

ASSEMBLY, No. 685

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ZISA

1 AN ACT concerning presentence reports and amending N.J.S.2C:44-6.

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

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6 1. N.J.S. 2C:44-6 is amended to read as follows:

7 2C:44-6. Procedure on Sentence; Presentence Investigation and
8 Report.

9 a. The court shall not impose sentence without first ordering a
10 presentence investigation of the defendant and according due
11 consideration to a written report of such investigation when required
12 by Rules of Court. The court may order a presentence investigation
13 in any other case.

14 b. The presentence investigation shall include an analysis of the
15 circumstances attending the commission of the offense, the defendant's
16 history of delinquency or criminality, family situation, financial
17 resources, debts, including any amount owed for a fine, assessment or
18 restitution ordered in accordance to the provisions of Title 2C,
19 employment history, personal habits[,] and the disposition and the
20 reasons for the disposition of any charge made against the defendant
21 or any codefendants, including but not limited to any charges
22 dismissed pursuant to N.J.S. 2C:4-6, and may include [a report on his
23 physical and mental condition and] any other matters that the
24 probation officer deems relevant or the court directs to be included.
25 The presentence report shall also include a report on the defendant's
26 physical and mental condition. The presentence report shall also
27 include a report on any compensation paid by the Violent Crimes
28 Compensation Board as a result of the commission of the offense and,
29 in any case where the victim chooses to provide one, a statement by
30 the victim of the offense for which the defendant is being sentenced.
31 The statement may include the nature and extent of any physical harm
32 or psychological or emotional harm or trauma suffered by the victim,

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

Matter underlined thus is new matter.

1 the extent of any loss to include loss of earnings or ability to work
2 suffered by the victim and the effect of the crime upon the victim's
3 family. The probation department shall notify the victim or nearest
4 relative of a homicide victim of his right to make a statement for
5 inclusion in the presentence report if the victim or relative so desires.
6 Any such statement shall be made within 20 days of notification by the
7 probation department.

8 The presentence report shall specifically include an assessment of
9 the gravity and seriousness of harm inflicted on the victim, including
10 whether or not the defendant knew or reasonably should have known
11 that the victim of the offense was particularly vulnerable or incapable
12 of resistance due to advanced age, disability, ill-health, or extreme
13 youth, or was for any other reason substantially incapable of exercising
14 normal physical or mental power of resistance.

15 c. [If, after the presentence investigation, the court desires
16 additional information concerning an offender convicted of an offense
17 before imposing sentence, it may order that he be examined as to his
18 medical or mental condition, except that he may not be committed to
19 an institution for such examination] Deleted by amendment. P.L. . ,
20 c. (C. _____)(now pending before the Legislature as this bill).

21 d. Disclosure of any presentence investigation report or psychiatric
22 examination report shall be in accordance with law and the Rules of
23 Court, except that information concerning the defendant's financial
24 resources shall be made available upon request to the Violent Crimes
25 Compensation Board or to any officer authorized under the provisions
26 of N.J.S.2C:46-4 to collect payment on an assessment, restitution or
27 fine.

28 e. The court shall not impose a sentence of imprisonment for an
29 extended term unless the ground therefor has been established at a
30 hearing after the conviction of the defendant and on written notice to
31 him of the ground proposed. The defendant shall have the right to
32 hear and controvert the evidence against him and to offer evidence
33 upon the issue.

34 f. (Deleted by amendment, P.L.1986, c.85).
35 (cf: P.L.1991, c.329, s.7)

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37 2. This act shall take effect immediately.

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STATEMENT

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42 This bill would require the presentence report to include
43 information concerning any prior disposition of charges against the
44 defendant, including any dismissals as a result of a determination that
45 the defendant was mentally incompetent to stand trial. The bill would
46 also mandate that all presentence reports include a report on the

1 defendant's physical and mental condition.

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6 Requires presentence reports to note when charges are dismissed due

7 to mental incompetency; mandates a report on the defendant's physical

8 and mental condition.