

R.S. 2A:164-8

March 27, 1972

LEGISLATIVE HISTORY OF R.S. 2A:164-8
(Release under parole supervision; rules and regulations)

L. 1950, chapter 207, p. 455, § 6, R.S. 2:192-1.18,
S193 (Cafiero)

March 6 - Introduced.
March 13 - Passed Senate.
April 10 - Passed Assembly, amended.
April 14 - Passed Senate.
June 8 - Approved, Chapter 207.
(Bill and amendments enclosed).

Statement

This bill is prepared by the Commission on the Habitual Sex Offender and incorporates recommendations of the Commission made following exhaustive study of the problem of the sex offender in New Jersey.

L. 1951, Chapter 44, p. 161 § 2; R.S. 2:192-1.18
S108 (Cafiero)

Passed, not amended.
(Bill and statement enclosed).

R.S. 2A:164-8 - Taken unchanged from old Title 2.

974.90 N.J. Commission on the Habitual Sex Offender
S518 Report, 1950. (██████████).
1950b

HP/PC

DEPOSITORY COPY
Do Not Remove From Library

COPY 2

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 193

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. CAFIERO

Referred to Committee on Institutions and Agencies

AN Act concerning the disposition of persons convicted of certain enumerated sex crimes and providing for sentence, incarceration and treatment, repealing chapter twenty of the laws of one thousand nine hundred and forty-nine, and supplementing chapter one hundred ninety-two of Title 2 of the Revised Statutes.

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

1 1. Whenever a person is convicted of the offense of rape, carnal abuse,
2 sodomy or impairing the morals of a minor or of an attempt to commit
3 any of the aforementioned offenses, the judge shall order the commitment of
4 such person to the Diagnostic Center for a period not to exceed sixty days.
5 While confined in the said Diagnostic Center, such person shall be given a
6 complete physical and mental examination.

1 2. Upon completion of the physical and mental examination of such per-
2 son, but in no event later than sixty days after the date of the order of
3 commitment, a written report of the results thereof shall be sent to the court.

1 3. If it shall appear from said report that it has been determined
2 through clinical findings that the offender's conduct was characterized by

3 (a) a pattern of repetitive, compulsive behavior; and

4 (b) either violence; or

5 (c) an age disparity from which it shall appear that the victim was
6 under the age of fifteen years and the offender is an adult aggressor; it
7 shall be the duty of the court, upon recommendation of the Diagnostic
8 Center, to submit the offender to a program of specialized treatment for his
9 mental and physical aberrations.

1 4. The disposition to be made by the court of such person, upon written
2 report and recommendation of the Diagnostic Center, shall include one or
3 more of the following measures:

4 (a) The court may place such person on probation with the require-
5 ment, as a condition of said probation, that he receive out-patient psychiatric
6 treatment in the manner to be prescribed in each individual case.

7 (b) Such person may be committed to an institution to be designated by
8 the Commissioner of Institutions and Agencies for treatment and upon re-
9 lease shall be subject to parole supervision.

10 In the event that the court shall order a commitment of the person as
11 provided in this section, such order of commitment shall not specify a mini-
12 mum period of detention, but in no event shall the person be confined or sub-
13 ject to parole supervision for a period of time greater than that provided
14 by law for the crime of which such person was convicted.

1 5. The Commissioner of the Department of Institutions and Agencies,
2 upon commitment of such person, shall thereupon arrange for his treatment
3 in one of the institutions under the jurisdiction of the department which, in
4 the judgment of the commissioner, is best suited to care for the needs of
5 such person. The commissioner, in his discretion, is hereby authorized and
6 empowered to arrange for the transfer of such person to or from any in-
7 stitution within the jurisdiction of the department for the purpose of pro-
8 viding for the needs and requirements of such person according to the in-
9 dividual circumstances of the case.

1 6. Any person committed to confinement, as provided for in section
2 four hereof, may be released under parole supervision when it shall appear
3 to the satisfaction of the commissioner, after recommendation by a special
4 classification review board appointed by the State Board of Control of In-

5 institutions and Agencies, that such person is capable of making an acceptable
6 social adjustment in the community. It shall be the duty of the chief execu-
7 tive officer of any institution wherein such a person is confined to report in
8 writing at least semiannually to the commissioner concerning the physical
9 and mental condition of such person with a recommendation as to his con-
10 tinued confinement or consideration for release on parole by said special
11 committee. The State Board of Control of Institutions and Agencies is
12 hereby authorized and empowered to promulgate rules and regulations for
13 the parole, revocation thereof for cause, and the proper supervision on
14 parole of said persons when released from confinement.

1 7. If it shall appear from the report of such examination made of such
2 person that the offender's conduct was not characterized by a pattern of
3 repetitive, compulsive behavior and neither violence nor age disparity was
4 indicated, as provided for in section three hereof, the court shall impose
5 sentence on such person in the manner provided by law.

1 8. No statute relating to remission of sentence by way of commutation
2 time for good behavior and for work performed shall apply to any such
3 person committed pursuant to section four hereof, but provision may be
4 made for monetary compensation in amount to be prescribed by the State
5 Board of Control of Institutions and Agencies, in lieu of remission of
6 sentence for work performed.

1 9. The commissioner shall determine and fix the per capita cost of exam-
2 ining and maintaining any person committed to the Diagnostic Center and
3 shall notify each county treasurer monthly of the number of persons com-
4 mitted from the several counties, and upon certification by the commissioner
5 of the amount due, the board of chosen freeholders of the county shall make
6 provision for payment of one-half of the cost thereof to the Diagnostic
7 Center, the remaining one-half to be borne by the State.

1 10. Except as otherwise provided herein, the provisions of Title 30,
2 Revised Statutes, and the rules and regulations promulgated by the State
3 Board of Control pursuant thereto regarding supervision of persons re-

4 leased on parole and revocation of parole shall apply to any such person
5 released on parole as provided herein.

1 11. Any person, believing himself to be suffering from a physical or
2 mental condition which may result in sexual trends dangerous to the welfare
3 of the public, may make application, upon forms to be prescribed by the De-
4 partment of Institutions and Agencies, for voluntary admission to the
5 Diagnostic Center for the purpose of receiving diagnosis therein. When
6 such application is approved and such person is admitted, he shall be given a
7 complete physical and mental examination. If it shall appear, as a result of
8 such examination, that such person does in fact suffer from a physical or
9 mental condition which may result in sexual trends of the type that might
10 prove dangerous to the welfare of the general public, this fact shall be cer-
11 tified to such person and to the Commissioner of Institutions and Agen-
12 cies. If such person thereupon indicates a desire to receive treatment for
13 such condition, he may make application for voluntary admission to an in-
14 stitution to be designated by the commissioner and upon approval of such
15 application he may be received in the designated institution and shall there
16 receive the treatment indicated by the circumstances in the individual case.
17 If such person is possessed of sufficient financial ability to defray all or a
18 portion of the cost of his care and treatment, he shall be required so to do.
19 If such person shall desire to leave such institution and discontinue the treat-
20 ments being received by him, he shall be required to give five days' notice,
21 in writing, to the chief executive officer of the institution of his intention to
22 leave.

1 12. "An act concerning the sentencing of persons convicted of certain
2 crime and providing for the place of their incarceration, and supplementing
3 chapter one hundred ninety-two of Title 2 of the Revised Statutes," ap-
4 proved April eleventh, one thousand nine hundred and forty-nine, is re-
5 pealed.

1 13. This act shall take effect immediately.

SENATE, No. 193

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. CAFIERO

Referred to Committee on Institutions and Agencies

AN ACT concerning the disposition of persons convicted of certain enumerated sex crimes and providing for sentence, incarceration and treatment, repealing chapter twenty of the laws of one thousand nine hundred and forty-nine, and supplementing chapter one hundred ninety-two of Title 2 of the Revised Statutes.

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

1 1. Whenever a person is convicted of the offense of rape, carnal abuse,
2 sodomy or impairing the morals of a minor or of an attempt to commit
3 any of the aforementioned offenses, the judge shall order the commitment of
4 such person to the Diagnostic Center for a period not to exceed sixty days.
5 While confined in the said Diagnostic Center, such person shall be given a
6 complete physical and mental examination.

1 2. Upon completion of the physical and mental examination of such per-
2 son, but in no event later than sixty days after the date of the order of
3 commitment, a written report of the results thereof shall be sent to the court.

1 3. If it shall appear from said report that it has been determined
2 through clinical findings that the offender's conduct was characterized by

3 (a) a pattern of repetitive, compulsive behavior; and

4 (b) either violence; or

5 (c) an age disparity from which it shall appear that the victim was
6 under the age of fifteen years and the offender is an adult aggressor; it
7 shall be the duty of the court, upon recommendation of the Diagnostic
8 Center, to submit the offender to a program of specialized treatment for his
9 mental and physical aberrations.

1 4. The disposition to be made by the court of such person, upon written
2 report and recommendation of the Diagnostic Center, shall include one or
3 more of the following measures:

4 (a) The court may place such person on probation with the require-
5 ment, as a condition of said probation, that he receive out-patient psychiatric
6 treatment in the manner to be prescribed in each individual case.

7 (b) Such person may be committed to an institution to be designated by
8 the Commissioner of Institutions and Agencies for treatment and upon re-
9 lease shall be subject to parole supervision.

10 In the event that the court shall order a commitment of the person as
11 provided in this section, such order of commitment shall not specify a mini-
12 mum period of detention, but in no event shall the person be confined or sub-
13 ject to parole supervision for a period of time greater than that provided
14 by law for the crime of which such person was convicted.

1 5. The Commissioner of the Department of Institutions and Agencies,
2 upon commitment of such person, shall thereupon arrange for his treatment
3 in one of the institutions under the jurisdiction of the department which, in
4 the judgment of the commissioner, is best suited to care for the needs of
5 such person. The commissioner, in his discretion, is hereby authorized and
6 empowered to arrange for the transfer of such person to or from any in-
7 stitution within the jurisdiction of the department for the purpose of pro-
8 viding for the needs and requirements of such person according to the in-
9 dividual circumstances of the case.

1 6. Any person committed to confinement, as provided for in section
2 four hereof, may be released under parole supervision when it shall appear
3 to the satisfaction of the commissioner, after recommendation by a special
4 classification review board appointed by the State Board of Control of In-

5 stitutions and Agencies, that such person is capable of making an acceptable
6 social adjustment in the community. It shall be the duty of the chief execu-
7 tive officer of any institution wherein such a person is confined to report in
8 writing at least semiannually to the commissioner concerning the physical
9 and mental condition of such person with a recommendation as to his con-
10 tinued confinement or consideration for release on parole by said special
11 committee. The State Board of Control of Institutions and Agencies is
12 hereby authorized and empowered to promulgate rules and regulations for
13 the parole, revocation thereof for cause, and the proper supervision on
14 parole of said persons when released from confinement.

1 7. If it shall appear from the report of such examination made of such
2 person that the offender's conduct was not characterized by a pattern of
3 repetitive, compulsive behavior and neither violence nor age disparity was
4 indicated, as provided for in section three hereof, the court shall impose
5 sentence on such person in the manner provided by law.

1 8. No statute relating to remission of sentence by way of commutation
2 time for good behavior and for work performed shall apply to any such
3 person committed pursuant to section four hereof, but provision may be
4 made for monetary compensation in amount to be prescribed by the State
5 Board of Control of Institutions and Agencies, in lieu of remission of
6 sentence for work performed.

1 9. The commissioner shall determine and fix the per capita cost of exam-
2 ining and maintaining any person committed to the Diagnostic Center and
3 shall notify each county treasurer monthly of the number of persons com-
4 mitted from the several counties, and upon certification by the commissioner
5 of the amount due, the board of chosen freeholders of the county shall make
6 provision for payment thereof to the Diagnostic Center.

1 10. Except as otherwise provided herein, the provisions of Title 30,
2 Revised Statutes, and the rules and regulations promulgated by the State
3 Board of Control pursuant thereto regarding supervision of persons re-
4 leased on parole and revocation of parole shall apply to any such person
5 released on parole as provided herein.

1 11. Any person, believing himself to be suffering from a physical or
2 mental condition which may result in sexual trends dangerous to the welfare
3 of the public, may make application, upon forms to be prescribed by the De-
4 partment of Institutions and Agencies, for voluntary admission to the
5 Diagnostic Center for the purpose of receiving diagnosis therein. When
6 such application is approved and such person is admitted, he shall be given a
7 complete physical and mental examination. If it shall appear, as a result of
8 such examination, that such person does in fact suffer from a physical or
9 mental condition which may result in sexual trends of the type that might
10 prove dangerous to the welfare of the general public, this fact shall be cer-
11 tified to such person and to the Commissioner of Institutions and Agen-
12 cies. If such person thereupon indicates a desire to receive treatment for
13 such condition, he may make application for voluntary admission to an in-
14 stitution to be designated by the commissioner and upon approval of such
15 application he may be received in the designated institution and shall there
16 receive the treatment indicated by the circumstances in the individual case.
17 If such person is possessed of sufficient financial ability to defray all or a
18 portion of the cost of his care and treatment, he shall be required so to do.
19 If such person shall desire to leave such institution and discontinue the treat-
20 ments being received by him, he shall be required to give five days' notice,
21 in writing, to the chief executive officer of the institution of his intention to
22 leave.

1 12. "An act concerning the sentencing of persons convicted of certain
2 crime and providing for the place of their incarceration, and supplementing
3 chapter one hundred ninety-two of Title 2 of the Revised Statutes," ap-
4 proved April eleventh, one thousand nine hundred and forty-nine, is re-
5 pealed.

1 13. This act shall take effect immediately.

STATEMENT

This bill is prepared by the Commission on the Habitual Sex Offender and incorporates recommendations of the commission made following exhaustive study of the problem of the sex offender in New Jersey.

[OFFICIAL COPY REPRINT]
ASSEMBLY AMENDMENTS TO
SENATE, No. 193

STATE OF NEW JERSEY

ADOPTED MARCH 27, 1950

Amend page 3, paragraph 9, line 6, after the word "payment" add "of one-half of the cost".

Amend page 3, paragraph 9, line 6, after the word "center" add "the remaining one-half to be borne by the State."

SENATE, No. 108

(P. L. 1950, chap. 207.)

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 12, 1951

By Mr. CAFIERO

Referred to Committee on Institutions and Agencies

AN ACT to amend "An act concerning the disposition of persons convicted of certain enumerated sex crimes and providing for sentence, incarceration and treatment, repealing chapter twenty of the laws of one thousand nine hundred and forty-nine, and supplementing chapter one hundred ninety-two of Title 2 of the Revised Statutes," approved June eighth, one thousand nine hundred and fifty (P. L. 1950, c. 207).

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

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

3 1. Whenever a person is convicted of the offense of rape, carnal abuse,
4 sodomy, open lewdness, indecent exposure or impairing the morals of a minor
5 or of an attempt to commit any of the aforementioned offenses, the judge
6 shall order the commitment of such person to the Diagnostic Center for a
7 period not to exceed sixty days. While confined in the said Diagnostic Center,
8 such person shall be given a complete physical and mental examination.

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

3 6. Any person committed to confinement, as provided for in section four
4 hereof, may be released under parole supervision when it shall appear to the
5 satisfaction of the [commissioner] State Parole Board, after recommenda-

6 tion by a special classification review board appointed by the State Board
7 of Control of Institutions and Agencies, that such person is capable of mak-
8 ing an acceptable social adjustment in the community. It shall be the duty of
9 the chief executive officer of any institution wherein such a person is confined
10 to report in writing at least semiannually to the commissioner concerning the
11 physical and mental condition of such person with a recommendation as to
12 his continued confinement or consideration for release on parole [by
13 said special committee]. The State Board of Control of Institutions and
14 Agencies is hereby authorized and empowered to promulgate rules and regu-
15 lations for the parole, revocation thereof for cause, and the proper super-
16 vision on parole of said persons when released from confinement.

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to make certain amendments to the Sex Offender Law which are indicated as necessary after considerable experience in the field of examining and diagnosing sex offenders.

It has been found that a great number of cases of open lewdness and indecent exposure involve minor children. Under the present wording of the law this crime is not included within the category of those sex offenses which require mandatory examination of the prisoner after conviction. It is, therefore, deemed advisable to add this sex offense by proper amendment and place those individuals within the purview of the act.

Experience further indicates that the Commissioner of the Department of Institutions and Agencies, never having exercised parole authority in the past, should not now be required to do so with respect to the release of sex offenders. It seems more desirable to have this function carried on by the State Parole Board, which is duly constituted by law to give consideration to the release of persons on parole.