

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY No.4369

with committee amendments

STATE OF NEW JERSEY

DATED: JULY 20, 2020

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 4369.

As amended and reported by the committee, Assembly Bill No. 4369 implements several of the recommendations contained in the first annual report of the New Jersey Criminal Sentencing and Disposition Commission (the CSDC). The CSDC is a legislative body, established pursuant to N.J.S.A.2C:48A-1 through N.J.S.A.2C:48A-4, charged with conducting a thorough analysis of New Jersey's sentencing laws for consideration of possible recommendations for revisions, and considering issues regarding disparity in the criminal justice process. The first annual report produced a total of nine recommendations. This bill concerns three of these recommendations, which address changes to provisions in Title 2C, the Criminal Code. These provisions coincide with Recommendations 1, 2, and 3 of the report.

This bill eliminates mandatory minimum terms of imprisonment for nonviolent property and drug-related crimes. The bill further reduces the mandatory term for second degree robbery and second degree burglary from 85 percent, as required under current law pursuant to the No Early Release Act (NERA), to 50 percent of the sentence imposed.

The provisions of the amended bill which implement Recommendation #1 of the report would eliminate mandatory minimum sentencing for the following non-violent drug offenses:

- Maintaining or operating a CDS production facility
- Manufacturing, distributing or dispensing CDS
- Employing a Juvenile in a Drug Distribution Scheme
- Distributing, dispensing, or possessing CDS within 1,000 feet of school
- Distribution of CDS to persons under age 18
- Recidivist CDS offense

The provisions of the amended bill which implement Recommendation #2 of the report would eliminate mandatory minimum sentencing for the following non-violent property crimes:

- Recidivist leader of cargo theft network
- Recidivist theft from cargo carrier

- Shoplifting (third offense)
- Hacking of a government computer
- Improper computer access and disclosure

The provisions of the amended bill which implement Recommendation #3 of the report would reduce mandatory minimum sentencing imposed pursuant to NERA from 85 percent to 50 percent of the sentence imposed for the following crimes:

- Robbery, second degree
- Burglary, second degree

COMMITTEE AMENDMENTS

The committee amended the bill to:

(1) remove the provisions of the bill which:

(a) eliminate mandatory minimum sentencing for first degree computer hacking;

(b) eliminate mandatory minimum sentencing for first degree leader of narcotics trafficking network; and

(c) implement Recommendation #5 of the report to add an additional mitigating factor, of whether the defendant was under the age of 26 at the time of the commission of the crime, for court consideration when determining the appropriate sentence to be imposed on a person who has been convicted of a crime; and

(2) make technical changes to the bill.