

SENATE BILL NO. 677
(Second Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 677 (Second Reprint) with my recommendations for reconsideration.

This bill would require a racial and ethnic impact statement for each proposed criminal justice bill, resolution, or amendment that would affect pretrial detention, sentencing, probation, or parole policies in this State prior to any legislative vote. The bill also requires a similar racial and ethnic impact statement for any proposed regulation affecting criminal justice.

I recognize the broad body of research showing that racial and ethnic minority populations can be disproportionately affected by the criminal justice system in the United States, and I fully support any measure that will combat those disproportionate effects, seeking to ensure that New Jersey laws apply equally to all citizens. In fact, in an effort to promote racial and ethnic equality in the application of criminal justice, I signed a bill requiring cultural sensitivity training for all of the State's police officers. Moreover, the Office of the Attorney General has implemented many programs, including: directives on defining and prohibiting racial profiling; guidelines for preparing and conducting photo and live lineup identification procedures; implicit bias training for prosecutors; measures to foster uniformity in sentencing, such as the Brimage Guidelines; cultural diversity training, including courses provided through the Attorney General's Community-Law Enforcement Affirmative Relations (CLEAR) Continuing Education Institute; assessments conducted by the Office of Law Enforcement Professional Standards of officer

arrests, searches, seizures, and motor vehicle stops to identify and monitor any potential disparity in law enforcement; and mandatory interactive bias intimidation crime training, among other things.

I agree with the sponsors that this is an important measure that will provide thoughtful consideration and valuable information in the process of changing laws related to criminal justice. However, to provide a thorough analysis of any potential bill or rule affecting criminal justice, I am recommending technical changes that will require not only the examination of the racial and ethnic impact of proposed measures, but also evaluation of whether the measures will have a disparate or unique impact on racial and ethnic minorities and the underlying rationale for any such impact. Additionally, these changes will effectuate a complete analysis to assess the broader public safety impact on the affected racial and ethnic communities and the impact of the measures on the victims and potential victims in those communities. This will ensure that a more holistic understanding of the impact of the bill or rule will be provided to lawmakers. Finally, the suggested changes will safeguard the rulemaking process, protecting against changes to the process that could lead to an overly burdensome procedure for State agencies.

Accordingly, I herewith return Senate Bill No. 677 (Second Reprint) and recommend that it be amended as follows:

<u>Page 2, Title, Line 1:</u>	After "ethnic"	insert "community criminal and public safety"	justice
<u>Page 2, Section 1, Line 40:</u>	After "ethnic"	insert "community criminal and public safety"	justice
<u>Page 3, Section 1, Line 6:</u>	After "ethnic"	insert "community criminal and public safety"	justice

- Page 3, Section 1, Line 11: After "ethnic" insert "community criminal justice and public safety"
- Page 3, Section 2, Line 18: After "ethnic" insert "community criminal justice and public safety"
- Page 3, Section 2, Line 28: After "ethnic" insert "community criminal justice and public safety"
- Page 3, Section 2, Line 29: After "to," insert "an assessment of the potential impact of the proposed legislation on racial and ethnic minorities, including whether it is likely to have a disproportionate or unique impact on the racial and ethnic communities in the State and the rationale, if any, for the proposed legislation having an identifiable impact on racial and ethnic persons in this State,"
- Page 3, Section 2, Line 33: Before "the" delete "and"
- Page 3, Section 2, Line 34: After "year" insert ", and the anticipated effect of the change in policy on public safety in racial and ethnic communities in the State and for victims and potential victims in those communities"
- Page 3, Section 2, Line 36: After "ethnic" insert "community criminal justice and public safety"
- Page 3, Section 3, Line 39: Delete "a."
- Page 3, Section 3, Line 40: After "ethnic" insert "community criminal justice and public safety"
- Page 3, Section 3, Line 41: Delete "the nature and extent of the impact of" and insert "whether"
- Page 3, Section 3, Line 41: After "rule" insert "will have an impact"
- Page 3, Section 3, Line 43: After "State and" insert ", if so,"
- Page 3, Section 3, Line 44: After "minorities," insert "including whether it is likely to have a disproportionate or unique impact on the racial and ethnic communities in the State and the rationale for the proposed rule having an identifiable impact on racial and ethnic persons in this State, and any anticipated impact upon"

Page 3, Section 3, Line 45: After "minorities," delete "and"

Page 3, Section 3, Line 47: After "minorities" insert ", and public safety in racial and ethnic communities and the victims and potential victims in those communities"

Page 4, Section 3, Lines 3-19: Delete in their entirety

Page 5, Section 4, Line 18: After "ethnic" insert "community criminal justice and public safety"

Respectfully,

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/s/ Chris Christie

Governor

Attest:

/s/ Robert L. Garrenger

Acting Chief Counsel to the Governor