

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 709

STATE OF NEW JERSEY

DATED: JANUARY 5, 2006

The Assembly Judiciary Committee reports favorably Senate Bill No. 709 (1R).

This bill establishes the New Jersey Death Penalty Study Commission. Under the bill, the commission is charged with studying all aspects of the death penalty as it is currently administered in this State. Issues the commission must consider include: (1) whether the death penalty rationally serves a legitimate penological intent, such as deterrence; (2) whether there is a significant difference between the cost of the death penalty from indictment to execution and the cost of life in prison without parole; (3) whether the death penalty is consistent with evolving standards of decency; (4) whether the selection of defendants in New Jersey for capital trials is arbitrary, unfair or discriminatory and if there is unfair, arbitrary, or discriminatory variability in the sentencing phase or at any stage of the process; (5) whether there is a significant difference in the crimes of those selected for the punishment of death as opposed to those who receive life in prison; (6) whether the penological interest in executing certain persons found guilty of murder is sufficiently compelling that the risk of an irreversible mistake is acceptable; and (7) whether alternatives to the death penalty exist that would sufficiently ensure public safety and address other legitimate social and penological interests, including the interests of victims' families.

The commission is composed of 13 members as follows: five members appointed by the Governor, one of whom is a member of Murder Victims Families for Reconciliation, one of whom is a member of the New Jersey Crime Victims' Law Center and at least two who represent the religious or ethical community in New Jersey; two members appointed by the President of the Senate and two members appointed by the Speaker of the General Assembly; the Public Defender or a designee; the Attorney General or a designee; the President of the New Jersey State Bar Association or his designee; and a representative of the County Prosecutors Association of New Jersey. All members must be appointed within 45 days of enactment of the bill. The commission is required to report its findings and

recommendations, including any recommended legislation, to the Legislature and the Governor no later than November 15, 2006.

The bill also provides that the Office of Legislative Services would staff the commission.

In addition, the bill would impose a moratorium on the imposition of the death penalty that would continue until 60 days after the completion of the study commission's work.

The bill provides that if a defendant has been sentenced to death, the sentence will not be carried out prior to 60 days after the issuance of the commission's report and recommendations.