

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 607

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 13, 2017

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 607.

This bill, as amended, updates provisions of law referred to as “Joan’s Law,” concerning mandatory life imprisonment without eligibility for parole for an adult who is convicted of murdering a minor in the course of committing a sex crime (either sexual assault under N.J.S.2C:14-2 or criminal sexual contact under N.J.S.2C:14-3). Currently, the mandatory life sentence applies if the murder victim is less than 14 years old; the bill would raise this age to cover any victim less than 18 years old.

The mandatory life sentence established in “Joan’s Law,” enacted as P.L.1997, c.60, was prompted by the 1973 killing of Joan D’Alessandro, a 7-year-old in Hillsdale who had been selling Girl Scout cookies. Her neighbor, Joseph McGowan, lured her to his home, then raped and murdered her.

In addition to making the change to “Joan’s Law” mandatory sentencing for adult murderers, the bill addresses sentencing for juveniles convicted of murder, when tried as adults, in order to comport the statutory law with recent United States Supreme Court precedent. Per that precedent, the bill eliminates statutory references to mandatory life imprisonment without eligibility for parole for such juveniles. The United States Supreme Court found that the mandatory sentences for juveniles represented a form of cruel and unusual punishment in violation of the Eight Amendment to the United States Constitution (made applicable to the states by the Fourteenth Amendment), and thus such sentences were deemed unconstitutional. See Miller v. Alabama, 567 U.S. 460 (2012).

In the wake of the United States Supreme Court decision, without the availability of mandatory life imprisonment for murder pursuant to “Joan’s Law” or other mandatory sentencing provisions, the sentencing for a convicted juvenile, after being tried as an adult, follows the State’s standard sentencing practice for murder: either (1) a term of 30 years, during which the juvenile is not eligible for parole; or (2) a specific term of years between 30 years and life imprisonment, of which the juvenile shall serve 30 years before being eligible for parole. N.J.S.2C:12-3, subsection b., paragraph (1).

This bill, as amended and reported by the committee, is identical to Assembly Bill No. 373(1R), also reported today by the committee.

The committee amendments to the bill:

- eliminate the statutory references to mandatory life imprisonment without eligibility for parole for any juvenile convicted of murder, when that juvenile was tried as an adult, as explained above.