

ASSEMBLY, No. 5239

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 11, 2021

Sponsored by:

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District 29 (Essex)

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District 15 (Hunterdon and Mercer)

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SYNOPSIS

Increases size of Criminal Sentencing and Disposition Commission; broadens reporting duties.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/25/2021)

1 AN ACT concerning the Criminal Sentencing and Disposition
2 Commission and amending P.L. 2009, c.81.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L. 2009, c. 81 (2C:48A-1) is amended to read
8 as follows:

9 1. a. There is hereby created a commission to be known as the
10 "Criminal Sentencing and Disposition Commission" to consist of
11 **[13]** 17 members as follows: the Attorney General, or his designee;
12 the Public Defender, or his designee; the Chief Justice, or a
13 designee of the Chief Justice who may be a retired judge with
14 experience in the Criminal Division of the Superior Court; the
15 Commissioner of the Department of Corrections, or his designee;
16 the Chairman of the State Parole Board, or his designee; the
17 President of the New Jersey County Prosecutors Association, or his
18 designee; the President of the New Jersey Bar Association, or his
19 designee; the chair of the Legislative Black Caucus or his designee;
20 the Chair of the Legislative Latino Caucus, or his designee; one
21 public member appointed by the Senate President; one public
22 member appointed by the Senate Minority Leader; one public
23 member appointed by the Speaker of the General Assembly; one
24 public member appointed by the Assembly Minority Leader; and
25 **[two]** four public members appointed by the Governor, not more
26 than **[one]** two of whom shall be of the same political party. In
27 selecting the public members, the Senate President, the Senate
28 Minority Leader, the Speaker of the General Assembly, the
29 Assembly Minority Leader and the Governor should seek to include
30 persons who have experience, training, or academic background in
31 victims' rights advocacy, corrections, judicial administration or
32 criminal law. The public members appointed by the Governor shall
33 include one representative of a police organization.

34 Public members shall serve for a term of three years from their
35 date of appointment and until their successors are appointed and
36 qualified. Any vacancy in the membership of the commission shall
37 be filled by appointment in the same manner as the original
38 appointment. Vacancies resulting from causes other than by
39 expiration of term shall be filled for the unexpired term only.

40 b. The commission shall organize as soon as possible after the
41 appointment of its members. The Senate President and the Speaker
42 of the General Assembly shall appoint one of the public members to
43 serve as chair and the Minority Leader of the Senate and the
44 Minority Leader of the Assembly shall appoint one of the public
45 members to serve as vice-chair.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 c. The members of the commission shall serve without
2 compensation, but shall be eligible for reimbursement for necessary
3 and reasonable expenses incurred in the performance of their
4 official duties within the limits of funds appropriated or otherwise
5 made available to the commission for its purposes.

6 d. The Office of Legislative Services shall provide staffing for
7 the work of the commission. At the request of the commission all
8 State entities shall, as soon as practicable, provide the commission
9 with any available information concerning sentencing. In addition,
10 the commission shall be entitled to accept the assistance and
11 services of such employees of any State, county, or municipal
12 department, board, bureau, commission, or agency as may be made
13 available to it and to employ such legal, stenographic, technical,
14 and clerical assistance and incur such expenses as may be necessary
15 in order to perform its duties within the limits of funds appropriated
16 or otherwise made available to it for its purposes.

17 (cf: P.L.2009, c.81, s.1)

18

19 2. Section 2 of P.L. 2009, c. 81 (C.2C:48A-2) is amended to
20 read as follows:

21 2. a. It shall be the duty of the commission to conduct a
22 thorough review of the criminal sentencing provisions of New
23 Jersey law for consideration of possible recommendations for
24 revisions to the laws governing the criminal justice system. These
25 recommendations shall be developed with the goal of providing a
26 rational, just and proportionate sentencing scheme that achieves to
27 the greatest extent possible public safety, offender accountability,
28 crime reduction and prevention, and offender rehabilitation while
29 promoting the efficient use of the State's resources.

30 b. **【Additionally】** As part of its review, the commission shall
31 consider issues regarding disparity **【in】** throughout the criminal
32 justice process, including but not limited to racial and ethnic
33 disparity issues. The recommendations shall be based on the
34 available statistical data as well as any other relevant information.

35 c. As provided in section 4 of P.L.2009, c.81 (C.2C:48A-4),
36 the commission shall submit to the Governor and the Legislature
37 reports containing its recommendations consistent with these
38 purposes. The commission's reports shall include, but need not be
39 limited to, recommendations regarding:

40 (1) An assessment of the current sentencing provisions under
41 New Jersey law, and a consideration as to whether the sentencing
42 options available to courts are sufficient or should be expanded in
43 some manner to provide a greater range of sentencing options;

44 (2) A review of judicial discretion available under the Criminal
45 Code, considering the appropriateness of existing mandatory
46 minimum sentencing and whether it would be beneficial to enhance,
47 reduce or retain the current level of judicial discretion;

1 (3) A recommendation as to whether determinate sentencing
2 should be extended to all criminal offenses, or to additional
3 criminal offenses under New Jersey law;

4 (4) A recommendation as to appropriate limits and conditions on
5 terms of supervised release, including whether there should be a
6 mechanism for changing the length of a term of supervised release
7 after its imposition and whether there should be supervised release
8 for offenders who serve their maximum sentence;

9 (5) A projection of the impact, if any, on the size of New
10 Jersey's correctional and supervised offender populations of the
11 implementation of each measure proposed by the commission;

12 (6) A recommendation for intermediate, alternative or additional
13 sanctions that should be made available in the New Jersey criminal
14 justice system, including proposals for alternatives to incarceration
15 for suitable offenders, the estimated cost of such programs, and
16 recommendations for rules or principles to guide a judge's
17 imposition of such sanctions as part of a criminal sentence; and

18 (7) A review of disparity issues in the criminal justice process,
19 including but not limited to racial and ethnic disparity issues,
20 whether evidenced in sentencing outcomes or at earlier stages of the
21 criminal process, such as but not limited to policing, charging and
22 plea decisions, access to criminal defense legal representation, and
23 jury selection processes, and recommend appropriate revisions or
24 other means to address any such issues.

25 (cf: P.L.2009, c.81, s.2)

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27 3. This act shall take effect immediately.

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STATEMENT

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32 This bill increases the membership of the Criminal Sentencing
33 and Disposition Commission, and expands the duties of the
34 commission. The CSDC was established in 2009 by P.L.2009, c.81
35 and is charged with conducting a thorough review of the criminal
36 sentencing provisions of New Jersey law for consideration of
37 possible recommendations for revisions to the laws governing the
38 criminal justice system.

39 Under the bill, the membership of the commission increases from
40 13 to 17 members. The additional members shall include the chair
41 of the Legislative Black Caucus or his designee and the Chair of the
42 Legislative Latino Caucus, or his designee. The bill adds two
43 additional public members, for a total of four public members, not
44 more than two of whom shall be of the same political party.

45 The bill broadens the scope of the annual report from the CSDC
46 to the Governor and the Legislature concerning disparity issues in
47 the criminal justice process, to add such areas as policing, access to
48 criminal defense legal representation, and jury selection processes
49 to the existing reporting area of charging and plea decisions.