

2A: 8-30.1

LEGISLATIVE HISTORY CHECKLIST

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Laws of 1975 Chapter 296

Bill No. A914

Sponsor(s) Bate

Date Introduced Jan. 24, 1974

Committee: Assembly Judiciary

Senate Judiciary

Amended during passage Yes amendments during passage denoted by asterisks

Date of passage: Assembly Jan. 27, 1975; re-enacted Dec. 1, 1975

Senate April 7, 1975; re-enacted Dec. 15, 1975

Date of approval Jan. 26, 1976

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate No

Fiscal Note No

Veto message Yes

Message on signing No

Following were printed:

Reports No

Hearings No

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ASSEMBLY, No. 914

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1974

By Assemblyman BATE

Referred to Committee on Judiciary

AN ACT concerning the imposition of sentences by municipal magistrates and amending P. L. 1969, c. 146.

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

1 1. Section 1 of P. L. 1969, c. 146 (C. 2A:8-30.1) is amended to
2 read as follows:

3 1. Upon conviction of a person of an offense punishable by im-
4 prisonment, where the sentence imposed includes imprisonment for
5 **[30]** ***[90 days]*** **3 months** or less the ***[magistrate]*** **judge**
6 may order and direct that the sentence of imprisonment be served
7 periodically, instead of consecutively, during periods of time be-
8 tween Friday at 6 p.m. and Monday 8 a.m. or on other days, when-
9 ever he in his discretion determines the existence of proper
10 circumstances and that the ends of justice will be served thereby.
11 For the purposes of this act the person imprisoned shall be given
12 credit for each day or fraction of a day to the nearest hour actually
13 served.

1 2. This act shall take effect immediately.

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

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1 1. Section 1 of P. L. 1969, c. 146 (C. 2A:8-30.1) is amended to
2 read as follows:

3 1. Upon conviction of a person of an offense punishable by im-
4 prisonment, where the sentence imposed includes imprisonment for
5 **[30]** 90 days or less the magistrate may order and direct that the
6 sentence of imprisonment be served periodically, instead of con-
7 secutively, during periods of time between Friday at 6 p.m. and
8 Monday 8 a.m. or on other days, whenever he in his discretion
9 determines the existence of proper circumstances and that the ends
10 of justice will be served thereby. For the purposes of this act the
11 person imprisoned shall be given credit for each day or fraction of a
12 day to the nearest hour actually served.

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STATEMENT

The purpose of this bill is to give the courts greater discretion in meeting the interests of justice when the penalty for a particular offense, such as drunk driving, may entail prison terms for as much as 90 days.

In such instances, where an individual is required to serve a 90-day term, it is almost inevitable that his employment will be terminated and, in all probability, he will become an expense to the public during his incarceration and may also remain so for some time after his release from incarceration.

Accordingly, if a judge believes it appropriate that a jail term be served on weekends, loss of employment need not occur, the welfare budget need not be increased, and, more importantly, the chances of rehabilitation are greatly enhanced.

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

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 24, 1975

ASSEMBLY BILL NO. 914

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 914, with my objections, for reconsideration.

This bill permits sentences of imprisonment of up to 90 days to be served during weekends, in the discretion of the sentencing municipal court. The intent of the bill is laudable in that an individual serving a sentence pursuant to this bill would no longer face the likelihood of losing a job by virtue of being incarcerated. Such an individual could pay his debt to society, without becoming a charge to the State in the form of an unemployed, and without forcing the State to bear the expense of his incarceration. Under existing law, only sentences of 30 days or less may be served during weekends.

Unfortunately, two technical aspects of the bill should be remedied to eliminate the possibility of ambiguity. Sentences are meted out in some cases in the form of "3 months" instead of the form of "90 days", and "judge" is a more appropriate term than "magistrate".

Accordingly, I herewith return Assembly Bill No. 914 for reconsideration and recommend that it be amended as follows:

On page 1, section 1, line 5: Delete "90" and insert "3 months".

On page 1, section 1, line 5: Delete "magistrate" and insert "judge".

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Charles C. Carella

Executive Secretary to the Governor