

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

[First Reprint]

## SENATE, No. 677

with committee amendments

# STATE OF NEW JERSEY

DATED: FEBRUARY 27, 2017

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 677 (1R).

As amended and reported by the committee, Senate Bill No. 677 (1R) requires that a racial and ethnic impact statement be prepared for each proposed criminal justice bill, resolution, or amendment, and any rule proposed for adoption, amendment, or repeal that would affect pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in this State. The amended bill requires these statements to be issued prior to any vote being taken on a bill or the adoption of a rule.

The amended bill requires Office of Legislative Services staff to prepare a racial and ethnic impact statement for a bill, which is to include a statistical analysis of how the change in policy would affect racial and ethnic minorities, the impact of the change in policy on correctional facilities and services, and the estimated number of criminal and juvenile justice matters involving racial and ethnic minorities adjudicated each year. State agencies would be required to provide relevant data to assist the Office of Legislative Services in preparing these statements.

An agency required under the amended bill to issue a racial and ethnic impact statement is required to set forth the nature and extent of the impact of the proposed rule on pretrial detention, sentencing, probation, or parole policies and how the rule would affect racial and ethnic minorities, correctional facilities and services, and the adjudication of criminal and juvenile justice matters involving racial and ethnic minorities. The amended bill requires the Criminal Sentencing and Disposition Commission to review the proposed rule. If the commission determines that the proposed rule may have a significant adverse impact on racial and ethnic minorities, the rule proposing agency is to be notified and the agency is then obligated to consult with the commission before formally adopting the rule.

The required racial and ethnic impact statements for agency rules affecting sentencing are to be made available to the public at the time the proposed rules appear in the New Jersey Register. Currently, State

agencies are required to prepare and issue six other types of impact statements: (1) a socio-economic impact statement; (2) a regulatory flexibility analysis; (3) a jobs impact statement; (4) an agricultural industry impact statement; (5) a housing affordability impact statement; and (6) a smart growth development impact statement.

It is the sponsor's intent that legislators and rulemakers in this State be informed of the possible implications of new legislation or rules for racial and ethnic minorities.

As amended and reported by the committee, Senate Bill No. 677 (1R) is identical to Assembly Bill No. 3677, also amended and reported by the committee on this date.

#### COMMITTEE AMENDMENTS

The committee amended the bill:

- 1) To update the statistics concerning certain demographics of incarcerated individuals;
- 2) To clarify that a racial and ethnic impact statement required under the bill is to address policies that concern juveniles, in addition to adults, in this State;
- 3) As introduced, the bill required that a racial and ethnic impact statement be prepared for a proposed criminal justice bill, resolution, or amendment that would affect pretrial detention, sentencing, probation, or parole policies in this State. The amendments specify that a statement also is to be prepared for any bill, resolution, or amendment that establishes a new crime or offense; modifies a crime or the penalties associated with a crime under current law; or modifies procedures under current law for sentencing, parole, or probation;
- 4) As introduced, the bill required a racial and ethnic impact statement issued for a bill to include, but not be limited to, a statistical analysis of how the change in policy would affect racial and ethnic minorities. The amendments require the statement also to include the impact of the change in policy on correctional facilities and services, and the estimated number of criminal and juvenile justice matters involving racial and ethnic minorities adjudicated each year;
- 5) As introduced, the bill required a racial and ethnic impact statement issued for a proposed rule change to set forth the impact of the proposed rule on pretrial detention, sentencing, probation, or parole policies and how the rule would affect racial and ethnic minorities. The amendments require the statement also to address how the rule would affect correctional facilities and services, and the adjudication of criminal and juvenile justice matters involving racial and ethnic minorities; and
- 6) To make technical changes to the bill.