

September 29, 1972

LEGISLATIVE NOTES ON R.S. 30:8-53
(Work release-definition of "escape")

L.1968 - chap.372, §10 - S582

Mar.18 - Introduced by Senator Stout and others.

No Statement on bill.

Bill amended during passage but this section not affected.

No similar bills introduced previously. However, there was a bill introduced in 1968 (A592) that would have initiated a work release program in State institutions. This bill did not pass either house and has not been introduced since. The "escape" provision in this bill (sec.5) provided:

"5. The willful failure of a prisoner to remain within the extended limits of his confinement, or to return within the time prescribed to an institution or facility designated by the commissioner, shall be deemed an escape from confinement and shall be punishable as provided in Section 2A:104-6 of the New Jersey Statutes."

According to the Statement on A592 this bill was patterned after the federal law P.L. 89-175

JH/EH

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SENATE, No. 582

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1968

By Senators STOUT, H. A. KELLY, DICKINSON and COFFEE

Referred to Committee on Institutions and Welfare

AN ACT to provide for the employment and vocational training of certain prisoners confined in county institutions in certain cases.

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

1 1. In any county in which the board of chosen freeholders, by
2 resolution, approves the application of this act **and designates*
3 *a county work release administrator who may be the sheriff, warden*
4 *or other person**, a person convicted of any offense and sentenced
5 to the county jail, workhouse or penitentiary of the county may be
6 placed at outside labor or **permitted** to attend a vocational train-
7 ing course operated **or sponsored** by a public **or private** agency
8 in the county by order of the court by which the sentence was
9 imposed, at the time such person is sentenced or at any time
10 thereafter during the term of the sentence. *In the case of female*
11 *offenders a work release order may include permission for release*
12 *from confinement during specified hours to care for her family.*
13 Such order may be revoked by the court which granted it at any time.

14 The Department of Institutions and Agencies ***[with the consent**
15 **and approval of those administering work release,]*** shall prepare
16 and enforce regulations for the operation of this act in accordance
17 with the provisions thereof.

18 ***[The Department of Institutions and Agencies, through the**
19 **person or persons designated therefor by the Commissioner of**
20 **the Department of Institutions and Agencies, shall have general**
21 **supervision of the operation of the work release program and be**
22 **notified in writing of all county prisoners so placed.]***

1 2. Every ***[order directing placement at outside labor]*** **county*
2 *work release and vocational training release program** shall, how-
2A ever, be subject to the following conditions:

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

12 (4) Payment on ***[pre-existing]*** debts **and legal obligations**
13 of such person **acknowledged by him in writing and filed with the*
13A *work administrator in such form as he shall specify**. Any balance
13B of such earnings that shall remain after the payment of the above
14 shall be retained until the person's discharge and after proper
15 accounting, shall be paid to him.

1 ***[6.]*** *7.* Under regulations of the Department of Institutions
2 and Agencies, he may be granted a diminution of not more than $\frac{1}{4}$
3 of his term if his conduct, diligence and general attitude merit
4 such diminution.

1 ***[7.]*** *8.* In case of the violation of the conditions laid down
2 for his conduct, custody and employment, any person placed at
3 outside labor or for study, may then be required to serve the balance
4 of the sentence in ordinary confinement and may thereupon cancel
5 any earned diminution of his term.

1 ***[8.]*** *9.* Insofar as possible, persons admitted to outside labor
2 or to a vocational training program under this act shall be
3 segregated from other prisoners serving terms in ordinary
4 confinement.

1 ***[9.]*** *10.* Any person admitted to outside labor or a voca-
2 tional training program under this act who shall escape or attempt
3 to escape while in such status outside the county institution shall
4 be deemed to have escaped and treated in accordance with the law.

1 ***[10.]*** *11.* This act shall take effect immediately.

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Referred to Committee on Institutions and Welfare

AN ACT to provide for the employment and vocational training of certain prisoners confined in county institutions in certain cases.

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

1 1. In any county in which the board of chosen freeholders, by
2 resolution, approves the application of this act, a person convicted
3 of any offense and sentenced to the county jail, workhouse or
4 penitentiary of the county may be placed at outside labor or to
5 attend a vocational training course operated by a public agency
6 in the county by order of the court by which the sentence was
7 imposed, at the time such person is sentenced or at any time
8 thereafter during the term of the sentence. Such order may be
9 revoked by the court which granted it at any time.

10 The Department of Institutions and Agencies with the consent
11 and approval of those administering work release, shall prepare
12 and enforce regulations for the operation of this act in accordance
13 with the provisions thereof.

14 The Department of Institutions and Agencies, through the person
15 or persons designated therefor by the Commissioner of the Depart-
16 ment of Institutions and Agencies, shall have general supervision
17 of the operation of the work release program and be notified in
18 writing of all county prisoners so placed.

1 2. Every order directing placement at outside labor shall, how-
2 ever, be subject to the following conditions:

3 (a) Representatives of local union central bodies or similar labor
4 union organizations shall be consulted as to the general program
5 for such placements;

6 (b) That such placements shall not result in the displacement of
7 employed workers, or be made in skills, crafts or trades in which

8 there is a surplus of available gainful labor in the locality, or impair
9 existing contracts for services; and

10 (c) That the rates of pay and other conditions of the placements
11 shall not be less than those paid or provided for work of a similar
12 nature in the locality in which the work is to be performed;

13 (d) Any State or local probation or parole officer shall be first
14 consulted.

1 3. If the person so placed at outside labor has been regularly
2 employed, arrangements shall be made for a continuation of said
3 work insofar as possible without interruption. If not employed in
4 any job, every effort shall be made to secure some suitable employ-
5 ment. Any such person so employed shall be paid a fair and
6 reasonable wage for such work and shall work at fair and reason-
7 able employment and hours per day and per week. If suitable
8 outside employment cannot be found for any prisoner, such prisoner
9 may be employed by the county if work is available and shall
10 receive therefore a fair and reasonable wage and shall work at
11 fair and reasonable hours per day and per week.

1 4. Whenever such person is not employed, and between the hours
2 or periods of employment, he shall be confined in jail or workhouse.

1 5. The earnings of such person shall be collected by the warden
2 or such person designated by the warden and the employer shall be
3 notified by registered mail, which notice shall include a copy of the
4 order placing the person at outside labor. From such earnings,
5 payment shall be made for the following purposes and in the order
6 listed:

7 (1) Board and personal expenses of such person inside and
8 outside of jail or workhouse.

9 (2) Court costs and fines.

10 (3) After written notice to the appropriate welfare board the
11 legally ascertained support of such person's dependents.

12 (4) Payment on pre-existing debts of such person. Any balance
13 of such earnings that shall remain after the payment of the above
14 shall be retained until the person's discharge and after proper
15 accounting, shall be paid to him.

1 6. Under regulations of the Department of Institutions and
2 Agencies, he may be granted a diminution of not more than $\frac{1}{4}$ of
3 his term if his conduct, diligence and general attitude merit such
4 diminution.

1 7. In case of the violation of the conditions laid down for his
2 conduct, custody and employment, any person placed at outside
3 labor or for study, may then be required to serve the balance of

4 the sentence in ordinary confinement and may thereupon cancel
5 any earned diminution of his term.

1 8. Insofar as possible, persons admitted to outside labor or to
2 a vocational training program under this act shall be segregated
3 from other prisoners serving terms in ordinary confinement.

1 9. Any person admitted to outside labor or a vocational training
2 program under this act who shall escape or attempt to escape
3 while in such status outside the county institution shall be deemed
4 to have escaped and treated in accordance with the law.

1 10. This act shall take effect immediately.

ASSEMBLY AMENDMENTS TO
SENATE, No. 582

STATE OF NEW JERSEY

ADOPTED NOVEMBER 18, 1968

Amend page 1, section 1, line 2, after "act", insert "and designates a county work release administrator who may be the sheriff, warden or other person".

Amend page 1, section 1, line 4, after "labor or", insert "permitted".

Amend page 1, section 1, line 5, after "operated", insert "or sponsored", after "public", insert "or private".

Amend page 1, section 1, line 8, after "sentence.", insert "In the case of female offenders a work release order may include permission for release from confinement during specified hours to care for her family."

Amend page 1, section 1, lines 10 and 11, omit "with the consent and approval of those administering work release,".

Amend page 1, section 1, lines 14 through 18, omit.

Amend page 1, section 2, line 1, omit "order directing placement at outside labor", insert "county work release and vocational training release program".

Amend page 2, section 2, line 12, omit ";", insert a period.

Amend page 2, section 2, lines 13 and 14, omit.

Amend page 2, section 3, line 7, after "suitable", insert "private".

Amend page 2, section 3, after line 11, insert a new section as follows:

"4. The court may by order authorize the work release administrator to whom any person placed at outside labor is committed to arrange with another work release administrator for the employment of the prisoner in the other's county, and while so employed to be in the other's custody but in all other respects to be and continue subject to the commitment."

Amend page 2, section 4, line 1, omit "4.", insert "5."

Amend page 2, section 5, line 1, omit "5.", insert "6."

Amend page 2, section 5, line 1, after "by the", omit "warden".

Amend page 2, section 5, line 2, omit "or such person designated by the warden", insert "work release administrator".

Amend page 2, section 5, line 12, after "payment on", omit "pre-existing", after "debts", insert "and legal obligations", after

“person”, insert “acknowledged by him in writing and filed with the work administrator in such form as he shall specify”.

Amend page 2, sections 6 through 10, change section numbers “6.”, through “10.” to “7.” through “11.”.