

SENATE JOINT RESOLUTION

No. 114

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED APRIL 19, 2021

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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.

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

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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

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

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6 2. a. It shall be the duty of the commission to study and review
7 the Title 2C drug laws, including but not limited to the
8 “Comprehensive Drug Reform Act,” N.J.S. 2C:35-1 et al., with
9 respect to the grading of drug crimes, the quantities of controlled
10 substance used for grading, the decriminalization and reduction of
11 penalties for drug crimes and decriminalization for consideration of
12 possible recommendations for revisions to the laws. Specifically,
13 the 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 b. As provided in section 4 of P.L. c. (C.) (pending
27 before the Legislature as this bill), the commission shall submit to
28 the Governor and the Legislature a report containing its
29 recommendations. The commission's reports shall include, but need
30 not be limited to, recommendations regarding:

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

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

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

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

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

5 The commission is charged with the duty to study and review the
6 Title 2C drug laws, including but not limited to the “Comprehensive
7 Drug Reform Act,” N.J.S. 2C:35-1 et al., with respect to the grading
8 of drug crimes, the quantities of controlled substance used for
9 grading, the decriminalization and reduction of penalties for drug
10 crimes and decriminalization for consideration of possible
11 recommendations for revisions to the laws. Specifically, the
12 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 The commission would be required submit to the Governor and
26 the Legislature a report containing its recommendations. The
27 commission's report shall include, but need not be limited to,
28 recommendations regarding:

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30 and a consideration as to whether the sentencing options for drug
31 crimes available to courts are sufficient or should be expanded in
32 some manner to provide a greater range of sentencing options;

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34 drug crimes should be revised, including whether there should be a
35 decriminalization of some drug crimes and if so which drug crimes
36 would be suitable for reclassification or decriminalization;

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

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