

SENATE JOINT RESOLUTION

No. 18

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED JANUARY 16, 2018

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Establishes “Commission to Review Constructive Sentences of Life Imprisonment on Juvenile Offenders.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/11/2018)

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

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

7
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.

36
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
44 to fulfill its duties, and may conduct public hearings at any place it
45 shall designate.

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

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

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

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

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

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

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

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

43
44 4. The commission shall prepare and submit a report of its
45 findings and recommendations, including legislative proposals, to
46 the Governor and to the Legislature pursuant to section 2 of
47 P.L.1991, c.164 (C.52:14-19.1) no later than six months after the

1 organizational meeting of the commission. The commission shall
2 expire upon submission of this report.

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4 5. This joint resolution shall take effect immediately.

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STATEMENT

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9 This joint resolution establishes the "Commission to Review
10 Constructive Sentences of Life Imprisonment on Juvenile
11 Offenders" to examine issues concerning sentencing and parole of
12 juvenile offenders who are tried as adults for serious, violent crimes
13 which may result in a constructive life term of imprisonment
14 without a reasonable opportunity for parole. The commission is to
15 make recommendations on how the law governing the criminal
16 justice and legal systems may be changed to afford these juveniles a
17 reasonable opportunity for release when appropriate.

18 Specifically, the commission is required to: (1) evaluate the
19 impact of recent United States and New Jersey Supreme Court
20 rulings on juvenile offenders who are sentenced to constructive life
21 terms of imprisonment without the possibility of parole and
22 consider whether State criminal sentencing laws should be revised
23 to take into account certain sentencing factors set forth in these
24 cases; (2) assess whether the age of majority in this State is the
25 appropriate age threshold under which the court would determine if
26 "the mitigating qualities of youth" and these sentencing factors
27 should be considered at sentencing or whether another approach is
28 more appropriate; (3) identify and evaluate possible methods for
29 providing persons currently serving constructive life terms of
30 imprisonment for crimes committed as a juvenile a reasonable
31 opportunity for release when appropriate, such as resentencing by
32 the court or establishing statutory limits on parole ineligibility with
33 retroactive applicability; (4) determine whether these juvenile
34 defendants should have the right to legal counsel at court or parole
35 hearings; and (5) consider the impact that juvenile resentencing or
36 parole alternatives may have on the victims to ensure that any
37 recommended reform satisfies the constitutional mandate to treat
38 crime victims with fairness, compassion, and respect.

39 The commission is to consist of 15 members. Four legislative
40 members are to be appointed to the commission including two
41 members of the Senate and two members of the General Assembly.
42 The commission is to have six ex-officio members, including the
43 Administrative Director of the Courts, the Attorney General, the
44 Commissioner of Corrections, the Executive Director of the
45 Juvenile Justice Commission, the Public Defender, and the
46 Chairman of the State Parole Board. An additional five public
47 members are to be appointed to commission by the Governor,
48 including a retired Superior Court judge, a county prosecutor, a

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1 victims' rights advocate, a representative of a civil rights or social
2 justice organization, and a State law school faculty member with
3 expertise in juvenile justice issues.

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

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