

PAROLE MATTERS

I. BASIC PAROLE ELIGIBILITY

II. GAP TIME

III. PAROLE REVOCATION/JAIL CREDIT

March, 2018

I. PAROLE ELIGIBILITY

BASIC

CALCULATIONS

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. Jail credit may include Rosado credit.

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.

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.

Parole Eligibility

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

- (c) Indeterminate Term (Young Adult)

Parole Eligibility Term: Time Goal (established pursuant to State Parole Board Schedule)

Applicable Credit: Jail Credit
Program Participation Credit

I. EXAMPLE 1

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

Date of Sentence:	03/06/18
Term:	10 years
Jail Credit:	60 days (09/01/17 to 10/30/17)

1. Add 1/3 of 10 year term (3 years, 4 months) to the date of sentence (03/06/18) thereby yielding a date of 07/05/21.
2. Subtract sixty (60) days of jail credit from 07/05/21. This gives a flat eligibility date of 05/06/21.
3. Subtract commutation credit. To determine appropriate commutation credit, calculate the time period between the date of sentence (03/06/18) and the flat eligibility date of 05/06/21. 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 05/06/21. This gives a book eligibility date of 08/11/20.
4. Subtract work/minimum credit. In this example, assume that the inmate has earned a total of 40 days of credit as of 12/31/18. Subtract 40 days from the book eligibility date of 08/11/20. This gives an actual eligibility date of 08/11/20 as of 12/31/18.

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 credit, as well as the estimated maximum amount possible of work and minimum custody credits.

I. EXAMPLE 1

Date of Sentence: 03/06/18
Term: 10 years
Jail Credit: 60 days (09/01/17 to 10/30/17)
Commutation Credit: 268 days (Based on 3 years, 2 months;
time period from 03/06/18 to 05/06/21)
Work/Minimum Custody Credits: 40 days (Assume credits earned as of 12/31/18)

Date of Sentence		03 – 06 – 18
1/3 of 10 years	+	<u>4 mos. 3 yrs.</u>
Jail Credit	-	<u>60</u> dys.
<u>Flat</u> Parole Eligibility Date		05 – 06 – 21
Commutation Credit	-	<u>268</u> dys.
<u>Book</u> Parole Eligibility Date		08 – 11 – 20
Work/Minimum Custody Credits	-	<u>40</u> dys.
<u>Actual</u> Parole Eligibility Date (as of 12/31/18)		07 – 02 – 20

Note: Any credit earned after 12/31/18 would further reduce the parole eligibility date of 07/02/20.

I. EXAMPLE 2

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

Date of Sentence:	03/06/18
Term:	10 years (5 years mandatory minimum)
Jail Credit:	60 days (09/01/17 to 10/30/17)

1. Add mandatory minimum term (5 years) to the date of sentence (03/06/18) thereby yielding a date of 03/05/23.
2. Subtract 60 days jail credit from 03/05/23. This gives an actual eligibility date of 01/04/23.

Note: A mandatory minimum term cannot be reduced by commutation, work or minimum custody credits.

I. EXAMPLE 2

Date of Sentence: 03/06/18
Term: 10 years (5 years mandatory minimum)
Jail Credit: 60 days (09/01/17 to 10/30/17)

Date of Sentence 03 – 06 – 18
Mandatory Minimum + 5 yrs.

Jail Credit - 60 dys.

Actual Parole Eligibility Date 01 – 04 – 23

Note: A mandatory minimum term cannot be reduced by commutation, work or minimum custody credits.

I. EXAMPLE 3

This example illustrates the method of calculating parole eligibility when an additional specific term including a mandatory minimum term is imposed consecutively to a specific term of years not including a mandatory minimum term.

Date of Sentence:	03/06/18
Term:	(a) 5 years (b) 10 years (5 years mandatory minimum) c/s
Jail Credit:	60 days (09/01/17 to 10/30/17)

1. Add 1/3 of 5 year term (1 year, 8 months) to the date of sentence (03/06/18) thereby yielding a date of 11/05/19.
2. Subtract 128 days commutation credit based on 1 year, 8 months (time period from 03/06/18 to 11/05/19), from 11/05/19 thereby yielding a date of 06/30/19.
3. Subtract work/minimum custody credits. In this example assume that the inmate has earned a total of 58 days of credit as of 04/30/19. Subtract 58 days from the date of 06/30/19 thereby yielding a date of 05/03/19.
4. Add mandatory minimum term (5 years) to 05/03/19 thereby yielding a date of 05/03/24.
5. Subtract 60 days jail credit from 05/03/24. The resulting date of 03/04/24 is the actual parole eligibility date and mandatory minimum expiration date.

I. EXAMPLE 4

This example illustrates the method of calculating parole eligibility when an additional specific term of years is imposed consecutively to a specific term that includes a mandatory minimum term.

Date of Sentence:	03/06/18
Term:	(a) 10 years (5 years mandatory minimum) (b) 5 years c/s
Jail Credit:	60 days (09/01/17 to 10/30/17)

1. Add mandatory minimum term (5 years) to date of sentence (03/06/18) thereby yielding a date of 03/05/23.
2. Subtract sixty (60) days jail credit from 03/05/23. The resulting date of 01/04/23 is the mandatory minimum expiration date.
3. Add 1/3 of the 5 year term (1 year, 8 months) to 01/04/23 thereby yielding a flat eligibility date of 09/04/24.
4. Subtract 588 days commutation credit, based on 6 years, 6 months (time period from 03/06/18 to 09/04/24), from 09/04/24 thereby yielding a book eligibility date of 01/25/23.
5. Apply accrued work and minimum custody credits upon expiration of the mandatory minimum term.

Note: Applied commutation, work and minimum credits cannot reduce the actual parole eligibility date below the mandatory minimum expiration date of 01/04/23.

I. EXAMPLE 4

Date of Sentence: 03/06/18
 Term: (a) 10 years (5 years mandatory minimum)
 (b) 5 years c/s
 Jail Credit: 60 days (09/01/17 to 10/30/17)
 Commutation Credit: 588 days (based on 6 years 6 months;
 time period from 03/06/18 to 09/04/24)

Date of Sentence			03 – 06 – 18
Mandatory Minimum	+	_____	5 yrs.
Jail Credit	-	_____	60 dys.
Mandatory Minimum Expiration Date			01 – 04 – 23
1/3 of 5 years	+	_____	8 mos. 1 yr.
Commutation Credit	-	_____	588 dys.
			01 – 25 – 23

Note: The application of commutation credit and the application of accrued work/minimum custody credits upon the expiration of the mandatory minimum term cannot reduce the actual parole eligibility date below 01/04/23, the expiration date of the mandatory minimum term.

Note: The above method of calculating parole eligibility would be the same if the ten year term (five years mandatory-minimum) (with 60 days jail credit) was imposed on 03/06/18 and the consecutive five year term (without jail credit) was imposed on a subsequent date. However, the application of “gap time” (see Example #5) would impact on determining the parole eligibility term derived from the consecutive sentence.

I. EXAMPLE 5

This example illustrates the method of calculating parole eligibility when an Indeterminate term is imposed.

Date of Sentence:	03/06/18
Offense:	Possession of CDS With Intent to Distribute, second degree
Term:	Indeterminate (5 years)
Jail Credit:	120 days (06/05/17 to 10/02/17)

1. A 5 year indeterminate sentence for Possession of CDS With Intent to Distribute, second degree, has a presumptive time goal of fourteen (14) months (Appendix C). Assuming no aggravating or mitigating circumstances in this case, the Young Adult Panel would establish a fourteen (14) month time goal.
2. The tentative parole eligibility date is calculated by adding the time goal (14 months) to the date of sentence (03/06/18), and reducing this by 120 days jail credit (06/05/17 to 10/02/17). The resulting date of 01/05/19 would be the tentative parole eligibility date.
3. A young adult inmate's actual parole eligibility date is computed by reducing the tentative parole eligibility date by program participation credits. These program credits are determined by the Board panel during the hearing process.
4. Program credits are assigned based on the inmate's time goal less jail credit. In this example, program credits would be allowed on the basis of 14 months (the time goal) less 120 days (the jail credit) or 10 months.
5. Program participation credits are awarded on the following schedule:

<u>ASSESSMENT</u>	<u>CREDIT (per month of correctional time)</u>
Above Average	15 days
Average	10 days
Below Average	5 days
Poor	0 days

6. Assuming "average" credits were awarded for program participation to the inmate in this example, the tentative eligibility date would be reduced by 100 days (10 days credit multiplied by 10 months). The new tentative release date would be reduced from 01/05/19 to 09/27/18.
7. The decision to grant reductions for program participation is a separate decision from whether parole release is approved. Although both of these decisions may be made during the mid-goal review, it is important to understand this difference.

Note: The Primary Parole Eligibility Chart for Young Adult Offenders (Appendix D) illustrates the earliest to latest dates based on program reduction credits.

I. EXAMPLE 6

Date of Sentence: 03/06/18
Offense: Possession of CDS With Intent to Distribute, second degree (Category C)
Term: Indeterminate (5 years)
Jail Credit: 120 days (06/05/17 to 10/02/17)
Time Goal: 14 months
Program Reduction Credit: 100 days (Assume average program participation)

Date of Sentence		03 – 06 – 18
Time Goal	+	<u>2 mos.</u> 1 yr.
Jail Credit	-	05 – 05 – 19 <u>120 dys.</u>
Tentative Parole Eligibility Date:		01 – 05 – 19
Program Reduction Credits:	-	<u>100 dys.</u>
New Tentative Parole Eligibility Date:		09 – 27 – 18

II. GAP TIME

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;

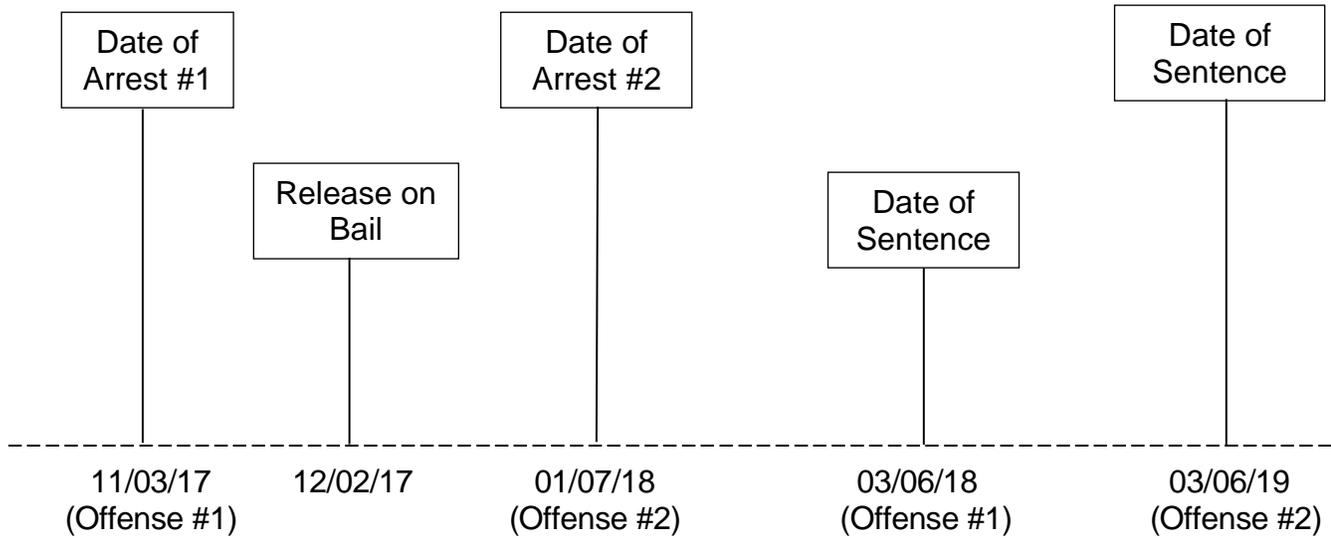
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(2) Whether the court determines that the terms shall run concurrently or consecutively, the defendant shall be credited with time served in imprisonment on the prior sentence in determining the permissible aggregate length of the term or terms remaining 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 defendant had committed any offense for which he is being sentenced, prior to imposition of the previous custodial sentence(s); if so, (3) state whether the term of imprisonment 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 post-sentence time served 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. 152 (App. Div. 1985); State v. Carreker, 172 N.J. 100 (2002).

II. EXAMPLE 1



1. Jail credit on the sentence imposed on March 6, 2018 is 88 days [30 days (11/03/17 to 12/02/17) and 58 days (01/07/18 to 03/05/18)].
2. Jail credit on the sentence imposed on March 6, 2019 is 58 days (01/07/18 to 03/05/18).
3. Gap time credit on the sentence imposed on March 6, 2019 is 365 days (03/06/18 to 03/05/19).

II. EXAMPLE 1(a)

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

Date of Sentence: (a) 03/06/18 (b) 03/06/19
Term: (a) 5 years (b) 10 years c/c
Jail Credit: (a) 30 days (11/03/17 to 12/02/17)
58 days (01/07/18 to 03/05/18)
(b) 58 days (01/07/18 to 03/05/18)
Gap Time Credit: 365 days (03/06/18 to 03/05/19)

1. Add 1/3 of the 5 year base term (1 year, 8 months) to the date of sentence (03/06/18) thereby yielding a date of 11/05/19.
2. Subtract 88 days of jail credit from 11/05/19. This gives a flat eligibility date of 08/08/19 on the base 5 year term.
3. Subtract the 365 days (one year for the purpose of this illustration) of gap time credit from the 10 year term imposed on 03/06/19. The reduced term is 9 years (10 years minus one year).
4. Add 1/3 of the 9 year term (three years) to the date of sentence (03/06/19) thereby yielding a date of 03/05/22.
5. Subtract the 58 days of jail credit from 03/05/22. This gives a flat eligibility date of 01/06/22 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 (03/06/18) to the latest flat eligibility date (01/06/22). 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 is 332 days. Subtract the 332 days of commutation credit from the latest flat eligibility date of 01/06/22. This gives a book eligibility date of 02/08/21.

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.

II. EXAMPLE 1(b)

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

Date of Sentence: (a) 03/06/18 (b) 03/06/19

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

Jail Credit: (a) 30 days (11/03/17 to 12/02/17)
58 days (01/07/18 to 03/05/18)
(b) 58 days (01/07/18 to 03/05/18)

Gap Time Credit: 365 days (03/06/18 to 03/05/19)

1. Add 1/3 of the 5 year base term (1 year, 8 months) to the date of sentence (03/06/18) thereby yielding a date of 11/05/19.
2. Subtract 88 days of jail credit from 11/05/19. This gives a flat eligibility date of 08/09/19 on the base 5 year term.
3. Gap time credit reduces the 10 year term. Gap time credit does not impact on a statutorily or judicially imposed mandatory-minimum term.
4. Add the mandatory-minimum term of 3 years 4 months to the date of sentence (03/06/19) thereby yielding a date of 07/05/22.
5. Subtract the 58 days of jail credit from 07/05/22. This gives a flat eligibility date of 05/08/22 on the additional 10 year term. The date of 05/08/22 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.

II. EXAMPLE 1(b)

Date of Sentence: (a) 03/06/18 (b) 03/06/19

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

Jail Credit: (a) 30 days (11/03/17 to 12/02/17)
 58 days (01/07/18 to 03/05/18)
 (b) 58 days (01/07/18 to 03/05/18)

Gap Time Credit: 365 days (03/06/18 to 03/05/18)

Commutation Credit: Not Applicable

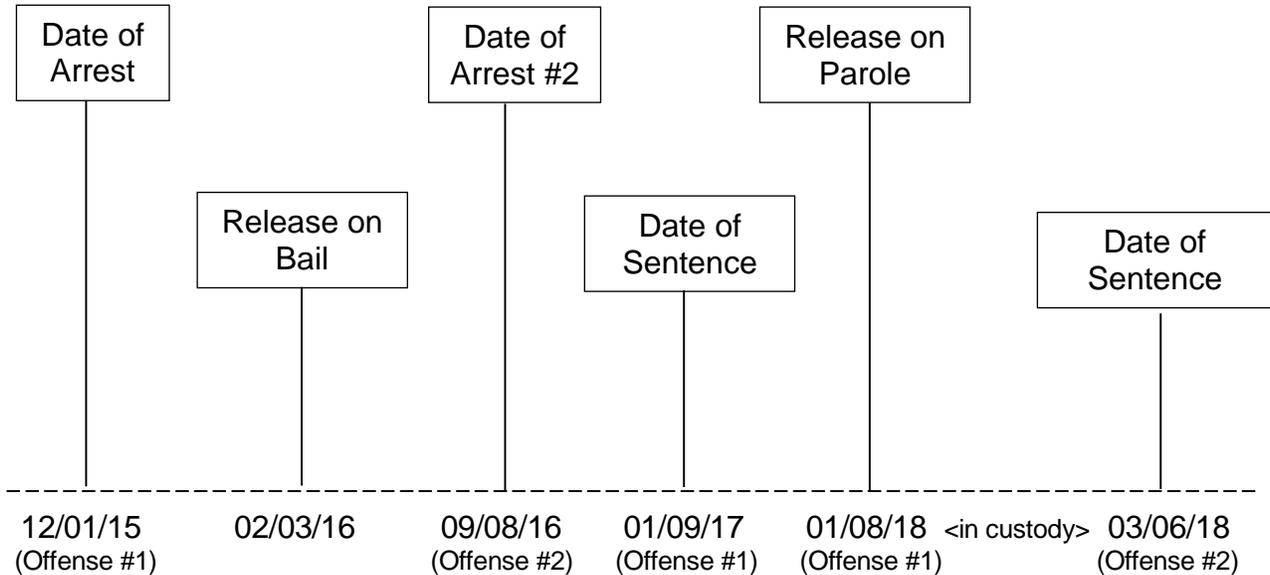
Eligibility Term: (a) 1 year 8 months (1/3 of 5 years)
 (b) 3 years 4 months (man.-min.)

Date of Sentence:	03 - 06 - 18	03 - 06 - 19
Eligibility Term:	+ <u>8 mos.</u> <u>1 yr.</u>	+ <u>4 mos.</u> <u>3 yrs.</u>
	11 - 05 - 19	07 - 05 - 22
Jail Credit:	- <u>88</u> dys.	- <u>58</u> dys.
	08 - 09 - 19	05 - 08 - 22
Latest <u>Flat</u> Parole Eligibility Date: (Mandatory-Minimum Expiration Date)		05 - 08 - 22
Commutation Credit:		- <u>(not applicable)</u>
<u>Book</u> Parole Eligibility Date: (Mandatory-Minimum Expiration Date)		05 - 08 - 22

Note: The mandatory-minimum expiration date of May 8, 2022 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 credit does not impact on the mandatory minimum term.

II. EXAMPLE 2



1. Jail credit on the sentence (assume term of 3 years) imposed on January 9, 2017 is 188 days (12/01/15 to 02/03/16 plus 09/08/16 to 01/08/17).
2. Jail credit on the sentence imposed on March 6, 2018 is 180 days (09/08/16 to 01/08/17 plus 01/08/18 to 03/05/18).
3. Gap time credit on the sentence imposed on March 6, 2018 is 363 days (01/09/17 to 01/07/18).*

* See State v. L.H., 206 N.J. 528 (2011), regarding the award of gap time credit when the offender is not in confinement.

II. EXAMPLE 2

This example illustrates the method of calculation parole eligibility when a specific term of years that 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 prior specific term of years. (Please refer to time line on page 22)

Date of Sentence: 03/06/18

Term: 10 years

Jail Credit: 180 days (09/08/16 to 01/08/17 plus 01/08/18 to 03/05/18)

Gap Time Credit: 363 days (or one year) (01/09/17 to 01/07/18)

1. Subtract the 363 days (one year for the purpose of this illustration) of gap time credit from the 10 year term. The reduced term is 9 years.
2. Add 1/3 of 9 years (3 years) to the date of sentence (03/06/18) thereby yielding a date of 03/05/21.
3. Subtract 180 days of jail credit from 03/05/21. This gives a flat eligibility date of 09/06/20.
4. Subtract commutation credit. To determine the appropriate commutation credit calculate the time period from the date of sentence (03/06/18) to the flat eligibility date (09/06/20). This time period is 2 years 6 months. Identify the applicable amount of commutation credit (see Appendix A). In this example, commutation credit is 204 days. Subtract the 204 days of commutation credit from the flat eligibility date of 09/06/20. This gives a book eligibility date of 02/15/20.

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.

II. EXAMPLE 2

Date of Sentence: 03/06/18

Term: 10 years

Jail Credit: 180 days (09/08/16 to 01/08/17 plus 01/08/18 to 03/05/18)

Gap Time Credit: 363 days or one year (01/09/17 to 01/07/18)

Eligibility Term: 3 years (1/3 of 10 years minus one year)

Commutation Credits: 204 days (Based on 2 years 6 months;
time period from 03/06/18 to 09/06/20)

Date of Sentence: 03 - 06 - 18

Eligibility Term: + _____ 3 yrs.

03 - 05 - 21

Jail Credit: - _____ 180 dys.

Flat Parole Eligibility Date 09 - 06 - 20

Commutation Credit: - _____ 204 dys.

Book Parole Eligibility Date 02 - 15 - 20

Note: Any work and minimum custody credits earned after March 6, 2018 would reduce the book parole eligibility date of February 15, 2020.

II. 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.

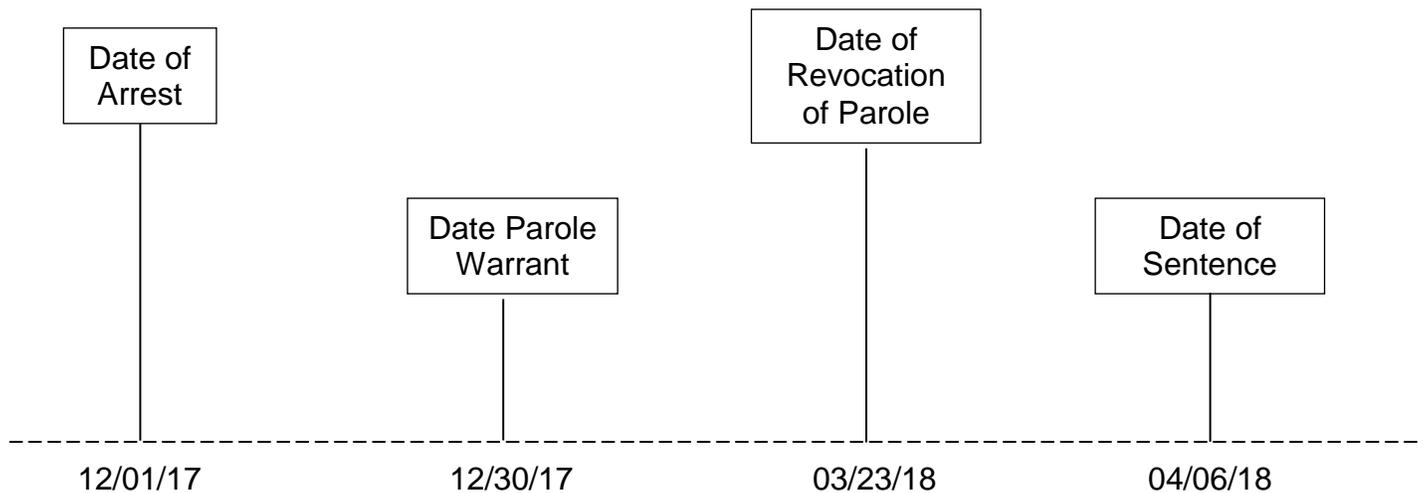
(b) If the one year credit period is jail credit:

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).

**III. PAROLE REVOCATION/
JAIL CREDIT**

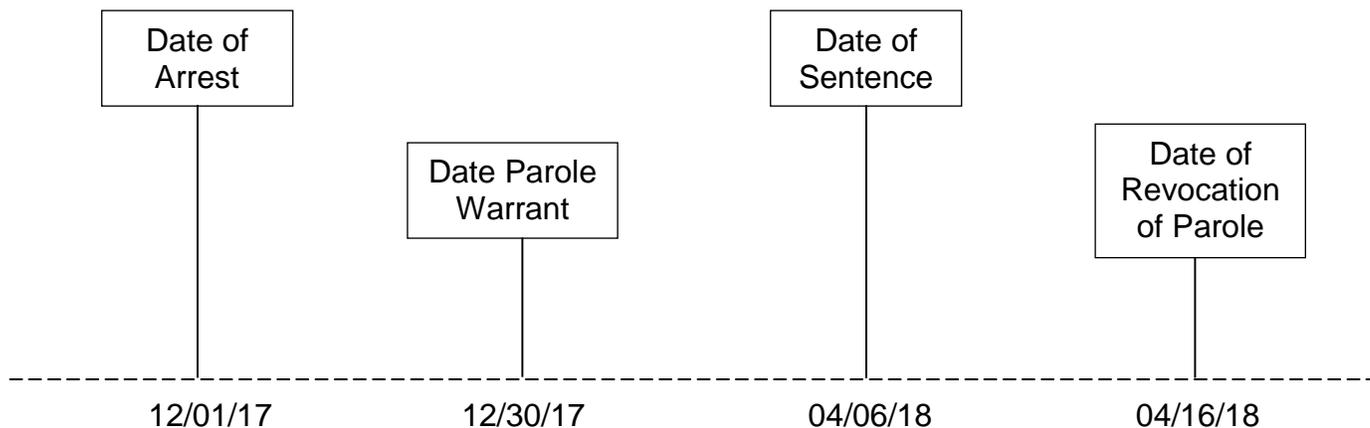
If a defendant who is on parole is arrested for a new offense and is held in the county jail, jail credit toward the new offense stops accruing once a parole warrant is lodged against the defendant. Any time spent in jail after the lodging of the parole warrant will be credited to the time imposed for 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).

III. EXAMPLE 1



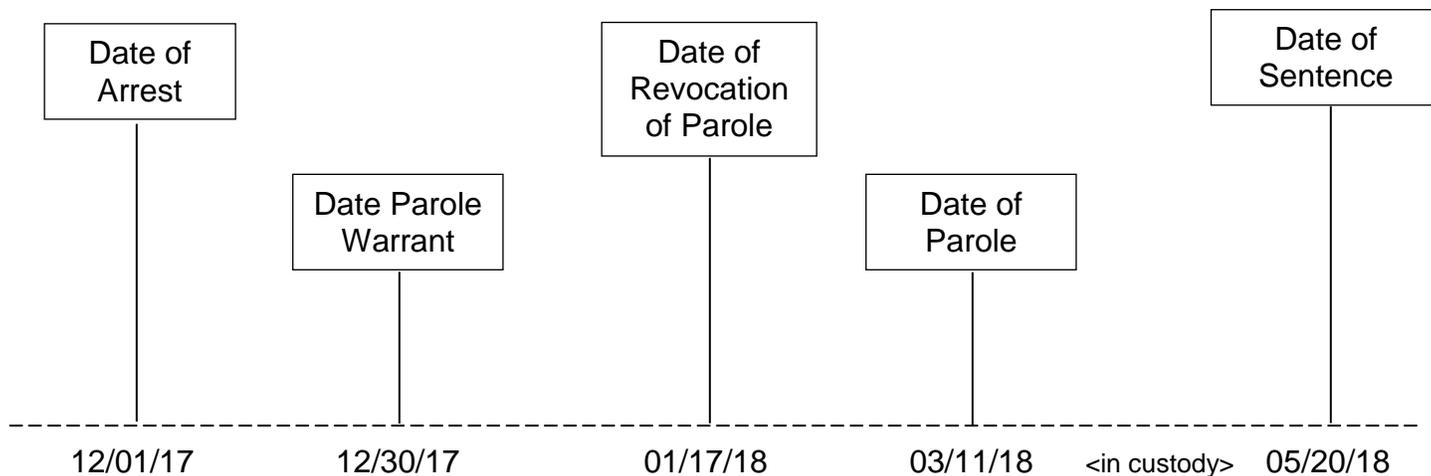
1. In this example, jail credit on the new sentence is 29 days (12/01/17 to 12/29/17).
2. The time period from December 30, 2017 to April 5, 2018 is deemed to be credit towards the parole violation term which would have been imposed upon the defendant's parole status being revoked on March 23, 2018.
3. The time period from March 23, 2018 (date of revocation) to April 5, 2018 is not deemed to be gap time credit. State v. Hunt, 272 N.J. Super. 182 (App. Div. 1994).

III. EXAMPLE 2



1. In this example, jail credit on the new sentence is 29 days (12/01/17 to 12/29/17).
2. The time period from December 30, 2017 to April 5, 2018 is deemed to be credit towards the parole violation term which would have been imposed upon the defendant's parole status being revoked on April 16, 2018.

III. EXAMPLE 3



1. In this example, jail credit on the new sentence is 100 days (12/01/17 to 12/29/17 plus 03/11/18 to 05/19/18).
2. The time period from December 30, 2017 to March 10, 2018 is deemed to be credit towards the parole violation term which would have been imposed upon the defendant's parole status being revoked on January 17, 2018.
3. The time period from January 17, 2018 (date of revocation) to March 10, 2018 (reparoled on March 11, 2018) is not deemed to be gap time credit. State v. Hunt, 272 N.J. Super. 182 (App. Div. 1994).

APPENDIX A

# YEARS	TOT C.T.	PER MONTH C.T.	RATIO: C.T. FOR DAYS OF MONTH
BELOW 1 YR.		6 days	
1 YEAR	72		1 for 5 2 for 10 3 for 15 4 for 20 5 for 25 6 for 30
MONTH 13 TO MONTH 24		7 DAYS	
2 YEARS	156		1 for 4 2 for 9 3 for 13 4 for 17 5 for 22 6 for 26 7 for 30
MONTH 25 TO MONTH 84		8 DAYS	
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
MONTH 85 TO MONTH 144		10 DAYS	
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
MONTH 145 TO MONTH 204		11 DAYS	
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
MONTH 205 TO MONTH 264		12 DAYS	
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
MONTH 265 TO MONTH 300		13 DAYS	
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
MONTH 301 TO MONTH 360		15 DAYS	
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
MONTH 361 AND BEYOND		16 DAYS	
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 ◀

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

TIME GOAL SCHEDULE FOR YOUNG ADULTS (Applies to Offenses committed on or after May 6, 1985)

The schedule of presumptive parole eligibility terms shown below is used as a guide by the Board panel when time goals are set. In order to determine the presumptive eligibility term for an offense and sentence, you should follow the steps shown below.

PRESUMPTIVE PRIMARY ELIGIBILITY DATES (MONTHS)

<u>CRIME CATEGORY</u>	<u>LENGTH OF INDETERMINATE TERM</u>			
	<u>(Years)</u>			
	0-4	5-9	10-14	15-20
<u>Category A</u>	16	32	40	48
<u>Category B</u>	14	20	28	
<u>Category C</u>	12	14	18	22
<u>Category D</u>	10	10		
<u>Category E</u>	8			

- A. Find the category of your crime in the chart below. If the sentence is for more than one crime, use the highest category.
- Category A - Any first degree crime, except as provided in Category C.
 - Category B - Any second degree crime, except as provided in Category C.
 - Category C - Manufacturing, distributing or dispensing a controlled dangerous substance second degree or possession with intent to manufacture, distribute or dispense a controlled dangerous substance, first or second degree.
 - Category D - Any third degree crime.
 - Category E - Any fourth degree.
- B. Identify the length of the indeterminate sentence on the top line of the schedule. Follow this column down to the appropriate category to determine the presumptive term for the crime and sentence.
- C. It is important to remember that the actual time goal which a person received may be set above or below the presumptive term because of aggravating or mitigating factors of the case.

APPENDIX D

STATE PAROLE BOARD

PRIMARY PAROLE ELIGIBILITY TERMS

YOUNG ADULT OFFENDERS

A	B	C	D	E	F	G	H
Primary Parole Eligibility Term	Maximum Estimated Program Participation Credits: Above Average Rating (15 days per month)	Maximum Estimated Program Participation Credits: Average Rating (10 days per month)	Maximum Estimated Program Participation Credits: Below Average Rating (5 days per month)	Earliest Eligibility Based on Above Average Program Participation Rating	Eligibility Based on Average Program Participation Rating	Eligibility Based on Below Average Program Participation Rating	Latest Eligibility Based on Poor Program Participation Rating (zero credits)
months	days	Days	days	yrs-mos-days	yrs-mos-days	yrs-mos-days	yrs-mos-days
8	120	80	40	0 - 4 - 0	0 - 5 - 10	0 - 6 - 20	0 - 8 - 0
10	150	100	50	0 - 5 - 0	0 - 6 - 20	0 - 8 - 10	0 - 10 - 0
12	180	120	60	0 - 6 - 0	0 - 8 - 0	0 - 10 - 0	1 - 0 - 0
14	210	140	70	0 - 7 - 0	0 - 9 - 10	0 - 11 - 20	1 - 2 - 0
16	240	160	80	0 - 8 - 0	0 - 10 - 20	1 - 1 - 10	1 - 4 - 0
18	270	180	90	0 - 9 - 0	1 - 0 - 0	1 - 3 - 0	1 - 6 - 0
20	300	200	100	0 - 10 - 0	1 - 1 - 10	1 - 4 - 20	1 - 8 - 0
22	330	220	110	0 - 11 - 0	1 - 2 - 20	1 - 6 - 10	1 - 10 - 0
24	360	240	120	1 - 0 - 0	1 - 4 - 0	1 - 8 - 0	2 - 0 - 0
26	390	260	130	1 - 1 - 0	1 - 5 - 10	1 - 9 - 20	2 - 2 - 0
28	420	280	140	1 - 2 - 0	1 - 6 - 20	1 - 11 - 10	2 - 4 - 0
30	450	300	150	1 - 3 - 0	1 - 8 - 0	2 - 1 - 0	2 - 6 - 0
32	480	320	160	1 - 4 - 0	1 - 9 - 10	2 - 2 - 20	2 - 8 - 0
36	540	360	180	1 - 6 - 0	2 - 0 - 0	2 - 6 - 0	3 - 0 - 0
40	600	400	200	1 - 8 - 0	2 - 2 - 20	2 - 9 - 10	3 - 4 - 0
44	660	440	220	1 - 10 - 0	2 - 5 - 10	3 - 0 - 20	3 - 8 - 0
48	720	480	240	2 - 0 - 0	2 - 8 - 0	3 - 4 - 0	4 - 0 - 0
52	780	520	260	2 - 2 - 0	2 - 10 - 20	3 - 7 - 10	4 - 4 - 0
56	840	560	280	2 - 4 - 0	3 - 1 - 10	3 - 10 - 20	4 - 8 - 0
74	1110	740	370	3 - 1 - 0	4 - 1 - 10	5 - 1 - 20	6 - 2 - 0
90	1350	900	450	3 - 9 - 0	5 - 0 - 0	6 - 3 - 0	7 - 6 - 0
106	1590	1060	530	4 - 5 - 0	5 - 10 - 20	7 - 4 - 10	8 - 10 - 0
120	1800	1200	600	5 - 0 - 0	6 - 8 - 0	8 - 4 - 0	10 - 0 - 0

NOTE: A young adult offender's actual parole eligibility date is computed by reducing the tentative parole eligibility date (based on the eligibility term/time goal minus jail credit) by program participation credits. These program credits are determined by the Board panel at each Annual Review Hearing and at the Mid-Goal Review Hearing.

All computations are based on zero jail credits.

Effective: 02/21/95