

P.L. 2018, Joint Resolution No. 13, *approved December 17, 2018*  
Senate Joint Resolution No. 18

1 **A JOINT RESOLUTION** establishing a commission to examine  
2 certain issues related to juveniles sentenced to constructive life  
3 imprisonment.

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5 **BE IT RESOLVED** *by the Senate and General Assembly of the*  
6 *State of New Jersey:*

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8 1. There is established the “Commission to Review  
9 Constructive Sentences of Life Imprisonment on Juvenile  
10 Offenders.”

11 a. The commission shall consist of the following 15 members:

12 (1) four legislative members, who shall include two members of  
13 the Senate, who shall not be of same political party, and two  
14 members of the General Assembly, who shall not be of the same  
15 political party. The President of the Senate, the Speaker of the  
16 General Assembly, the Minority Leader of the Senate, and the  
17 Minority Leader of the General Assembly each shall appoint one  
18 legislative member;

19 (2) six ex officio members or their designees, who shall include  
20 the following: the Administrative Director of the Courts, the  
21 Attorney General, the Commissioner of Corrections, the Executive  
22 Director of the Juvenile Justice Commission, the Public Defender,  
23 and the Chairman of the State Parole Board; and

24 (3) five public members appointed by the Governor, who shall  
25 include the following: a retired Superior Court judge with  
26 experience in criminal sentencing or juvenile justice, a county  
27 prosecutor who has been recommended by the County Prosecutors  
28 Association of the State of New Jersey, a victims’ rights advocate, a  
29 representative of an organization that defends civil rights or  
30 promotes social justice, and a faculty member of a law school in  
31 this State with expertise in juvenile justice issues.

32 b. The members of the commission shall serve without  
33 compensation, but may be reimbursed for necessary expenses  
34 incurred in the performance of their duties to the extent that funds  
35 are made available for that purpose.

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37 2. a. The commission shall organize as soon after the  
38 appointment of its members as is practical. The commission shall  
39 elect a chairperson from among its members, and the chairperson  
40 shall select a secretary who need not be a member of the  
41 commission.

42 b. The commission may meet at the call of its chairperson at  
43 the times and in the places it may deem appropriate and necessary

1 to fulfill its duties, and may conduct public hearings at any place it  
2 shall designate.

3 c. The commission shall be entitled to call to its assistance and  
4 avail itself of the services of the Office of Legislative Services, as it  
5 may require.

6 d. Five members of the commission shall constitute a quorum  
7 for the transaction of business.

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9 3. The commission shall examine issues concerning sentencing  
10 and parole of juvenile offenders who are tried as adults for serious,  
11 violent crimes which may result in a constructive life term of  
12 imprisonment without a reasonable opportunity for parole and make  
13 recommendations on how the law governing the criminal justice and  
14 legal systems may be changed to afford these juveniles a reasonable  
15 opportunity for release when appropriate. The commission  
16 specifically shall:

17 a. Evaluate the impact of recent United States Supreme Court  
18 and New Jersey Supreme Court rulings on juvenile offenders who  
19 are sentenced to constructive life terms of imprisonment without the  
20 possibility of parole and consider whether State criminal sentencing  
21 laws should be revised to take into account sentencing factors  
22 established by the United States Supreme Court in Miller v.  
23 Alabama, 567 U.S. 460 (2012); the factors set forth by the New  
24 Jersey Supreme Court in State v. Zuber, 227 N.J. 422 (2017); and  
25 other appropriate considerations;

26 b. Assess whether the age of majority in this State is the  
27 appropriate age threshold under which the court would determine if  
28 "the mitigating qualities of youth" and the sentencing factors in  
29 Miller and Zuber should be considered at sentencing or if a  
30 different formulation or approach is more appropriate, taking into  
31 account contemporary scientific evidence regarding adolescent  
32 cognitive development, criminal justice systemic considerations,  
33 impact on crime victims, and other relevant factors;

34 c. Identify and evaluate possible methods for providing persons  
35 currently serving constructive life terms of imprisonment for crimes  
36 committed as a juvenile a reasonable opportunity for release when  
37 appropriate, such as resentencing by the court or establishing  
38 statutory limits on parole ineligibility with retroactive applicability;

39 d. Determine whether these juvenile defendants shall have the  
40 right to legal counsel at court or parole hearings; and

41 e. Consider the impact juvenile resentencing or parole  
42 alternatives may have on the victims to ensure that any  
43 recommended reform satisfies the constitutional mandate to treat  
44 crime victims with fairness, compassion, and respect in accordance  
45 with Article I, paragraph 22 of the New Jersey Constitution and  
46 provides other rights and remedies to accommodate the needs and  
47 interests of victims as may be appropriate.



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1 Juvenile Justice Commission, the Public Defender, and the  
2 Chairman of the State Parole Board. An additional five public  
3 members are to be appointed to commission by the Governor,  
4 including a retired Superior Court judge, a county prosecutor, a  
5 victims' rights advocate, a representative of a civil rights or social  
6 justice organization, and a State law school faculty member with  
7 expertise in juvenile justice issues.

8 The members of the commission are to serve without  
9 compensation, but may be reimbursed for necessary expenses  
10 incurred in the performance of their duties. The presence of five  
11 members of the commission is to constitute a quorum for the  
12 transaction of business.

13 The commission is to organize as soon after the appointment of  
14 its members as is practical. The commission is to report its finding  
15 and recommendations to the Governor and Legislature, including  
16 legislative proposals, within six months of its organizational  
17 meeting. The commission will expire upon submission of this  
18 report.

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23 Establishes "Commission to Review Constructive Sentences of  
24 Life Imprisonment on Juvenile Offenders."