

[Fourth Reprint]

## **ASSEMBLY, No. 4370**

# **STATE OF NEW JERSEY**

## **219th LEGISLATURE**

INTRODUCED JUNE 29, 2020

**Sponsored by:**

**Assemblywoman LINDA S. CARTER**

**District 22 (Middlesex, Somerset and Union)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Co-Sponsored by:**

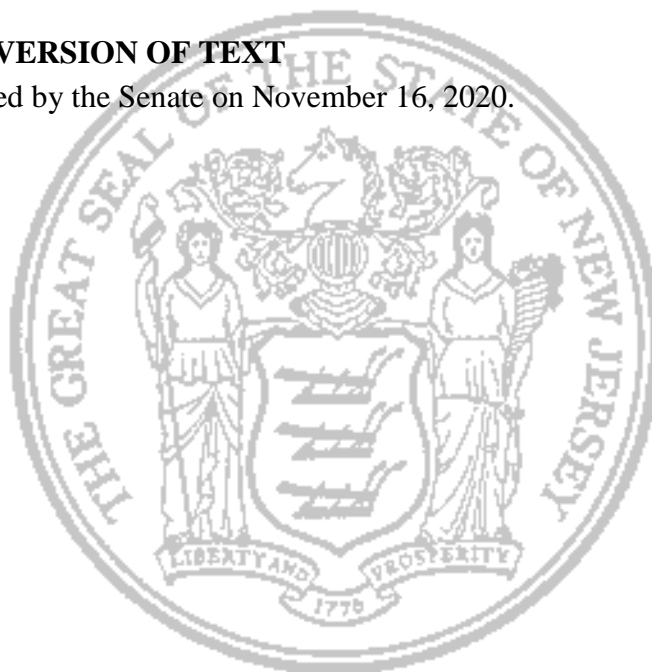
**Assemblywoman Reynolds-Jackson**

### **SYNOPSIS**

Permits retroactive modification of certain judgments of conviction; requires study of DOC's anticipated expenses to upgrade data infrastructure.

### **CURRENT VERSION OF TEXT**

As amended by the Senate on November 16, 2020.



**(Sponsorship Updated As Of: 7/23/2020)**

1 AN ACT concerning <sup>3</sup>criminal justice, with an emphasis on rescinding  
 2 mandatory minimum periods of<sup>3</sup> parole <sup>3</sup>ineligibility<sup>3</sup>,  
 3 supplementing Title 30 of the Revised Statutes, and amending  
 4 P.L.1979, c.441 <sup>3</sup>and P.L.1967, c.43<sup>3</sup>.

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

8  
 9 1. (New section) a. The <sup>3</sup>**[**Administrative Director of the  
 10 Courts**]** Supreme Court<sup>3</sup> may issue an order to retroactively modify  
 11 the judgment of conviction, in accordance with the provisions of  
 12 subsection m. of section 7 of P.L.1979, c.441 (C.30:4-123.51), to  
 13 rescind the mandatory minimum period of parole ineligibility of any  
 14 inmate convicted prior to <sup>2</sup>, and who is in the custody of the  
 15 Department of Corrections on,<sup>2</sup> the effective date of  
 16 P.L. , c. (C. ) (pending before the Legislature as this bill)  
 17 who was sentenced in accordance with:  
 18 (1) leader of a cargo theft network pursuant to subsection e. of  
 19 section 4 of P.L.2013, c.58 (C.2C:20-2.4);  
 20 (2) crimes involving theft from a cargo carrier pursuant to  
 21 subsection c. of section 6 of P.L.2013, c.58 (C.2C:20-2.6);  
 22 (3) shoplifting pursuant to paragraph (4) of subsection c. of  
 23 N.J.S.2C:20-11;  
 24 (4) <sup>1</sup>**[**computer criminal activity pursuant to subsections g. or h.  
 25 of section 4 of P.L.1984, c.184 (C.2C:20-25);  
 26 (5)<sup>1</sup>**]** wrongful access, disclosure of information pursuant to  
 27 subsection b. of section 10 of P.L.1984, c.184 (C.2C:20-31);  
 28 <sup>1</sup>**[(6)** leader of narcotics trafficking network pursuant to  
 29 N.J.S.2C:35-3;  
 30 (7)<sup>1</sup>**]** <sup>1</sup>(5) maintaining or operating a controlled dangerous  
 31 substance production facility pursuant to N.J.S.2C:35-4;  
 32 <sup>1</sup>**[(8)]** <sup>1</sup>(6) manufacturing, distributing, or dispensing a controlled  
 33 dangerous substance or controlled substance analog pursuant to  
 34 N.J.S.2C:35-5;  
 35 <sup>1</sup>**[(9)]** <sup>1</sup>(7) employing a juvenile in a drug distribution scheme  
 36 pursuant to N.J.S.2C:35-6;  
 37 <sup>1</sup>**[(10)]** <sup>1</sup>(8) distribution on or within 1,000 feet of school  
 38 property pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7);  
 39 <sup>1</sup>**[(11)]** <sup>1</sup>(9) distribution to persons under age 18 pursuant to  
 40 section 1 of <sup>3</sup>**[**N.J.J.2C:35-8**]** N.J.S.2C:35-8<sup>3</sup>; <sup>3</sup>**[**or**]**<sup>3</sup>

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ALP committee amendments adopted July 20, 2020.

<sup>2</sup>Assembly AAP committee amendments adopted July 27, 2020.

<sup>3</sup>Senate SJU committee amendments adopted August 25, 2020.

<sup>4</sup>Senate floor amendments adopted November 16, 2020.

1       <sup>1</sup>[(12)] (10)<sup>1</sup> <sup>3</sup>a<sup>3</sup> mandatory term for <sup>3</sup>being a<sup>3</sup> repeat drug  
 2       <sup>3</sup>[offenders] offender<sup>3</sup> pursuant to subsection f. of N.J.S.2C:43-6 <sup>3</sup>;  
 3       <sup>4</sup>except that this paragraph shall not apply to convictions for leader  
 4       of narcotics trafficking network set forth in N.J.S.2C:35-3<sup>4</sup> or

5       (11) a mandatory term for official misconduct, N.J.S.2C:30-2,  
 6       pursuant to section 6 of P.L.2007, c.49 (C.2C:43-6.5), due to the  
 7       offense involving or touching the office or employment once held  
 8       by the convicted and sentenced public officer or employee<sup>3</sup>,

9       unless the prosecutor objects in the case of an inmate <sup>3</sup>so  
 10      sentenced in accordance with any of those paragraphs<sup>3</sup>.

11      b. <sup>4</sup>[The <sup>2</sup>[administrative director] Supreme Court<sup>2</sup> may issue  
 12      an order to retroactively modify the judgment of conviction, in  
 13      accordance with the provisions of subsection m. of section 7 of  
 14      P.L.1979, c.441 (C.30:4-123.51) to resentence an inmate to a fixed  
 15      minimum term of 50 percent of the sentence of incarceration  
 16      imposed in lieu of the 85 percent fixed minimum term for second  
 17      degree robbery in violation of N.J.S.2C:15-1 or second degree  
 18      burglary in violation of N.J.S.2C:18-2 that was committed prior to  
 19      the effective date of P.L. , c. (C. ) (pending before the  
 20      Legislature as this bill), unless the prosecutor files an objection.

21      c. <sup>4</sup>[<sup>2</sup>[An] The Commissioner of Corrections shall identify,  
 22      from a list of defendants sentenced for the enumerated crimes  
 23      provided by the Administrative Office of the Courts, those inmates  
 24      in the custody of the Department of Corrections who are eligible for  
 25      resentencing under an<sup>2</sup> order issued pursuant to <sup>4</sup>[subsections]  
 26      subsection<sup>4</sup> a. <sup>4</sup>[or b.]<sup>4</sup> of this section <sup>2</sup>[shall remain inoperative  
 27      for thirty days, to allow the State to identify the affected inmates  
 28      and] , and provide a list of eligible inmates to the Supreme Court,  
 29      the Attorney General and county prosecutors. No later than 60 days  
 30      after receipt of the list, the State shall<sup>2</sup> determine whether there  
 31      <sup>2</sup>[was] is<sup>2</sup> a basis to file an objection in any inmate's case.

32      <sup>4</sup>[d.] c. <sup>4</sup> A prosecutor shall not file an objection to the  
 33      retroactive modification of an inmate's judgment of conviction  
 34      pursuant to this section without the prior approval of the Attorney  
 35      General.

36      <sup>4</sup>[e.] d. <sup>4</sup> The Attorney General shall provide to the  
 37      <sup>2</sup>Administrative Director of the Courts and to the<sup>2</sup> Department of  
 38      Corrections notice as to the identity of each inmate for whom a  
 39      determination is made to file an objection. The Department of  
 40      Corrections shall promptly notify the inmate and the inmate's  
 41      attorney or, if the inmate does not have an attorney, the <sup>3</sup>[public  
 42      defender] Public Defender<sup>3</sup> of the determination to file an objection  
 43      with respect to that individual.

44      <sup>4</sup>[f.] e. <sup>4</sup> <sup>2</sup>[An] (1) In any case in which a determination is  
 45      made to file an<sup>2</sup> objection to the retroactive modification of a  
 46      judgment of conviction for an inmate <sup>2</sup>[shall be filed with the

1 sentencing court, or the presiding criminal judge if the sentencing  
2 court is not still sitting, and provided to the inmate's attorney or, if  
3 the inmate does not have an attorney, the public defender] , the  
4 prosecutor shall file any such objection with the Superior Court in  
5 the county where the conviction occurred. Any such objection shall  
6 be filed no later than 60 days following receipt of the list from the  
7 Department of Corrections pursuant to subsection c. of this section,  
8 or within 30 days of providing notice of a determination to file an  
9 objection pursuant to subsection e. of this section, whichever date is  
10 later.

11 (2) For those eligible inmates as to whom the prosecutor does  
12 not file an objection, the court may order the retroactive  
13 modification of those inmates' judgments of conviction in  
14 accordance with the provisions of <sup>4</sup>[paragraphs (1) or (2) of]<sup>4</sup>  
15 subsection m. of section 7 of P.L.1979, c.441 (C.30:4-123.51),  
16 without conducting a hearing<sup>2</sup> .

17 <sup>4</sup>[g.] f.<sup>4</sup> In the event the prosecutor files an objection, the  
18 inmate's judgment of conviction shall be retroactively modified in  
19 accordance with the provisions of <sup>4</sup>[paragraphs (1) or (2) of]<sup>4</sup>  
20 subsection m. of section 7 of P.L.1979, c.441 (C.30:4-123.51)  
21 unless the court, after a hearing, finds by clear and convincing  
22 evidence that rescinding the term of parole ineligibility imposed  
23 upon the inmate would likely pose a substantial risk to public safety  
24 or that the aggravating factors associated with rescinding or  
25 reducing, as the case may be, the term of parole ineligibility  
26 substantially outweigh the mitigating factors of doing so.

27 <sup>4</sup>[h.] g.<sup>4</sup> A court that finds that an inmate's sentence applies to  
28 <sup>4</sup>[paragraphs (1) or (2) of]<sup>4</sup> subsection m. of section 7 of P.L.1979,  
29 c.441 (C.30:4-123.51) may issue an order denying the retroactive  
30 modification of the judgment of conviction, or in the alternative<sup>4</sup>]:

31 (1) for an inmate whose sentence applies pursuant to paragraph  
32 (1) of subsection m. of section 7 of P.L.1979, c.441 (C.30:4-  
33 123.51),]<sup>4</sup> the court may modify the judgment of conviction by  
34 rescinding the mandatory period of parole ineligibility and  
35 sentencing the inmate to a period of discretionary parole  
36 ineligibility<sup>4</sup>; and

37 (2) for an inmate whose sentence applies pursuant to paragraph  
38 (2) of subsection m. of section 7 of P.L.1979, c.441 (C.30:4-  
39 123.51), the court may resentence the inmate to a fixed minimum  
40 term of 50 percent of the sentence of incarceration imposed with an  
41 additional period of discretionary parole ineligibility]<sup>4</sup>.

42 <sup>4</sup>[i.] h.<sup>4</sup> Any period of parole ineligibility imposed pursuant  
43 to subsection <sup>4</sup>[g.] f.<sup>4</sup> of this section shall not result in a period of  
44 parole ineligibility in excess of the period that otherwise would  
45 have applied under the judgment of conviction prior to  
46 modification.

1       <sup>4</sup>[j.] i.<sup>4</sup> An inmate who is afforded a hearing pursuant to  
2 subsection <sup>4</sup>[g.] f.<sup>4</sup> of this section <sup>2</sup>[may] shall<sup>2</sup> be represented by  
3 the <sup>3</sup>[public defender] Public Defender<sup>3 2</sup>, unless the inmate retains  
4 other counsel<sup>2</sup>.

5       <sup>4</sup>[k.] j.<sup>4</sup> Nothing in this section shall be construed to authorize  
6 the court to modify or in any way affect any mandatory minimum  
7 term of parole ineligibility imposed pursuant to a law other than  
8 those subject to subsection m. of section 7 of P.L.1979, c.441  
9 (C.30:4-123.51).

10  
11       2. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is amended to  
12 read as follows:

13       7. a. Each adult inmate sentenced to a term of incarceration in  
14 a county penal institution, or to a specific term of years at the State  
15 Prison or the correctional institution for women shall become  
16 primarily eligible for parole after having served any judicial or  
17 statutory mandatory minimum term, or one-third of the sentence  
18 imposed where no mandatory minimum term has been imposed less  
19 commutation time for good behavior pursuant to N.J.S.2A:164-24  
20 or R.S.30:4-140 and credits for diligent application to work and  
21 other institutional assignments pursuant to P.L.1972, c.115 (C.30:8-  
22 28.1 et seq.) or R.S.30:4-92. Consistent with the provisions of the  
23 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,  
24 2C:43-6, 2C:43-7), commutation and work credits shall not in any  
25 way reduce any judicial or statutory mandatory minimum term and  
26 such credits accrued shall only be awarded subsequent to the  
27 expiration of the term.

28       b. Each adult inmate sentenced to a term of life imprisonment  
29 shall become primarily eligible for parole after having served any  
30 judicial or statutory mandatory minimum term, or 25 years where  
31 no mandatory minimum term has been imposed less commutation  
32 time for good behavior and credits for diligent application to work  
33 and other institutional assignments. If an inmate sentenced to a  
34 specific term or terms of years is eligible for parole on a date later  
35 than the date upon which he would be eligible if a life sentence had  
36 been imposed, then in such case the inmate shall be eligible for  
37 parole after having served 25 years, less commutation time for good  
38 behavior and credits for diligent application to work and other  
39 institutional assignments. Consistent with the provisions of the  
40 New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6,  
41 2C:43-6, 2C:43-7), commutation and work credits shall not in any  
42 way reduce any judicial or statutory mandatory minimum term and  
43 such credits accrued shall only be awarded subsequent to the  
44 expiration of the term.

45       c. Each <sup>3</sup>adult<sup>3</sup> inmate sentenced to a specific term of years  
46 pursuant to the "Controlled Dangerous Substances Act," P.L.1970,  
47 c.226 (C.24:21-1 et al.) shall become primarily eligible for parole

1 after having served one-third of the sentence imposed less  
2 commutation time for good behavior and credits for diligent  
3 application to work and other institutional assignments.

4 d. Each adult inmate sentenced to an indeterminate term of  
5 years as a young adult offender pursuant to N.J.S.2C:43-5 shall  
6 become primarily eligible for parole consideration pursuant to a  
7 schedule of primary eligibility dates developed by the board, less  
8 adjustment for program participation. In no case shall the board  
9 schedule require that the primary parole eligibility date for a young  
10 adult offender be greater than the primary parole eligibility date  
11 required pursuant to this section for the presumptive term for the  
12 crime authorized pursuant to subsection f. of N.J.S.2C:44-1.

13 e. Each adult inmate sentenced for an offense specified in  
14 N.J.S.2C:47-1 shall become primarily eligible for parole as follows:

15 (1) If the court finds that the offender's conduct was not  
16 characterized by a pattern of repetitive, compulsive behavior or  
17 finds that the offender is not amenable to sex offender treatment, or  
18 if after sentencing the Department of Corrections in its most recent  
19 examination determines that the offender is not amenable to sex  
20 offender treatment, the offender shall become primarily eligible for  
21 parole after having served any judicial or statutory mandatory  
22 minimum term or one-third of the sentence imposed where no  
23 mandatory minimum term has been imposed. Neither such term  
24 shall be reduced by commutation time for good behavior pursuant  
25 to R.S.30:4-140 or credits for diligent application to work and other  
26 institutional assignments pursuant to R.S.30:4-92.

27 (2) <sup>3</sup>**【All other】** Young adult<sup>3</sup> offenders shall be eligible for  
28 parole pursuant to the provisions of N.J.S.2C:47-5, except no  
29 offender shall become primarily eligible for parole prior to the  
30 expiration of any judicial or statutory mandatory minimum term.

31 f. <sup>3</sup>**【Each juvenile inmate committed to an indeterminate term**  
32 **shall be immediately eligible for parole.】** (Deleted by amendment,  
33 P.L.2019, c.363)<sup>3</sup>

34 g. Each adult inmate of a county jail, workhouse or  
35 penitentiary shall become primarily eligible for parole upon service  
36 of 60 days of his aggregate sentence or as provided for in  
37 subsection a. of this section, whichever is greater. Whenever any  
38 such inmate's parole eligibility is within six months of the date of  
39 such sentence, the judge shall state such eligibility on the record  
40 which shall satisfy all public and inmate notice requirements. The  
41 chief executive officer of the institution in which county inmates  
42 are held shall generate all reports pursuant to subsection d. of  
43 section 10 of P.L.1979, c.441 (C.30:4-123.54). The parole board  
44 shall have the authority to promulgate time periods applicable to the  
45 parole processing of inmates of county penal institutions, except  
46 that no inmate may be released prior to the primary eligibility date  
47 established by this subsection, unless consented to by the  
48 sentencing judge. No inmate sentenced to a specific term of years

1 at the State Prison or the correctional institution for women shall  
2 become primarily eligible for parole until service of a full nine  
3 months of his aggregate sentence.

4 h. When an inmate is sentenced to more than one term of  
5 imprisonment, the primary parole eligibility terms calculated  
6 pursuant to this section shall be aggregated by the board for the  
7 purpose of determining the primary parole eligibility date <sup>3</sup>], except  
8 that no juvenile commitment shall be aggregated with any adult  
9 sentence<sup>3</sup>. The board shall promulgate rules and regulations to  
10 govern aggregation under this subsection.

11 i. The primary eligibility date shall be computed by a  
12 designated representative of the board and made known to the  
13 inmate in writing not later than 90 days following the  
14 commencement of the sentence. In the case of an inmate sentenced  
15 to a county penal institution such notice shall be made pursuant to  
16 subsection g. of this section. Each inmate shall be given the  
17 opportunity to acknowledge in writing the receipt of such  
18 computation. Failure or refusal by the inmate to acknowledge the  
19 receipt of such computation shall be recorded by the board but shall  
20 not constitute a violation of this subsection.

21 j. Except as provided in this subsection, each inmate sentenced  
22 pursuant to N.J.S.2A:113-4 for a term of life imprisonment,  
23 N.J.S.2A:164-17 for a fixed minimum and maximum term or  
24 subsection b. of N.J.S.2C:1-1 shall not be primarily eligible for  
25 parole on a date computed pursuant to this section, but shall be  
26 primarily eligible on a date computed pursuant to P.L.1948, c.84  
27 (C.30:4-123.1 et seq.), which is continued in effect for this purpose.  
28 Inmates classified as second, third or fourth offenders pursuant to  
29 section 12 of P.L.1948, c.84 (C.30:4-123.12) shall become  
30 primarily eligible for parole after serving one-third, one-half or  
31 two-thirds of the maximum sentence imposed, respectively, less in  
32 each instance commutation time for good behavior and credits for  
33 diligent application to work and other institutional assignments;  
34 provided, however, that if the prosecuting attorney or the  
35 sentencing court advises the board that the punitive aspects of the  
36 sentence imposed on such inmates will not have been fulfilled by  
37 the time of parole eligibility calculated pursuant to this subsection,  
38 then the inmate shall not become primarily eligible for parole until  
39 serving an additional period which shall be one-half of the  
40 difference between the primary parole eligibility date calculated  
41 pursuant to this subsection and the parole eligibility date calculated  
42 pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12). If the  
43 prosecuting attorney or the sentencing court advises the board that  
44 the punitive aspects of the sentence have not been fulfilled, such  
45 advice need not be supported by reasons and will be deemed  
46 conclusive and final. Any such decision shall not be subject to  
47 judicial review except to the extent mandated by the New Jersey  
48 and United States Constitutions. The board shall, reasonably prior

1 to considering any such case, advise the prosecuting attorney and  
 2 the sentencing court of all information relevant to such inmate's  
 3 parole eligibility.

4 k. Notwithstanding any provisions of this section to the  
 5 contrary, a person sentenced to imprisonment pursuant to paragraph  
 6 (2), (3) or (4) of subsection b. of N.J.S.2C:11-3 shall not be eligible  
 7 for parole.

8 l. **【Notwithstanding the provisions of subsections a. through j.**  
 9 **of this section, the appropriate board panel, as provided in section 1**  
 10 **of P.L.1997, c.214 (C.30:4-123.51c), may release an inmate serving**  
 11 **a sentence of imprisonment on medical parole at any time.】**<sup>3</sup><sup>3</sup>  
 12 Deleted by amendment, P.L. , c. <sup>3</sup>【(C. )】<sup>3</sup> (pending before  
 13 the Legislature as this bill) <sup>3</sup>【.】<sup>3</sup>

14 m. **<sup>4</sup>【(1)】<sup>4</sup>** A person serving a custodial sentence on the  
 15 effective date of P.L. , c. (C. )(pending before the  
 16 Legislature as this bill) and subject to a mandatory minimum term  
 17 of parole ineligibility pursuant to subsection e. of section 4 of  
 18 P.L.2013, c.58 (C.2C:20-2.4), subsection c. of section 6 of  
 19 P.L.2013, c.58 <sup>3</sup>【(c.2c:20-2.6)】 (C.2C:20-2.6)<sup>3</sup> , paragraph (4) of  
 20 subsection c. of N.J.S.2C:20-11, <sup>1</sup>【subsections g. or h. of section 4  
 21 of P.L.1984, c.184 (C.2C:20-25),】<sup>1</sup> subsection b. of section 10 of  
 22 P.L.1984, c.184 (C.2C:20-31), <sup>1</sup>【N.J.S.2C:35-3,】<sup>1</sup> N.J.S.2C:35-4,  
 23 N.J.S.2C:35-5, N.J.S.2C:35-6, section 1 of P.L.1987, c.101  
 24 (C.2C:35-7), N.J.S.2C:35-8, or subsection f. of N.J.S.2C:43-6 shall  
 25 be eligible for parole after the effective date of P.L. , c. (C. )  
 26 (pending before the Legislature as this bill) in accordance with  
 27 subsection a. of section 1 of P.L. , c. (C. ) (pending before  
 28 the Legislature as this bill).

29 **<sup>4</sup>【(2)】** Notwithstanding the provisions of section 2 of  
 30 P.L.1997, c.117 (2C:43-7.2) or any provisions of this section to the  
 31 contrary, a person sentenced prior to the effective date of P.L. , c.  
 32 (C. ) (pending before the Legislature as this bill) to a fixed  
 33 minimum term of 85 percent of the sentence imposed for second  
 34 degree robbery in violation of N.J.S.2C:15-1 or second degree  
 35 burglary in violation of N.J.S.2C:18-2 and who is serving a term of  
 36 incarceration after the effective date of P.L. , c. (C. )  
 37 (pending before the Legislature as this bill) shall be eligible for  
 38 parole after serving 50 percent of the fixed minimum term in  
 39 accordance with subsection b. of section 1 of P.L. , c. (C. )  
 40 (pending before the Legislature as this bill).】<sup>4</sup>

41 (cf: P.L.2019, c.363, s.10)

43 3. The Commissioner of Corrections shall conduct a study on  
 44 the anticipated expenses to upgrade the department's existing data  
 45 infrastructure in order to improve its ability to collect, track, and  
 46 analyze data related to the criminal justice system. The commission  
 47 shall within six months of the effective date of



1 P.L. , c. (pending before the Legislature as this bill) submit  
2 a report to the Governor, and the Legislature pursuant to section 2  
3 of P.L.1991, c.164 (C.52:14-19.1) with recommendations for  
4 additional funding necessary for the department to invest in  
5 upgrades to its data infrastructure.

6  
7 <sup>2</sup>4. Section 5 of P.L.1967, c.43 (C.2A:158A-5) is amended to  
8 read as follows:

9 It shall be the duty of the Public Defender to provide for the  
10 legal representation of any indigent defendant who is formally  
11 charged with the commission of an indictable offense.

12 All necessary services and facilities of representation (including  
13 investigation and other preparation) shall be provided in every case.  
14 The factors of need and real value to a defense may be weighed  
15 against the financial constraints of the Public Defender's office in  
16 determining what are the necessary services and facilities of  
17 representation.

18 Representation as herein provided for shall include any direct  
19 appeal from conviction and such post-conviction proceedings as  
20 would warrant the assignment of counsel pursuant to the court rules.

21 Representation for indigent defendants (a) may be provided in  
22 any federal court in any matter arising out of or relating to an action  
23 pending or recently pending in a court of criminal jurisdiction of  
24 this State and (b) may be provided in any federal court in this State  
25 where indigent defendants are charged with the commission of a  
26 federal criminal offense and where the representation is under a  
27 plan adopted pursuant to the Criminal Justice Act of 1964  
28 (18 U.S.C. s. 3006A).

29 The Public Defender also shall provide for the legal  
30 representation of any eligible inmate who is serving a custodial  
31 prison sentence in matters in which a prosecutor objects to the  
32 retroactive modification of a judgment of conviction in accordance  
33 with section 1 of P.L. , c. (C. )(pending before the Legislature  
34 as this bill).<sup>2</sup>

35 (cf: P.L.1987, c.170, s.2)

36  
37 <sup>2</sup>[4.] 5.<sup>2</sup> This act shall take effect <sup>2</sup>[immediately] on the first  
38 day of the sixth month following the date of enactment, provided  
39 however, that the Supreme Court, Administrative Director of the  
40 Courts, Commissioner of Corrections, Public Defender, Attorney  
41 General and county prosecutors may take such anticipatory action  
42 as deemed necessary to effectuate the provisions of this act. This  
43 act shall expire upon the entry of final orders in accordance with  
44 section 1 of this act with respect to all inmates eligible for  
45 resentencing under this act<sup>2</sup>