

ASSEMBLY JOINT RESOLUTION

No. 222

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

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District 31 (Hudson)

Co-Sponsored by:

Assemblywoman Vainieri Huttie and Assemblyman Verrelli

SYNOPSIS

Establishes the Drug Laws Study and Review Commission to study and review Title 2C drug laws.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/1/2021)

1 **A JOINT RESOLUTION** establishing the Drug Laws Study and
2 Review Commission to study and review Title 2C drug laws and
3 recommend revisions.

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

7
8 1. a. There is hereby created a commission to be known as the
9 "Drug Laws Study and Review Commission" to consist of 9
10 members as follows:

11 (1) one member appointed by the Governor, who shall be the
12 chairperson of the commission, and who shall be a retired judge
13 with experience in the Criminal Division of the Superior Court or a
14 retired justice of the Supreme Court;

15 (2) the Public Defender, or his designee;

16 (3) the Attorney General, or his designee;

17 (4) the President of the New Jersey County Prosecutors
18 Association, or his designee;

19 (5) one public member appointed by the Senate President;

20 (6) one public member appointed by the Senate Minority
21 Leader;

22 (7) one public member appointed by the Speaker of the General
23 Assembly;

24 (8) one public member appointed by the Assembly Minority
25 Leader; and

26 (9) the Administrative Director of the Courts or his designee.

27 In 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.

33 Any vacancy in the membership of the commission shall be
34 filled by appointment in the same manner as the original
35 appointment.

36 b. The commission shall organize as soon as possible after the
37 appointment of its members.

38 c. The members of the commission shall serve without
39 compensation, but shall be eligible for reimbursement for necessary
40 and reasonable expenses incurred in the performance of their
41 official duties within the limits of funds appropriated or otherwise
42 made available to the commission for its purposes.

43 d. In addition, the commission is entitled to the assistance and
44 services of such employees of any State, county, or municipal
45 department, board, bureau, commission, or agency as may be made
46 available to it and to employ such legal, stenographic, technical,

1 and clerical assistance and incur such expenses as may be necessary
2 in order to perform its duties within the limits of funds appropriated
3 or otherwise made available to it for its purposes.

4
5 2. a. It shall be the duty of the commission to study and review
6 the Title 2C drug laws, including but not limited to the
7 “Comprehensive Drug Reform Act,” N.J.S. 2C:35-1 et al., with
8 respect to the grading of drug crimes, the quantities of controlled
9 substance used for grading, the decriminalization and reduction of
10 penalties for drug crimes and decriminalization for consideration of
11 possible recommendations for revisions to the laws. Specifically,
12 the commission shall consider:

13 (1) the grading of drug crimes, including, grading relative to the
14 quantity of the controlled substance;

15 (2) the impact of existing sentences for drug crimes upon the
16 State’s criminal justice system, including state prison capacity,
17 local jail capacity, community supervision resources, judicial
18 operations, and law enforcement responsibilities;

19 (3) the relation that existing penalties for drug crimes has to
20 public safety and the likelihood of recidivism;

21 (4) the anticipated future trends in drug crimes sentencing; and

22 (5) decriminalization and other means of reducing or
23 eliminating criminal penalties, including but not limited to lowering
24 drug offense degrees.

25 b. As provided in section 4 of P.L. c. (C.) (pending
26 before the Legislature as this bill), the commission shall submit to
27 the Governor and the Legislature a report containing its
28 recommendations. The commission's reports shall include, but need
29 not be limited to, recommendations regarding:

30 (1) An assessment of the current New Jersey drug crimes law,
31 and a consideration as to whether the sentencing options for drug
32 crimes available to courts are sufficient or should be expanded in
33 some manner to provide a greater range of sentencing options;

34 (2) A recommendation as to whether the grading scheme for
35 drug crimes should be revised, including whether there should be a
36 decriminalization of some drug crimes and if so which drug crimes
37 would be suitable for reclassification or decriminalization;

38 (3) A projection of the impact, if any, on the size of New
39 Jersey's correctional and supervised offender populations of the
40 implementation of each measure proposed by the commission;

41 (4) A recommendation for intermediate, alternative or additional
42 sanctions that should be made available in the New Jersey criminal
43 justice system, including proposals for alternatives to incarceration
44 for suitable offenders, the estimated cost of such programs, and
45 recommendations for rules or principles to guide a judge's
46 imposition of such sanctions as part of a criminal sentence.

1 3. The commission shall constitute a commission of the
2 Legislature in accordance with the provisions of Article IV, Section
3 V, paragraph 2 of the New Jersey Constitution.

4
5 4. The commission shall issue a report of its findings and
6 recommendations to the Governor and the Legislature within two
7 years of organization of the commission. The commission shall
8 expire on the 30th day after the date of the issuance of its final
9 report.

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11 5. This joint resolution shall take effect immediately.

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STATEMENT

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16 This joint resolution establishes the "Drug Laws Study and
17 Review Commission." The nine member commission would study
18 and review the Title 2C drug laws, including but not limited to the
19 "Comprehensive Drug Reform Act," N.J.S. 2C:35-1 et al., with
20 respect to the grading of drug crimes, the quantities of controlled
21 substance used for grading, the decriminalization and reduction of
22 penalties for drug crimes and decriminalization for consideration of
23 possible recommendations for revisions to the laws. The
24 membership of the commission would be as follows: one member
25 appointed by the Governor, who shall be the chairperson of the
26 commission, and who shall be a retired judge with experience in the
27 Criminal Division of the Superior Court or a retired justice of the
28 Supreme Court; the Public Defender, or his designee; the Attorney
29 General, or his designee; the President of the New Jersey County
30 Prosecutors Association, or his designee; one public member
31 appointed by the Senate President; one public member appointed by
32 the Senate Minority Leader; one public member appointed by the
33 Speaker of the General Assembly; one public member appointed by
34 the Assembly Minority Leader; and the Administrative Director of
35 the Courts or his designee.

36 The bill provides that in selecting the public members, the
37 appointing authorities should seek to include persons who have
38 experience, training, or academic background in victims' rights
39 advocacy, corrections, judicial administration or criminal law. Any
40 vacancy in the membership of the commission shall be filled by
41 appointment in the same manner as the original appointment. The
42 members of the commission shall serve without compensation, but
43 shall be eligible for reimbursement for necessary and reasonable
44 expenses incurred in the performance of their official duties. In
45 addition, the commission is entitled to the assistance and services of
46 such employees of any State, county, or municipal department,

1 board, bureau, commission, or agency as may be made available to
2 it and to employ such legal, stenographic, technical, and clerical
3 assistance and incur such expenses as may be necessary in order to
4 perform its duties within the limits of funds appropriated or
5 otherwise made available to it for its purposes.

6 The commission is charged with the duty to study and review the
7 Title 2C drug laws, including but not limited to the "Comprehensive
8 Drug Reform Act," N.J.S. 2C:35-1 et al., with respect to the grading
9 of drug crimes, the quantities of controlled substance used for
10 grading, the decriminalization and reduction of penalties for drug
11 crimes and decriminalization for consideration of possible
12 recommendations for revisions to the laws. Specifically, the
13 commission shall consider:

14 (1) the grading of drug crimes, including, grading relative to the
15 quantity of the controlled substance;

16 (2) the impact of existing sentences for drug crimes upon the
17 State's criminal justice system, including state prison capacity,
18 local jail capacity, community supervision resources, judicial
19 operations, and law enforcement responsibilities;

20 (3) the relation that existing penalties for drug crimes has to
21 public safety and the likelihood of recidivism;

22 (4) the anticipated future trends in drug crimes sentencing; and

23 (5) Decriminalization and other means of reducing or
24 eliminating criminal penalties, including but not limited to lowering
25 drug offense degrees.

26 The commission would be required submit to the Governor and
27 the Legislature a report containing its recommendations. The
28 commission's report shall include, but need not be limited to,
29 recommendations regarding:

30 (1) An assessment of the current New Jersey drug crimes law,
31 and a consideration as to whether the sentencing options for drug
32 crimes available to courts are sufficient or should be expanded in
33 some manner to provide a greater range of sentencing options;

34 (2) A recommendation as to whether the grading scheme for
35 drug crimes should be revised, including whether there should be a
36 decriminalization of some drug crimes and if so which drug crimes
37 would be suitable for reclassification or decriminalization;

38 (3) A projection of the impact, if any, on the size of New
39 Jersey's correctional and supervised offender populations of the
40 implementation of each measure proposed by the commission;

41 (4) A recommendation for intermediate, alternative or additional
42 sanctions that should be made available in the New Jersey criminal
43 justice system, including proposals for alternatives to incarceration
44 for suitable offenders, the estimated cost of such programs, and
45 recommendations for rules or principles to guide a judge's
46 imposition of such sanctions as part of a criminal sentence.