

JOINT RESOLUTION NO. 13

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

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

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

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

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

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

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

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

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

b. The commission may meet at the call of its chairperson at the times and in the places it may deem appropriate and necessary to fulfill its duties, and may conduct public hearings at any place it shall designate.

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

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

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

a. Evaluate the impact of recent United States Supreme Court and New Jersey Supreme Court rulings on juvenile offenders who are sentenced to constructive life terms of imprisonment without the possibility of parole and consider whether State criminal sentencing laws should be revised to take into account sentencing factors established by the United States Supreme Court in *Miller v. Alabama*, 567 U.S. 460 (2012); the factors set forth

by the New Jersey Supreme Court in *State v. Zuber*, 227 N.J. 422 (2017); and other appropriate considerations;

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

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

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

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

4. The commission shall prepare and submit a report of its findings and recommendations, including legislative proposals, to the Governor and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) no later than six months after the organizational meeting of the commission. The commission shall expire upon submission of this report.

5. This joint resolution shall take effect immediately.

Approved December 17, 2018.