

SENATE, No. 282

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

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SYNOPSIS

Creates New Jersey Innocence Study and Review Commission.

CURRENT VERSION OF TEXT

As reported by the Senate Judiciary Committee with technical review.



1 **AN ACT** establishing the New Jersey Innocence Study and Review
2 Commission.

3

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

6

7 1. a. There is established the New Jersey Innocence Study and
8 Review Commission.

9 b. The Commission shall study and review all aspects of
10 criminal cases involving wrongful conviction in New Jersey and
11 recommend reforms to reduce the likelihood of wrongful conviction
12 occurring in the future, including but not limited to, the following
13 issues:

14 (1) identifying the main causes of wrongful conviction;

15 (2) studying existing research on these causes;

16 (3) reviewing cases of wrongful conviction;

17 (4) reviewing additional cases that will assist the commission in
18 understanding the causes of wrongful conviction, and recommending
19 best practices to appropriate constituencies;

20 (5) examining the existing system of restitution to compensate
21 wrongfully convicted persons and programming to assist persons to
22 reintegrate back into society; and

23 (6) make a specific recommendation, for the establishment of a
24 permanent innocence review panel before which convicted and
25 incarcerated individuals may present a request for the review of their
26 own conviction by the panel, unless such recommendation is
27 expressly rejected by the commission.

28 c. The commission shall be composed of nine members.
29 Appointments should reflect the diversity of the population of New
30 Jersey. Members shall be appointed as follows:

31 (1) One member appointed by the Governor, who shall be the
32 chairperson of the commission, and who shall be a retired judge of
33 the Superior Court or retired justice of the Supreme Court;

34 (2) two members appointed by the President of the Senate, one of
35 whom shall be a Republican, and one of whom shall be a Democrat;

36 (3) two members appointed by the Speaker of the General
37 Assembly, one of whom shall be a Republican, and one of whom
38 shall be a Democrat;

39 (4) the Public Defender or his designee;

40 (5) the Attorney General or his designee;

41 (6) the Administrative Director of the Courts or his designee; and

42 (7) a representative of the County Prosecutors Association of
43 New Jersey.

44 d. The commission shall propose new legislation, if appropriate.

45 e. Members of the commission shall be appointed within 45 days
46 of enactment.

47 f. The members of the commission shall serve without
48 compensation, but may be reimbursed for necessary expenses

- 1 incurred in the performance of their duties, within the limits of funds
2 appropriated or otherwise made available to the commission for its
3 purposes.
- 4 g. Any vacancy in the membership shall be filled in the same
5 manner as the original appointment.
- 6 h. The commission is entitled to the assistance and service of the
7 employees of any State, county or municipal department, board,
8 bureau, commission or agency as it may require and as may be
9 available to it for its purposes, and to employ stenographic and
10 clerical assistance and to incur traveling or other miscellaneous
11 expenses as may be necessary in order to perform its duties, within
12 the limits of funds appropriated or otherwise made available to it for
13 its purposes.
- 14 i. The commission may meet and hold hearings at such places
15 and times as it shall designate, and shall report its findings and
16 recommendations to the Governor, and to the Legislature, along with
17 any legislation it desires to recommend for adoption by the
18 Legislature within 18 months of appointment of the members.
- 19
- 20 2. This act shall take effect immediately.