

The said Section 19:31-6 further provides:

"When the commissioner or county board has designated a place or places other than his office or its office for receiving registrations, he or it, as the case may be, shall cause to be published a notice in a newspaper circulated in the municipality wherein such place or places of registration shall be located. Such notice shall be published within at least ten days before the time that such place or places shall be open for registration and shall contain the address or addresses of such place or places and the dates and hours upon which they shall remain open."

In my opinion, it is necessary to publish a notice in a local newspaper before any place, other than the office of the county board of elections, may be designated as a place for the registration of voters. Also in my opinion, it would be unlawful to accept registrations at any place so designated until at least ten days after the publication of such notice.

Yours very truly,

THEODORE D. PARSONS,
Attorney General.

SEPTEMBER 18, 1953.

THE HONORABLE SANFORD BATES, *Commissioner,*
Department of Institutions and Agencies,
State Office Building,
Trenton, New Jersey.

FORMAL OPINION—1953. No. 37.

MY DEAR COMMISSIONER:

You have inquired concerning the authority of the Board of Managers of the State Prison to grant to prisoners in confinement commutation time for good behavior covering the period of time spent by such prisoners in a county jail either awaiting trial or imposition of sentence.

It is our opinion and we advise you that the Board of Managers of the State Prison have no such authority under the law as it now exists. It is provided in Rule 3:7-10(g), Rules of Court, that:

"In all custodial sentences the prisoner shall receive credit on the term imposed for any time he may have served in custody between his arrest and the imposition of sentence."

The authority of the Board of Managers to reduce the minimum and maximum of a sentence imposed by the Court for good behavior of an inmate while in confinement derives from R. S. 30:4-140 wherein it is stated:

"For every month of faithful performance of assigned labor by any convict committed to the State Prison there shall be remitted to him from

the maximum and minimum term of his sentence two days, and in addition, for every month of continuous orderly deportment two days, and for every month of manifest effort of self-improvement and control, two days."

Provision is made for the forfeiture of these credits as follows:

"In any month in which a convict shall have merited and received punishment no remission of sentence shall be made, and in case of any flagrant misconduct the Board of Managers may declare a forfeiture of the time previously remitted, either in whole or in part, as to them shall seem just."

Additional and accelerated credits may be allowed in the following manner:

"On the recommendation of the Principal Keeper and moral instructor, there shall be remitted two additional days per month to every convict who for 12 months preceding shall have merited the same by continuous good conduct, and for each succeeding year of uninterrupted good conduct the remittance shall be progressively increased at the rate of one day per month for that year."

When a prisoner is received at the State Prison accompanied by an order of commitment designating a specific minimum and maximum period of confinement, the Board of Managers is authorized to detain such individual until the expiration of his maximum less credits allowed for work performed and for good behavior unless he is sooner paroled or pardoned. When such an order of commitment contains a directive from the Court that the prisoner shall be given credit for a specified number of days spent in jail awaiting trial or sentence, the effect of such a directive is to reduce the stated minimum and maximum period of detention by the number of such days. The time to be served by the prisoner is that remaining on the minimum and the maximum after due allowance is given for jail time credits.

The Board of Managers has jurisdiction over the prisoner only for that period of time remaining to be served on the originally stated sentence less the period of time allowed by the Court in reduction thereof. This being so, the Board of Managers can only allow the commutation time for good behavior, provided for in R. S. 30:4-140 *supra*, on such remaining portion of the sentence.

Very truly yours,
THEODORE D. PARSONS,
Attorney General,

JJK:JC

By: EUGENE T. URBANIAK,
Deputy Attorney General.

ETU:HH