

# 2C:44-5

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001      **CHAPTER:** 16

**NJSA:** 2C:44-5      (Inmates' sentences)

**BILL NO:** A2006

**SPONSOR(S):** O'Toole and Weingarten

**DATE INTRODUCED:** February 7, 2000

**COMMITTEE:**      **ASSEMBLY:** Judiciary

**SENATE:** Judiciary

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**      **ASSEMBLY:** June 5, 2000

**SENATE:** December 18, 2000

**DATE OF APPROVAL:** January 29, 2001

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (1<sup>st</sup> reprint enacted)

(Amendments during passage denoted by superscript numbers)

**SPONSORS STATEMENT:** (Begins on page 4 of original bill)      Yes

**COMMITTEE STATEMENT:**      **ASSEMBLY:** Yes

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

### FOLLOWING WERE PRINTED:

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

**ASSEMBLY, No. 2006**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED FEBRUARY 7, 2000

**Sponsored by:**

**Assemblyman KEVIN J. O'TOOLE**

**District 21 (Essex and Union)**

**SYNOPSIS**

Requires sentence imposed on inmates for assault on corrections and law enforcement employees to run consecutively to other sentences.

**CURRENT VERSION OF TEXT**

As introduced.



A2006 O'TOOLE

2

1 AN ACT concerning assaults on corrections and law enforcement  
2 officers and amending N.J.S. 2C:44-5.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. N.J.S. 2C:44-5 is amended to read as follows:

8 2C:44-5. Multiple Sentences; Concurrent and Consecutive Terms.

9 a. Sentences of imprisonment for more than one offense. When  
10 multiple sentences of imprisonment are imposed on a defendant for  
11 more than one offense, including an offense for which a previous  
12 suspended sentence or sentence of probation has been revoked, such  
13 multiple sentences shall run concurrently or consecutively as the court  
14 determines at the time of sentence, except that:

15 (1) The aggregate of consecutive terms to a county institution shall  
16 not exceed 18 months; and

17 (2) Not more than one sentence for an extended term shall be  
18 imposed.

19 There shall be no overall outer limit on the cumulation of  
20 consecutive sentences for multiple offenses.

21 b. Sentences of imprisonment imposed at different times. When a  
22 defendant who has previously been sentenced to imprisonment is  
23 subsequently sentenced to another term for an offense committed prior  
24 to the former sentence, other than an offense committed while in  
25 custody:

26 (1) The multiple sentences imposed shall so far as possible conform  
27 to subsection a. of this section; and

28 (2) Whether the court determines that the terms shall run  
29 concurrently or consecutively, the defendant shall be credited with  
30 time served in imprisonment on the prior sentence in determining the  
31 permissible aggregate length of the term or terms remaining to be  
32 served; and

33 (3) When a new sentence is imposed on a prisoner who is on  
34 parole, the balance of the parole term on the former sentence shall not  
35 be deemed to run during the period of the new imprisonment unless  
36 the court determines otherwise at the time of sentencing.

37 c. Sentence of imprisonment for offense committed while on  
38 parole. When a defendant is sentenced to imprisonment for an offense  
39 committed while on parole in this State, such term of imprisonment  
40 and any period of reimprisonment that the parole board may require  
41 the defendant to serve upon the revocation of his parole shall run  
42 consecutively unless the court orders these sentences to run  
43 concurrently.

**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 d. Multiple sentences of imprisonment in other cases. Except as  
2 otherwise provided in this section, multiple terms of imprisonment  
3 shall run concurrently or consecutively as the court determines when  
4 the second or subsequent sentence is imposed.

5 e. Calculation of concurrent and consecutive terms of  
6 imprisonment.

7 (1) When terms of imprisonment run concurrently, the shorter  
8 terms merge in and are satisfied by discharge of the longest term.

9 (2) When terms of imprisonment run consecutively, the terms are  
10 added to arrive at an aggregate term to be served equal to the sum of  
11 all terms.

12 f. Suspension of sentence or probation and imprisonment; multiple  
13 terms of suspension and probation. When a defendant is sentenced for  
14 more than one offense or a defendant already under sentence is  
15 sentenced for another offense committed prior to the former sentence:

16 (1) The court shall not sentence to probation a defendant who is  
17 under sentence of imprisonment, except as authorized by paragraph (2)  
18 of subsection b. of N.J.S.2C:43-2;

19 (2) Multiple periods of suspension or probation shall run  
20 consecutively, unless the court orders these sentences to run  
21 concurrently from the date of the first such disposition;

22 (3) When a sentence of imprisonment in excess of one year is  
23 imposed, the service of such sentence shall satisfy a suspended  
24 sentence on another count or prior suspended sentence or sentence to  
25 probation, unless the suspended sentence or probation has been  
26 violated in which case any imprisonment for the violation shall run  
27 consecutively; and

28 (4) When a sentence of imprisonment of one year or less is  
29 imposed, the period of a suspended sentence on another count or a  
30 prior suspended sentence or sentence to probation shall run during the  
31 period of such imprisonment, unless the suspended sentence or  
32 probation has been violated in which case any imprisonment for the  
33 violation shall run consecutively.

34 g. Offense committed while under suspension of sentence or  
35 probation. When a defendant is convicted of an offense committed  
36 while under suspension of sentence or on probation and such  
37 suspension or probation is not revoked:

38 (1) If the defendant is sentenced to imprisonment in excess of one  
39 year, the service of such sentence shall not satisfy the prior suspended  
40 sentence or sentence to probation, unless the court determines  
41 otherwise at the time of sentencing;

42 (2) If the defendant is sentenced to imprisonment of one year or  
43 less, the period of the suspension or probation shall not run during the  
44 period of such imprisonment; and

45 (3) If sentence is suspended or the defendant is sentenced to  
46 probation, the period of such suspension or probation shall run

1 concurrently with or consecutively to the remainder of the prior  
2 periods, as the court determines at the time of sentence.

3 h. Offense committed while released pending disposition of a  
4 previous offense. When a defendant is sentenced to imprisonment for  
5 an offense committed while released, with or without bail, pending  
6 disposition of a previous offense, the term of imprisonment shall run  
7 consecutively to any sentence of imprisonment imposed for the  
8 previous offense, unless the court, in consideration of the character  
9 and conditions of the defendant, finds that imposition of consecutive  
10 sentences would be a serious injustice which overrides the need to  
11 deter such conduct by others.

12 i. Sentence of imprisonment for assault on corrections employee.  
13 Any term of imprisonment imposed on an inmate of a State or county  
14 correctional facility for an assault on a Department of Corrections  
15 employee, an employee of a county correctional facility, a county  
16 sheriff's department employee or any State, county or municipal law  
17 enforcement officer while in the performance of his duties shall run  
18 consecutively to any term of imprisonment currently being served and  
19 to any other term imposed for any other offense committed at the time  
20 of the assault.

21 (cf: P.L. 1993, c.223)

22

23 2. This act shall take effect immediately.

24

25

26

STATEMENT

27

28 This bill provides that any term of imprisonment imposed on an  
29 inmate of a State or county correctional facility for an assault on a  
30 Department of Corrections employee, an employee of a county  
31 correctional facility, a county sheriff's department employee or any  
32 State, county or municipal law enforcement officer while in the  
33 performance of his duties shall run consecutively to any term of  
34 imprisonment currently being served and to any other term imposed  
35 for any other offense committed at the time of the assault.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2006**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 23, 2000

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2006.

This bill provides that any term of imprisonment imposed on an inmate of a State or county correctional facility for an assault on a Department of Corrections employee, an employee of a county correctional facility, a county sheriff's department employee or any State, county or municipal law enforcement officer while in the performance of his duties shall run consecutively to any term of imprisonment currently being served and to any other term imposed for any other offense committed at the time of the assault.

The committee amended the bill to include reference to employees of State juvenile facilities and county juvenile detention facilities as persons covered by the bill who, if assaulted by an inmate, would result in that inmate receiving consecutive term sentencing. Although these juvenile corrections officers may be less likely to come within the provisions of this bill since it pertains to assaults committed by inmates, there may be circumstances in which these juvenile corrections officers may be involved and the committee did not want to preclude them if an appropriate fact situation presented itself.

[First Reprint]

**ASSEMBLY, No. 2006**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED FEBRUARY 7, 2000

**Sponsored by:**

**Assemblyman KEVIN J. O'TOOLE**

**District 21 (Essex and Union)**

**Assemblyman JOEL WEINGARTEN**

**District 21 (Essex and Union)**

**Co-Sponsored by:**

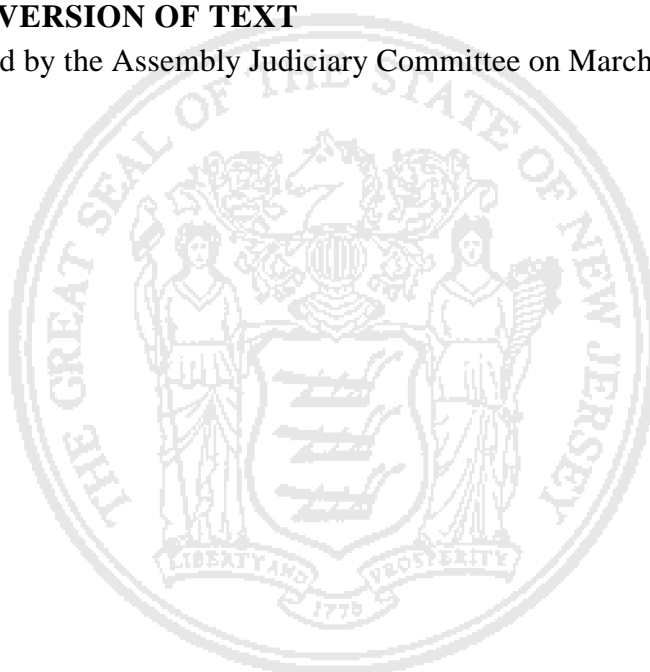
**Assemblywoman Previte**

**SYNOPSIS**

Requires sentence imposed on inmates for assault on corrections and law enforcement employees to run consecutively to other sentences.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Judiciary Committee on March 23, 2000, with amendments.



**(Sponsorship Updated As Of: 6/6/2000)**



1 AN ACT concerning assaults on corrections and law enforcement  
2 officers and amending N.J.S. 2C:44-5.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. N.J.S. 2C:44-5 is amended to read as follows:

8 2C:44-5. Multiple Sentences; Concurrent and Consecutive Terms.

9 a. Sentences of imprisonment for more than one offense. When  
10 multiple sentences of imprisonment are imposed on a defendant for  
11 more than one offense, including an offense for which a previous  
12 suspended sentence or sentence of probation has been revoked, such  
13 multiple sentences shall run concurrently or consecutively as the court  
14 determines at the time of sentence, except that:

15 (1) The aggregate of consecutive terms to a county institution shall  
16 not exceed 18 months; and

17 (2) Not more than one sentence for an extended term shall be  
18 imposed.

19 There shall be no overall outer limit on the cumulation of  
20 consecutive sentences for multiple offenses.

21 b. Sentences of imprisonment imposed at different times. When a  
22 defendant who has previously been sentenced to imprisonment is  
23 subsequently sentenced to another term for an offense committed prior  
24 to the former sentence, other than an offense committed while in  
25 custody:

26 (1) The multiple sentences imposed shall so far as possible conform  
27 to subsection a. of this section; and

28 (2) Whether the court determines that the terms shall run  
29 concurrently or consecutively, the defendant shall be credited with  
30 time served in imprisonment on the prior sentence in determining the  
31 permissible aggregate length of the term or terms remaining to be  
32 served; and

33 (3) When a new sentence is imposed on a prisoner who is on  
34 parole, the balance of the parole term on the former sentence shall not  
35 be deemed to run during the period of the new imprisonment unless  
36 the court determines otherwise at the time of sentencing.

37 c. Sentence of imprisonment for offense committed while on  
38 parole. When a defendant is sentenced to imprisonment for an offense  
39 committed while on parole in this State, such term of imprisonment  
40 and any period of reimprisonment that the parole board may require  
41 the defendant to serve upon the revocation of his parole shall run  
42 consecutively unless the court orders these sentences to run

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly AJU committee amendments adopted March 23, 2000.

1 concurrently.

2 d. Multiple sentences of imprisonment in other cases. Except as  
3 otherwise provided in this section, multiple terms of imprisonment  
4 shall run concurrently or consecutively as the court determines when  
5 the second or subsequent sentence is imposed.

6 e. Calculation of concurrent and consecutive terms of  
7 imprisonment.

8 (1) When terms of imprisonment run concurrently, the shorter  
9 terms merge in and are satisfied by discharge of the longest term.

10 (2) When terms of imprisonment run consecutively, the terms are  
11 added to arrive at an aggregate term to be served equal to the sum of  
12 all terms.

13 f. Suspension of sentence or probation and imprisonment; multiple  
14 terms of suspension and probation. When a defendant is sentenced for  
15 more than one offense or a defendant already under sentence is  
16 sentenced for another offense committed prior to the former sentence:

17 (1) The court shall not sentence to probation a defendant who is  
18 under sentence of imprisonment, except as authorized by paragraph (2)  
19 of subsection b. of N.J.S.2C:43-2;

20 (2) Multiple periods of suspension or probation shall run  
21 consecutively, unless the court orders these sentences to run  
22 concurrently from the date of the first such disposition;

23 (3) When a sentence of imprisonment in excess of one year is  
24 imposed, the service of such sentence shall satisfy a suspended  
25 sentence on another count or prior suspended sentence or sentence to  
26 probation, unless the suspended sentence or probation has been  
27 violated in which case any imprisonment for the violation shall run  
28 consecutively; and

29 (4) When a sentence of imprisonment of one year or less is  
30 imposed, the period of a suspended sentence on another count or a  
31 prior suspended sentence or sentence to probation shall run during the  
32 period of such imprisonment, unless the suspended sentence or  
33 probation has been violated in which case any imprisonment for the  
34 violation shall run consecutively.

35 g. Offense committed while under suspension of sentence or  
36 probation. When a defendant is convicted of an offense committed  
37 while under suspension of sentence or on probation and such  
38 suspension or probation is not revoked:

39 (1) If the defendant is sentenced to imprisonment in excess of one  
40 year, the service of such sentence shall not satisfy the prior suspended  
41 sentence or sentence to probation, unless the court determines  
42 otherwise at the time of sentencing;

43 (2) If the defendant is sentenced to imprisonment of one year or  
44 less, the period of the suspension or probation shall not run during the  
45 period of such imprisonment; and

46 (3) If sentence is suspended or the defendant is sentenced to

1 probation, the period of such suspension or probation shall run  
2 concurrently with or consecutively to the remainder of the prior  
3 periods, as the court determines at the time of sentence.

4 h. Offense committed while released pending disposition of a  
5 previous offense. When a defendant is sentenced to imprisonment for  
6 an offense committed while released, with or without bail, pending  
7 disposition of a previous offense, the term of imprisonment shall run  
8 consecutively to any sentence of imprisonment imposed for the  
9 previous offense, unless the court, in consideration of the character  
10 and conditions of the defendant, finds that imposition of consecutive  
11 sentences would be a serious injustice which overrides the need to  
12 deter such conduct by others.

13 i. Sentence of imprisonment for assault on corrections employee.  
14 Any term of imprisonment imposed on an inmate of a State or county  
15 correctional facility for an assault on a Department of Corrections  
16 employee, an employee of a county correctional facility, <sup>1</sup>an employee  
17 of a State juvenile facility or a county juvenile detention facility, <sup>1</sup> a  
18 county sheriff's department employee or any State, county or  
19 municipal law enforcement officer while in the performance of his  
20 duties shall run consecutively to any term of imprisonment currently  
21 being served and to any other term imposed for any other offense  
22 committed at the time of the assault.

23 (cf: P.L. 1993, c.223)

24

25 2. This act shall take effect immediately.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 2006**

**STATE OF NEW JERSEY**

DATED: OCTOBER 19, 2000

The Senate Judiciary Committee reports favorably Assembly Bill No. 2006 (1R).

This bill provides that any term of imprisonment imposed on an inmate of a State or county correctional facility for an assault on a Department of Corrections employee, an employee of a county correctional facility, an employee of State juvenile facility or county juvenile detention facility, a county sheriff's department employee or any State, county or municipal law enforcement officer while in the performance of his duties shall run consecutively to any term of imprisonment currently being served and to any other term imposed for any other offense committed at the time of the assault.

P.L. 2001, CHAPTER 16, *approved January 29, 2001*  
Assembly, No. 2006 (*First Reprint*)

1 **AN ACT** concerning assaults on corrections and law enforcement  
2 officers and amending N.J.S. 2C:44-5.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. N.J.S. 2C:44-5 is amended to read as follows:

8 2C:44-5. Multiple Sentences; Concurrent and Consecutive Terms.

9 a. Sentences of imprisonment for more than one offense. When  
10 multiple sentences of imprisonment are imposed on a defendant for  
11 more than one offense, including an offense for which a previous  
12 suspended sentence or sentence of probation has been revoked, such  
13 multiple sentences shall run concurrently or consecutively as the court  
14 determines at the time of sentence, except that:

15 (1) The aggregate of consecutive terms to a county institution shall  
16 not exceed 18 months; and

17 (2) Not more than one sentence for an extended term shall be  
18 imposed.

19 There shall be no overall outer limit on the cumulation of  
20 consecutive sentences for multiple offenses.

21 b. Sentences of imprisonment imposed at different times. When a  
22 defendant who has previously been sentenced to imprisonment is  
23 subsequently sentenced to another term for an offense committed prior  
24 to the former sentence, other than an offense committed while in  
25 custody:

26 (1) The multiple sentences imposed shall so far as possible conform  
27 to subsection a. of this section; and

28 (2) Whether the court determines that the terms shall run  
29 concurrently or consecutively, the defendant shall be credited with  
30 time served in imprisonment on the prior sentence in determining the  
31 permissible aggregate length of the term or terms remaining to be  
32 served; and

33 (3) When a new sentence is imposed on a prisoner who is on  
34 parole, the balance of the parole term on the former sentence shall not  
35 be deemed to run during the period of the new imprisonment unless  
36 the court determines otherwise at the time of sentencing.

37 c. Sentence of imprisonment for offense committed while on  
38 parole. When a defendant is sentenced to imprisonment for an offense  
39 committed while on parole in this State, such term of imprisonment  
40 and any period of reimprisonment that the parole board may require

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly AJU committee amendments adopted March 23, 2000.

1 the defendant to serve upon the revocation of his parole shall run  
2 consecutively unless the court orders these sentences to run  
3 concurrently.

4 d. Multiple sentences of imprisonment in other cases. Except as  
5 otherwise provided in this section, multiple terms of imprisonment  
6 shall run concurrently or consecutively as the court determines when  
7 the second or subsequent sentence is imposed.

8 e. Calculation of concurrent and consecutive terms of  
9 imprisonment.

10 (1) When terms of imprisonment run concurrently, the shorter  
11 terms merge in and are satisfied by discharge of the longest term.

12 (2) When terms of imprisonment run consecutively, the terms are  
13 added to arrive at an aggregate term to be served equal to the sum of  
14 all terms.

15 f. Suspension of sentence or probation and imprisonment; multiple  
16 terms of suspension and probation. When a defendant is sentenced for  
17 more than one offense or a defendant already under sentence is  
18 sentenced for another offense committed prior to the former sentence:

19 (1) The court shall not sentence to probation a defendant who is  
20 under sentence of imprisonment, except as authorized by paragraph (2)  
21 of subsection b. of N.J.S.2C:43-2;

22 (2) Multiple periods of suspension or probation shall run  
23 consecutively, unless the court orders these sentences to run  
24 concurrently from the date of the first such disposition;

25 (3) When a sentence of imprisonment in excess of one year is  
26 imposed, the service of such sentence shall satisfy a suspended  
27 sentence on another count or prior suspended sentence or sentence to  
28 probation, unless the suspended sentence or probation has been  
29 violated in which case any imprisonment for the violation shall run  
30 consecutively; and

31 (4) When a sentence of imprisonment of one year or less is  
32 imposed, the period of a suspended sentence on another count or a  
33 prior suspended sentence or sentence to probation shall run during the  
34 period of such imprisonment, unless the suspended sentence or  
35 probation has been violated in which case any imprisonment for the  
36 violation shall run consecutively.

37 g. Offense committed while under suspension of sentence or  
38 probation. When a defendant is convicted of an offense committed  
39 while under suspension of sentence or on probation and such  
40 suspension or probation is not revoked:

41 (1) If the defendant is sentenced to imprisonment in excess of one  
42 year, the service of such sentence shall not satisfy the prior suspended  
43 sentence or sentence to probation, unless the court determines  
44 otherwise at the time of sentencing;

45 (2) If the defendant is sentenced to imprisonment of one year or  
46 less, the period of the suspension or probation shall not run during the

1 period of such imprisonment; and

2 (3) If sentence is suspended or the defendant is sentenced to  
3 probation, the period of such suspension or probation shall run  
4 concurrently with or consecutively to the remainder of the prior  
5 periods, as the court determines at the time of sentence.

6 h. Offense committed while released pending disposition of a  
7 previous offense. When a defendant is sentenced to imprisonment for  
8 an offense committed while released, with or without bail, pending  
9 disposition of a previous offense, the term of imprisonment shall run  
10 consecutively to any sentence of imprisonment imposed for the  
11 previous offense, unless the court, in consideration of the character  
12 and conditions of the defendant, finds that imposition of consecutive  
13 sentences would be a serious injustice which overrides the need to  
14 deter such conduct by others.

15 i. Sentence of imprisonment for assault on corrections employee.  
16 Any term of imprisonment imposed on an inmate of a State or county  
17 correctional facility for an assault on a Department of Corrections  
18 employee, an employee of a county correctional facility, <sup>1</sup>an employee  
19 of a State juvenile facility or a county juvenile detention facility, <sup>1</sup> a  
20 county sheriff's department employee or any State, county or  
21 municipal law enforcement officer while in the performance of his  
22 duties shall run consecutively to any term of imprisonment currently  
23 being served and to any other term imposed for any other offense  
24 committed at the time of the assault.

25 (cf: P.L. 1993, c.223)

26

27 2. This act shall take effect immediately.

28

29

30

31

32 \_\_\_\_\_  
33 Requires sentence imposed on inmates for assault on corrections and  
law enforcement employees to run consecutively to other sentences.

## CHAPTER 16

AN ACT concerning assaults on corrections and law enforcement officers and amending N.J.S. 2C:44-5.

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

1. N.J.S. 2C:44-5 is amended to read as follows:

Multiple sentences; concurrent and consecutive terms.

2C:44-5. Multiple Sentences; Concurrent and Consecutive Terms.

a. Sentences of imprisonment for more than one offense. When multiple sentences of imprisonment are imposed on a defendant for more than one offense, including an offense for which a previous suspended sentence or sentence of probation has been revoked, such multiple sentences shall run concurrently or consecutively as the court determines at the time of sentence, except that:

(1) The aggregate of consecutive terms to a county institution shall not exceed 18 months; and

(2) Not more than one sentence for an extended term shall be imposed.

There shall be no overall outer limit on the cumulation of consecutive sentences for multiple offenses.

b. Sentences of imprisonment imposed at different times. When a defendant who has previously been sentenced to imprisonment is subsequently sentenced to another term for an offense committed prior to the former sentence, other than an offense committed while in custody:

(1) The multiple sentences imposed shall so far as possible conform to subsection a. of this section; and

(2) Whether the court determines that the terms shall run concurrently or consecutively, the defendant shall be credited with time served in imprisonment on the prior sentence in determining the permissible aggregate length of the term or terms remaining to be served; and

(3) When a new sentence is imposed on a prisoner who is on parole, the balance of the parole term on the former sentence shall not be deemed to run during the period of the new imprisonment unless the court determines otherwise at the time of sentencing.

c. Sentence of imprisonment for offense committed while on parole. When a defendant is sentenced to imprisonment for an offense committed while on parole in this State, such term of imprisonment and any period of reimprisonment that the parole board may require the defendant to serve upon the revocation of his parole shall run consecutively unless the court orders these sentences to run concurrently.

d. Multiple sentences of imprisonment in other cases. Except as otherwise provided in this section, multiple terms of imprisonment shall run concurrently or consecutively as the court determines when the second or subsequent sentence is imposed.

e. Calculation of concurrent and consecutive terms of imprisonment.

(1) When terms of imprisonment run concurrently, the shorter terms merge in and are satisfied by discharge of the longest term.

(2) When terms of imprisonment run consecutively, the terms are added to arrive at an aggregate term to be served equal to the sum of all terms.

f. Suspension of sentence or probation and imprisonment; multiple terms of suspension and probation. When a defendant is sentenced for more than one offense or a defendant already under sentence is sentenced for another offense committed prior to the former sentence:

(1) The court shall not sentence to probation a defendant who is under sentence of imprisonment, except as authorized by paragraph (2) of subsection b. of N.J.S.2C:43-2;

(2) Multiple periods of suspension or probation shall run consecutively, unless the court orders these sentences to run concurrently from the date of the first such disposition;

(3) When a sentence of imprisonment in excess of one year is imposed, the service of such sentence shall satisfy a suspended sentence on another count or prior suspended sentence or sentence to probation, unless the suspended sentence or probation has been violated in which case any imprisonment for the violation shall run consecutively; and

(4) When a sentence of imprisonment of one year or less is imposed, the period of a suspended sentence on another count or a prior suspended sentence or sentence to probation



shall run during the period of such imprisonment, unless the suspended sentence or probation has been violated in which case any imprisonment for the violation shall run consecutively.

g. Offense committed while under suspension of sentence or probation. When a defendant is convicted of an offense committed while under suspension of sentence or on probation and such suspension or probation is not revoked:

(1) If the defendant is sentenced to imprisonment in excess of one year, the service of such sentence shall not satisfy the prior suspended sentence or sentence to probation, unless the court determines otherwise at the time of sentencing;

(2) If the defendant is sentenced to imprisonment of one year or less, the period of the suspension or probation shall not run during the period of such imprisonment; and

(3) If sentence is suspended or the defendant is sentenced to probation, the period of such suspension or probation shall run concurrently with or consecutively to the remainder of the prior periods, as the court determines at the time of sentence.

h. Offense committed while released pending disposition of a previous offense. When a defendant is sentenced to imprisonment for an offense committed while released, with or without bail, pending disposition of a previous offense, the term of imprisonment shall run consecutively to any sentence of imprisonment imposed for the previous offense, unless the court, in consideration of the character and conditions of the defendant, finds that imposition of consecutive sentences would be a serious injustice which overrides the need to deter such conduct by others.

i. Sentence of imprisonment for assault on corrections employee. Any term of imprisonment imposed on an inmate of a State or county correctional facility for an assault on a Department of Corrections employee, an employee of a county correctional facility, an employee of a State juvenile facility or a county juvenile detention facility, county sheriff's department employee or any State, county or municipal law enforcement officer while in the performance of his duties shall run consecutively to any term of imprisonment currently being served and to any other term imposed for any other offense committed at the time of the assault.

2. This act shall take effect immediately.

Approved January 29, 2001.

PO BOX 004  
TRENTON, NJ 08625

*Office of the Governor*  
**NEWS RELEASE**

CONTACT: Jayne O'Connor  
Laura Otterbourg  
609-777-2600

RELEASE: January 29, 2001

**Governor Whitman today signed the following legislation:**

**A-3038**, sponsored by Assembly Members Malone (R-Burlington/Monmouth/Ocean) and Cottrell (R-Burlington/Monmouth/Ocean) and Senators Singer (R-Burlington/Monmouth/Ocean) and DiFrancesco (R-Middlesex/Morris/Somerset/Union), permits religious or charitable organizations to lease property to other tax-exempt entities without losing their property tax exemption.

**A-1849**, sponsored by Assembly Members Merkt (R-Morris) and Augustine (R-Middlesex/Morris/Somerset/Union) and Senators Singer (R-Burlington/Monmouth/Ocean), Bucco (R-Morris) and Martin (R-Essex/Morris/Passaic), permits counties to increase the maximum daily compensation for members of election boards from \$100 to an amount not to exceed \$150.

**S-254**, sponsored by Senators Bennett (R-Monmouth) and Bucco (R-Morris) and Assembly Member Geist (R-Camden/Gloucester), amends the law concerning the reforestation of land owned or maintained by a State entity. Under current law, whenever a State entity plans to deforest an area at least one acre in size, the entity is required to adopt a plan to reforest the area. This bill reduces the size threshold to one-half acre, requiring the State to develop a reforestation plan whenever an entity plans to deforest an area one-half acre in size.

**S-382**, sponsored by Senator Sinagra (R-Middlesex) and Assembly Members Weingarten (R-Essex/Union) and Kelly (R-Bergen/Essex/Passaic) makes a supplemental appropriation of \$50,000 to the Department of Community Affairs for a grant to the National Association for Children with Autism, Inc. in Livingston.

**A-2614**, sponsored by Assembly Members Gregg (R-Sussex/Hunterdon/Morris) and Thompson (R-Middlesex/Monmouth), modifies the eligibility requirements for unemployment insurance and temporary disability insurance benefits.

**A-895**, sponsored by Assembly Members Bateman (R-Morris/Somerset) and Biondi (R-Morris/Somerset) and Senators Singer (R-Burlington/Monmouth/Ocean) and Bark (R-Atlantic/Burlington/Camden), establishes a special license to promote agriculture.

**S-462**, sponsored by Senators Singer (R-Burlington/Monmouth/Ocean) and Kosco (R-Bergen) and Assembly Members Malone (R-Burlington/Monmouth/Ocean) and Cottrell (R-Burlington/Monmouth/Ocean), creates a drunk driver visitation program.

**A-2006**, sponsored by Assembly Member O'Toole (R-Essex/Union) requires a sentence imposed on inmates for assault on corrections and law enforcement employees to run consecutively to other sentences.

**SCS for S-141 and S-1054**, sponsored by Senators Bark (R-Atlantic/Burlington/ Camden), Singer (R-Burlington/Monmouth.Ocean), Matheussen (R-Camden/Gloucester) and Martin (R-Essex/Morris/Passaic) and Assembly Members Bodine (R-Atlantic/Burlington/ Camden) and Chatzidakis (R-Atlantic/Burlington/Camden), increases the number of tuition-free credits that a member of the National Guard may earn in undergraduate study and extends the credits to graduate study.