

CHAPTER 265

AN ACT creating a "Commission to Review Criminal Sentencing" to review the fairness and proportionality of the penalties imposed under this State's criminal laws.

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

1. The Legislature finds and declares that, since the New Jersey Code of Criminal Justice was codified in 1978 as Title 2C of the New Jersey Statutes, many new criminal offenses have been added to the code and penalties for many existing offenses have been enhanced. The Legislature further finds and declares that a comprehensive review of these new and enhanced offenses should be conducted to determine if the sentences for these offenses are fair and proportionate to other sentences imposed under the code.

2. a. There is hereby created a commission to be known as the "Commission to Review Criminal Sentencing" to consist of 15 members as follows: two members of the Senate to be appointed by the President thereof, who shall not be of the same political party; two members of the General Assembly to be appointed by the Speaker thereof, who shall not be of the same political party; the Attorney General, or his designee; the Commissioner of Corrections, or his designee; the Public Defender, or his designee; the Chief Justice, or his designee; the Chairman of the State Parole Board, or his designee; the President of the New Jersey County Prosecutors Association, or a representative; the President of the New Jersey State Bar Association, or a representative; one public member appointed by the Senate President; one public member appointed by the Speaker of the General Assembly; and two public members appointed by the Governor, no more than one of whom shall be of the same political party. The public members shall serve during the existence of the commission. In selecting the public members, the Senate President, the Speaker of the General Assembly and the Governor should seek to include persons who have experience, training, or academic background in victims' rights advocacy, alcohol and drug addiction counseling, corrections, judicial administration or criminal law. The members appointed from a class of holders of public office shall remain members until the expiration of the commission or until they cease to be members of the class from which they were appointed, whichever occurs first. Any vacancy in the membership of the commission shall be filled by appointment in the same manner as the original appointment was made.

b. The commission shall organize as soon as possible after the appointment of its members. The members shall elect one of the members to serve as chair and vice-chair and the chair may appoint a secretary, who need not be a member of the commission.

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

d. The commission shall be entitled to accept the assistance and services of such employees of any State, county, or municipal department, board, bureau, commission, or agency as may be made available to it and to employ such legal, stenographic, technical, and clerical assistance and incur such expenses as may be necessary in order to perform its duties within the limits of funds appropriated or otherwise made available to it for its purposes.

3. It shall be the duty of the commission to review the statutory law pertaining to sentences imposed for criminal offenses and make recommendations for legislation to be enacted by the Legislature that would ensure that these sentences are fair and proportionate to other sentences imposed for criminal offenses.

4. The commission shall prepare and submit to the Governor and the Legislature on January 1 of each year an interim report, including the expected date of a final report, of its findings and recommendations.

5. This act shall take effect immediately and shall expire upon the submission by the commission of its final report to the Governor and the Legislature.

Approved January 14, 2004.