

[First Reprint]

SENATE JOINT RESOLUTION

No. 94

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED AUGUST 20, 2020

Sponsored by:

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District 28 (Essex)

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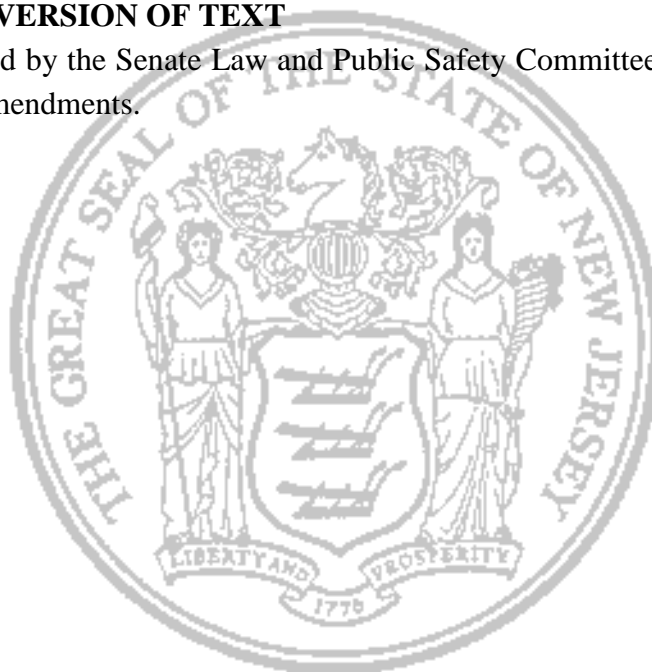
Senator Pou

SYNOPSIS

Establishes task force to study racial bias within criminal justice system.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on August 25, 2020, with amendments.



(Sponsorship Updated As Of: 10/29/2020)

1 **A JOINT RESOLUTION** establishing a task force to study racial bias
2 within the criminal justice system.
3
4 **WHEREAS**, The criminal justice system is a multifaceted system tasked
5 with crime prevention, ensuring public safety, rehabilitating
6 offenders, and the upholding of justice for all; however, not all
7 individuals who experience the criminal justice system perceive the
8 system to be fair and equitable; and
9 **WHEREAS**, Racial bias, which refers to prejudice in favor of or against
10 a racial or ethnic group when compared to another racial or ethnic
11 group, is present within each major component of the United States
12 criminal justice system including law enforcement, courts, and
13 corrections; and
14 **WHEREAS**, Racial bias within the criminal justice system occurs both
15 explicitly, through overt discrimination, and implicitly through
16 subconscious stereotypes held by individuals working within the
17 criminal justice system; and
18 **WHEREAS**, Implicit biases are associations made by individuals in the
19 unconscious state of mind, so often times, individuals are unaware
20 of the implicit biases they harbor towards certain individuals or
21 groups of people; these implicit biases can be especially
22 problematic when they are held by individuals working within the
23 criminal justice system because these subconscious stereotypes and
24 prejudices can impact discretionary thinking and lead to adverse
25 outcomes for individuals of minority groups who are experiencing
26 the criminal justice system; and
27 **WHEREAS**, Minority groups, specifically African Americans, are
28 overrepresented and treated disparately within the criminal justice
29 system when compared to other groups; and
30 **WHEREAS**, According to 2019 United States Census data, African
31 Americans make up only 13.4 percent of the national population,
32 however, African Americans make up 38 percent of the prison
33 population as reported in the 2020 Federal Bureau of Prison's
34 report of inmate statistics; this overrepresentation of African
35 Americans within the prison system also results in greater
36 percentages of African Americans obtaining a criminal record,
37 which can affect future job opportunities, housing options, and
38 family relationships; and
39 **WHEREAS**, It is important for the State of New Jersey to study racial
40 bias within the criminal justice system and recommend actions to
41 criminal justice system actors and policymakers to prevent future
42 disparate treatment within the criminal justice system; now,
43 therefore,

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:

¹Senate SLP committee amendments adopted August 25, 2020.

1 **BE IT RESOLVED** *by the Senate and General Assembly of the*
 2 *State of New Jersey:*

3

4 1. a. There is established a task force to study racial bias
 5 within New Jersey's criminal justice system. This task force shall
 6 study the presence and prevalence of racial bias within each major
 7 component of the criminal justice system: law enforcement, courts,
 8 and corrections.

9 b. The task force shall consist of 17 members as follows:

10 (1) two members of the General Assembly, one who is a
 11 member of the Legislative Black Caucus and one who is a member
 12 of the Legislative Latino Caucus, appointed by the Speaker of the
 13 General Assembly;

14 (2) two members of the Senate, one who is a member of the
 15 Legislative Black Caucus and one who is a member of the
 16 Legislative Latino Caucus appointed by the President of the Senate;

17 (3) the Attorney General, or a designee;

18 (4) the Superintendent of the New Jersey State Police, or a
 19 designee;

20 (5) the ¹**Chief Justice of the Supreme Court** Administrative
 21 Director of the Courts¹, or a designee;

22 (6) the President of the New Jersey Prosecutors Association, or
 23 a designee;

24 (7) the Executive Director of the Juvenile Justice Commission,
 25 or a designee;

26 (8) the Commissioner of Corrections, or a designee;

27 (9) the Public Defender, or a designee; and

28 (10) six members of the public, appointed by the Governor,
 29 who represent communities and community-based advocacy groups
 30 that reflect the diverse economic, racial, cultural, gender, and
 31 occupational composition of the State. Three of these six members
 32 of the public should have knowledge of or experience with the New
 33 Jersey criminal justice system.

34 c. The members of this task force shall be appointed within 30
 35 days after the effective date of this resolution. The task force shall
 36 organize as soon as practicable after the appointment of the task
 37 force's members and the task force shall choose a chairperson from
 38 among its members. The presence of nine members shall constitute
 39 a quorum.

40 d. The task force shall meet regularly as the task force
 41 determines or at the call of the chairperson. The task force shall
 42 hold at least three public hearings in different parts of the State and
 43 elicit testimony from the public at such times and places as the chair
 44 shall designate.

45 e. The members of the task force shall serve without
 46 compensation.

47 f. Any vacancies in the membership of the task force shall be
 48 filled in the same manner as the original appointment.

1 g. The Attorney General's Office shall provide stenographic,
2 clerical, and other administrative assistance and professional staff
3 as the task force requires to carry out the task force's work. The
4 task force shall be entitled to call to the task force's assistance and
5 avail itself of the services of the employees of any State, county, or
6 municipal department, board, bureau, commission, or agency as the
7 task force may require and as may be available for the task force's
8 purposes.

9
10 2. a. The task force shall study the presence and prevalence of
11 racial bias within the criminal justice system. The task force shall
12 focus on the factors that contribute to racial disparities within the
13 State's law enforcement, courts, and correctional system. The task
14 force shall specifically:

15 (1) examine current data, research, and policies related to racial
16 bias and racial disparities within the State's criminal justice system;

17 (2) identify effective strategies to reduce the presence of racial
18 bias within the State's criminal justice system;

19 (3) develop recommendations to implement those strategies,
20 including legislation, court rules, and policies, if appropriate, based
21 on the task force's findings.

22 b. The task force shall prepare and submit to the Governor and
23 to the Legislature pursuant to section 2 of P.L.1991, c.164
24 (C.52:14- 19.1) a final report no later than one year after the
25 organization of the task force.

26
27 3. This joint resolution shall take effect immediately and shall
28 expire 30 days after the issuance of the task force's final report and
29 recommendations to the Governor and the Legislature.