

LEGISLATIVE HISTORY CHECKLISTNJSA: 52:17B-151 to 52:17B-158("Act to Deter Criminal  
Activity" -- establish  
Commission)LAWS OF: 1983CHAPTER: 333Bill No: A775Sponsor(s): DoyleDate Introduced: February 22, 1982Committee: Assembly: Judiciary, Law, Public Safety & DefenseSenate: Law, Public Safety & DefenseAmended during passage:  
according to Governor's  
recommendations

Yes

Amendments denoted by  
asterisksDate of Passage:Assembly: June 17, 1982

Re-enacted 6-20-83

Senate: March 30, 1983

Re-enacted 8-29-83

Date of Approval: September 2, 1983Following statements are attached if available:Sponsor statement:

Yes

(Below)

Committee statement:Assembly

Yes

Senate

Yes

Fiscal Note:

No

Veto Message:

Yes

Message on Signing:

No

Following were printed:Reports:

No

Hearings:

No

Sponsor's statement:

This bill authorizes the Attorney General to publicize the law concerning mandatory sentencing for persons committing certain violent crimes while possessing a firearm.

Similar legislation in other states:

Pennsylvania - Pa. stat. Ann. Tit. 42 2151 et seq. (Purdon 1981)

Florida - Fla. stat. Ann. (West 1982)

Massachusetts - Mass. Ann. Laws. ch. 6, 156 (West 1976)

9-2-83

[OFFICIAL COPY REPRINT]  
**ASSEMBLY, No. 775**

**STATE OF NEW JERSEY**

INTRODUCED FEBRUARY 22, 1982

By Assemblyman DOYLE

Referred to Committee on Judiciary, Law, Public Safety  
and Defense

AN ACT \***[directing the Attorney General]**\* *\*establishing a Commission to Deter Criminal Activity\** to advertise the recently enacted mandatory and extended sentence requirement for those convicted of the commission of certain crimes while in possession of a firearm *\*and other criminal statutes\**.

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

1 \***[1. The Attorney General shall cause to be prominently adver-**  
2 **tised in every county of this State, by the means he deems most**  
3 **effective, notice of the recently enacted amendments to the New**  
4 **Jersey Code of Criminal Justice providing mandatory and extended**  
5 **terms of imprisonment for persons convicted of committing certain**  
6 **crimes while in possession of a firearm.]\***

1 *\*1. This act shall be known as the Act to Deter Criminal Activity.*

1 *2. There is hereby established in the Department of Law and*  
2 *Public Safety the "New Jersey Commission to Deter Criminal*  
3 *Activity." The commission shall consist of 19 members:*

4 *a. Two members of the New Jersey State Senate who are not*  
5 *representatives of the same political party, appointed by the Presi-*  
6 *dent of the Senate;*

7 *b. Two members of the New Jersey General Assembly who are*  
8 *not representatives of the same political party, appointed by the*  
9 *Speaker of the General Assembly;*

10 *c. The State Attorney General or his designee;*

11 *d. The President of the New Jersey Police Benevolent Associa-*

**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 printed in italics thus is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

**\*—Assembly amendments adopted in accordance with Governor's recommendations June 13, 1983.**

12 tion or if he shall refuse to serve, fail to qualify, or become dis-  
13 qualified, a public member appointed by the Governor;

14 e. The President of the State Prosecutors Association or if he  
15 shall refuse to serve, fail to qualify, or become disqualified, a public  
16 member appointed by the Governor; and

17 f. Twelve public or governmental official members appointed by  
18 the Governor. All members shall serve without compensation but  
19 may be reimbursed for reasonable expenditures incurred during the  
20 performance of their duties for the commission.

1 3. The legislative members, Attorney General, Police Benevolent  
2 Association President, and Prosecutors Association President shall  
3 serve for terms contiguous with their elective or appointive term.  
4 The other members shall be appointed for terms of three (3) years  
5 and shall serve until the appointment of their successors except for  
6 the initial terms which shall be staggered terms of one, two, and  
7 three years respectively as determined by the Governor. Vacancies  
8 shall be filled for unexpired terms only.

1 4. The commission shall meet at least four (4) times per annum  
2 and the first such meeting shall be held within ninety days of enact-  
3 ment.

1 5. The chairman shall be designated by the Governor from among  
2 the members of the commission.

1 6. The commission shall be empowered to:

2 a. Solicit and receive gifts, bequests, donations and grant aid  
3 from any source whatsoever. These funds shall be used for the  
4 purpose of educating the general public in New Jersey regarding  
5 the State's criminal statutes and the consequences of committing  
6 acts in the State. Such contributions, gifts, bequests, donations, or  
7 grant aid shall be used exclusively for public purposes.

8 b. Advertise the consequences of participating in criminal activity  
9 in any media the commission deems appropriate, including but not  
10 limited to television, radio, newspaper, billboards, or printed  
11 material;

12 c. Educate the general public in New Jersey regarding the State's  
13 criminal statutes and the consequences of committing criminal acts  
14 in the State. The commission shall educate the general public re-  
15 garding the State's mandatory sentencing laws, and particularly  
16 the mandatory sentencing law providing mandatory and extended  
17 terms of imprisonment for persons convicted of committing certain  
18 crimes while in possession of a firearm;

19 d. Enter into such contracts with a person upon such terms and  
20 conditions as the commission shall determine to be reasonable,  
21 employ such staff and do any and all things the commission deems

22 necessary, to carry out the purposes and to exercise the powers  
23 given and granted in this act;

24 e. Establish a nonprofit charitable educational corporation under  
25 the laws of the State of New Jersey which shall be empowered to  
26 exercise the powers given and granted to the commission in the  
27 preceding subsections of this section to carry out the purposes of  
28 this act. Any such nonprofit corporation established by the com-  
29 mission shall be organized and operated exclusively for educational  
30 or other charitable purposes; no part of the net earnings of which  
31 shall inure to the benefit of any private shareholder or individual  
32 upon the liquidation or dissolution of the corporation for any cause  
33 whatsoever, neither the property of the corporation nor any right  
34 therein shall inure to the benefit of any of the directors, officers, or  
35 any other private individual but all property or rights therein, or  
36 the proceeds thereof, shall be fully disposed of by the board of  
37 directors to such one or more organizations which then qualify as  
38 organizations described in section 501 (c) (3) of the Internal  
39 Revenue Code of 1954 or the corresponding provisions of any sub-  
40 sequent law or to a governmental unit as the board of directors may  
41 select; no substantial part of the activities of which shall be carry-  
42 ing on propaganda, or otherwise attempting, to influence legisla-  
43 tion; and any such nonprofit corporation established hereunder  
44 shall not participate in, or intervene in (including the publishing or  
45 distributing of statements), any political campaign on behalf of  
46 any candidate for public office.

1 7. The commission shall appoint from its class of members  
2 appointed pursuant to section 2f. herein, the Board of Directors of  
3 any nonprofit corporation established by the commission pursuant  
4 to subsection 6e. of this act. All members of the Board of Directors  
5 shall serve without compensation but may be reimbursed for reason-  
6 able expenditures incurred during the performance of their duties  
7 for the corporation.

1 8. There is hereby appropriated \$75,000.00 from General State  
2 Revenues for the general use of the commission and \$250,000.00 to  
3 be allocated as provided in section 9 of his act.

1 9. The \$250,000.00 appropriated to the commission in section 8  
2 of this act shall be allocated to the commission in an amount equi-  
3 valent to funds donated to the commission or to any nonprofit  
4 corporation established by the commission pursuant to subsection  
5 6e. of this act, in the aggregate from nongovernmental sources. The  
6 cumulative state appropriations matching donations to the commis-  
7 sion or such nonprofit corporation from nongovernmental sources,  
8 in the aggregate, shall not exceed \$250,000.00.

1    10. *A person who has been convicted of a crime shall be subject to*  
2 *the mandatory sentencing provisions of the New Jersey Statutes*  
3 *despite failure of the commission or any nonprofit corporation*  
4 *established by the commission pursuant to subsection 6e. of this act*  
5 *to adequately advertise the mandatory sentencing provisions*  
6 *thereof.\**

1    \***[2.]**\* **\*11.\*** This act shall take effect immediately.

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ASSEMBLY, No. 775  
STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1982

By Assemblyman DOYLE

Referred to Committee on Judiciary, Law, Public Safety  
and Defense

AN ACT directing the Attorney General to advertise the recently enacted mandatory and extended sentence requirement for those convicted of the commission of certain crimes while in possession of a firearm.

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

1 1. The Attorney General shall cause to be prominently advertised  
2 in every county of this State, by the means he deems most effective,  
3 notice of the recently enacted amendments to the New Jersey Code  
4 of Criminal Justice providing mandatory and extended terms of  
5 imprisonment for persons convicted of committing certain crimes  
6 while in possession of a firearm.

1 2. This act shall take effect immediately.

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STATEMENT

This bill authorizes the Attorney General to publicize the law concerning mandatory sentencing for persons committing certain violent crimes while possessing a firearm.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY  
AND DEFENSE COMMITTEE

STATEMENT TO  
ASSEMBLY, No. 775

**STATE OF NEW JERSEY**

DATED: MARCH 8, 1982

This bill authorizes the Attorney General to publicize the law concerning mandatory sentencing for persons committing certain violent crimes while possessing a firearm.

SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 775**

**STATE OF NEW JERSEY**

DATED: JANUARY 11, 1983

This bill would require the Attorney General to advertise in every county in the State the law concerning mandatory sentences of imprisonment for persons who commit certain violent crimes while in possession of a firearm. The Attorney General would be permitted to use whatever means of advertising he deemed to be most effective. This bill does not contain an appropriation.



CORRECTED COPY

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

May 26, 1983

ASSEMBLY BILL No. 775

To the General Assembly:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 775 with my objections and recommendations for amendment.

The purpose of this bill is to provide that the State Attorney General shall cause to be prominently advertised in every county of this State, by the means he deems most effective, notice of the amendments to the New Jersey Code of Criminal Justice providing mandatory and extended terms of imprisonment for persons convicted of committing certain crimes while in possession of a firearm (the Graves Act).

I have long supported the general intent behind this bill. I have had my staff working on this proposal for nearly one year. We have contacted Florida, Massachusetts, Pennsylvania and other states who already have similar legislation and who already have experience in conducting such advertising campaigns. Based on the experiences of other states, I am convinced that this can be an effective program to combat crime.

My staff has compiled cost estimates for different methods of advertising criminal penalties. We have studied the possibility of radio and television advertising, billboards, store window decals, brochures and other methods of advertising. My staff has made recommendations before both the Assembly and Senate Committees to amend this bill, particularly in regard to the fiscal impact and costs of this bill, and yet these recommendations were not adopted. My staff made specific recommendations as to how to fund such a program, and based upon the experiences in Pennsylvania, Massachusetts and Florida, I am convinced that the private sector will help finance such a campaign through a non-profit organization. Such a proposal was made to the Legislature, yet the bill contains no funding mechanism.

The Attorney General has also expressed concern regarding this bill. He points out first, that the bill is mandatory in nature; second, the means he selects could be subject to criticism and defendants might try to escape the mandatory sentencing by alleging the Attorney General failed to meet his

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obligation to post notices pursuant to this bill; and third, there is no funding for this legislation, and the costs would be prohibitive.

In Pennsylvania, where a similar program was initiated in 1982, the start-up costs were approximately \$100,000. I recommend the bill be amended to provide an appropriation of \$75,000 for start-up costs. My staff examined two possible vehicles for advertising criminal penalties. The first option is to create a charitable educational organization which would qualify under Section 501 (c)(3) of the United States Internal Revenue Code and be incorporated as a non-profit corporation under the laws of the State of New Jersey. The second option is to create a commission in State government which would qualify under Section 170(c)(1) of the United States Internal Revenue Code. As such, either organization will be able to receive tax deductible contributions from the private sector to finance an advertising campaign. The purpose of the corporation or commission should be to educate the general public in New Jersey concerning the existence of the State's mandatory sentencing laws, particularly the mandatory sentencing law providing mandatory and extended terms of imprisonment for persons convicted of committing certain crimes while in possession of a firearm, and other criminal statutes. The impact of the project should increase the effectiveness of those laws and enhance the safety of residents of the State.

The corporation's Board of Directors or the members of the Commission should be made up of individuals who believe that citizens must be made aware of the law and that an active public education campaign must involve public officials and community leaders. The members of the Board or Commission, its staff, and representatives of associations and citizens should coordinate their activities in order to successfully develop television, radio, newspaper, billboard, and printed materials for public dissemination.

In analyzing the above proposals, I feel a Commission established in the Department of Law and Public Safety which will be able to receive tax deductible contributions from the public sector and which is authorized to establish a non-profit corporation is the best option. I recommend the Commission be composed of two State Senate members who are not representatives of the same political party, appointed by the President of the Senate; two

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General Assembly members, who are not representatives of the same political party, appointed by the Speaker of the General Assembly; the State Attorney General or his designee; the President of the New Jersey Police Benevolent Association; the President of the State Prosecutors Association; and twelve public or Governmental official members appointed by the Governor.

I further recommend the State appropriate funds to match contributions made to the Commission up to \$250,000 (\$250,000 private contributions and \$250,000 appropriated by the State). This would create a fund of \$500,000 by which to conduct an effective advertising campaign.

Therefore, I herewith return Assembly Bill No. 775 and recommend it be amended as follows:

Page 1, Title, Line 1: DELETE "directing the Attorney General" and INSERT "establishing The New Jersey Commission to Deter Criminal Activity"

Page 1, Title, Line 4: after "firearm" INSERT "and other criminal statutes"

Page 1, section 1, lines 1-6: DELETE entire section.

Page 1, section 1, after line 6: INSERT the following:

"1. This act shall be known and may be cited as the 'Act to Deter Criminal Activity.'

2. There is hereby established in the Department of Law and Public Safety the "New Jersey Commission to Deter Criminal Activity." The commission shall consist of 19 members:

- a. Two members of the New Jersey State Senate who are not representatives of the same political party, appointed by the President of the Senate;
- b. Two members of the New Jersey General Assembly who are not representatives of the same political party, appointed by the Speaker of the General Assembly;
- c. The State Attorney General or his designee;
- d. The President of the New Jersey Police Benevolent Association or if he shall refuse to serve, fail to qualify, or become disqualified, a public member appointed by the Governor;
- e. The President of the State Prosecutors Association or if he shall refuse to serve, fail to qualify, or become disqualified, a public member appointed by the Governor; and

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f. Twelve public or governmental official members appointed by the Governor. All members shall serve without compensation but may be reimbursed for reasonable expenditures incurred during the performance of their duties for the commission.

3. The legislative members, Attorney General, Police Benevolent Association President, and Prosecutors Association President shall serve for terms contiguous with their elective or appointive term. The other members shall be appointed for terms of three years and shall serve until the appointment of their successors, except that the terms of those members who are first appointed shall be staggered terms of one, two, and three years respectively as determined by the Governor. Vacancies shall be filled for unexpired terms only and in the same manner as the original appointment.

4. The commission shall meet at least four times annually and the first meeting shall be held within 90 days of the enactment of this act.

5. A chairman shall be designated by the Governor from among the members of the commission.

6. The commission shall be empowered to:

a. Solicit and receive gifts, bequests, donations and grant aid from any source whatsoever. These funds shall be used for the purpose of educating the general public in New Jersey regarding the State's criminal statutes and the consequences of committing criminal acts in the State. Such contributions, gifts, bequests, donations, or grant aid shall be used exclusively for public purposes;

b. Advertise the consequences of participating in criminal activity in any media the commission deems appropriate, including but not limited to television, radio, newspaper, billboards, or printed material;

c. Educate the general public in New Jersey regarding the State's criminal statutes and the consequences of committing criminal acts in the State. The commission shall educate the general public regarding the State's mandatory sentencing laws, and particularly the mandatory sentencing law providing mandatory and extended terms of imprisonment for persons convicted of committing certain crimes while in possession of a firearm;

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d. Enter into contracts with a person upon terms and conditions as the commission shall determine to be reasonable, employ a staff and do any thing the commission deems necessary, to carry out the purposes and to exercise the powers given and granted in this act;

e. Establish a nonprofit charitable educational corporation under the laws of the State of New Jersey which shall be empowered to exercise the powers given and granted to the commission in the preceding subsections of this section to carry out the purposes of this act. A nonprofit corporation established by the commission shall be organized and operated exclusively for educational or other charitable purposes; no part of the net earnings of which shall inure to the benefit of any private shareholder or individual upon the liquidation or dissolution of the corporation for any cause whatsoever, neither the property of the corporation nor any right therein shall inure to the benefit of any of the directors, officers, or any other private individual but all property or rights therein, or the proceeds thereof, shall be fully disposed of by the Board of Directors of the nonprofit corporation to one or more organizations which then qualify as organizations described in Section 501(c) (3) of the Internal Revenue Code of 1954, or the corresponding provisions of any subsequent law, or to a governmental unit as the Board of Directors may select; no substantial part of the activities of which shall be carrying on propaganda, or otherwise attempting, to influence legislation; and any such non-profit corporation established hereunder shall not participate in, or intervene in including the publishing or distributing of statements, any political campaign on behalf of any candidate for public office.

7. The commission shall appoint from its class of members appointed pursuant to subsection f. of Section 2 herein, the Board of Directors of a nonprofit corporation established by the commission pursuant to subsection e. of section 6 of this act. All members of the Board of Directors shall serve without compensation but may be reimbursed for reasonable expenditures incurred during the performance of their duties.

8. There is hereby appropriated from the General Fund \$75,000.00 for the general use of the commission and \$250,000.00 to be allocated as provided in section 9 of this act.

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9. The \$250,000.00 appropriated to the commission in section 8 of this act shall be allocated to the commission in an amount equivalent to funds donated to the commission, or to any nonprofit corporation established by the commission pursuant to subsection e. of section 6 of this act, in the aggregate from nongovernmental sources. The cumulative State appropriations matching donations to the commission, or nonprofit corporation, from nongovernmental sources, in the aggregate, shall not exceed \$250,000.00.

10. A person who has been convicted of a crime shall be subject to the mandatory sentencing provisions of Title 2C of the New Jersey Statutes despite the failure of the commission or any nonprofit corporation established by the commission pursuant to subsection e. of section 6 of this act to adequately advertise the mandatory sentencing provisions thereof."

Page 1, Section 2, Line 1: DELETE "2." INSERT "11."

Respectfully,

/s/ Thomas H. Kean

Governor

(seal)

Attest:

/s/ W. Cary Edwards

\_\_\_\_\_  
Chief Counsel to the Governor