

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 4406

STATE OF NEW JERSEY

DATED: JUNE 11, 2026

The Senate Judiciary Committee reports favorably Senate Bill No. 4406.

This bill concerns the sentencing of defendants for crimes of the first or second degree when (1) the mitigating factors substantially outweigh the aggravating factors when calculating the sentence or (2) the court imposes a noncustodial or probationary sentence.

Specifically, in cases of a conviction for a crime of the first or second degree when the court is clearly convinced that the mitigating factors substantially outweigh the aggravating factors and when the interest of justice demands, the court may sentence the defendant to a term appropriate to a crime of one degree lower than that of the crime for which the defendant was convicted. If the court does impose a sentence in such manner, or if the court imposes a noncustodial or probationary sentence upon conviction for a crime of the first or second degree, the sentence would not become final for 10 days in order to permit the appeal of the sentence by the prosecution.

A crime of the first degree is punishable by a term of imprisonment of 10 to 20 years, a fine of up to \$200,000, or both. A crime of the second degree is punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both. If a conviction for a second-degree crime resulted in a reduced sentence based on the sentencing parameters of a crime of the third degree, that degree of crime is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

The bill would take effect immediately and apply retroactively to the effective date of section 1 of P.L.2025, c.328.