

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 4369**

# STATE OF NEW JERSEY

DATED: JULY 27, 2020

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4369 (1R).

This bill 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

FISCAL IMPACT:

The Office of Legislative Services (OLS) concurs with the Administrative Office of the Courts that this legislation would result in an indeterminate fiscal impact on the courts.

The OLS notes that it is unknown how many individuals will be convicted of the enumerated crimes after implementation of the bill and therefore not subject to the mandatory minimum terms of imprisonment under current law. However, the Department of Corrections would have an indeterminate reduction in expenditures as these individuals would be incarcerated for less time.