

2C:44-5

**LEGISLATIVE HISTORY CHECKLIST**  
Compiled by the NJ State Law Library

(Crime committee on bail--  
sentence consecutively)

**NJSA:** 2C:44-5

**LAWS OF:** 1993 **CHAPTER:** 160

**BILL NO:** A226

**SPONSOR(S)** Catania

**DATE INTRODUCED:** Pre-filed

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

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** December 14, 1992  
**SENATE:** May 13, 1993

**DATE OF APPROVAL:** June 29, 1993

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

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

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBG:pp

ASSEMBLY, No. 226

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Assemblyman CATANIA

1 AN ACT concerning sentences imposed for offenses committed  
2 under certain circumstances and amending N.J.S.2C:44-5.

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

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

7 2C:44-5. Multiple Sentences; Concurrent and Consecutive  
8 Terms. a. Sentences of imprisonment for more than one  
9 offense. When multiple sentences of imprisonment are imposed  
10 on a defendant for more than one offense, including an offense  
11 for which a previous suspended sentence or sentence of probation  
12 has been revoked, such multiple sentences shall run concurrently  
13 or consecutively as the court determines at the time of sentence,  
14 except that:

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

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

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

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

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

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

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

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

Matter underlined thus is new matter.

1 d. Multiple sentences of imprisonment in other cases. Except  
2 as otherwise provided in this section, multiple terms of  
3 imprisonment shall run concurrently or consecutively as the court  
4 determines when 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  
10 are added to arrive at an aggregate term to be served equal to  
11 the sum of all terms.

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

17 (1) The court shall not sentence to probation a defendant who  
18 is under sentence of imprisonment, except as authorized by  
19 section 2C:43-2b. (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  
26 sentence to probation, unless the suspended sentence or probation  
27 has been violated in which case any imprisonment for the  
28 violation shall run 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  
31 a prior suspended sentence or sentence to probation shall run  
32 during the period of such imprisonment, unless the suspended  
33 sentence or probation has been violated in which case any  
34 imprisonment for the violation shall run consecutively.

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

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

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

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

50 h. Offense committed while released pending disposition of a  
51 previous offense. When a defendant is sentenced to imprisonment  
52 for an offense committed while released, with or without bail,  
53 pending disposition of a previous offense, the term of  
54 imprisonment shall run consecutively (unless the court orders

1 these sentences to run concurrently. to any sentence of  
2 imprisonment imposed for the previous offense] to any sentence  
3 of imprisonment imposed for the previous offense, unless the  
4 court, in consideration of the character and conditions of the  
5 defendant, finds that imposition of consecutive sentences would  
6 be a serious injustice which overrides the need to deter such  
7 conduct by others.

8 (cf: P.L.1983, c.462)

9 2. This act shall take effect immediately.

10  
11  
12 STATEMENT

13  
14 This bill creates a presumption that the sentence for a crime  
15 committed while awaiting trial on other criminal charges would  
16 be served consecutively with any other term of imprisonment  
17 imposed.

18  
19  
20  
21  
22 \_\_\_\_\_  
23 Creates a presumption that sentence for a crime committed  
24 while awaiting trial on other charges be served consecutively  
with any other term of imprisonment imposed.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 226

STATE OF NEW JERSEY

DATED: NOVEMBER 9, 1992

LEGISLATIVE COPY  
NOV 11 1992

The Assembly Judiciary, Law and Public Safety Committee reports favorably Assembly Bill No. 226.

This bill amends N.J.S.A.2C:44-5 and creates a presumption that the sentence for an offense committed pending disposition of a previous offense would be served consecutively to any other term of imprisonment imposed for the previous offense unless the court finds that the imposition of consecutive sentences would be a serious injustice which overrides the need to deter others.

This bill was pre-filed for introduction in the 1992 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 226

STATE OF NEW JERSEY

DATED: MAY 13, 1993

The Senate Judiciary Committee reports favorably Assembly Bill No. 226.

The bill provides that the sentence for a crime committed while awaiting trial on other criminal charges would be served consecutively with any other term of imprisonment imposed unless the court, in consideration of the character and conditions of the defendant, finds that the imposition of consecutive sentences would be a serious injustice. Presently, a court in its discretion may order sentences imposed for crimes committed while awaiting trial to be served concurrently.