

# **NEW JERSEY STATE PAROLE BOARD**

## **SENTENCING REFERENCE GUIDE**

November 2005

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## **I. INTRODUCTION**

The purpose of this State Parole Board Reference Guide is to assist Criminal Division Judges and their staffs to understand the calculation of an offender's primary parole eligibility date and to prepare judgments of conviction that properly reflect jail credit, gap time, and other special provisions governing parole eligibility and supervision. Accuracy in these matters is very important for three principal reasons.

First, once the punitive aspect of a sentence has been served, an inmate has a constitutionally protected right to be considered for parole. Trantino v. N.J. State Parole Board, 166 N.J. 113, 197 (2001) and New Jersey Parole Board v. Byrne, 93 N.J. 192, 207 (1983). The Parole Act of 1979 created "presumptive parole," meaning that when an inmate appears before a Parole Board Panel, the assumption before anything is said or reviewed is that the inmate has a legitimate expectation of release on his or her eligibility date. It is therefore important that the inmate's parole eligibility date be properly calculated based on a judgment of conviction that accurately reflects all of the factors applicable to the determination of that date.

Second, N.J.S.A. 30:4-123.53 provides as to offenses committed on or after August 19, 1997, that an adult inmate shall be paroled unless he or she has failed to cooperate in his or her own rehabilitation or there is a reasonable expectation that the inmate will violate conditions of parole. This statutory standard implements an important objective of parole—namely, to encourage an inmate to avoid institutional disciplinary infractions and participate in institutional programs while incarcerated. In addition to helping the Department of Corrections maintain order and security in the prisons, the anticipation of parole provides a powerful incentive for the inmate to develop pro-social personal goals and strengths and become motivated for law-abiding behavior.

## **I. INTRODUCTION (continued)**

Third, the mission of the State Parole Board is to protect public safety and promote successful reintegration of ex-prisoners into society. The timely release of an inmate on parole with an appropriate parole plan is a critical step toward these ends. The Parole Board operates a broad array of residential and day reporting programs to help ex-prisoners overcome substance abuse problems, educational and vocational deficits, and other barriers to successful re-entry. Connections have been established with federal, state, county, and local agencies to deal with health issues, provide job training and placement, and afford other forms of assistance. Strong relationships have also been forged with faith-based entities and various community-based nonprofit organizations and groups throughout the state to help change the hearts and minds of ex-prisoners.

The bottom line is that an efficient and innovative parole system is a valuable weapon in the battle against recidivism. With the assistance and cooperation of the Judiciary, the State Parole Board will be able to reduce crime by preventing ex-prisoners from recycling back into the criminal justice system. Valuable tax dollars will also be saved and the quality of life in New Jersey will be enhanced as more ex-prisoners become productive citizens.

## **CONTACT INFORMATION**

### **Parole Eligibility/Credit Matters**

Douglas D. Chiesa, Esq., Executive Assistant  
609-633-7718

Lawrence Gregorio, Director, Division of Release  
609-984-4591

Bryan Haskell, Regional Supervisor, Division of Release  
609-292-1140

Lionel Henry, Regional Supervisor, Division of Release  
609-292-5406

### **Community Supervision for Life/Parole Supervision for Life Matters**

Douglas D. Chiesa, Esq., Executive Assistant  
609-633-7718

Craig W. Schindewolf, Esq., Executive Assistant  
609-984-0234

## **II. PAROLE ELIGIBILITY – Basic Calculations**

The computation of an offender's parole eligibility date is based on the following basic calculation:

Parole Eligibility Term minus Applicable Credit = Actual Parole Eligibility Date

(a) Specific Term of Years (No mandatory-minimum term)

Parole Eligibility Term: One-third of sentence

Applicable Credit: Jail Credit

Commutation Credit

Earned Work Credit

Earned Minimum Custody Credit

(b) Specific Term of Years (mandatory-minimum term)

Parole Eligibility Term: Mandatory-minimum term

Applicable Credit: Jail Credit

### **EXAMPLE 1: Specific Term – No Mandatory-Minimum**

This example illustrates the method of calculating parole eligibility when a specific term of years is imposed which does not include a mandatory-minimum term.

Date of Sentence: 06/11/05

Term: 10 years

Jail Credit: 61 days (04/12/05 to 06/11/05)

1. Add 1/3 of 10 year term (3 years, 4 months) to the date of sentence (06/11/05) thereby yielding a date of 10/11/08.
2. Subtract sixty-one (61) days of jail credit from 10/11/08. This gives a flat eligibility date of 08/11/08.
3. Subtract commutation credit. To determine appropriate commutation credit calculate the time period between the date of sentence (06/11/05) and the flat eligibility date of 08/11/08. This time period is 3 years, 2 months. Locate this time period on the Commutation Chart (Appendix A). In this example, the commutation credit is 268 days. Subtract the 268 days of commutation credit from the flat eligibility date of 08/11/08. This gives a book eligibility date of 11/17/07.
4. Subtract work/minimum custody credit. In this example, assume that the inmate has earned a total of 35 days of credit as of 02/01/06. Subtract 35 days from the book eligibility date of 11/17/07. This gives an actual eligibility date of 10/13/07 as of 02/01/06.

**Note:** The State Parole Board's parole eligibility table (Appendix B) illustrates the earliest to the latest parole eligibility dates for specific terms and lists applicable commutation credits, as well as the estimated maximum amount possible of work and minimum custody credits.

**EXAMPLE 1 (continued)**

Date of Sentence: 06/11/05  
Term: 10 years  
Jail Credit: 61 days (04/12/05 to 06/11/05)  
Commutation Credit: 268 days (From Commutation Chart,  
Appendix A, based on 3 years, 2 months;  
time period from 06/11/05 to 08/11/08)

Date of Sentence		06 - 11 - 05
1/3 of 10 Years	+	<u>4 mos.</u> <u>3 yrs.</u>
		10 - 11 - 08
Jail Credit	-	<u>61</u> dys.
<u>Flat</u> Parole Eligibility Date		08 - 11 - 08
Commutation Credit	-	<u>268</u> dys.
<u>Book</u> Parole Eligibility Date		11 - 17 - 07
Work/Minimum Custody Credit	-	<u>35</u> dys.
<u>Actual</u> Parole Eligibility Date (as of 02/01/06)		10 - 13 - 07

**NOTE:** Any credit earned after February 1, 2006 would further reduce the parole eligibility date of October 13, 2007.



## **EXAMPLE 2: Mandatory-Minimum Term**

This example illustrates the method of calculating parole eligibility when a specific term of years is imposed which includes a mandatory-minimum term.

Date of Sentence: 06/11/05

Term: 10 years (5 years man.-min.)

Jail Credit: 61 days (04/12/05 to 06/11/05)

1. Add mandatory-minimum term (5 years) to the date of sentence (06/11/05) thereby yielding a date of 06/11/10.
2. Subtract 61 days jail credit from 06/11/10. This gives an actual eligibility date of 04/11/10.

Date of Sentence: 06/11/05

Term: 10 years (5 years man.-min.)

Jail Credit: 61 days (04/12/05 to 06/11/05)

Date of Sentence		06 - 11 - 05
Mandatory-Minimum	+	_____ 5 yrs.
		06 - 11 - 10
Jail Credit	-	_____ 61 dys.
<u>Actual</u> Parole Eligibility Date		04 - 11 - 10

**NOTE:** Mandatory-minimum terms cannot be reduced by commutation, work or minimum custody credits.

### III. SPECIAL PAROLE PROVISIONS

#### A. **Community Supervision for Life (CSL)**

(N.J.S.A. 2C:43-6.4, effective October 31, 1994)

1. CSL is a mandatory component of every sentence imposed on a defendant convicted of the following enumerated offenses:

Aggravated Criminal Sexual Contact, 2C:14-3(a)

Aggravated Sexual Assault, 2C:14-2(a)

Endangering Welfare of a Child, 2C:24-4(a) - limited to engaging in sexual conduct which would impair or debauch the morals of a child

Kidnapping, 2C:13-1(c)2 - if the victim is less than 16 years of age and if during the kidnapping:

- (a) a crime under 2C:14-2 or 2C:14-3(a) is committed against the victim;
- (b) a crime under 2C:24-4(b) is committed against the victim; or
- (c) the actor sells or delivers the victim to another person for pecuniary gain other than in circumstances which lead to the return of the victim to a parent, guardian or other person responsible for the general supervision of the victim.

Luring/Enticing, 2C:13-6

Sexual Assault, 2C:14-2(b), (c)

Attempt to Commit an enumerated offense

2. The special sentence of CSL is in addition to any sentence authorized by the Code of Criminal Justice and commences upon the completion of the sentence imposed pursuant to other applicable provisions of the Code of Criminal Justice.
3. Upon petition by a person on CSL, a court shall grant a release from CSL upon proof that the defendant has not committed a crime for 15 years since the last conviction or release from incarceration, whichever is later, and is not likely to pose a threat to the safety of others. N.J.S.A. 2C:43-6.4(c).
4. A violation of a condition of CSL without good cause is a fourth degree crime. N.J.S.A. 2C:43-6.4(d).
5. Pursuant to N.J.S.A. 2C:43-6.4(e), a person who commits any of the following enumerated offenses while on CSL shall be sentenced to an extended term of imprisonment as set forth in N.J.S.A. 2C:43-7 which shall be served in its entirety before resumption of CSL:

**III. SPECIAL PAROLE PROVISIONS**

**A. Community Supervision for Life (CSL) (continued)**

Aggravated Assault, 2C:12-1(b)

Burglary, 2C:18-2 (second degree only)

Criminal Sexual Contact, 2C:14-3

Endangering Welfare of a Child, 2C:24-4

Kidnapping, 2C:13-1

Luring/Enticing, 2C:13-6

Manslaughter, 2C:11-4

Murder, 2C:11-3

Possession of Weapon for Unlawful Purpose, 2C:39-4(a) - possession of any firearm with a purpose to use it unlawfully against the person or property of another

Sexual Assault, 2C:14-2

Vehicular Homicide, 2C:11-5

6. The rules and regulations of the State Parole Board pertaining to CSL are codified at N.J.A.C. 10:71-6.11.

**B. Parole Supervision for Life (PSL)**

(N.J.S.A. 2C:43-6.4, effective January 14, 2004)

1. PSL is a mandatory component of every sentence imposed on a defendant convicted of the following enumerated offenses:

Aggravated Criminal Sexual Contact, 2C:14-3(a)

Aggravated Sexual Assault, 2C:14-2(a)

Endangering Welfare of a Child, 2C:24-4(a) - limited to engaging in sexual conduct which would impair or debauch the morals of a child

Endangering Welfare of a Child, 2C:24-4(b)3 - facilitating the creation of child pornography by causing or permitting a child to engage in a prohibited act

Kidnapping, 2C:13-1(c)2 - if the victim is less than 16 years of age and if during the kidnapping:

- (a) a crime under 2C:14-2 or 2C:14-3(a) is committed against the victim;

### III. SPECIAL PAROLE PROVISIONS

#### B. Parole Supervision for Life (PSL) (continued)

- (b) a crime under 2C:24-4(b) is committed against the victim; or
- (c) the actor sells or delivers the victim to another person for pecuniary gain other than in circumstances which lead to the return of the victim to a parent, guardian or other person responsible for the general supervision of the victim.

Luring/Enticing, 2C:13-6

Sexual Assault, 2C:14-2(b), (c)

Attempt to Commit an enumerated offense

2. The court may not place a defendant who has been convicted of any of these offenses on probation. N.J.S.A. 2C:43-2(g).
3. The special sentence of PSL commences immediately upon the defendant's release from incarceration N.J.S.A. 2C:43-6.4(b).
4. If the defendant is incarcerated for another offense when he completes the custodial portion of the sentence imposed on the present offense, PSL shall not commence until the defendant is actually released from incarceration for the other offense. N.J.S.A. 2C:43-6.4(b).
5. Upon petition by a person serving PSL, a judge may grant a petition for release from that parole supervision only upon proof by clear and convincing evidence that the person has not committed a crime for 15 years since the last conviction or release from incarceration, whichever is later, and that the person is not likely to pose a threat to the safety of others if released from parole supervision. Release from the service of the parole supervision term is by court order only and the State Parole Board has no jurisdiction in the matter. N.J.S.A. 2C:43-6(c).
6. A person who violates a condition of PSL without good cause is guilty of a crime of the fourth degree. A person sentenced for violation of a condition of PSL shall be sentenced to a term of imprisonment, unless the court is clearly convinced that the interests of justice so far outweigh the need to deter this conduct and the interest in public safety that a sentence to imprisonment would be a manifest injustice. N.J.S.A. 2C:43-6.4(d).
7. Pursuant to N.J.S.A. 2C:43-6.4(e), a person who commits any of the following enumerated offenses while on PSL shall be sentenced to an extended term of imprisonment as set forth in N.J.S.A. 2C:43-7 which shall be served in its entirety before resumption of PSL:

Aggravated Assault, 2C:12-1(b)

Burglary, 2C:18-2 (second degree only)

### III. SPECIAL PAROLE PROVISIONS

#### B. Parole Supervision for Life (PSL) (continued)

Criminal Sexual Contact, 2C:14-3

Endangering Welfare of a Child, 2C:24-4

Kidnapping, 2C:13-1

Luring/Enticing, 2C:13-6

Manslaughter, 2C:11-4

Murder, 2C:11-3

Possession of Weapon for Unlawful Purpose, 2C:39-4(a) - possession of any firearm with a purpose to use it unlawfully against the person or property of another

Sexual Assault, 2C:14-2

Vehicular Homicide, 2C:11-5

8. The implementation of the administrative parole revocation hearing process and the revocation of the parole supervision term does not preclude or limit the State's ability to prosecute or convict the parolee for any crime defined in any law of this State. Further, the State's pursuit of a criminal action against the parolee does not preclude the Board's ability to implement the administrative parole revocation hearing process. N.J.S.A. 30:4-123.51b(c).
9. The rules and regulations of the State Parole Board pertaining to defendants sentenced to PSL are codified at N.J.A.C. 10A:71-6.12.

#### C. "No Early Release Act" (NERA)

(N.J.S.A. 2C:43-7.2 – enacted June 7, 1997; amended June 29, 2001; amended June 18, 2002)

1. If committed on or after June 29, 2001, a court imposing a sentence of incarceration for the following first or second degree crimes or an attempt or conspiracy to commit same, shall fix a minimum term of 85 percent of the sentence during which the defendant shall not be eligible for parole:

Aggravated Arson, 2C:17-1(a)1 - starts a fire or causes an explosion, whether on his own property or another's, thereby purposely or knowingly placing another person in danger of death or bodily injury

Aggravated Assault, 2C:12-1(b)

Aggravated Manslaughter or Manslaughter, 2C:11-4

### III. SPECIAL PAROLE PROVISIONS

#### C. "No Early Release Act" (NERA) (continued)

Aggravated Sexual Assault, 2C:14-2(a)

Booby Traps in Manufacturing or Distribution Facilities, 2C:35-4.1(b) – second degree crime if knowingly assembles, maintains, places or causes to be placed a booby trap on property used for the manufacture, distribution, dispensing or possession of controlled dangerous substance with intent to manufacture, distribute or dispense controlled dangerous substances shall be guilty of a crime of the second degree. First degree crime if booby trap causes bodily injury to any person.

Burglary, 2C:18-2

Carjacking, 2C:15-2

Disarming a Law Enforcement Officer, 2C:12-11(b) - fires or discharges the firearm; uses or threatens to use the firearm or weapon against the officer or any other person; or officer or another person suffers serious bodily injury

Drug-Induced Deaths (Strict Liability), 2C:35-9

Extortion, 2C:20-5(a) - purposely threatens to inflict bodily injury or physically confine or restrain anyone or commit any other criminal offense

Kidnapping, 2C:13-1

Murder, 2C:11-3

Producing or Possessing Chemical Weapons, Biological Agents or Nuclear or Radiological Devices, 2C:38-3 (effective June 18, 2002)

Robbery, 2C:15-1

Sexual Assault, 2C:14-2(b) - sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim

Sexual Assault, 2C:14-2(c)1 - sexual penetration with another person and the actor uses physical force or coercion, but the victim does not sustain serious personal injury

Terrorism, 2C:38-2 (effective June 18, 2002)

Vehicular Homicide, 2C:11-5

2. NERA applies to an accomplice of a person committing a qualifying offense subject to NERA.

### III. SPECIAL PAROLE PROVISIONS

#### C. "No Early Release Act" (NERA) (continued)

3. Effective June 29, 2001 the 85 percent parole ineligibility term is required to be imposed as a component of sentence whether the sentence is imposed as an ordinary term of imprisonment, an extended term of imprisonment, or a term of imprisonment for murder. N.J.S.A. 2C:43-7.2(b). For the purpose of calculating the parole ineligibility term, a sentence of life imprisonment shall be deemed to be 75 years. N.J.S.A. 2C:43-7.2(b).
4. In addition to imposing an 85 percent parole ineligibility term, a court must also impose a mandatory term of five (5) years parole supervision when sentence is being imposed for a crime of the first degree and a mandatory term of three (3) years parole supervision when sentence is being imposed for a crime of the second degree. N.J.S.A. 2C:43-7.2(c).
5. The mandatory term of parole supervision shall commence upon the completion of the sentence of incarceration. N.J.S.A. 2C:43-7.2(c).
6. If the defendant is serving a sentence of incarceration for another offense at the time he completes the custodial portion of the sentence imposed on the present offense, the mandatory term of parole supervision shall not commence until the defendant is actually released from incarceration for the other offense. N.J.S.A. 2C:43-7.2(c).
7. If the defendant violates the conditions of parole, the defendant can be re-incarcerated for the balance of the parole term. N.J.S.A. 30:4-123.51b(a).
8. Although an offense may be downgraded one degree for sentencing pursuant to N.J.S.A. 2C:44-1(f)2, the defendant remains sentenced for the offense on which he stands convicted. The mandatory parole supervision term required to be imposed is based on the degree of the crime the defendant stands convicted of and not the downgraded offense for the purpose of sentencing. State v. Cheung, 328 N.J.Super. 368 (App. Div. 2000).
9. A young adult offender sentence under N.J.S.A. 2C:43-5 cannot be imposed on a conviction for any crime to which NERA applies. State v. Corriero, 357 N.J.Super. 214 (App. Div. 2003).
10. Gap-time credit awarded pursuant to N.J.S.A. 2C:44-5(b)2 cannot be applied to reduce the 85 percent parole ineligibility term mandated by NERA. Meyer v. N.J. State Parole Board, 345 N.J.Super. 424 (App. Div. 2001), cert. denied, 171 N.J. 339 (2002).

#### D. Sex Offender Act

(N.J.S.A. 2C:47-1, effective December 1, 1998)

1. Whenever a person is convicted of any of the enumerated offenses listed in paragraph 2 below, or an attempt to commit any such crime, the Department of Corrections is required to perform a psychological examination of the

### III. SPECIAL PAROLE PROVISIONS

#### D. Sex Offender Act (continued)

offender. The examination shall include a determination of whether the offender's conduct was characterized by a pattern of repetitive, compulsive behavior and, if it was, a further determination of the offender's amenability to sex offender treatment and willingness to participate in such treatment. N.J.S.A. 2C:47-1. If the psychological evaluation determines that those criteria have been met, the court must still evaluate same and record its findings on the judgment of conviction. N.J.S.A. 2C:47-3(a).

2. The enumerated offenses are as follows:

Aggravated Criminal Sexual Contact, 2C:14-3(a)

Aggravated Sexual Assault, 2C:14-2(a)

Endangering Welfare of a Child, 2C:24-4(a) – limited to engaging in sexual conduct which would impair or debauch the morals of a child

Endangering Welfare of a Child, 2C:24-4(b)4 – photographing or filming a child or a prohibited sexual act or in simulation of such an act or who uses any device, including a computer, to reproduce or reconstruct the image of a child in a prohibited sexual act or in simulation of such an act

Kidnapping, 2C:12-1(c)2 – if the victim is less than 16 years of age and if during the kidnapping:

(a) a crime under 2C:14-2 or 2C:14-3(a) is committed against the victim;

(b) a crime under 2C:24-4(b) is committed against the victim; or

(c) the actor sells or delivers the victim to another person for pecuniary gain other than in circumstances which lead to the return of the victim to a parent, guardian or other person responsible for the general supervision of the victim.

Sexual Assault, 2C:14-2(b), (c)

Attempt to Commit an enumerated offense

3. No examination is required if the offender is to be sentenced to a term of life imprisonment without the eligibility for parole. N.J.S.A. 2C:47-1.

4. If the court determines that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior and that the offender is amenable to sex offender treatment and willing to participate in such treatment, the court shall, upon the recommendation of the Department of Corrections, sentence the offender to a term of incarceration to be served at the Adult Diagnostic and Treatment Center (A.D.T.C.) or place the offender on probation\* with the



**III. SPECIAL PAROLE PROVISIONS**  
**D. Sex Offender Act (continued)**

requirement, as a condition of probation, that the offender receive outpatient psychological or psychiatric treatment as prescribed. N.J.S.A. 2C:47-3(b).

\*NOTE: Probation is not an authorized disposition for an offense enumerated in N.J.S.A. 2C:43-6.4. N.J.S.A. 2C:43-2(g).

5. If the Department of Correction's report reveals that the offender's conduct was not repetitive and compulsive or that the offender is not amenable to sex offender treatment, the court shall not impose a sentence to be served at the A.D.T.C.
6. If the court finds the offender to be "repetitive and compulsive," "amenable" but not "willing," the court shall sentence the offender to a term of incarceration to be served in a facility designated by the Commissioner of the Department of Corrections. The offender shall become primarily eligible for parole in accordance with N.J.S.A. 2C:47-5 (referral by Special Classification Review Board) but not prior to the expiration of any judicial or statutory mandatory minimum term. On a biennial basis the offender may request transfer to the A.D.T.C. If the Department of Corrections, after conducting an evaluation, determines that the offender is "amenable" and "willing," the offender may be transferred to the A.D.T.C. N.J.S.A. 2C:47-3(f).
7. If the court finds that the offender's conduct was not characterized by a pattern of repetitive, compulsive behavior or finds that the offender is not amenable to sex offender treatment or if after sentencing the D.O.C. in its most recent examination determines that the offender is not amenable to sex offender treatment, the offender shall become primarily eligible for parole after having served any judicial or statutory mandatory minimum term or one third of the sentence imposed where no mandatory minimum term has been imposed. Neither such term shall be reduced by commutation time for good behavior or work and minimum custody credits. N.J.S.A. 30:4-123.51(e).

#### **IV. GAP TIME AND JAIL CREDIT**

##### **N.J.S.A. 2C:44-5**

- 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;

.....

- (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.

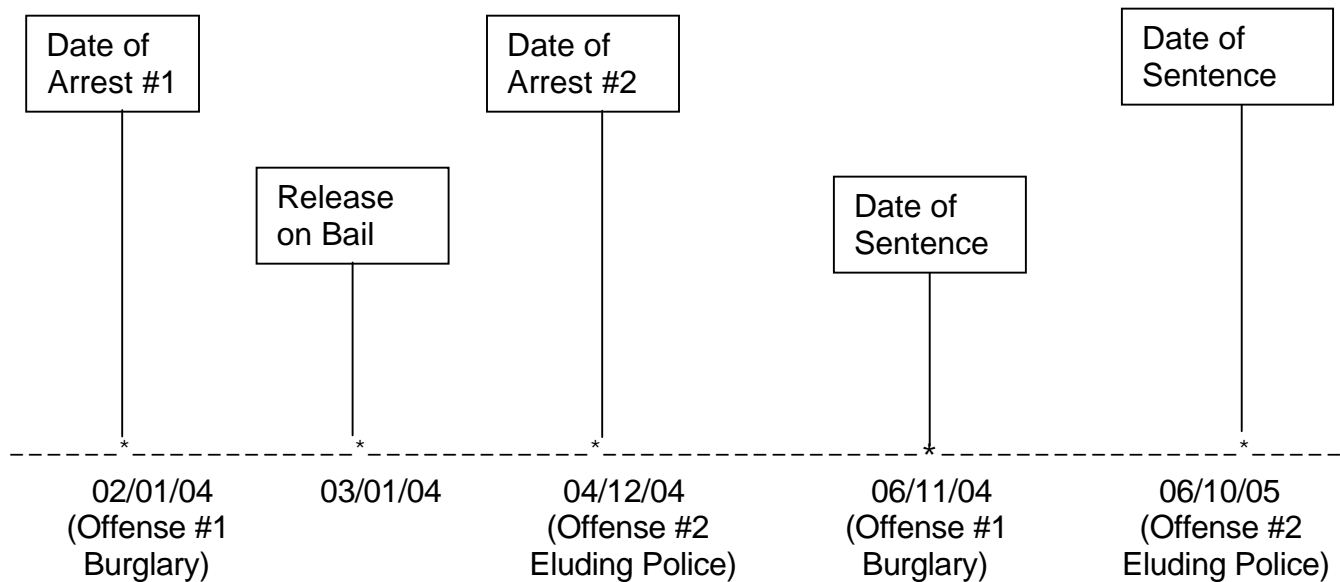
## General Information

1. A judge sentencing a defendant to imprisonment must: (1) determine whether the defendant had previously been sentenced to imprisonment for any other offense; if so, (2) determine whether the offense for which defendant is now being sentenced predates the imposition of the previous custodial sentence(s); if so, (3) state whether the term of imprisonment now being imposed for that offense is to run concurrently with or consecutive to the previous term; (4) aggregate the present sentence with the previous sentence; and (5) credit the defendant with time served in imprisonment under the previous sentence. State v. Lawlor, 222 N.J. Super. 241 (App. Div. 1988).
2. Gap time credit does not apply if the offense for which the defendant is being sentenced was committed while in custody serving a sentence. N.J.S.A. 2C:44-5(b).
3. Whether sentences are imposed concurrently or consecutively, gap time credit is applied to reduce the total aggregate sentence prior to calculating a primary parole eligibility date. Booker v. New Jersey State Parole Board, 136 N.J. 257 (1994); Mitnaul v. New Jersey State Parole Board, 280 N.J. Super. 164 (App. Div. 1995) (indeterminate terms).
4. Gap time credit is deducted from the aggregate sentence, not from the front end of the sentence (parole eligibility term), and, therefore, gap time will not reduce a parole ineligibility term. Richardson v. Nickolopoulos, 110 N.J. 241 (1988); Booker v. New Jersey State Parole Board, 136 N.J. 257 (1994).
5. A defendant who commits a new offense and whose parole is revoked prior to the sentencing on the new offense is not entitled to gap time credit from the date of the parole revocation to the date of the imposition of the new sentence. Parole violations are distinguishable from violations of probation in that there is no new sentencing involved in a parole violation case. State v. Hunt, 272 N.J. Super. 182 (App. Div. 1994).
6. If a defendant is sentenced for a violation of probation and is subsequently sentenced for a violation of probation on a different offense, if the date of the offense involved in the subsequent sentencing is prior to the date of the first sentencing, the defendant should receive gap time credit for the time served from the date of the first sentencing to the date of the second sentencing. State v. Guaman, 271 N.J. Super. 130 (App. Div. 1994).
7. Gap time statute does not apply in the case of a defendant serving an out-of-state sentence or for time spent by the defendant in New Jersey awaiting sentencing under the Interstate Agreement on Detainers, N.J.S.A. 2A:159A-1 et seq. State v. Hugley, 198 N.J. Super. 547 (App. Div. 1985); State v. Carreker, 172 N.J. 100 (2002).

### **EXAMPLE 1: Jail Credit and Gap Time Credit**

This example illustrates how gap time credit is awarded in the following scenario:

The offender is arrested on February 1, 2004 for the commission of offense #1, Burglary; the offender is released on bail on March 1, 2004; the offender is arrested on April 12, 2004 for the commission of offense #2, Eluding Police. The offender is not released on bail. The offender is sentenced on June 11, 2004 for offense #1, Burglary, and is awarded appropriate jail credit; and the offender is subsequently sentenced June 10, 2005 for offense #2, Eluding Police, and is awarded appropriate jail credit. The offender is entitled to receive on the sentence imposed on offense #2, Eluding Police, credit (i.e. "gap time") for the time period from the date of sentence on offense #1, Burglary, to the date of sentence on offense #2, Eluding Police, as offense #2, i.e. Eluding Police, was committed prior to the date of sentence on offense #1, i.e. Burglary.



1. Jail credit on the sentence imposed on June 11, 2004 is 30 days (02/1/04 to 03/01/04).
2. Jail credit on the sentence imposed on June 10, 2005 is 60 days (04/12/04 to 06/10/04).
3. Gap time credit on the sentence imposed on June 10, 2005 is 364 days (06/11/04 to 06/09/05).

### **EXAMPLE 1(a): Concurrent Sentences**

This example illustrates the method of calculating parole eligibility when a specific term of years which does not include a mandatory-minimum term is imposed concurrent to a specific term of years which does not include a mandatory-minimum term, and gap time credit is awarded.

Date of Sentence:	(a) 06/11/04	(b) 06/10/05
Term:	(a) 5 years	(b) 10 years C/C
Jail Credit:	(a) 30 days (02/01/04 to 03/01/04)	
	(b) 60 days (04/12/04 to 06/10/04)	
Gap Time Credit:	364 days (06/11/04 to 06/09/05)	

1. Add 1/3 of the 5 year base term (1 year, 8 months) to the date of sentence (06/11/04) thereby yielding a date of 02/11/06.
2. Subtract 30 days of jail credit from 02/11/06. This gives a flat eligibility date of 01/12/06 on the base 5 year term.
3. Subtract the 364 days (one year for the purpose of this illustration) of gap time credit from the 10 year term imposed on 06/10/05. The reduced term is 9 years (10 years minus one year).
4. 1/3 of the 9 year term (three years) commences on the date of sentence (06/10/05) thereby yielding a date of 06/10/08.
5. Subtract the 60 days of jail credit from 06/10/08. This gives a flat eligibility date of 04/11/08 on the additional 10 year term.
6. Subtract commutation credit. To determine the appropriate commutation credit, calculate the time period from the first date of sentence (06/11/04) to the latest flat eligibility date (04/11/08). This time period is 3 years 10 months and is deemed to be the aggregate parole eligibility term. Identify the applicable amount of commutation credit (see Appendix A). In this example, the commutation credit

**EXAMPLE 1(a): Concurrent Sentences (continued)**

is 332 days. Subtract the 332 days of commutation credit from the latest flat eligibility date of 04/11/08. This gives a book eligibility date of 05/15/07.

**NOTE:** Regardless of whether a subsequent sentence is imposed concurrently or consecutively to the base sentence, "gap time" must be applied to reduce the sentence prior to determining the parole eligibility term (one-third of the reduced sentence when no mandatory-minimum term is imposed) derived from said sentence. However, in no case does gap time impact on a statutorily or judicially imposed mandatory-minimum term.

**EXAMPLE 1(a) (continued)**

Date of Sentence: (a) 06/11/04 (b) 06/10/05  
Term: (a) 5 years (b) 10 years C/C  
Jail Credit: (a) 30 days (02/01/04 to 03/01/04)  
(b) 60 days (04/12/04 to 06/10/04)  
Gap Time Credit: 364 days (one year) (06/11/04 to 06/09/05)  
Commutation Credit: 332 days (Based on 3 years 10 months - time period from  
06/11/04 to 04/11/08)  
Eligibility Term: (a) 1 year 8 months (1/3 of 5 years)  
(b) 3 years (10 years reduced by one year gap time; 1/3 of 9  
years)

Date of Sentence:	06 - 11 - 04	06 - 10 - 05
Eligibility Term:	+ <u>8 mos.</u> <u>1 yr.</u>	+ <u>3 yrs.</u>
	02 - 11 - 06	06 - 10 - 08
Jail Credit:	- <u>30 dys.</u>	- <u>60 dys.</u>
	01 - 12 - 06	04 - 11 - 08

Latest Flat Parole Eligibility Date: 04 - 11 - 08  
Commutation Credit: - 332 dys.  
Book Parole Eligibility Date: 05 - 15 - 07

**NOTE:** Any work and minimum custody credits earned after June 11, 2004 (the first date of sentence) would reduce the book parole eligibility date of May 15, 2007.

**EXAMPLE 1(b): Concurrent Sentence Including a Mandatory Minimum Term**

This example illustrates the method of calculating parole eligibility when a specific term of years which includes a mandatory-minimum term is imposed concurrent to a specific term of years and gap time credit is awarded.

Date of Sentence: (a) 06/11/04 (b) 06/10/05

Term: (a) 5 years (b) 10 years (3 years 4 months man.-min.)

Jail Credit: (a) 30 days (02/01/04 to 03/01/04)

(b) 60 days (04/12/04 to 06/10/04)

Gap Time Credit: 364 days (06/11/04 to 06/09/05)

1. Add 1/3 of the 5 year base term (1 year, 8 months) to the date of sentence (06/11/04) thereby yielding a date of 2/11/06.
2. Subtract 30 days of jail credit from 02/11/06. This gives a flat eligibility date of 01/12/06 on the base 5 year term
3. Gap time credit reduces the 10 year term. Gap time does not impact on a statutorily or judicially imposed mandatory-minimum term.
4. The mandatory-minimum term of 3 years 4 months commences on the date of sentence (06/10/05) thereby yielding a date of 10/10/08.
5. Subtract the 60 days of jail credit from 10/10/08. This gives a flat eligibility date of 08/11/08 on the additional 10 year term. The date of 08/11/08 is also deemed to be the mandatory-minimum expiration date.
6. In this example, commutation credit is not applicable due to the mandatory-minimum term controlling the parole eligibility date.



**EXAMPLE 1(b) (continued)**

Date of Sentence: (a) 06/11/04 (b) 06/10/05  
Term: (a) 5 years (b) 10 years (3 years 4 months man.-min.) C/C  
Jail Credit: (a) 30 days (02/01/04 to 03/01/04)  
(b) 60 days (04/12/04 to 06/10/04)  
Gap Time Credit: 364 days (06/11/04 to 06/09/05)  
Commutation Credit: Not Applicable  
Eligibility Term: (a) 1 year 8 months (1/3/ of 5 years)  
(b) 3 years 4 months (man.-min.)

Date of Sentence:	06 - 11 - 04	06 - 10 - 05
Eligibility Term:	+ <u>8 mos.</u> <u>1 yr.</u>	+ <u>4 mos.</u> <u>3 yrs.</u>
	02 - 11 - 06	10 - 10 - 08
Jail Credit:	- <u>30 dys.</u>	- <u>60 dys.</u>
	01 - 12 - 06	08 - 11 - 08
Latest <u>Flat</u> Parole Eligibility Date: (Mandatory-Minimum Expiration Date)		08 - 11 - 08
Commutation Credit:	-	<u>(not applicable)</u>
<u>Book</u> Parole Eligibility Date: (Mandatory-Minimum Expiration Date)		08 - 11 - 08

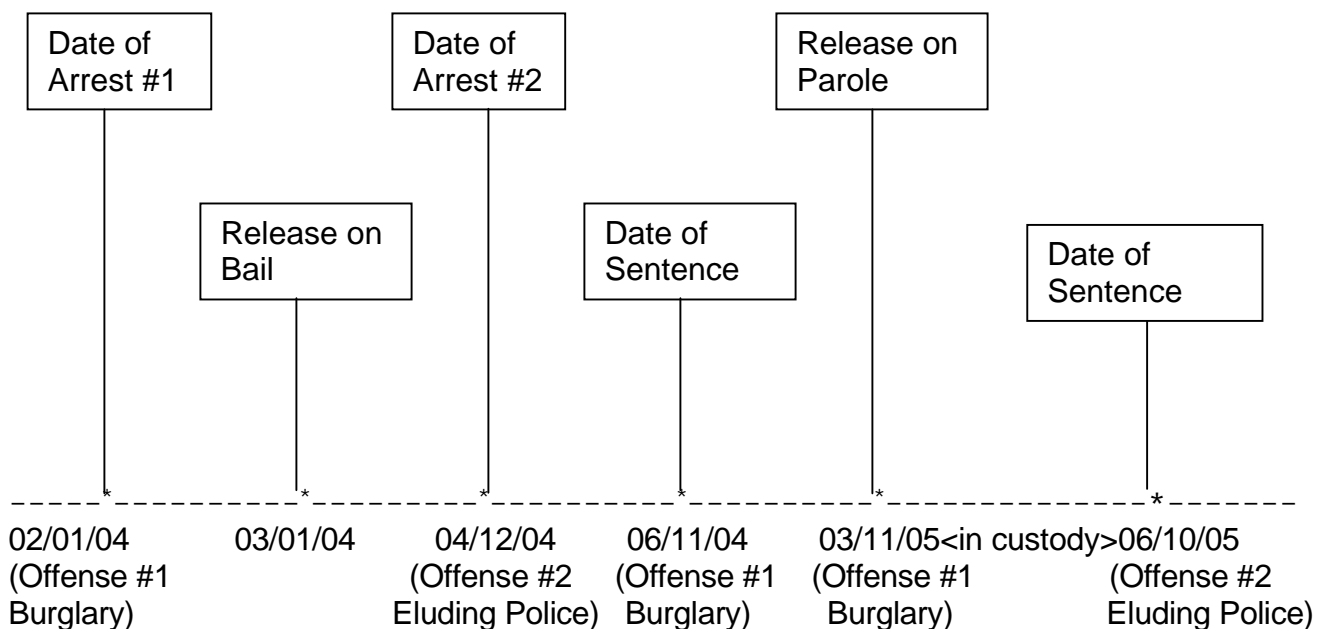
**Note:** The mandatory-minimum expiration date of August 11, 2008 is the actual parole eligibility date. The mandatory-minimum expiration date is not reduced by earned work and minimum custody credits.

**Note:** Gap time credit reduces the 10 year term. Gap time does not impact on the mandatory minimum term.

## EXAMPLE 2: Jail Credit and Gap Time Credit

This example illustrates how gap time credit is awarded in the following scenario:

The offender is arrested on February 1, 2004 for the commission of offense #1, Burglary. The offender is released on bail on March 1, 2004. The offender is arrested on April 12, 2004 for the commission of offense #2, Eluding Police. The offender is not released on bail. The offender is sentenced on June 11, 2004 for offense #1, Burglary, and is awarded appropriate jail credit. The offender is then released on parole status effective March 11, 2005, but remains confined pending disposition of offense #2, Eluding Police. The offender is then sentenced on June 10, 2005 on offense #2, Eluding Police. The offender is entitled to receive on the sentence imposed on offense #2, Eluding Police, gap time credit for the custodial time period served on the sentence imposed on offense #1, Burglary, as offense #2, Eluding Police, was committed prior to the date of sentence on offense #1, Burglary.



1. Jail credit on the sentence (assume term of 3 years) imposed on June 11, 2004 is 30 days (02/01/04 to 03/01/04).
2. Jail credit on the sentence imposed on June 10, 2005 is 152 days (04/12/04 to 06/10/04 plus 03/11/05 to 06/10/05).
3. Gap time credit on the sentence imposed on June 10, 2005 is 273 days (06/11/04 to 03/10/05).

## EXAMPLE 2 (continued)

This example illustrates the method of calculation parole eligibility when a specific term of years which does not include a mandatory-minimum term is imposed; gap time credit is awarded; and the offender has been released from the custodial service of the previously imposed specific term of years. (Please refer to time line on page 24.)

Date of Sentence: 06/10/05

Term: 10 years

Jail Credit: 152 days (04/12/04 to 06/10/04 plus 03/11/05 to 06/10/05)

Gap Time Credit: 273 days (06/11/04 to 03/10/05)

1. Subtract the 273 days (nine months for the purpose of this illustration) of gap time credit from the 10 year term. The reduced term is 9 years 3 months.
2. Add 1/3 of 9 years 3 months (3 years 1 month) to the date of sentence (06/10/05) thereby yielding a date of 07/10/08.
3. Subtract 152 days of jail credit from 07/10/08. This gives a flat eligibility date of 02/09/08.
4. Subtract commutation credit. To determine the appropriate commutation credit calculate the time period from the date of sentence (06/10/05) to the flat eligibility date (02/09/08). This time period is 2 years 8 months (time period rounded up for purpose of this illustration). Identify the applicable amount of commutation credit (see Appendix A). In this example, commutation credit is 220 days. Subtract the 220 days of commutation credit from the flat eligibility date of 02/09/08. This gives a book eligibility date of 07/04/07.

**Note:** If a mandatory-minimum term had been imposed as a component of the sentence, gap time credit and commutation credit would not impact on the mandatory-minimum term.

**EXAMPLE 2 (continued)**

Date of Sentence: 06/10/05

Term: 10 years

Jail Credit: 152 days (04/12/04 to 06/10/04 plus 03/11/05 to 06/10/05)

Gap Time Credit: 9 months (06/11/04 to 03/10/05)

Eligibility Date: 3 years 1 month (1/3 of 10 years minus 9 months)

Commutation Credits: 220 days (Based on 2 years 8 months - time period from 06/10/05 to 02/09/08)

Date of Sentence: 06 - 10 - 05

Eligibility Term: + 1 mo. 3 yrs.

07 - 10 - 08

Jail Credit: - 152 dys.

Flat Parole Eligibility Date 02 - 09 - 08

Commutation Credit: - 220 dys.

Book Parole Eligibility Date 07 - 04 - 07

**Note:** Any work and minimum custody credits earned after June 10, 2005 would reduce the book parole eligibility date of July 4, 2007.

## **Gap Time Credit v. Jail Credit**

Gap time credit is applied to reduce the sentence imposed. The parole eligibility term is then derived from the reduced sentence.

Jail credit is applied to reduce the parole eligibility term derived from the sentence imposed.

The following reflects the respective impact that gap time credit and jail credit have in the computation of parole eligibility:

Term:	10 years
Credit Period:	1 year

(a) If one year credit period is gap time credit:

1. The 10 year term is reduced by the one year of gap time credit. The reduced term is 9 years.
2. The parole eligibility term would be 3 years (36 months) which is 1/3 of the reduced term of 9 years.

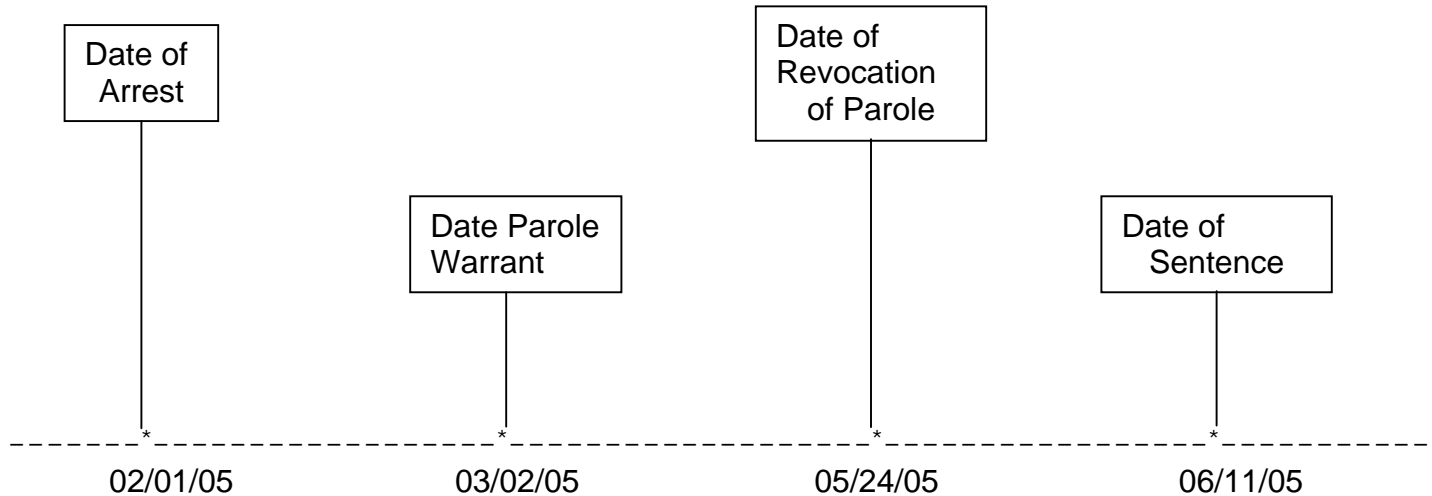
(b) If the one year credit period is jail credit:

1. The parole eligibility term would be 3 years 4 months (40 months) which is 1/3 of the 10 year term.
2. The parole eligibility term of 3 years 4 months (40 months) is reduced by the one year of jail credit. The reduced parole eligibility term is 2 years 4 months (28 months).

## V. PAROLE REVOCATION/JAIL CREDIT

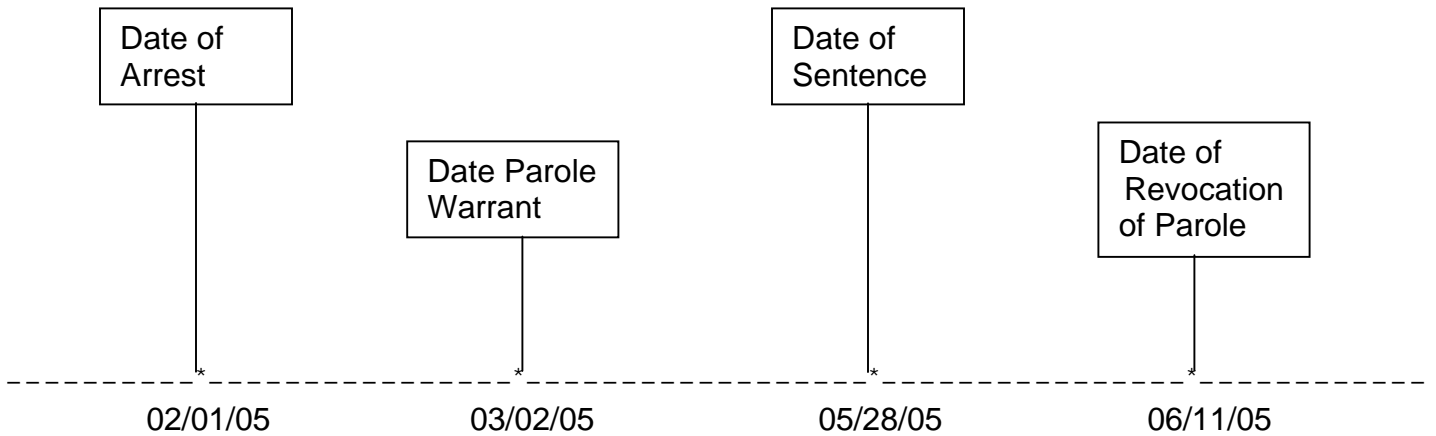
If a defendant who is on parole is arrested for a new offense and is held in the county jail, jail credit toward the new offense stops accruing once a parole warrant is lodged against the defendant. Any time spent in jail after the lodging of the parole warrant will be credited to the time imposed for the violation of parole. If the warrant is withdrawn or parole is not revoked and the defendant is not returned to custody then the jail time is to be credited against the new sentence. State v. Harvey, 273 N.J. Super. 572 (App. Div. 1994); State v. Black, 153 N.J. 438(1998).

### EXAMPLE 1



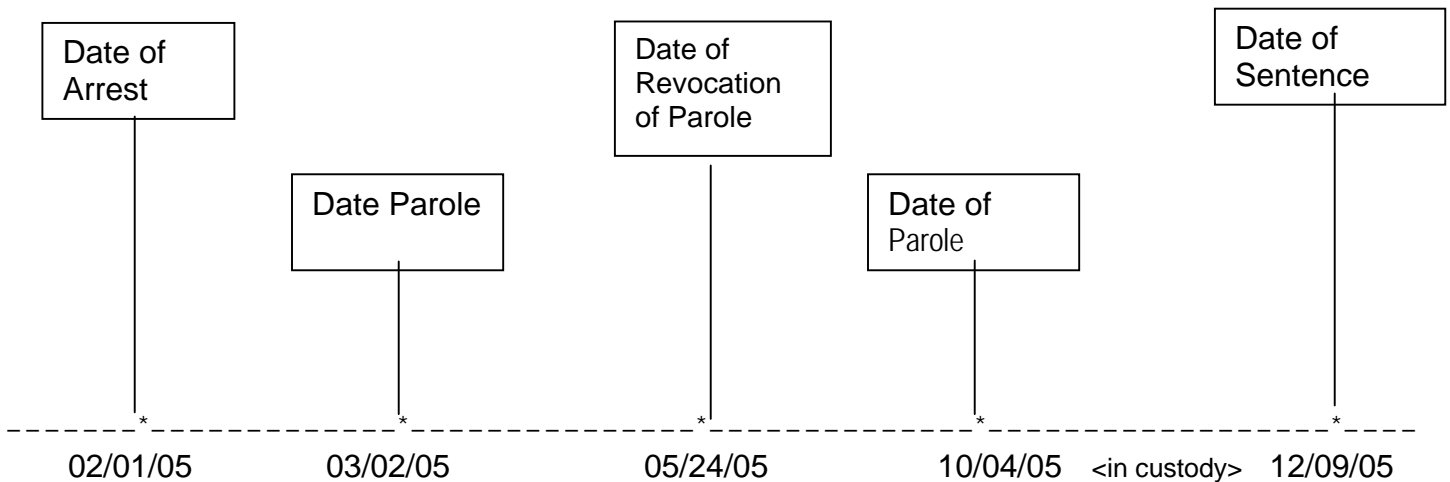
1. In this example, jail credit on the new sentence is 29 days (02/01/05 to 03/01/05).
2. The time period from March 2, 2005 to June 10, 2005 is deemed to be credit towards the parole violation term which would have been imposed upon the defendant's parole status being revoked on May 24, 2005.
3. The time period from May 24, 2005 (date of revocation) to June 11, 2005 is not deemed to be gap time credit. State v. Hunt, 272 N.J. Super. 182 (App. Div. 1994).

### **EXAMPLE 2**



1. In this example, jail credit on the new sentence is 29 days (02/01/05 to 03/01/05).
2. The time period from March 2, 2005 to May 27, 2005 is deemed to be credit towards the parole violation term which would have been imposed upon the defendant's parole status being revoked on June 11, 2005.

### **EXAMPLE 3**



1. In this example, jail credit on the new sentence is 96 days (02/01/05 to 03/01/05 plus 10/04/05 to 12/09/05).
2. The time period from March 2, 2005 to October 3, 2005 is deemed to be credit towards the parole violation term which would have been imposed upon the defendant's parole status being revoked on May 24, 2005.
3. The time period from May 24, 2005 (date of revocation) to October 3, 2005 (reparoled on October 4, 2005) is not deemed to be gap time credit. State v. Hunt, 272 N.J. Super. 182 (App. Div. 1994).

## **VI. GENERAL INFORMATION – County Jail Sentence**

Each adult inmate of a county correctional facility becomes primarily eligible for parole consideration upon the service of 60 days of his aggregate sentence or one-third of the aggregate sentence, whichever is greater. Whenever any such inmate's parole eligibility is within six months of the date of sentence, the Judge shall state such eligibility on the record, which shall satisfy all public and inmate notice requirements. N.J.S.A. 30:4-123.51(g).

The parole hearing process and the criteria for parole release for adult inmates of a county correctional facility is the same as adult inmates confined in the custody of the Commissioner of the Department of Corrections. An initial parole consideration hearing is conducted by a hearing officer and, if required, a panel hearing will be conducted. Pursuant to N.J.S.A. 30:4-123.49(a), the panel may be composed of any two Board members or any one Board member and a hearing officer. If parole is granted, the inmate is to be released as soon as practicable after the parole eligibility date.

Any adult inmate sentenced to a term of incarceration in a county correctional facility who is granted parole and whose parole is revoked shall not be credited for any time served on parole. Further, the inmate is not eligible for parole consideration during the service of the balance of the county sentence. N.J.S.A. 30:4-123.51(a).

A sentence to a county correctional facility may not exceed 364 days. As eligibility for parole consideration may be based on the one-third of the sentence less appropriate credits or 60 days less jail credit, whichever is greater, an adult inmate may be eligible for parole consideration shortly after sentence is imposed. In order for a parole hearing to be conducted, it is essential that a copy of the Judgment of Conviction and Adult Presentence



## **VI. GENERAL INFORMATION – County Jail Sentence (continued)**

Report be provided to the county jail authorities as expeditiously as possible. If the county jail authorities do not receive these documents and provide them to the State Parole Board on a timely basis, the inmate's parole hearing will be delayed. If parole is ultimately granted, the State Parole Board must provide written notice to the prosecutor of the inmate's anticipated release date at least 30 days prior to said date. N.J.S.A. 30:4-6.1; N.J.S.A. 30:4-123.53a. Due to the delayed hearing and the notice of release requirement, the inmate may max out or be released on a date significantly later than the computed parole eligibility date. In either scenario, some if not all of the benefits of parole will be lost, and additional costs will be borne by county taxpayers.

## PAROLE ELIGIBILITY – County Jail Sentence

The computation of an offender's parole eligibility date is based on the following calculation:

Parole Eligibility Term minus Applicable Credit = Actual Parole Eligibility Date

Specific Term

Parole Eligibility Term: One-third of sentence

Applicable Credits: Jail Credit

Commutation Credit

Earned Work Credit

Earned Minimum Custody Credit

1. **NOTE:**

- (a) Commutation credit is awarded on the time period derived from reducing one-third of the sentence by jail credit. For every six days of the time period, the offender receives one day commutation credit. N.J.S.A. 2A:164-24.
- (b) Work credit is earned at a rate of one day's credit for every five days the offender performs a work assignment. N.J.S.A. 30:8-28.4(a).
- (c) Minimum custody credit is earned at a rate of three days per month for each month the offender is classified minimum custody and is employed in a specified work assignment. N.J.S.A. 30:8-28.4(c).

2. **NOTE:** An offender committed to a county correctional facility is required to serve a minimum parole eligibility term of 60 days. This 60 day parole eligibility restriction term can only be reduced by jail credit.

### **EXAMPLE – County Jail Sentence**

This example illustrates the method of calculating parole eligibility when an offender is committed to a county correctional facility for the service of a sentence.

Date of Sentence: 06/11/05

Term: 360 days

Jail Credit: 18 days

1. Add 1/3 of 360 days (120 days) to the date of sentence (06/11/05) thereby yielding a date of 10/09/05.
2. Subtract 18 days of jail credit from 10/09/05. This gives a flat eligibility date of 09/21/05.
3. Subtract commutation credit. In this example, commutation credit is based on 102 days which is the time period derived by subtracting 18 days jail credit from 120 days (one-third of the sentence). On 102 days, (at the rate of a day's credit for each 6-day period) 17 days of commutation credit is applicable. Subtract the 17 days commutation credit from the flat eligibility date of 09/21/05. This gives a book eligibility date of 09/04/05.
4. Subtract work/minimum custody credit. In this example, assume that the inmate has earned a total of 11 days as of July 31, 2005. Subtract 11 days from the book eligibility date of 09/04/05. This gives an actual eligibility date of 08/24/05 as of July 31, 2005.

**EXAMPLE – County Jail Sentence (continued)**

Date of Sentence: 06/11/05  
Term: 360 days  
Jail Credit: 18 days  
Commutation Credit: 17 days (Based on 120 days minus 18 days jail credit)

Date of Sentence		06 - 11 - 05
1/3 of 360 days	+	<u>120</u> dys.
		10 - 09 - 05
Jail Credit	-	<u>18</u> dys.
<u>Flat</u> Parole Eligibility Date		09 - 21 - 05
Commutation Credit	-	<u>17</u> dys.
<u>Book</u> Parole Eligibility Date		09 - 04 - 05
Work/Minimum Custody Credit	-	<u>11</u> dys.
<u>Actual</u> Parole Eligibility Date		08 - 24 - 05

**NOTE:** Any credit earned after July 31, 2005 would have further reduced the parole eligibility date of 08/24/05.

**NOTE:** In this example, the 60 day parole eligibility restriction date would be 07/23/05 (date of sentence plus 60 days minus 18 days jail credit).

# APPENDIX A: Commutation Chart

# YEARS	TOT C.T.	PER MONTH C.T.	RATIO: C.T. FOR DAYS OF MONTH
<b>BELOW 1 YR. 6 days</b>			
1 YEAR	72		1 for 5 2 for 10 3 for 15 4 for 20 5 for 25 6 for 30
<b>MONTH 13 TO MONTH 24 7 DAYS</b>			
2 YEARS	156		1 for 4 2 for 9 3 for 13 4 for 17 5 for 22 6 for 26 7 for 30
<b>MONTH 25 TO MONTH 84 8 DAYS</b>			
3 YEARS	252		1 for 4
4 YEARS	348		2 for 8
5 YEARS	444		3 for 11
6 YEARS	540		4 for 15
7 YEARS	636		5 for 19 6 for 23 7 for 26 8 for 30
<b>MONTH 85 TO MONTH 144 10 DAYS</b>			
8 YEARS	756		1 for 3
9 YEARS	876		2 for 6
10 YEARS	996		3 for 9
11 YEARS	1116		4 for 12
12 YEARS	1236		5 for 15 6 for 18 7 for 21 8 for 24 9 for 27 10 for 30
<b>MONTH 145 TO MONTH 204 11 DAYS</b>			
13 YEARS	1368		1 for 3
14 YEARS	1500		2 for 5
15 YEARS	1632		3 for 8
16 YEARS	1764		4 for 11
17 YEARS	1896		5 for 14 6 for 16 7 for 19 8 for 22 9 for 25 10 for 27 11 for 30
<b>MONTH 205 TO MONTH 264 12 DAYS</b>			
18 YEARS	2040		1 for 3
19 YEARS	2184		2 for 5
20 YEARS	2328		3 for 8
21 YEARS	2472		4 for 10
22 YEARS	2616		5 for 13 6 for 15 7 for 18 8 for 20 9 for 23 10 for 25 11 for 28 12 for 30

# YEARS	TOT C.T.	PER MONTH C.T.	RATIO: C.T. FOR DAYS OF MONTH
<b>MONTH 265 TO MONTH 300 13 DAYS</b>			
23 YEARS	2772		1 for 2
24 YEARS	2928		2 for 5
25 YEARS	3084		3 for 7 4 for 9 5 for 12 6 for 14 7 for 16 8 for 18 9 for 21 10 for 23 11 for 25 12 for 28 13 for 30
<b>MONTH 301 TO MONTH 360 15 DAYS</b>			
26 YEARS	3264		1 for 2
27 YEARS	3444		2 for 4
28 YEARS	3624		3 for 6
29 YEARS	3804		4 for 8
30 YEARS	3984		5 for 10 6 for 12 7 for 14 8 for 16 9 for 18 10 for 20 11 for 22 12 for 24 13 for 26 14 for 28 15 for 30
<b>MONTH 361 AND BEYOND 16 DAYS</b>			
31 YEARS	4176		1 for 2 2 for 4 3 for 6 4 for 8 5 for 10 6 for 11 7 for 13 8 for 15 9 for 17 10 for 19 11 for 21 12 for 23 13 for 25 14 for 27 15 for 29 16 for 30

➔Where an exact match cannot be made for the number of days, use the next higher value←

REFERENCE: N.J.S.A. 30:4-140

# APPENDIX B

## PAROLE ELIGIBILITY TABLE

### CRIMINAL CODE SENTENCES (Title 2C) AND 2A FIRST OFFENDER CASES

A	B	C**	D**	E**	F**	G**
Sentence	Flat Eligibility (Where no man.-min.)	Commutation Credits (Note: Based on 1/3 of max minus jail credits)	Estimated Work Credits (Maximum possible)	Estimated Minimum Custody Credits (Maximum possible)	Earliest Eligibility Includes: 1.C.C. 2.Max W.C. 3.Max M.C.C.	Latest Eligibility Includes: 1.C.C. 2.No W.C. 3.No M.C.C.
Years	yrs.-mos.	days	days	days	yrs.-mos.-days	yrs.-mos.-days
1	0 - 4	--	--	--	0 - 9 - 0*	0 - 9 - 0*
2	0 - 8	--	--	--	0 - 9 - 0*	0 - 9 - 0*
3	1 - 0	72	45	22	0 - 9 - 0*	0 - 9 - 23
4	1 - 4	100	59	30	0 - 9 - 26	1 - 0 - 20
5	1 - 8	128	73	37	1 - 0 - 5	1 - 3 - 25
6	2 - 0	156	87	49	1 - 2 - 13	1 - 6 - 29
7	2 - 4	188	100	59	1 - 4 - 18	1 - 9 - 27
8	2 - 8	220	113	70	1 - 6 - 25	2 - 0 - 23
9	3 - 0	252	126	81	1 - 9 - 1	2 - 3 - 23
10	3 - 4	284	139	92	1 - 11 - 5	2 - 6 - 21
11	3 - 8	316	160	49	2 - 2 - 23	2 - 9 - 22
12	4 - 0	348	173	61	2 - 4 - 28	3 - 0 - 17
13	4 - 4	380	186	71	2 - 7 - 3	3 - 3 - 15
14	4 - 8	412	199	81	2 - 9 - 11	3 - 6 - 16
15	5 - 0	444	213	93	2 - 11 - 15	3 - 9 - 16
16	5 - 4	476	233	51	3 - 3 - 0	4 - 0 - 9
17	5 - 8	508	247	62	3 - 5 - 6	4 - 3 - 10
18	6 - 0	540	260	73	3 - 7 - 12	4 - 6 - 10
19	6 - 4	572	273	83	3 - 9 - 17	4 - 9 - 8
20	6 - 8	604	286	95	3 - 11 - 23	5 - 0 - 4
21	7 - 0	636	308	52	4 - 3 - 7	5 - 3 - 4
22	7 - 4	676	319	61	4 - 5 - 4	5 - 5 - 24
23	7 - 8	716	330	71	4 - 7 - 5	5 - 8 - 14
24	8 - 0	756	342	81	4 - 9 - 9	5 - 11 - 9
25	8 - 4	796	358	89	4 - 11 - 2	6 - 1 - 24
26	8 - 8	836	374	47	5 - 2 - 20	6 - 4 - 16
27	9 - 0	876	392	62	5 - 4 - 10	6 - 7 - 9
28	9 - 4	916	397	67	5 - 6 - 18	6 - 9 - 26
29	9 - 8	956	409	77	5 - 8 - 18	7 - 0 - 17
30	10 - 0	996	421	87	5 - 10 - 20	7 - 3 - 9
35	11 - 8	1196	488	83	6 - 9 - 28	8 - 4 - 21
40	13 - 4	1412	550	134	7 - 6 - 20	9 - 5 - 18
45	15 - 0	1632	593	170	8 - 5 - 8	10 - 6 - 13
50	16 - 8	1852	660	226	9 - 1 - 27	11 - 7 - 5
55	18 - 4	2088	712	269	9 - 10 - 29	12 - 7 - 10
60	20 - 0	2328	768	316	10 - 7 - 26	13 - 7 - 17
65	21 - 8	2568	795	348	11 - 5 - 29	14 - 7 - 25
70	23 - 4	2824	843	383	12 - 2 - 24	15 - 7 - 4
Life	25 - 0	3084	916	439	12 - 10 - 4	16 - 6 - 21

\* Nine month restriction applies to all 2C cases only.

\*\* All figures based on zero jail credits.

# APPENDIX C

## GLOSSARY

Actual parole eligibility date is the date that an adult inmate is actually eligible for consideration for parole. Such date is calculated, except as otherwise provided by statute, by the application of the following credits: jail credit, commutation credit, and earned work and minimum credit as of a specified date.

Book parole eligibility date is the parole eligibility date established pursuant to N.J.S.A. 30:4-123.51 and N.J.S.A. 30:4-123.64. Such date is calculated by the application of jail credit and, except as otherwise provided for by statute, commutation credit.

Flat parole eligibility is the parole eligibility date established on an individual term pursuant to N.J.S.A. 30:4-123.51 and N.J.S.A. 30-123.64 prior to aggregation for the purposes of the calculation of a single parole eligibility date. Such date is calculated by the application of jail credit.

Commutation credit or "good time" is credit awarded to an inmate pursuant to N.J.S.A. 30:4-140. It is not an earned credit but is a credit automatically applied in the computation of a parole eligibility date. Commutation credit awarded in the calculation of parole eligibility is based on the balance of one-third (1/3) of the term imposed less jail credit. An inmate may lose commutation credit as a result of institutional misconduct.

Jail credit is credit awarded by the court for days spent in custody prior to the date of sentence. Work credit is credit earned pursuant to N.J.S.A. 30:4-92 at the rate of one (1) day for every five (5) days the inmate works in the institution.

Minimum custody credit is credit earned pursuant to N.J.S.A. 30:4-92 at the rate of three (3) days per month during the first year that an inmate is classified into minimum custody, and at a rate of five (5) days per month after the first year of minimum custody status.

## **GLOSSARY (continued)**

Gap time credit is credit awarded pursuant to N.J.S.A. 2C:44-5(b)2. It is the time served from the first date of sentence to the date one day before the subsequent date of sentence. The sentence imposed on the subsequent date of sentence must constitute the disposition on an offense which was committed prior to the first date of sentence.

Rosado credit is credit awarded, pursuant to State v. Rosado, 131 N.J. 423 (1993), on a sentence being imposed for violation of probation. It is credit for time successfully served under parole supervision on a county jail term imposed as a special condition of the original probationary term.