

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE JOINT RESOLUTION No. 18

STATE OF NEW JERSEY

DATED: MAY 14, 2018

The Senate Law and Public Safety Committee reports favorably Senate Joint Resolution No. 18.

As reported by the committee, this joint resolution establishes the “Commission to Review Constructive Sentences of Life Imprisonment on Juvenile Offenders” to 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. The commission is to 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.

Specifically, the commission is required to: (1) evaluate the impact of recent United States 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 certain sentencing factors set forth in these cases; (2) 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 these sentencing factors should be considered at sentencing or whether another approach is more appropriate; (3) 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; (4) determine whether these juvenile defendants should have the right to legal counsel at court or parole hearings; and (5) consider the impact that 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.

The commission is to consist of 15 members. Four legislative members are to be appointed to the commission including two members of the Senate and two members of the General Assembly. The commission is to have six ex-officio members, including 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. An additional five public members are to be appointed to the commission by the Governor, including a retired Superior Court judge, a county prosecutor, a victims' rights advocate, a representative of a civil rights or social justice organization, and a State law school faculty member with expertise in juvenile justice issues.

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

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