

# **SENATE, No. 406**

## **STATE OF NEW JERSEY**

### **218th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator JOSEPH PENNACCHIO**

**District 26 (Essex, Morris and Passaic)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Senators O'Scanlon, Cardinale and Scutari**

**SYNOPSIS**

Creates New Jersey Innocence Study and Review Commission.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 10/30/2018)**

1    **AN ACT** establishing the New Jersey Innocence Study and Review  
2       Commission.

3

4       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7       1.   a. There is established the New Jersey Innocence Study and  
8       Review Commission.

9       b. The Commission shall study and review all aspects of  
10      criminal cases involving wrongful conviction in New Jersey and  
11      recommend reforms to reduce the likelihood of wrongful conviction  
12      occurring in the future, including but not limited to, the following  
13      issues:

14       (1) identifying the main causes of wrongful conviction;

15       (2) studying existing research on these causes;

16       (3) reviewing cases of wrongful conviction;

17       (4) reviewing additional cases that will assist the Commission in  
18      understanding the causes of wrongful conviction, and  
19      recommending best practices to appropriate constituencies;

20       (5) examining the existing system of restitution to compensate  
21      wrongfully convicted persons and programming to assist persons to  
22      reintegrate back into society;

23       (6) make a specific recommendation, for the establishment of a  
24      permanent innocence review panel before which convicted and  
25      incarcerated individuals may present a request for the review of  
26      their own conviction by the panel, unless such recommendation is  
27      expressly rejected by the commission.

28       c. The commission shall be composed of nine members.  
29      Appointments should reflect the diversity of the population of New  
30      Jersey. Members shall be appointed as follows:

31       (1) One member appointed by the Governor, who shall be the  
32      chairperson of the commission, and who shall be a retired judge of  
33      the Superior Court or retired justice of the Supreme Court;

34       (2) two members appointed by the President of the Senate, one of  
35      whom shall be a Republican, and one of whom shall be a Democrat;

36       (3) two members appointed by the Speaker of the General  
37      Assembly, one of whom shall be a Republican, and one of whom  
38      shall be a Democrat;

39       (4) the Public Defender or his designee;

40       (5) the Attorney General or his designee;

41       (6) the Administrative Director of the Courts or his designee; and

42       (7) a representative of the County Prosecutors Association of  
43      New Jersey.

44       d. The commission shall propose new legislation, if  
45      appropriate.

46       e. Members of the commission shall be appointed within 45  
47      days of enactment.

1 f. The members of the commission shall serve without  
2 compensation, but may be reimbursed for necessary expenses  
3 incurred in the performance of their duties, within the limits of  
4 funds appropriated or otherwise made available to the commission  
5 for its purposes.

6 g. Any vacancy in the membership shall be filled in the same  
7 manner as the original appointment.

8 h. The commission is entitled to the assistance and service of  
9 the employees of any State, county or municipal department, board,  
10 bureau, commission or agency as it may require and as may be  
11 available to it for its purposes, and to employ stenographic and  
12 clerical assistance and to incur traveling or other miscellaneous  
13 expenses as may be necessary in order to perform its duties, within  
14 the limits of funds appropriated or otherwise made available to it  
15 for its purposes.

16 i. The commission may meet and hold hearings at such places  
17 and times as it shall designate, and shall report its findings and  
18 recommendations to the Governor, and to the Legislature, along  
19 with any legislation it desires to recommend for adoption by the  
20 Legislature within 18 months of appointment of the members.

21  
22 2. This act shall take effect immediately.  
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#### 25 STATEMENT

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27 This bill establishes the New Jersey Innocence Study and Review  
28 Commission. Under the bill, the commission is charged to study  
29 and review all aspects of criminal cases involving wrongful  
30 conviction in New Jersey and recommend reforms to reduce the  
31 likelihood of wrongful conviction occurring in the future, including  
32 but not limited to the following issues: (1) identifying the main  
33 causes of wrongful conviction; (2) studying existing research on  
34 these causes; (3) reviewing cases of wrongful conviction; (4)  
35 reviewing additional cases that will assist the Commission in  
36 understanding the causes of wrongful conviction, and  
37 recommending best practices to appropriate constituencies; (5)  
38 examining the existing system of restitution to compensate  
39 wrongfully convicted persons and programming to assist persons to  
40 reintegrate back into society, and (6) make a specific  
41 recommendation, for the establishment of a permanent innocence  
42 review panel before which convicted and incarcerated individuals  
43 may present a request for the review of their own conviction by the  
44 panel, unless such recommendation is expressly rejected by the  
45 commission.

46 The commission shall be composed of nine members as follows:  
47 One member appointed by the Governor, who shall be the  
48 chairperson of the commission, and who shall be a retired judge of

1 the Superior Court or retired justice of the Supreme Court; two  
2 members appointed by the President of the Senate and two members  
3 appointed by the Speaker of the General Assembly; the Public  
4 Defender or a designee; the Attorney General or a designee; the  
5 Administrative Director of the Courts or a designee; a  
6 representative of the County Prosecutors Association of New  
7 Jersey. All members must be appointed within 45 days of  
8 enactment of the bill. The commission is required to report its  
9 findings and recommendations, including any recommended  
10 legislation, to the Legislature and the Governor within 18 months of  
11 appointment of the members.