

SENATE CONCURRENT RESOLUTION No. 61

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1996

By Senator McGREEVEY

1 **A CONCURRENT RESOLUTION** proposing to amend to Article VI, Section II
2 of the Constitution of the State of New Jersey by adding a new paragraph
3 4 thereto.

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5 **BE IT RESOLVED** by the Senate of the State of New Jersey (the General
6 Assembly concurring):

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8 1. The following proposed amendment to the Constitution of the State of
9 New Jersey is hereby agreed to:

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11 **PROPOSED AMENDMENT**

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13 Amend Article VI, Section II by adding a new paragraph 4 to read as
14 follows:

15 4. In all cases in which a sentence of death is imposed for the crime of
16 murder, the appeal to the Supreme Court shall be decided and an opinion
17 reaching the merits shall be filed within 150 days of certification of the entire
18 record by the sentencing court. In any case in which this time requirement is
19 not met, the Chief Justice of the Supreme Court shall state on the record the
20 extraordinary and compelling circumstances. A failure to comply with the time
21 requirements of this paragraph shall not be grounds for precluding the ultimate
22 imposition of the death penalty.

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24 2. When this proposed amendment to the Constitution is finally agreed to
25 pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted
26 to the people at the next general election occurring more than three months
27 after the final agreement and shall be published at least once in at least one
28 newspaper of each county designated by the President of the Senate, the
29 Speaker of the General Assembly and the Secretary of State, not less than
30 three months prior to the general election.

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32 3. This proposed amendment to the Constitution shall be submitted to the
33 people at that election in the following manner and form:

34 There shall be printed on each official ballot to be used at the general
35 election, the following:

1 a. In every municipality in which voting machines are not used, a legend
 2 which shall immediately precede the question, as follows:

3 If you favor the proposition printed below make a cross (X), plus (+) or
 4 check (O) in the square opposite the word "Yes." If you are opposed thereto
 5 make a cross (X), plus (+) or check (O) in the square opposite the word "No."

6 b. In every municipality the following question:
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<p>8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27</p>	<p>YES</p>	<p>PROCEDURE IN DEATH PENALTY CASES</p> <p>Do you approve of the amendment to the Constitution of the State of New Jersey agreed to by the Legislature, providing in all cases in which a sentence of death is imposed for the crime of murder, the appeal to the Supreme Court shall be decided and an opinion reaching the merits shall be filed within 150 days of certification of the entire record by the sentencing court. In any case in which this time requirement is not met, the Chief Justice of the Supreme Court shall state on the record the extraordinary and compelling circumstances causing the delay and the facts supporting these circumstances. A failure to comply with the time requirements of this paragraph shall not be grounds for precluding the ultimate imposition of the death penalty?</p>
<p>28</p>		<p>INTERPRETIVE STATEMENT</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14	NO	<p>This constitutional amendment would provide that in all cases in which a sentence of death is imposed for the crime of murder, the appeal to the Supreme Court shall be decided and an opinion reaching the merits shall be filed within 150 days of certification of the entire record by the sentencing court. The Chief Justice of the Supreme Court shall state on the record the extraordinary and compelling circumstances causing the delay and the facts supporting these circumstances if there is no decision delivered within the time period. A failure to comply with the time requirements shall not be grounds for precluding the ultimate imposition of the death penalty.</p>
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STATEMENT

17 This resolution would amend the Constitution to provide that in all cases in
18 which a sentence of death is imposed for the crime of murder, the appeal to
19 the Supreme Court shall be decided and an opinion reaching the merits shall
20 be filed within 150 days of certification of the entire record by the sentencing
21 court. In any case in which the time requirement is not met, the Chief Justice
22 of the Supreme Court shall state on the record the extraordinary and
23 compelling circumstances causing the delay and the facts supporting these
24 circumstances. A failure to comply with the time requirements shall not be
25 grounds for precluding the ultimate imposition of the death penalty.

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30 Amends the Constitution to provide that death penalty appeals shall be
31 decided and an opinion reached by the Supreme Court within 150 days of the
32 availability of the entire record from the sentencing court.