

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 607

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 607 (1R).

This bill 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 will increase 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, to comport the statutory law with a 2012 United States Supreme Court precedent. Per that precedent, the bill eliminates statutory references to mandatory life imprisonment without eligibility for parole for such juveniles. This is because 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 that 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).

As reported, this bill is identical to Assembly Bill No. 373 (1R), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) indicates that information needed to determine the number of individuals who would be convicted of the crime established under the bill is unavailable from either the Administrative Office of the Courts (AOC) or the Executive Branch and thus the fiscal impact of the bill is indeterminate. The OLS notes that the average annual per capita cost to house an inmate in a State prison facility in FY 2015 totaled \$40,000. The FY 2015 marginal cost per inmate per day for food, wage and clothing was \$7.94, totaling \$2,898 annually.

Information provided by the AOC indicates that for the twelve months ending June 30, 2016, four individuals were convicted for crimes which under this bill would result in life imprisonment without eligibility for parole. However, the age of these individuals is unknown.