

ASSEMBLY, No. 5756

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

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District 31 (Hudson)

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SYNOPSIS

Prohibits forfeiture of inmate's commutation credits for minor disciplinary infractions and expands inmate's ability to restore certain forfeited credits

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2021)

A5756 MCKNIGHT, SPEIGHT

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1 AN ACT concerning inmate commutation credits, amending
2 R.S.30:4-140 and supplementing Title 30 of the Revised
3 Statutes.

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

7
8 1. (New section) a. Except as otherwise provided in this Title,
9 commutation credits forfeited by an inmate shall be restored in
10 accordance with this section.

11 b. The Commissioner of Corrections shall determine, not less
12 than every three months, whether an inmate is eligible for the
13 restoration of forfeited commutation credits. Immediately
14 following the review, the commissioner shall notify the inmate and
15 the appropriate correctional facility classification officer that an
16 inmate is eligible for restoration. The classification officer shall
17 immediately evaluate the inmate's eligibility for restoration and,
18 upon determining that an inmate is eligible for restoration, the
19 classification officer shall certify that the inmate is eligible for
20 restoration and shall forward the certification to the ombudsperson,
21 who shall approve the restoration of credits.

22 c. Commutation credits forfeited for a civil action or
23 proceeding filed by an inmate that is determined to be frivolous by
24 the court shall not be eligible for restoration.

25 d. Commutation credits forfeited for failure to participate in
26 sex offender treatment in accordance with subchapter 5 of Chapter 9
27 of Title 10A of the New Jersey Administrative Code shall not be
28 eligible for restoration.

29 e. An inmate approaching the expiration of the maximum
30 sentence, who is otherwise eligible for restoration of forfeited
31 commutation credits in accordance with subchapter 5 of Chapter 9
32 of Title 10A of the New Jersey Administrative Code, shall be
33 eligible to receive only that portion of the restored commutation
34 credits that allows for all timely release notifications required under
35 applicable statutes and regulations.

36 f. Commutation credits forfeited for a disciplinary charge shall
37 be restored as follows:

38 (1) Up to 100 percent of the forfeited commutation credits may
39 be restored over the two year period following the incident which
40 resulted in the loss of commutation credits, provided the two years
41 run consecutively, calculated from the date of the incident. Credits
42 shall be restored at the rate of 50 percent for each year the inmate is
43 in custody and is free of any serious disciplinary charges that have
44 been substantiated.

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 (2) Credits shall be restored in accordance with this subsection
2 regardless of the inmate's housing.

3 g. An inmate who receives a parole date at any point in the
4 second one-year period and has been without a serious disciplinary
5 charge that has been substantiated during both the first and second
6 one year periods may, at the discretion of the Commissioner of
7 Corrections, and for good cause shown, have the commutation
8 credits which the inmate could earn in the second year period
9 restored on a prorated basis. A grant of credits on a prorated basis
10 pursuant to this paragraph shall be applicable only if the parole date
11 falls in the second one-year period and only if the inmate has had
12 50 percent of the forfeited credits already restored.

13 h. An inmate under the jurisdiction of the Office of Interstate
14 Services may submit an application for restoration of commutation
15 credits lost to the classification officer of the Office of Interstate
16 Services. A review of the inmate's eligibility on restoration of
17 credits by the classification officer shall be made in accordance
18 with this section and forwarded to the supervisor of the Office of
19 Interstate Services who shall make the restoration determination.

20 i. An inmate housed at a residential community release
21 agreement program may submit an application for restoration of
22 commutation credits to the commissioner of the regional
23 correctional facility with responsibility for the inmate. The
24 classification officer of the correctional facility shall review the
25 application. A review of the inmate's eligibility on restoration of
26 credits by the classification officer shall be made in accordance
27 with this section and forwarded to the commissioner, who shall
28 make the restoration determination.

29 j. An inmate serving a State prison sentence in an adult county
30 correctional facility may submit an application for restoration of
31 commutation credits to the administrator or a superintendent who
32 serves as the chief executive officer of the Central Reception and
33 Assignment Facility. The classification officer of the facility shall
34 review the application. A review of the inmate's eligibility for
35 restoration of credits by the classification officer shall be made in
36 accordance with this section and forwarded to the administrator or a
37 superintendent who serves as the chief executive officer, who shall
38 make the restoration determination.

39

40 2. R.S.30:4-140 is amended to read as follows:

41 30:4-140 Reduction schedule for minimum-maximum sentences.

42 30:4-140. For every year or fractional part of a year of a
43 custodial sentence imposed upon any person there shall be remitted
44 to the person from both the maximum and minimum term of the
45 person's sentence, for continuous orderly deportment, the
46 progressive time credits indicated in the schedule in this section.
47 When a sentence contains a fractional part of a year in either the
48 minimum or maximum thereof, then time credits in reduction of the

A5756 MCKNIGHT, SPEIGHT

1 fractional part of a year shall be calculated at the rate set out in the
 2 schedule for each full month of the fractional part of a year of
 3 sentence. In case of any flagrant misconduct the board of managers
 4 may declare a forfeiture of the time previously remitted, either in
 5 whole or in part, **【as they deem just】** in accordance with rules and
 6 regulations promulgated by the chairman except that any time
 7 previously remitted shall not be forfeited for Category E level
 8 disciplinary infractions as provided in Chapter 9 of Title 10A of the
 9 New Jersey Administrative Code.
 10

A	B	C
Minimum and Maximum Sentences in Years	Progressive Credits for Minimum and Maximum Sentences in Years (days)	Credits for Each Full Month of Fractional Part of a Year in Excess of Column A (days)
1	72	7
2	156	8
3	252	8
4	348	8
5	444	8
6	540	8
7	636	10
8	756	10
9	876	10
10	996	10
11	1,116	10
12	1,236	11
13	1,368	11
14	1,500	11
15	1,632	11
16	1,764	11
17	1,896	12
18	2,040	12
19	2,184	12
20	2,328	12
21	2,472	12
22	2,616	13
23	2,772	13
24	2,928	13
25	3,084	15
26	3,264	15
27	3,444	15
28	3,624	15
29	3,804	15
30	3,984	16

1 Any sentence in excess of 30 years shall be reduced by time
2 credits for continuous orderly deportment at the rate of 192 days for
3 each additional year or 16 days for each full month of any fractional
4 part of a year. Nothing in this section shall be deemed to limit or
5 affect an inmate's eligibility for parole consideration as provided for
6 in section 10 of P.L.1948, c.84 (C.30:4-123.1 et seq.), as amended,
7 in any situation where the sentence or consecutive sentences
8 imposed upon an inmate shall exceed 25 years.

9 (cf: P.L. 2019, c.364, s.11)

10
11 3. This act shall take effect immediately.

12
13
14 STATEMENT

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16 This bill prohibits forfeiture of an inmate's commutation credits
17 for minor disciplinary infractions and expands an inmate's ability to
18 restore certain forfeited credits.

19 Under current law, an inmate is entitled to receive commutation
20 credits for remission from the inmate's sentence for continuous
21 orderly deportment. However, credits are not to reduce any judicial
22 or statutory mandatory minimum term imposed. In the case of any
23 flagrant misconduct, the board of managers of the correctional
24 facility may declare a forfeiture of the time previously remitted,
25 either in whole or in part, at the board's discretion.

26 The bill prohibits the forfeiture of commutation credits for less
27 serious, Category E level, disciplinary infractions, as set forth in the
28 New Jersey Administrative Code. Several examples of Category E
29 level infractions are: loaning of property or anything of value;
30 mutilating or altering clothing issued by the government; violating a
31 condition of any Residential Community Release Program;
32 unexcused absence from work or any assignment; being late for
33 work; malingering, feigning an illness; failing to perform work as
34 instructed by a staff member; using abusive or obscene language to
35 a staff member; failure to follow safety or sanitation regulations;
36 unauthorized use of equipment or machinery; unauthorized use of
37 mail or telephone; correspondence or conduct with a visitor in
38 violation of regulations; and failure to keep a scheduled
39 appointment with medical, dental, or other professional staff.

40 Certain commutation credits may be restored under current law,
41 in accordance with relevant provisions of the New Jersey
42 Administrative Code. Commutation credits forfeited for a civil
43 action or proceeding filed by an inmate that is determined to be
44 frivolous, or for failure to participate in sex offender treatment are
45 not eligible for restoration. Up to 75 percent of credits forfeited for
46 disciplinary charges may be restored over the three year period
47 following the incident which resulted in the loss of commutation
48 credits, provided the three years run consecutively from the date of

A5756 MCKNIGHT, SPEIGHT

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1 the incident. Credits are to be restored at the rate of 25 percent for
2 each year the inmate is in custody and is free of any serious
3 disciplinary charges that have been substantiated.

4 This bill codifies the procedures for restoration of forfeited
5 credits. Under the bill, up to 100 percent of the commutation
6 credits forfeited for a disciplinary charge may be restored over the
7 two year period following the incident which resulted in the loss of
8 commutation credits, provided the two years run consecutively from
9 the date of the incident. Credits are to be restored at the rate of 50
10 percent for each year the inmate is in custody and is free of any
11 serious disciplinary charges that have been substantiated.