing a system for the granting of parole by a parole board which will also aid and advise the Governor in the exercise of executive clemency.

For discussion of parole system at the 1947 Constitutional Convention, see Index to the Proceedings ....

This bill was amended several times during passage. If you wish photostats of the various versions and amendments, we can have them made at your expense.

Laws 1950, Chapter 292 - S-361 - Introduced April 3, 1950 by Mr. Hand

Not amended during passage. This bill had statement:

> The Attorney-General recently declared improper a procedure which has been in existence in New Jersey for a considerable period of time and as a result of which the minimum and maximum limits of a series of consecutive sentences were combined to produce a single aggregate minimum and maximum.
>
> This bill is designed to permit such procedure by legislative enactment and is patterned after the law of the Commonwealth of Pennsylvania which was confronted with a similar situation in 1937.
>
> The bill has the approval of the State Parole Board.

Laws 1953, Chapter 277 - A-364 - Introduced February 16, 1953 by Mr. Beadleston.

Not amended during passage. This bill had statement:

> The purpose of this act is twofold. First, with respect to the amendment in Section 10, the experience gathered by the State Parole Board indicates that a limited number of prisoners in confinement in State Prison have imposed upon them several consecutive sentences, all of long duration, the net effect of which is that these prisoners cannot hope to appear before the Parole Board during their lifetime.

There are sentences recorded with a minimum of 60 to 70 years and a maximum well in excess of 100 years. A prisoner with a minimum of 60 years must serve in excess of 40 years before he can be considered for release on parole. On the other hand, a life sentence prisoner is eligible at the expiration of 25 years of service of sentence less commutation and work time credits. The amendment to Section 10 is designed to give long-term minimum-maximum sentence prisoners eligibility for parole consideration comparable to that afforded life sentence prisoners under the same Parole Law.

The amendment to Section 12 provides that if a prisoner is convicted and sentenced as an habitual offender and receives greater penalty by way of a longer sentences as a result thereof, that he shall not, for the purpose of parole consideration, be subject to the existing provisions of Section 12. It must be remembered that this amendment is designed only to create an eligibility date and in no sense requires the Parole Board to release at any specified time short of the maximum term imposed by the court.

The purposes of this bill have the approval of the State Parole Board, the State Board of Control of Institutions and Agencies, the Commissioner thereof and the officials charged with the administration of the Prison.

Laws 1956, Chapter 102 - A-357 - Introduced March 12 by Mr. Salsburg.

Photostat of original bill with statement enclosed. Committee Substitute was passed. Photostats of Committee Substitute bill with statement enclosed.

We are enclosing the following publications which may be of help in establishing the background of this legislation:

N. J. Committee to Investigate the Prison and Parole System. Report, 1952.

National Probation and Parole Association. Parole Services in New Jersey. 1955.

N. J. Law Enforcement Council. 4th Report; strengthening parole services. 1956

N. J. Legislature. Senate. Com. on Rev. & Amendment of Laws. Public hearing on S-136, 137, 150 and 205 (1956).

The following publications are available for consultation only in the New Jersey State Library:

974.90 P959 1952a — N. J. Com. to Examine and Investigate and Prison and Parole Systems in New Jersey. Public hearing ... May 2, 1952.

974.90 P959 1955b — N. J. Law Enforcement Council. Public hearing ... probation and parole services in New Jersey. October 11, 1955.

RS/jmg

CHAPTER 102 LAWS OF N.J. 1956

APPROVED 6/14/56

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 357

STATE OF NEW JERSEY

ADOPTED APRIL 30, 1956

AN ACT to amend "An act providing for a system for the granting of paroles in certain cases, establishing a State Parole Board and defining its composition, powers and duties, and repealing sections 30:4-106.1, 30:4-106.2 and 30:4-142 of the Revised Statutes," approved May 28, 1948 (P. L. 1948, c. 84).

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

1. Section 10 of the act of which this act is amendatory is amended to read as follows:

10. No inmate of a penal or correctional institution serving a sentence for a fixed minimum and maximum term shall be eligible for consideration for release on parole until he has served his minimum sentence *or 1/3 of his fixed maximum sentence*, less, *in each instance*, commutation time therefrom for good behavior and for diligent application to work assignments [or 1/3 of his fixed maximum sentence without regard to commutation time], whichever occurs sooner, subject to the provisions of section 12 hereof.

Whenever, after the effective date of this act, 2 or more sentences to run consecutively are imposed at the same time by any court of this State upon any person convicted of crime herein, there shall be deemed to be imposed upon such person a sentence the minimum of which shall be the total of

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

the minimum limits of the several sentences so imposed, and the maximum of which shall be the total of the maximum limits of such sentences. For purposes of determining the date upon which such a person shall be eligible for consideration for release on parole, the board shall consider the minimum sentence of such person to be the total aggregate of all the minimum limits of such consecutive sentences and the maximum sentence of such person to be the total aggregate of all of the maximum limits of such consecutive sentences.

With regard to consecutive sentences imposed upon prisoners prior to July 3, 1950, *and also with regard to consecutive sentences imposed upon prisoners subsequent to July 3, 1950, by different courts at different times,* *all* such consecutive sentences, with the consent of the prisoner, may be aggregated by the board to produce a single sentence, the minimum and maximum of which shall consist of the total of the minima and maxima of such consecutive sentences. Such aggregation shall be for the purpose of establishing the date upon which such prisoner shall be eligible for consideration for release on parole.

When any such prisoner is released on parole the period of his supervision under parole shall be measured by the aggregated maxima of his consecutive sentences.

Notwithstanding any of the other provisions of this act, whenever it shall appear that the date upon which a prisoner shall be eligible for consideration for release on parole occurs later than the date upon which he would be so eligible if a life sentence had been imposed upon him, then, and in such case, he shall be deemed eligible for consideration for release on parole after having served 25 years of his sentence, or sentences, less commutation time for good behavior and time credits earned and allowed by reason of diligent application to work assignments.

2. This act shall take effect immediately.

of the minimum limits of the several sentences so imposed, and the maximum of which shall be the total of the maximum limits of such sentences. For purposes of determining the date upon which such a person shall be eligible for consideration for release on parole, the board shall consider the minimum sentence of such person to be the total aggregate of all of the minimum limits of such consecutive sentences and the maximum sentence of such person to be the total aggregate of all of the maximum limits of such consecutive sentences.

With regard to consecutive sentences imposed upon prisoners prior to July 3, 1950, such consecutive sentences, with the consent of the prisoner, may be aggregated by the board to produce a single sentence, the minimum and maximum of which shall consist of the total of the minima and maxima of such consecutive sentences. Such aggregation shall be for the purpose of establishing the date upon which such prisoner shall be eligible for consideration for release on parole.

When any such prisoner is released on parole, the period of his supervision under parole shall be measured by the aggregated maxima of his consecutive sentences.

Notwithstanding any of the other provisions of this act, whenever it shall appear that the date upon which a prisoner shall be eligible for consideration for release on parole occurs later than the date upon which he would be so eligible if a life sentence had been imposed upon him, then, and in such case, he shall be deemed eligible for consideration for release on parole after having served 25 years of his sentence, or sentences, less commutation time for good behavior and time credits earned and allowed by reason of diligent application to work assignments.

2. This act shall take effect immediately.

STATEMENT

This bill is designed to provide first offenders with the same deductions from their maximum sentences for good behavior and diligent assignment to work credits as is given under the law to second, third and fourth offenders.

Assembly committee Substitute for A 357 1931

STATEMENT

This bill is designed to provide first offenders with the same deductions from their maximum sentences for good behavior and diligent assignment to work credits as is given under the law to second, third and fourth offenders.

Additionally, it becomes necessary to make provision for aggregation of consecutive sentences imposed upon prisoners after July 3, 1950, to establish an eligibility date for release on parole. In the present law, a procedure is established for aggregating such sentences when imposed by the same court at the same time and when imposed by different courts at different times prior to July 3, 1950, but, through inadvertence, no provision was made for aggregation of consecutive sentences imposed by different courts at different times after July 3, 1950. This has created a situation on minimum and maximum sentences which results in discrimination against prisoners in this category and needlessly complicates the administration of the Prison and the Parole Board.