

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, Scutari, Stack, Greenstein, Pou and Ruiz

SYNOPSIS

Creates New Jersey Innocence Study and Review Commission.

CURRENT VERSION OF TEXT

As reported by the Senate Judiciary Committee with technical review.



(Sponsorship Updated As Of: 12/18/2018)

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; and

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
35 of whom shall be a Republican, and one of whom shall be a
36 Democrat;

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

40 (4) the Public Defender or his designee;

41 (5) the Attorney General or his designee;

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

44 (7) a representative of the County Prosecutors Association of
45 New Jersey.

46 d. The commission shall propose new legislation, if
47 appropriate.

- 1 e. Members of the commission shall be appointed within 45
2 days of enactment.
- 3 f. The members of the commission shall serve without
4 compensation, but may be reimbursed for necessary expenses
5 incurred in the performance of their duties, within the limits of
6 funds appropriated or otherwise made available to the commission
7 for its purposes.
- 8 g. Any vacancy in the membership shall be filled in the same
9 manner as the original appointment.
- 10 h. The commission is entitled to the assistance and service of
11 the employees of any State, county or municipal department, board,
12 bureau, commission or agency as it may require and as may be
13 available to it for its purposes, and to employ stenographic and
14 clerical assistance and to incur traveling or other miscellaneous
15 expenses as may be necessary in order to perform its duties, within
16 the limits of funds appropriated or otherwise made available to it
17 for its purposes.
- 18 i. The commission may meet and hold hearings at such places
19 and times as it shall designate, and shall report its findings and
20 recommendations to the Governor, and to the Legislature, along
21 with any legislation it desires to recommend for adoption by the
22 Legislature within 18 months of appointment of the members.
- 23
- 24 2. This act shall take effect immediately.