

FLOOR AMENDMENT STATEMENT:

LEGISLATIVE FISCAL ESTIMATE:

Yes 10/11/2016
6/1/2017

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Transgender rights are now law as Christie signs dozens of bills," The Record, July 22, 2017

RWH/JA

CHAPTER 150

AN ACT concerning certain murders and amending N.J.S.2C:11-3.

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

1. N.J.S.2C:11-3 is amended to read as follows:

Murder.

2C:11-3. Murder.

a. Except as provided in N.J.S.2C:11-4, criminal homicide constitutes murder when:

- (1) The actor purposely causes death or serious bodily injury resulting in death; or
- (2) The actor knowingly causes death or serious bodily injury resulting in death; or

(3) It is committed when the actor, acting either alone or with one or more other persons, is engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit robbery, sexual assault, arson, burglary, kidnapping, carjacking, criminal escape or terrorism pursuant to section 2 of P.L.2002, c.26 (C.2C:38-2), and in the course of such crime or of immediate flight therefrom, any person causes the death of a person other than one of the participants; except that in any prosecution under this subsection, in which the defendant was not the only participant in the underlying crime, it is an affirmative defense that the defendant:

(a) Did not commit the homicidal act or in any way solicit, request, command, importune, cause or aid the commission thereof; and

(b) Was not armed with a deadly weapon, or any instrument, article or substance readily capable of causing death or serious physical injury and of a sort not ordinarily carried in public places by law-abiding persons; and

(c) Had no reasonable ground to believe that any other participant was armed with such a weapon, instrument, article or substance; and

(d) Had no reasonable ground to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

b. (1) Murder is a crime of the first degree but a person convicted of murder shall be sentenced, except as provided in paragraphs (2), (3) and (4) of this subsection, by the court to a term of 30 years, during which the person shall not be eligible for parole, or be sentenced to a specific term of years which shall be between 30 years and life imprisonment of which the person shall serve 30 years before being eligible for parole.

(2) If the victim was a law enforcement officer and was murdered while performing his official duties or was murdered because of his status as a law enforcement officer, the person convicted of that murder shall be sentenced by the court to a term of life imprisonment, during which the person shall not be eligible for parole.

(3) A person convicted of murder shall be sentenced to a term of life imprisonment without eligibility for parole if the murder was committed under all of the following circumstances:

(a) The victim is less than 18 years old; and

(b) The act is committed in the course of the commission, whether alone or with one or more persons, of a violation of N.J.S.2C:14-2 or N.J.S.2C:14-3.

(4) Any person convicted under subsection a.(1) or (2) who committed the homicidal act by his own conduct; or who as an accomplice procured the commission of the offense by payment or promise of payment of anything of pecuniary value; or who, as a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 and in furtherance of a conspiracy enumerated in N.J.S.2C:35-3, commanded or by threat or promise solicited the commission

of the offense, or, if the murder occurred during the commission of the crime of terrorism, any person who committed the crime of terrorism, shall be sentenced by the court to life imprisonment without eligibility for parole, which sentence shall be served in a maximum security prison, if a jury finds beyond a reasonable doubt that any of the following aggravating factors exist:

(a) The defendant has been convicted, at any time, of another murder. For purposes of this section, a conviction shall be deemed final when sentence is imposed and may be used as an aggravating factor regardless of whether it is on appeal;

(b) In the commission of the murder, the defendant purposely or knowingly created a grave risk of death to another person in addition to the victim;

(c) The murder was outrageously or wantonly vile, horrible or inhuman in that it involved torture, depravity of mind, or an aggravated assault to the victim;

(d) The defendant committed the murder as consideration for the receipt, or in expectation of the receipt of anything of pecuniary value;

(e) The defendant procured the commission of the murder by payment or promise of payment of anything of pecuniary value;

(f) The murder was committed for the purpose of escaping detection, apprehension, trial, punishment or confinement for another offense committed by the defendant or another;

(g) The murder was committed while the defendant was engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit murder, robbery, sexual assault, arson, burglary, kidnapping, carjacking or the crime of contempt in violation of subsection b. of N.J.S.2C:29-9;

(h) The defendant murdered a public servant, as defined in N.J.S.2C:27-1, while the victim was engaged in the performance of his official duties, or because of the victim's status as a public servant;

(i) The defendant: (i) as a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 and in furtherance of a conspiracy enumerated in N.J.S.2C:35-3, committed, commanded or by threat or promise solicited the commission of the murder or (ii) committed the murder at the direction of a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 in furtherance of a conspiracy enumerated in N.J.S.2C:35-3;

(j) The homicidal act that the defendant committed or procured was in violation of paragraph (1) of subsection a. of N.J.S.2C:17-2;

(k) The victim was less than 14 years old; or

(l) The murder was committed during the commission of, or an attempt to commit, or flight after committing or attempting to commit, terrorism pursuant to section 2 of P.L.2002, c.26 (C.2C:38-2).

(5) A juvenile who has been tried as an adult and convicted of murder shall be sentenced pursuant to paragraph (1) of this subsection.

c. (Deleted by amendment, P.L.2007, c.204).

d. (Deleted by amendment, P.L.2007, c.204).

e. (Deleted by amendment, P.L.2007, c.204).

f. (Deleted by amendment, P.L.2007, c.204).

g. (Deleted by amendment, P.L.2007, c.204).

h. (Deleted by amendment, P.L.2007, c.204).

i. For purposes of this section the term "homicidal act" shall mean conduct that causes death or serious bodily injury resulting in death.

j. In a sentencing proceeding conducted pursuant to this section, the display of a photograph of the victim taken before the homicide shall be permitted.

2. This act shall take effect immediately.

Approved July 21, 2017.

ASSEMBLY, No. 373

STATE OF NEW JERSEY

217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman ROBERT AUTH

District 39 (Bergen and Passaic)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblywoman HOLLY SCHEPISI

District 39 (Bergen and Passaic)

Assemblyman ERIK PETERSON

District 23 (Hunterdon, Somerset and Warren)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Co-Sponsored by:

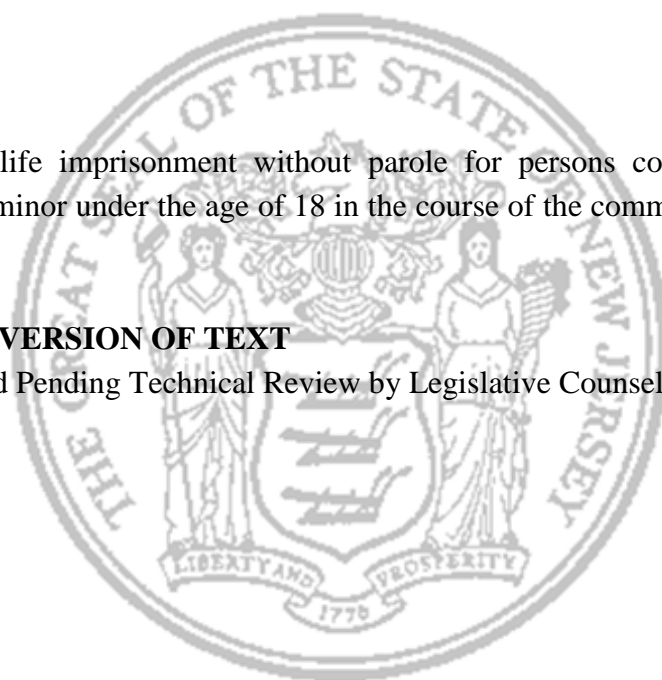
**Assemblywoman N.Munoz, Assemblymen Rible, Johnson, Webber, Space,
Lagana, McKeon, Assemblywomen Mosquera and Phoebus**

SYNOPSIS

Requires life imprisonment without parole for persons convicted of the murder of a minor under the age of 18 in the course of the commission of a sex crime.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/9/2016)

1 AN ACT concerning certain murders and amending N.J.S.2C:11-3.

2

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

5

6 1. N.J.S.2C:11-3 is amended to read as follows:

7 2C:11-3. Murder.

8 a. Except as provided in N.J.S.2C:11-4, criminal homicide
9 constitutes murder when:

10 (1) The actor purposely causes death or serious bodily injury
11 resulting in death; or

12 (2) The actor knowingly causes death or serious bodily injury
13 resulting in death; or

14 (3) It is committed when the actor, acting either alone or with
15 one or more other persons, is engaged in the commission of, or an
16 attempt to commit, or flight after committing or attempting to
17 commit robbery, sexual assault, arson, burglary, kidnapping,
18 carjacking, criminal escape or terrorism pursuant to section 2 of
19 P.L.2002, c.26 (C.2C:38-2), and in the course of such crime or of
20 immediate flight therefrom, any person causes the death of a person
21 other than one of the participants; except that in any prosecution
22 under this subsection, in which the defendant was not the only
23 participant in the underlying crime, it is an affirmative defense that
24 the defendant:

25 (a) Did not commit the homicidal act or in any way solicit,
26 request, command, importune, cause or aid the commission thereof;
27 and

28 (b) Was not armed with a deadly weapon, or any instrument,
29 article or substance readily capable of causing death or serious
30 physical injury and of a sort not ordinarily carried in public places
31 by law-abiding persons; and

32 (c) Had no reasonable ground to believe that any other
33 participant was armed with such a weapon, instrument, article or
34 substance; and

35 (d) Had no reasonable ground to believe that any other
36 participant intended to engage in conduct likely to result in death or
37 serious physical injury.

38 b. (1) Murder is a crime of the first degree but a person
39 convicted of murder shall be sentenced, except as provided in
40 paragraphs (2), (3) and (4) of this subsection, by the court to a term
41 of 30 years, during which the person shall not be eligible for parole,
42 or be sentenced to a specific term of years which shall be between
43 30 years and life imprisonment of which the person shall serve 30
44 years before being eligible for parole.

45 (2) If the victim was a law enforcement officer and was
46 murdered while performing his official duties or was murdered

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.

1 because of his status as a law enforcement officer, the person
2 convicted of that murder shall be sentenced by the court to a term of
3 life imprisonment, during which the person shall not be eligible for
4 parole.

5 (3) A person convicted of murder shall be sentenced to a term of
6 life imprisonment without eligibility for parole if the murder was
7 committed under all of the following circumstances:

8 (a) The victim is less than ~~14~~ 18 years old; and

9 (b) The act is committed in the course of the commission,
10 whether alone or with one or more persons, of a violation of
11 N.J.S.2C:14-2 or N.J.S.2C:14-3.

12 (4) Any person convicted under subsection a.(1) or (2) who
13 committed the homicidal act by his own conduct; or who as an
14 accomplice procured the commission of the offense by payment or
15 promise of payment of anything of pecuniary value; or who, as a
16 leader of a narcotics trafficking network as defined in N.J.S.2C:35-
17 3 and in furtherance of a conspiracy enumerated in N.J.S.2C:35-3,
18 commanded or by threat or promise solicited the commission of the
19 offense, or, if the murder occurred during the commission of the
20 crime of terrorism, any person who committed the crime of
21 terrorism, shall be sentenced by the court to life imprisonment
22 without eligibility for parole, which sentence shall be served in a
23 maximum security prison, if a jury finds beyond a reasonable doubt
24 that any of the following aggravating factors exist:

25 (a) The defendant has been convicted, at any time, of another
26 murder. For purposes of this section, a conviction shall be deemed
27 final when sentence is imposed and may be used as an aggravating
28 factor regardless of whether it is on appeal;

29 (b) In the commission of the murder, the defendant purposely or
30 knowingly created a grave risk of death to another person in
31 addition to the victim;

32 (c) The murder was outrageously or wantonly vile, horrible or
33 inhuman in that it involved torture, depravity of mind, or an
34 aggravated assault to the victim;

35 (d) The defendant committed the murder as consideration for the
36 receipt, or in expectation of the receipt of anything of pecuniary
37 value;

38 (e) The defendant procured the commission of the murder by
39 payment or promise of payment of anything of pecuniary value;

40 (f) The murder was committed for the purpose of escaping
41 detection, apprehension, trial, punishment or confinement for
42 another offense committed by the defendant or another;

43 (g) The murder was committed while the defendant was engaged
44 in the commission of, or an attempt to commit, or flight after
45 committing or attempting to commit murder, robbery, sexual
46 assault, arson, burglary, kidnapping, carjacking or the crime of
47 contempt in violation of subsection b. of N.J.S.2C:29-9;

1 (h) The defendant murdered a public servant, as defined in
2 N.J.S.2C:27-1, while the victim was engaged in the performance of
3 his official duties, or because of the victim's status as a public
4 servant;

5 (i) The defendant: (i) as a leader of a narcotics trafficking
6 network as defined in N.J.S.2C:35-3 and in furtherance of a
7 conspiracy enumerated in N.J.S.2C:35-3, committed, commanded
8 or by threat or promise solicited the commission of the murder or
9 (ii) committed the murder at the direction of a leader of a narcotics
10 trafficking network as defined in N.J.S.2C:35-3 in furtherance of a
11 conspiracy enumerated in N.J.S.2C:35-3;

12 (j) The homicidal act that the defendant committed or procured
13 was in violation of paragraph (1) of subsection a. of N.J.S.2C:17-2;

14 (k) The victim was less than 14 years old; or

15 (l) The murder was committed during the commission of, or an
16 attempt to commit, or flight after committing or attempting to
17 commit, terrorism pursuant to section 2 of P.L.2002, c.26 (C.2C:38-
18 2).

19 (5) A juvenile who has been tried as an adult and convicted of
20 murder shall be sentenced pursuant to paragraph (1), (2) or (3) of
21 this subsection.

22 c. (Deleted by amendment, P.L.2007, c.204).

23 d. (Deleted by amendment, P.L.2007, c.204).

24 e. (Deleted by amendment, P.L.2007, c.204).

25 f. (Deleted by amendment, P.L.2007, c.204).

26 g. (Deleted by amendment, P.L.2007, c.204).

27 h. (Deleted by amendment, P.L.2007, c.204).

28 i. For purposes of this section the term "homicidal act" shall
29 mean conduct that causes death or serious bodily injury resulting in
30 death.

31 j. In a sentencing proceeding conducted pursuant to this
32 section, the display of a photograph of the victim taken before the
33 homicide shall be permitted.

34 (cf: P.L.2007, c.204, s.1)

35

36 2. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 P.L.1997, c.60, known as "Joan's Law," provides that a person
42 convicted of the murder of a child under the age of 14 must be
43 sentenced to life imprisonment without eligibility for parole if the
44 murder was committed in the course of the commission of a sex
45 crime. This bill would raise the age limitation for "Joan's Law,"
46 encompassing murders under these situations where the victim was
47 less than 18 years old. Thus, under the bill, a person convicted of
48 the murder of a minor under the age of 18 must be sentenced to life

1 imprisonment without eligibility for parole if the murder was
2 committed in the course of the commission of a sex crime.

3 Murder is a crime of the first degree and is generally punishable
4 by a term of imprisonment of 30 years, during which the defendant
5 is not eligible for parole, or by a specific term between 30 years and
6 life imprisonment of which the defendant must serve 30 years
7 before being eligible for parole. However, there are exceptions to
8 this statutory scheme for certain murders. Defendants convicted of
9 these particular murders must be sentenced to a term of life
10 imprisonment without eligibility for parole. This bill's change to
11 "Joan's Law," which is set out in paragraph (3) of subsection b. of
12 N.J.S.2C:11-3, would not affect the mandatory life sentences
13 imposed on persons convicted of these other murders, as set out in
14 paragraphs (2) and (4) of that subsection.

15 "Joan's Law" was prompted by the 1973 killing of Joan
16 D'Alessandro, a 7-year-old in Hillsdale who had been selling Girl
17 Scout cookies when her neighbor, Joseph McGowan, raped and
18 murdered her.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 373

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 7, 2016

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 373.

P.L.1997, c.60, known as “Joan’s Law,” amended various sections of law including N.J.S.2C:11-3, the murder statute, to provide that a person convicted of the murder of a child under the age of 14 must be sentenced to life imprisonment without eligibility for parole if the murder was committed in the course of the commission of a sex crime. This bill would raise the age limitation for “Joan’s Law,” encompassing situations where the victim was less than 18 years old. Thus, under the bill, a person convicted of the murder of a victim under the age of 18 must be sentenced to life imprisonment without eligibility for parole if the murder was committed in the course of the commission of a sex crime.

The bill’s change to “Joan’s Law,” which is set out in paragraph (3) of subsection b. of N.J.S.2C:11-3, would not affect the mandatory life sentences imposed on persons convicted of certain other murders, as set out in paragraphs (2) and (4) of that subsection.

Murder is a crime of the first degree and is generally punishable by a term of imprisonment of 30 years, during which the defendant is not eligible for parole, or by a specific term between 30 years and life imprisonment of which the defendant must serve 30 years before being eligible for parole. However, there are exceptions to this statutory scheme for certain murders. Defendants convicted of these particular murders must be sentenced to a term of life imprisonment without eligibility for parole.

“Joan’s Law” was prompted by the 1973 killing of Joan D’Alessandro, a 7-year-old in Hillsdale who had been selling Girl Scout cookies. Her neighbor, Joseph McGowan, lured her to his home, then raped and murdered her.

The committee amended the bill to delete the provision in current law that imposes a mandatory sentence of life imprisonment without parole for juveniles tried as adults and convicted of certain murders, including murders pursuant to “Joan’s Law.” This amendment is in accordance with the United States Supreme

Court's ruling in Miller v. Alabama, 132 S. Ct. 2455 (2012) that mandatory sentencing of juveniles to life without parole violates the Eighth Amendment's ban on cruel and unusual punishment.

Under the amendments, a juvenile who is tried as an adult and convicted of murder shall be sentenced by the court to a term of 30 years, during which the person shall not be eligible for parole, or be sentenced to a specific term of years which shall be between 30 years and life imprisonment of which the person shall serve 30 years before being eligible for parole.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

Amend paragraph (5) of subsection b. of N.J.S.2C:11-3 to delete language in current law that requires a juvenile who has been tried as an adult and convicted of murder to be sentenced pursuant to paragraphs (1), (2), or (3) of subsection b. As amended, such juveniles may be sentenced only pursuant to paragraph (1) of subsection b.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 373

STATE OF NEW JERSEY

DATED: OCTOBER 6, 2016

The Assembly Appropriations Committee reports favorably Assembly Bill No. 373 (1R).

This bill amends current law to provide that a person convicted of the murder of a child who is under the age of 18, instead of under the age of 14 as provided by current law, must be sentenced to life imprisonment without eligibility for parole if the murder was committed in the course of the commission of a sex crime.

P.L.1997, c.60, known as “Joan’s Law,” amended various sections of law, including N.J.S.2C:11-3, the murder statute. This bill raises the age limitation for “Joan’s Law,” which, among other things, amended the murder statute to provide that a person convicted of the murder of a child under the age of 14 must be sentenced to life imprisonment without eligibility for parole if the murder was committed in the course of the commission of a sex crime.

The bill’s change to “Joan’s Law,” which is set forth in paragraph (3) of subsection b. of N.J.S.2C:11-3, does not affect the mandatory life sentences imposed on persons convicted of certain other murders, as set out in paragraphs (2) and (4) of that subsection.

Murder is a crime of the first degree and is generally punishable by a term of imprisonment of 30 years, during which the defendant is not eligible for parole, or by a specific term between 30 years and life imprisonment of which the defendant must serve 30 years before being eligible for parole. However, there are exceptions to this statutory scheme for certain murders. Defendants convicted of these particular murders must be sentenced to a term of life imprisonment without eligibility for parole. However, in accord with the United States Supreme Court’s ruling in Miller v. Alabama, 132 S. Ct. 2455 (2012), a juvenile who is tried as an adult and convicted of murder shall be sentenced pursuant to paragraph (1) of subsection b. of N.J.S.2C:11-3, as the mandatory sentencing of juveniles to life without parole violates the Eighth Amendment’s ban on cruel and unusual punishment.

“Joan’s Law” was prompted by the 1973 killing of Joan D’Alessandro, a 7-year-old in Hillsdale who had been selling Girl

Scout cookies. Her neighbor, Joseph McGowan, lured her to his home, then raped and murdered her.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concurs with the Administrative Office of the Courts' (AOC) statement that because it does not collect information about the ages of crime victims, it cannot estimate the number of individuals to be convicted under the bill. The OLS adds that for every offender who is incarcerated under the bill, the average annual per capita cost to house an inmate in a State prison facility in FY 2015 totaled \$40,000. The FY 2015 cost per inmate per day for food, wage and clothing was \$7.94, totaling \$2,898 annually.

Information provided by the AOC indicates that for the twelve months ending June 30, 2016, four individuals were convicted for crimes which under this bill would result in life imprisonment without eligibility for parole. However, the age of these individuals is unknown.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 373

STATE OF NEW JERSEY

DATED: MARCH 13, 2017

The Senate Judiciary Committee reports favorably Assembly Bill No. 373 (1R).

This bill updates provisions of law referred to as “Joan’s Law,” concerning mandatory life imprisonment without eligibility for parole for an adult who is convicted of murdering a minor in the course of committing a sex crime (either sexual assault under N.J.S.2C:14-2 or criminal sexual contact under N.J.S.2C:14-3). Currently, the mandatory life sentence applies if the murder victim is less than 14 years old; the bill would raise this age to cover any victim less than 18 years old.

The mandatory life sentence established in “Joan’s Law,” enacted as P.L.1997, c.60, was prompted by the 1973 killing of Joan D’Alessandro, a 7-year-old in Hillsdale who had been selling Girl Scout cookies. Her neighbor, Joseph McGowan, lured her to his home, then raped and murdered her.

In addition to making the change to “Joan’s Law” mandatory sentencing for adult murderers, the bill addresses sentencing for juveniles convicted of murder, when tried as adults, in order to comport the statutory law with recent United States Supreme Court precedent. Per that precedent, the bill eliminates statutory references to mandatory life imprisonment without eligibility for parole for such juveniles. The United States Supreme Court found that the mandatory sentences for juveniles represented a form of cruel and unusual punishment in violation of the Eight Amendment to the United States Constitution (made applicable to the states by the Fourteenth Amendment), and thus such sentences were deemed unconstitutional. See Miller v. Alabama, 567 U.S. 460 (2012).

In the wake of the United States Supreme Court decision, without the availability of mandatory life imprisonment for murder pursuant to “Joan’s Law” or other mandatory sentencing provisions, the sentencing for a convicted juvenile, after being tried as an adult, follows the State’s standard sentencing practice for murder: either (1) a term of 30 years, during which the juvenile is not eligible for parole; or (2) a specific term of years between 30 years and life imprisonment, of which the juvenile shall serve 30 years before being eligible for parole. N.J.S.2C:12-3, subsection b., paragraph (1).

This bill, as reported by the committee, is identical to Senate Bill No. 607, as amended and also reported today by the committee.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 373

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 373 (1R).

This bill updates provisions of law referred to as “Joan’s Law,” concerning mandatory life imprisonment without eligibility for parole for an adult who is convicted of murdering a minor in the course of committing a sex crime (either sexual assault under N.J.S.2C:14-2 or criminal sexual contact under N.J.S.2C:14-3). Currently, the mandatory life sentence applies if the murder victim is less than 14 years old; the bill will increase this age to cover any victim less than 18 years old.

The mandatory life sentence established in “Joan’s Law,” enacted as P.L.1997, c.60, was prompted by the 1973 killing of Joan D’Alessandro, a 7-year-old in Hillsdale who had been selling Girl Scout cookies. Her neighbor, Joseph McGowan, lured her to his home, then raped and murdered her.

In addition to making the change to “Joan’s Law” mandatory sentencing for adult murderers, the bill addresses sentencing for juveniles convicted of murder, when tried as adults, to comport the statutory law with a 2012 United States Supreme Court precedent. Per that precedent, the bill eliminates statutory references to mandatory life imprisonment without eligibility for parole for such juveniles. This is because the United States Supreme Court found that the mandatory sentences for juveniles represented a form of cruel and unusual punishment in violation of the Eight Amendment to the United States Constitution (made applicable to the states by the Fourteenth Amendment), and thus such sentences were deemed unconstitutional. See Miller v. Alabama, 567 U.S. 460 (2012).

In the wake of that United States Supreme Court decision, without the availability of mandatory life imprisonment for murder pursuant to “Joan’s Law” or other mandatory sentencing provisions, the sentencing for a convicted juvenile, after being tried as an adult, follows the State’s standard sentencing practice for murder: either (1) a term of 30 years, during which the juvenile is not eligible for parole; or (2) a specific term of years between 30 years and life imprisonment, of which the juvenile shall serve 30 years before being eligible for parole. N.J.S.2C:12-3, subsection b., paragraph (1).

As reported, this bill is identical to Senate Bill No. 607 (1R), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) indicates that information needed to determine the number of individuals who would be convicted of the crime established under the bill is unavailable from either the Administrative Office of the Courts (AOC) or the Executive Branch and thus the fiscal impact of the bill is indeterminate. The OLS notes that the average annual per capita cost to house an inmate in a State prison facility in FY 2015 totaled \$40,000. The FY 2015 marginal cost per inmate per day for food, wage and clothing was \$7.94, totaling \$2,898 annually.

Information provided by the AOC indicates that for the twelve months ending June 30, 2016, four individuals were convicted for crimes which under this bill would result in life imprisonment without eligibility for parole. However, the age of these individuals is unknown.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 373

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: OCTOBER 11, 2016

SUMMARY

- Synopsis:** Requires life imprisonment without parole for persons convicted of the murder of a minor under the age of 18 in the course of the commission of a sex crime.
- Type of Impact:** General Fund expenditure.
- Agencies Affected:** Department of Corrections.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate Increase – See comments below		

- The Office of Legislative Services (OLS) concludes that information with which to determine the number of individuals who would be convicted of the crime established under the bill is unavailable from either the Administrative Office of the Courts (AOC) or the Executive Branch and thus the fiscal impact of the bill is indeterminate. The OLS notes that the average annual per capita cost to house an inmate in a State prison facility in FY 2015 totaled \$40,000. The FY 2015 cost per inmate per day for food, wage and clothing was \$7.94, totaling \$2,898 annually.
- Information provided by the AOC indicates that for the twelve months ending June 30, 2016, four individuals were convicted for crimes which under this bill would result in life imprisonment without eligibility for parole. However, the age of these individuals is unknown.

BILL DESCRIPTION

Assembly Bill No. 373 (1R) of 2016 provides that a person convicted of the murder of a victim under the age of 18 must be sentenced to life imprisonment without eligibility for parole if the murder was committed in the course of the commission of a sex crime.

P.L.1997, c.60, known as “Joan’s Law,” amended various sections of law including N.J.S.2C:11-3, the murder statute, to provide that a person convicted of the murder of a child under the age of 14 must be sentenced to life imprisonment without eligibility for parole if the murder was committed in the course of the commission of a sex crime. This bill would revise the age limitation for “Joan’s Law,” encompassing situations where the victim was less than 18 years old.

Murder is a crime of the first degree and is generally punishable by a term of imprisonment of 30 years, during which the defendant is not eligible for parole, or by a specific term between 30 years and life imprisonment of which the defendant must serve 30 years before being eligible for parole. However, there are exceptions to this statutory scheme for certain murders. Defendants convicted of these particular murders must be sentenced to a term of life imprisonment without eligibility for parole.

Under the bill, a juvenile who is tried as an adult and convicted of murder shall be sentenced by the court to a term of 30 years, during which the person shall not be eligible for parole, or be sentenced to a specific term of years which shall be between 30 years and life imprisonment of which the person shall serve 30 years before being eligible for parole.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that information with which to determine the number of individuals who would be convicted of the crime established under the bill is unavailable from either the AOC or the Executive Branch and thus the fiscal impact of the bill is indeterminate. The OLS notes that the average annual per capita cost to house an inmate in a State prison facility in FY 2015 totaled \$40,000. The FY 2015 cost per inmate per day for food, wage and clothing was \$7.94, totaling \$2,898 annually. Information provided by the AOC indicates that for the twelve months ending June 30, 2016, four individuals were convicted for crimes which under this bill would result in life imprisonment without eligibility for parole. However, the age of these individuals is unknown.

The OLS notes that the average annual per capita cost to house an inmate in a State prison facility in FY 2015 totaled \$40,000. The FY 2015 cost per inmate per day for food, wage and clothing was \$7.94, totaling \$2,898 annually. The marginal cost of each additional person incarcerated under this bill may differ from that average cost.

Section: Judiciary
Analyst: Anne Raughley
Principal Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 607

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

Senator ANTHONY R. BUCCO

District 25 (Morris and Somerset)

Co-Sponsored by:

Senators Cardinale, Oroho and Bateman

SYNOPSIS

Requires life imprisonment without parole for persons convicted of the murder of a minor under the age of 18 in the course of the commission of a sex crime.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/15/2017)

1 AN ACT concerning certain murders and amending N.J.S.2C:11-3.

2

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

5

6 1. N.J.S.2C:11-3 is amended to read as follows:

7 2C:11-3. Murder.

8 a. Except as provided in N.J.S.2C:11-4, criminal homicide
9 constitutes murder when:

10 (1) The actor purposely causes death or serious bodily injury
11 resulting in death; or

12 (2) The actor knowingly causes death or serious bodily injury
13 resulting in death; or

14 (3) It is committed when the actor, acting either alone or with
15 one or more other persons, is engaged in the commission of, or an
16 attempt to commit, or flight after committing or attempting to
17 commit robbery, sexual assault, arson, burglary, kidnapping,
18 carjacking, criminal escape or terrorism pursuant to section 2 of
19 P.L.2002, c.26 (C.2C:38-2), and in the course of such crime or of
20 immediate flight therefrom, any person causes the death of a person
21 other than one of the participants; except that in any prosecution
22 under this subsection, in which the defendant was not the only
23 participant in the underlying crime, it is an affirmative defense that
24 the defendant:

25 (a) Did not commit the homicidal act or in any way solicit,
26 request, command, importune, cause or aid the commission thereof;
27 and

28 (b) Was not armed with a deadly weapon, or any instrument,
29 article or substance readily capable of causing death or serious
30 physical injury and of a sort not ordinarily carried in public places
31 by law-abiding persons; and

32 (c) Had no reasonable ground to believe that any other
33 participant was armed with such a weapon, instrument, article or
34 substance; and

35 (d) Had no reasonable ground to believe that any other
36 participant intended to engage in conduct likely to result in death or
37 serious physical injury.

38 b. (1) Murder is a crime of the first degree but a person
39 convicted of murder shall be sentenced, except as provided in
40 paragraphs (2), (3) and (4) of this subsection, by the court to a term
41 of 30 years, during which the person shall not be eligible for parole,
42 or be sentenced to a specific term of years which shall be between
43 30 years and life imprisonment of which the person shall serve 30
44 years before being eligible for parole.

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.

1 (2) If the victim was a law enforcement officer and was
2 murdered while performing his official duties or was murdered
3 because of his status as a law enforcement officer, the person
4 convicted of that murder shall be sentenced by the court to a term of
5 life imprisonment, during which the person shall not be eligible for
6 parole.

7 (3) A person convicted of murder shall be sentenced to a term of
8 life imprisonment without eligibility for parole if the murder was
9 committed under all of the following circumstances:

10 (a) The victim is less than ~~14~~ 18 years old; and

11 (b) The act is committed in the course of the commission,
12 whether alone or with one or more persons, of a violation of
13 N.J.S.2C:14-2 or N.J.S.2C:14-3.

14 (4) Any person convicted under subsection a.(1) or (2) who
15 committed the homicidal act by his own conduct; or who as an
16 accomplice procured the commission of the offense by payment or
17 promise of payment of anything of pecuniary value; or who, as a
18 leader of a narcotics trafficking network as defined in N.J.S.2C:35-
19 3 and in furtherance of a conspiracy enumerated in N.J.S.2C:35-3,
20 commanded or by threat or promise solicited the commission of the
21 offense, or, if the murder occurred during the commission of the
22 crime of terrorism, any person who committed the crime of
23 terrorism, shall be sentenced by the court to life imprisonment
24 without eligibility for parole, which sentence shall be served in a
25 maximum security prison, if a jury finds beyond a reasonable doubt
26 that any of the following aggravating factors exist:

27 (a) The defendant has been convicted, at any time, of another
28 murder. For purposes of this section, a conviction shall be deemed
29 final when sentence is imposed and may be used as an aggravating
30 factor regardless of whether it is on appeal;

31 (b) In the commission of the murder, the defendant purposely or
32 knowingly created a grave risk of death to another person in
33 addition to the victim;

34 (c) The murder was outrageously or wantonly vile, horrible or
35 inhuman in that it involved torture, depravity of mind, or an
36 aggravated assault to the victim;

37 (d) The defendant committed the murder as consideration for the
38 receipt, or in expectation of the receipt of anything of pecuniary
39 value;

40 (e) The defendant procured the commission of the murder by
41 payment or promise of payment of anything of pecuniary value;

42 (f) The murder was committed for the purpose of escaping
43 detection, apprehension, trial, punishment or confinement for
44 another offense committed by the defendant or another;

45 (g) The murder was committed while the defendant was engaged
46 in the commission of, or an attempt to commit, or flight after
47 committing or attempting to commit murder, robbery, sexual

1 assault, arson, burglary, kidnapping, carjacking or the crime of
2 contempt in violation of subsection b. of N.J.S.2C:29-9;

3 (h) The defendant murdered a public servant, as defined in
4 N.J.S.2C:27-1, while the victim was engaged in the performance of
5 his official duties, or because of the victim's status as a public
6 servant;

7 (i) The defendant: (i) as a leader of a narcotics trafficking
8 network as defined in N.J.S.2C:35-3 and in furtherance of a
9 conspiracy enumerated in N.J.S.2C:35-3, committed, commanded
10 or by threat or promise solicited the commission of the murder or
11 (ii) committed the murder at the direction of a leader of a narcotics
12 trafficking network as defined in N.J.S.2C:35-3 in furtherance of a
13 conspiracy enumerated in N.J.S.2C:35-3;

14 (j) The homicidal act that the defendant committed or procured
15 was in violation of paragraph (1) of subsection a. of N.J.S.2C:17-2;

16 (k) The victim was less than 14 years old; or

17 (l) The murder was committed during the commission of, or an
18 attempt to commit, or flight after committing or attempting to
19 commit, terrorism pursuant to section 2 of P.L.2002, c.26 (C.2C:38-
20 2).

21 (5) A juvenile who has been tried as an adult and convicted of
22 murder shall be sentenced pursuant to paragraph (1), (2) or (3) of
23 this subsection.

24 c. (Deleted by amendment, P.L.2007, c.204).

25 d. (Deleted by amendment, P.L.2007, c.204).

26 e. (Deleted by amendment, P.L.2007, c.204).

27 f. (Deleted by amendment, P.L.2007, c.204).

28 g. (Deleted by amendment, P.L.2007, c.204).

29 h. (Deleted by amendment, P.L.2007, c.204).

30 i. For purposes of this section the term "homicidal act" shall
31 mean conduct that causes death or serious bodily injury resulting in
32 death.

33 j. In a sentencing proceeding conducted pursuant to this
34 section, the display of a photograph of the victim taken before the
35 homicide shall be permitted.

36 (cf: P.L.2007, c.204, s.1)

37

38 2. This act shall take effect immediately.

39

40

41

STATEMENT

42

43 P.L.1997, c.60, known as "Joan's Law," provides that a person
44 convicted of the murder of a child under the age of 14 must be
45 sentenced to life imprisonment without eligibility for parole if the
46 murder was committed in the course of the commission of a sex
47 crime. This bill would raise the age limitation for "Joan's Law,"
48 encompassing murders under these situations where the victim was

1 less than 18 years old. Thus, under the bill, a person convicted of
2 the murder of a minor under the age of 18 must be sentenced to life
3 imprisonment without eligibility for parole if the murder was
4 committed in the course of the commission of a sex crime.

5 Murder is a crime of the first degree and is generally punishable
6 by a term of imprisonment of 30 years, during which the defendant
7 is not eligible for parole, or by a specific term between 30 years and
8 life imprisonment of which the defendant must serve 30 years
9 before being eligible for parole. However, there are exceptions to
10 this statutory scheme for certain murders. Defendants convicted of
11 these particular murders must be sentenced to a term of life
12 imprisonment without eligibility for parole. This bill's change to
13 "Joan's Law," which is set out in paragraph (3) of subsection b. of
14 N.J.S.2C:11-3, would not affect the mandatory life sentences
15 imposed on persons convicted of these other murders, as set out in
16 paragraphs (2) and (4) of that subsection.

17 "Joan's Law" was prompted by the 1973 killing of Joan
18 D'Alessandro, a 7-year-old in Hillsdale who had been selling Girl
19 Scout cookies when her neighbor, Joseph McGowan, raped and
20 murdered her.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 607

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 13, 2017

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 607.

This bill, as amended, updates provisions of law referred to as “Joan’s Law,” concerning mandatory life imprisonment without eligibility for parole for an adult who is convicted of murdering a minor in the course of committing a sex crime (either sexual assault under N.J.S.2C:14-2 or criminal sexual contact under N.J.S.2C:14-3). Currently, the mandatory life sentence applies if the murder victim is less than 14 years old; the bill would raise this age to cover any victim less than 18 years old.

The mandatory life sentence established in “Joan’s Law,” enacted as P.L.1997, c.60, was prompted by the 1973 killing of Joan D’Alessandro, a 7-year-old in Hillsdale who had been selling Girl Scout cookies. Her neighbor, Joseph McGowan, lured her to his home, then raped and murdered her.

In addition to making the change to “Joan’s Law” mandatory sentencing for adult murderers, the bill addresses sentencing for juveniles convicted of murder, when tried as adults, in order to comport the statutory law with recent United States Supreme Court precedent. Per that precedent, the bill eliminates statutory references to mandatory life imprisonment without eligibility for parole for such juveniles. The United States Supreme Court found that the mandatory sentences for juveniles represented a form of cruel and unusual punishment in violation of the Eight Amendment to the United States Constitution (made applicable to the states by the Fourteenth Amendment), and thus such sentences were deemed unconstitutional. See Miller v. Alabama, 567 U.S. 460 (2012).

In the wake of the United States Supreme Court decision, without the availability of mandatory life imprisonment for murder pursuant to “Joan’s Law” or other mandatory sentencing provisions, the sentencing for a convicted juvenile, after being tried as an adult, follows the State’s standard sentencing practice for murder: either (1) a term of 30 years, during which the juvenile is not eligible for parole; or (2) a specific term of years between 30 years and life imprisonment, of which the juvenile shall serve 30 years before being eligible for parole. N.J.S.2C:12-3, subsection b., paragraph (1).

This bill, as amended and reported by the committee, is identical to Assembly Bill No. 373(1R), also reported today by the committee.

The committee amendments to the bill:

- eliminate the statutory references to mandatory life imprisonment without eligibility for parole for any juvenile convicted of murder, when that juvenile was tried as an adult, as explained above.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 607

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 607 (1R).

This bill updates provisions of law referred to as “Joan’s Law,” concerning mandatory life imprisonment without eligibility for parole for an adult who is convicted of murdering a minor in the course of committing a sex crime (either sexual assault under N.J.S.2C:14-2 or criminal sexual contact under N.J.S.2C:14-3). Currently, the mandatory life sentence applies if the murder victim is less than 14 years old; the bill will increase this age to cover any victim less than 18 years old.

The mandatory life sentence established in “Joan’s Law,” enacted as P.L.1997, c.60, was prompted by the 1973 killing of Joan D’Alessandro, a 7-year-old in Hillsdale who had been selling Girl Scout cookies. Her neighbor, Joseph McGowan, lured her to his home, then raped and murdered her.

In addition to making the change to “Joan’s Law” mandatory sentencing for adult murderers, the bill addresses sentencing for juveniles convicted of murder, when tried as adults, to comport the statutory law with a 2012 United States Supreme Court precedent. Per that precedent, the bill eliminates statutory references to mandatory life imprisonment without eligibility for parole for such juveniles. This is because the United States Supreme Court found that the mandatory sentences for juveniles represented a form of cruel and unusual punishment in violation of the Eight Amendment to the United States Constitution (made applicable to the states by the Fourteenth Amendment), and thus such sentences were deemed unconstitutional. See Miller v. Alabama, 567 U.S. 460 (2012).

In the wake of that United States Supreme Court decision, without the availability of mandatory life imprisonment for murder pursuant to “Joan’s Law” or other mandatory sentencing provisions, the sentencing for a convicted juvenile, after being tried as an adult, follows the State’s standard sentencing practice for murder: either (1) a term of 30 years, during which the juvenile is not eligible for parole; or (2) a specific term of years between 30 years and life imprisonment, of which the juvenile shall serve 30 years before being eligible for parole. N.J.S.2C:12-3, subsection b., paragraph (1).

As reported, this bill is identical to Assembly Bill No. 373 (1R), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) indicates that information needed to determine the number of individuals who would be convicted of the crime established under the bill is unavailable from either the Administrative Office of the Courts (AOC) or the Executive Branch and thus the fiscal impact of the bill is indeterminate. The OLS notes that the average annual per capita cost to house an inmate in a State prison facility in FY 2015 totaled \$40,000. The FY 2015 marginal cost per inmate per day for food, wage and clothing was \$7.94, totaling \$2,898 annually.

Information provided by the AOC indicates that for the twelve months ending June 30, 2016, four individuals were convicted for crimes which under this bill would result in life imprisonment without eligibility for parole. However, the age of these individuals is unknown.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 607
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: OCTOBER 11, 2016

SUMMARY

- Synopsis:** Requires life imprisonment without parole for persons convicted of the murder of a minor under the age of 18 in the course of the commission of a sex crime.
- Type of Impact:** General Fund expenditure.
- Agencies Affected:** Department of Corrections.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate Increase – See comments below		

- The Office of Legislative Services (OLS) concludes that information with which to determine the number of individuals who would be convicted of the crime established under the bill is unavailable from either the Administrative Office of the Courts (AOC) or the Executive Branch and thus the fiscal impact of the bill is indeterminate. The OLS notes that the average annual per capita cost to house an inmate in a State prison facility in FY 2015 totaled \$40,000. The FY 2015 cost per inmate per day for food, wage and clothing was \$7.94, totaling \$2,898 annually.
- Information provided by the AOC indicates that for the twelve months ending June 30, 2016, four individuals were convicted for crimes which under this bill would result in life imprisonment without eligibility for parole. However, the age of these individuals is unknown.

BILL DESCRIPTION

Senate Bill No. 607 of 2016 provides that a person convicted of the murder of a victim under the age of 18 must be sentenced to life imprisonment without eligibility for parole if the murder was committed in the course of the commission of a sex crime.

P.L.1997, c.60, known as “Joan’s Law,” amended various sections of law including N.J.S.2C:11-3, the murder statute, to provide that a person convicted of the murder of a child under the age of 14 must be sentenced to life imprisonment without eligibility for parole if the murder was committed in the course of the commission of a sex crime. This bill would revise

the age limitation for “Joan’s Law,” encompassing situations where the victim was less than 18 years old.

Murder is a crime of the first degree and is generally punishable by a term of imprisonment of 30 years, during which the defendant is not eligible for parole, or by a specific term between 30 years and life imprisonment of which the defendant must serve 30 years before being eligible for parole. However, there are exceptions to this statutory scheme for certain murders. Defendants convicted of these particular murders must be sentenced to a term of life imprisonment without eligibility for parole.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that information with which to determine the number of individuals who would be convicted of the crime established under the bill is unavailable from either the AOC or the Executive Branch and thus the fiscal impact of the bill is indeterminate. The OLS notes that the average annual per capita cost to house an inmate in a State prison facility in FY 2015 totaled \$40,000. The FY 2015 cost per inmate per day for food, wage and clothing was \$7.94, totaling \$2,898 annually. Information provided by the AOC indicates that for the twelve months ending June 30, 2016, four individuals were convicted for crimes which under this bill would result in life imprisonment without eligibility for parole. However, the age of these individuals is unknown.

The OLS notes that the average annual per capita cost to house an inmate in a State prison facility in FY 2015 totaled \$40,000. The FY 2015 cost per inmate per day for food, wage and clothing was \$7.94, totaling \$2,898 annually. The marginal cost of each additional person incarcerated under this bill may differ from that average cost.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 607

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JUNE 1, 2017

SUMMARY

- Synopsis:** Requires life imprisonment without parole for persons convicted of the murder of a minor under the age of 18 in the course of the commission of a sex crime.
- Type of Impact:** General fund expenditure.
- Agencies Affected:** Department of Corrections.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate Increase – See comments below		

- The Office of Legislative Services (OLS) concludes that information with which to determine the number of individuals who would be convicted of the crime established under the bill is unavailable from either the Administrative Office of the Courts (AOC) or the Executive Branch and thus the fiscal impact of the bill is indeterminate. The OLS notes that the average annual per capita cost to house an inmate in a State prison facility in FY 2015 totaled \$40,000. The FY 2015 marginal cost per inmate per day for food, wage and clothing was \$7.94, totaling \$2,898 annually.
- Information provided by the AOC indicates that for the twelve months ending June 30, 2016, four individuals were convicted for crimes which under this bill would result in life imprisonment without eligibility for parole. However, the age of these individuals is unknown.

BILL DESCRIPTION

Senate Bill No. 607 (1R) of 2016 updates provisions of law referred to as “Joan’s Law,” concerning mandatory life imprisonment without eligibility for parole for an adult who is convicted of murdering a minor in the course of committing a sex crime (either sexual assault under N.J.S.2C:14-2 or criminal sexual contact under N.J.S.2C:14-3). Currently, the mandatory

life sentence applies if the murder victim is less than 14 years old; the bill would raise this age to cover any victim less than 18 years old.

In addition to making the change to “Joan’s Law” mandatory sentencing for adult murderers, the bill addresses sentencing for juveniles convicted of murder, when tried as adults, in order to comport the statutory law with recent United States Supreme Court precedent. Per that precedent, the bill eliminates statutory references to mandatory life imprisonment without eligibility for parole for such juveniles. The United States Supreme Court found that the mandatory sentences for juveniles represented a form of cruel and unusual punishment in violation of the Eight Amendment to the United States Constitution (made applicable to the states by the Fourteenth Amendment), and thus such sentences were deemed unconstitutional. See Miller v. Alabama, 567 U.S. 460 (2012).

In the wake of the United States Supreme Court decision, without the availability of mandatory life imprisonment for murder pursuant to “Joan’s Law” or other mandatory sentencing provisions, the sentencing for a convicted juvenile, after being tried as an adult, follows the State’s standard sentencing practice for murder: either (1) a term of 30 years, during which the juvenile is not eligible for parole; or (2) a specific term of years between 30 years and life imprisonment, of which the juvenile shall serve 30 years before being eligible for parole.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that information with which to determine the number of individuals who would be convicted of the crime established under the bill is unavailable from either the AOC or the Executive Branch and thus the fiscal impact of the bill is indeterminate. The OLS notes that the average annual per capita cost to house an inmate in a State prison facility in FY 2015 totaled \$40,000. The FY 2015 marginal cost per inmate per day for food, wage and clothing was \$7.94, totaling \$2,898 annually.

Information provided by the AOC indicates that for the twelve months ending June 30, 2016, four individuals were convicted for crimes which under this bill would result in life imprisonment without eligibility for parole. However, the age of these individuals is unknown.

Section: Judiciary
Analyst: Anne Raughley
Principal Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Christie Takes Action on Pending Legislation

Friday, July 21, 2017

Tags: [Bill Action](#)



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Trenton, NJ – Governor Chris Christie today took action on dozens of bills, including S-359/A-2320 (Codey, Vitale/Vainieri Huttle, Conaway, Jimenez, Lampitt, Jasey, Sumter), which raises the minimum age from 19 to 21 of a person to whom a vendor may sell, offer for sale, distribute, give or furnish tobacco products in New Jersey. This new law also amends various related statues concerning penalties, fines, signage requirements, non-face-to-face transactions, and enforcement provisions to reflect the increased minimum age.

“By raising the minimum age to purchase tobacco products to 21, we are giving young people more time to develop a maturity and better understanding of how dangerous smoking can be and that it is better to not start smoking in the first place,” Governor Christie said. “My mother died from the effects of smoking, and no one should lose their life due to any addictive substance. Additionally, the less people who develop costly tobacco habits that can cause health problems, such as lung cancer, heart disease and developmental issues, the less strain there will be on our healthcare system.”

Governor Christie also took action on pending legislation related to:

Further Addressing the Opioid Epidemic

Governor Christie signed four bills that continue New Jersey's leadership role in fighting the national opioid epidemic. The legislation that requires the Department of Human Services develop, maintain, and post on their website daily information about the number of open beds available in facilities in the state for people in need of mental health or substance use disorder treatment; help inform parents of student athletes and cheerleaders about the use and misuse of prescription opioids; allows hospice programs to accept the unused prescription medicines of their hospice patients for safe disposal and implements the use of current-day, sensitive terminology when referring to persons with substance use disorders or certain disabilities.

- **A-1662/S-2466 (Schaer, Vainieri Huttle, Coughlin, McKnight, Mukherji/Vitale, Allen)** - Requires development and maintenance of data dashboard report to advise of open bed availability in residential facilities providing behavioral health services
- **A-3944/S-2402 (Mazzeo, Lagana, Vainieri Huttle, Benson, Caride, Wimberly/Diegnan, Vitale)** - Requires DOE to develop educational fact sheet for distribution to parents of student-athletes and cheerleaders concerning use and misuse of prescription opioids
- **S-2970/A-4522 (Vitale, Diegnan/Lampitt, Vainieri Huttle, Jimenez)** - Allows hospice care programs to accept unused prescription medications for disposal under certain circumstances
- **S-2721/ACS for A-926 (Vitale, Whelan/Vainieri Huttle, Benson, Tucker, Eustace, McKnight, Mosquera)** - Implements person-first language and changes pejorative terminology referring to persons with certain disabilities or substance use disorders

Protecting and Preserving the Environment

The Governor also signed several bills to protect people and improve the quality of life by strengthening New Jersey's environment.

“These new laws will create more open space preservation opportunities, green energy solutions and safeguards to ensure quality drinking water for all New Jerseyans,” Governor Christie said. “They provide greater flexibility for counties and municipalities to use the roughly \$270 million open space tax dollars they collect each year for the intended mission of protecting New Jersey's environment, improving communities with more recreation and

conservation, and preventing overcrowding of our towns and schools. They also ensure reliable, sustainable and safe environmental infrastructure across the state, by investing nearly \$100 million in critical projects this year."

- **A-1645/S-195 (Schaer, Webber, Dancer, Pintor Marin/Kyrillos, Smith)** - Expands definition of "acquisition," for purposes of county and municipal open space trust funds, to include demolition, removal of debris, and restoration of lands being acquired
- **S-3352/A-5045 (Ruiz, Bateman/Oliver, Chaparro, Singleton, Lagana, Bramnick, Vainieri Huttie, Zwicker)** - Appropriates \$71,700,224 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects
- **S-3353/A-5046 (Greenstein, Thompson/Eustace, Land, Mukherji, Schaer, Bramnick, Vainieri Huttie, Wimberly)** - Appropriates \$12.3 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects
- **S-3354/A-5044 (Gordon, Allen/McKeon, Mazzeo, Muoio, Moriarty, Bramnick, Zwicker, Vainieri Huttie)** - Appropriates \$8,992,898 to DEP from constitutionally dedicated CBT revenues and various Green Acres funds for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes
- **S-3240/A-4996 (Greenstein, Codey/Mukherji, Mazzeo, Schaer, Holley, Land)** - Authorizes NJ Environmental Infrastructure Trust to expend certain sums to make loans for environmental infrastructure projects for FY2018
- **CC for S-3241/A-4998 (Smith, Codey/Eustace, Muoio, Moriarty, Conaway, Andrzejczak)** - Appropriates funds to DEP for environmental infrastructure projects for FY2018
- **S-3242/A-4997 (Gordon, Oroho/McKeon, Prieto)** - Clarifies procedures for approval of environmental and transportation infrastructure projects
- **S-3181/A-4756 (Smith, Diegnan/DeAngelo, Eustace, Gusciora)** - Permits solar electric power generation facility projects not having commenced commercial operation to retain designation through May 31, 2018 as connected to distribution system
- **S-2834/A-4569 (Sweeney, Greenstein, Bateman/Eustace, Karabinchak, McKeon, Vainieri Huttie, Benson, Muoio)** - The "Water Quality Accountability Act"; imposes certain testing, reporting, management, and infrastructure investment requirements on water purveyors

Governor Christie also took action on the following bills:

BILL SIGNINGS:

S-5/A-4925 (Vitale, Sweeney/Conaway, O'Scanlon, Houghtaling, Quijano, Giblin, DeAngelo, Munoz, Mukherji, A.M. Bucco) - Establishes data reporting requirements for emergency medical services providers and dispatch centers

SS SCS SCS for S-291, 652, 1954/ACS for A-1464 (Vitale, Whelan, Allen, Turner/Lampitt, Coughlin, Conaway, Vainieri Huttie, Lagana, Mukherji, Moriarty) - Authorizes health care providers to engage in telemedicine and telehealth

S-742/A-1205 (Beach/Mosquera, Holley, Wimberly, Jones) - Requires board of education to enter into agreement with law enforcement authorities regarding access to live video streams of public school buildings

S-1295/A-3701 (Vitale/Eustace, Munoz) - Amends and repeals sections of "Respiratory Care Practitioner Licensing Act"

S-1315/A-1839 (Vitale/Giblin, Wimberly, McKeon, Mukherji, Sumter) - Revises statutes regarding practice of physical therapy

S-1840/A-2085 (Ruiz, Gill/Mukherji, Oliver, McKnight) - Prohibits charging fee to stop publishing personal identifying information obtained through the criminal justice system

S-1913/A-2794 (Addiego, Greenstein/Lagana, Moriarty, Mukherji, Downey) - "Personal Information and Privacy Protection Act"; restricts collection and use of personal information by retail establishments for certain purposes

S-2058/A-671 (T. Kean, Pou/Munoz, Giblin, Mukherji, Moriarty) - Adds two nurse educators to the New Jersey Board of Nursing

S-2331/A-3962 (Codey, Vitale/Jasey, McKeon, Vainieri Huttie, Munoz, Mukherji, Mosquera, Lampitt) - Establishes tuition reimbursement program for certain psychiatrists who work in underserved areas or psychiatric hospitals in New Jersey

CC S-2403/A-3717 (Rice, Turner/Sumter, Vainieri Huttie, Lampitt, Downey) - Establishes Women's Vocational Training Pilot Program to promote economic self-sufficiency of low-income women through increased participation in high-wage, high-demand occupations; authorizes allocation of certain funds therefor

S-2452/A-4007 (Diegnan, Stack/Houghtaling, Downey, Mosquera, Mazzeo) - Requires Director of Division of Taxation to promulgate Property Taxpayer Bill of Rights

S-2577/A-4238 (Cunningham, Ruiz, Gordon/Sumter, Jasey, Muoio, Lagana, Downey, Benson) - Requires Higher Education Student Assistance Authority to provide annual New Jersey College Loans to Assist State Students Loan Program report to Governor and Legislature and develop student loan comparison information document to increase program transparency

S-2618/A-4691 (Cunningham, Pou/Caride, McKeon, Jasey, Giblin) - Requires institutions of higher education to enter into collective Statewide reverse transfer agreement

S-2819/A-4363 (Sweeney, Ruiz, Lesniak/Taliaferro, Andrzejczak, Lampitt, Mosquera, Holley, Quijano) - Creates "Nourishing Young Minds Initiative Fund" in Dept. of Agriculture to help pay for child food and nutrition programs

S-3027/A-4631 (Smith, Greenstein/Lampitt, Quijano, Eustace, Kennedy, Benson, Muoio, Zwicker, Mukherji) - Establishes State food waste reduction goal of 50 percent by 2030

S-3067/A-4652 (Ruiz, Vitale/Vainieri Huttie, Caride, Eustace, Jasey, Wimberly, Gusciora) - Requires Commissioner of Education to develop guidelines for school districts regarding transgender students

S-3176/A-4898 (Madden/Mukherji, Singleton) - Changes year used to calculate TDI and FLI employee taxes from most recent calendar year to most recent fiscal year

S-3191/A-3370 (Sweeney, Bateman/Burzichelli, Jones) - Extends voting rights of representatives of sending districts on receiving district board of education

S-3219/A-4859 (Sweeney, T. Kean, Greenstein, Holzapfel/Vainieri Huttie, Prieto, Downey) - Establishes additional penalties related to child pornography and expands crime to include portrayal of child in sexual manner; establishes crime of leader of child pornography network

S-3331/A-5039 (Cruz-Perez/Jones) - Authorizes State Treasurer to sell surplus real property in City of Camden, County of Camden to Camden County Improvement Authority

SJR-105/AJR-157 (Diegnan, Cruz-Perez, Sweeney/Pinkin, Karabinchak, Coughlin) - Designates August 29, 2017 as Governor James Florio Day in New Jersey

SJR-113/AJR-165 (Gordon/Vainieri Huttie, Chiaravalloti) - Clarifies intent of law subjecting PANYNJ to open public records and freedom of information laws in New Jersey and New York

A-222/S-2171 (DeAngelo, Giblin, Singleton, Holley, Benson/Bateman, Greenstein, Stack) - "New Jersey Library Construction Bond Act"; authorizes issuance of \$125,000,000 in general obligation bonds to finance capital projects at public libraries; appropriates \$5,000

A-373/S-607 (Auth, Vainieri Huttie, McGuckin, Schepisi, Peterson, Jimenez/Addiego, A.R. Bucco) - Requires life imprisonment without parole for persons convicted of the murder of a minor under the age of 18 in the course of the commission of a sex crime

A-555/S-1847 (Pinkin, Eustace/Diegnan) - Revises statutes concerning incorporation and governance of the Protestant Episcopal Church to remove gender-specific references

A-621/S-2328 (Lagana, Greenwald, Moriarty, Mosquera, Mukherji/Cruz-Perez, Turner) - Permits bowling alleys, including alleys licensed to sell alcoholic beverages, to conduct amusement games

A-1458/S-2449 (Lampitt, Mosquera, Downey, Singleton, Vainieri Huttie/Vitale, Ruiz) - Requires health care professionals engaged in prenatal care to provide parents of newborns with information on health insurance coverage for newborn children

A-1761/S-332 (Eustace, Mukherji, Gusciora/Scutari, Bateman) - Creates fencing crime involving stolen domestic companion animals

A-2060/S-2333 (Gusciora, Sumter, Oliver, Jasey, McKnight/Cruz-Perez, Turner) - Establishes process for consideration of offers from short sale buyers during residential mortgage foreclosures

A-2221/S-2453 (Benson, Russo, DeAngelo, A.M. Bucco/Diegnan, Greenstein) - Allows gross income taxpayers to use returns to make voluntary contributions to the Boy Scouts of America Councils in New Jersey

A-2441/S-2910 (Eustace, Gusciora, Kennedy, Mazzeo, Mukherji/Gordon, Turner) - Authorizes the Unclaimed Property Administrator to verify certain governmental debts before delivering abandoned property

A-2926/S-3197 (Greenwald, Vainieri Huttie, Schaer, Mukherji, Holley, Mosquera, Muoio, Sumter, Mazzeo/Cruz-Perez, Cunningham) - Repeals law suspending certain licenses, registrations and certifications for failure to repay student loans

A-2993/S-1305 (Conaway, Pinkin, Sumter, Wimberly, McKnight, Mukherji/Vitale, Madden) - Requires Medicaid coverage for diabetes self-management education, training, services, and equipment for patients diagnosed with diabetes, gestational diabetes, and pre-diabetes

A-3347/S-2242 (Wolfe, Holley, Jasey, McKnight, Wimberly/Diegnan) - Establishes New Jersey School Safety Specialist Academy in Department of Education and requires school districts to designate school safety specialist

A-3438/S-1564 (DeAngelo, Danielsens, Holley, Houghtaling, Downey, Wimberly, Quijano/Turner, Beach) - Requires initial determination of unemployment benefits to be made within three weeks of filing of claim

A-3463/S-2038 (Coughlin/Vitale, Codey) - Updates references to DOC and DHS and refers to persons receiving services from DHS

A-3686/S-2423 (McKeon, Jasey, Munoz, Vainieri Huttie, A.M. Bucco/Codey, Oroho) - Establishes new crime of strict liability vehicular homicide; renames existing vehicular homicide as reckless vehicular homicide; designated as Ralph and David's Law

A-4011/S-2887 (Jones, Barclay, Moriarty, Mosquera, Greenwald, Lampitt, Mazzeo, Chiaravalloti/Cruz-Perez, Beach) - Designates USS New Jersey as New Jersey State Ship

A-4081/S-2662 (Lampitt, Vainieri Huttle, Benson, Wimberly, Greenwald/Allen, Sweeney) - "Charlie's Law"; Establishes civil penalties for persons who interfere with or deny persons with disabilities accompanied by service or guide dogs access to places of public accommodation

A-4088/S-2567 (Schaer, Jasey, Benson, Wimberly/Cruz-Perez, Singer) - Establishes "High School to College Readiness Commission" to examine issues and develop recommendations to enhance student preparation for postsecondary education

A-4175/S-2808 (Caride, McKnight, Holley, Pintor Marin, Wimberly/Ruiz, Turner) -Requires Commissioner of Education to develop guidance on identifying English language learners for gifted and talented programs

A-4246/S-3194 (Dancer/Lesniak, Beck) - Decreases annual thoroughbred race dates to 50 minimum upon written consent from New Jersey Thoroughbred Horsemen's Association

A-4317/S-3206 (Prieto, Giblin/Diegnan) - Concerns violations of certain occupational licensing laws

A-4568/S-3017 (Vainieri Huttle, Eustace, Pinkin, Jasey, Johnson/Vitale, Ruiz) - Prohibits health insurers, SHBP, SEHBP, certain health care providers, and Medicaid from discriminating in providing coverage and services based on gender identity

A-4875/S-1996 (Muoio, Gusciora/Beach, Van Drew) - Requires gubernatorial candidates' statements be posted online

A-4969/S-3281 (Oliver, Giblin, Jasey, McKnight, Schaer, Wimberly/Gill, Cunningham) - Establishes Montclair State University as public research university

ACS for A-4994/S-3314 (McKeon, Burzichelli, Singleton, Caride/Sarlo, Oroho) - Requires certain State and local government agency employees with access to federal tax information to undergo criminal history background checks

AJR-37/SJR-67 (Mosquera, Chaparro/Weinberg) - Designates June 21 of each year as "ASK Day" to promote children's health and gun safety

ACS for AJR-54/SJR-104 (Benson, Mosquera, Chiaravalloti, Holley, McKnight, Wimberly/Sweeney, Beach) - Designates April 2nd of each year as "World Autism Awareness Day"

AJR-72/SJR-31 (Gove, Rumpf, A.M. Bucco, Holley/A.R. Bucco) - Designates September 17 through September 23 of each year as "Constitution Week"

AJR-115/SJR-81 (Vainieri Huttle, Lampitt, Giblin, Benson/Diegnan, A.R. Bucco) - Designates third Friday in September of every year as Concussion Awareness Day

AJR-126/SJR-85 (Dancer, DeAngelo, Munoz, A.M. Bucco, Mukherji, Houghtaling, Downey/Allen, Madden) - Commemorates establishment and service of the New Jersey State Police and celebrates 95th anniversary of first graduating class

AJR-137/SJR-102 (Mazzeo/Whelan) - Urges United States President Trump, members of his administration, and Congress to oppose measures and actions to prohibit states from authorizing and conducting Internet gaming

BILLS VETOED:

SCS for S-1297, 1990/A-3751 (Vitale, Sweeney/Jasey, Coughlin) - **CONDITIONAL** - Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots

A-31/S-3315 (Prieto, Muoio, Oliver, Schaer, Holley, Mukherji, Quijano, Wimberly, Pintor Marin/Vitale, Cruz-Perez) - **ABSOLUTE** - Increases amount of benefits under Work First New Jersey program by 30 percent over three years and according to Social Security cost of living increases thereafter

A-33/S-3316 (Muoio, Vainieri Huttle, Mukherji, Oliver, Gusciora, Pintor Marin/Vitale, Cruz-Perez) - **ABSOLUTE** - Repeals family cap in Work First New Jersey program

A-320/S-1018 (Singleton, Vainieri Huttle, Munoz, Moriarty, Lampitt, Sumter, Mukherji/Weinberg, Cruz-Perez) - **CONDITIONAL** - Establishes minimum Medicaid reimbursement rate for personal care services

A-1139/S-2616 (Holley, McKnight, Munoz, Kennedy, Mukherji, Pintor Marin, Wimberly/Ruiz, Vitale) - **CONDITIONAL** - Prohibits sale of unsafe supplemental mattresses designed for children's products

A-2297/S-659 (Vainieri Huttle, Sumter, Mukherji, Caride, Downey, Zwicker, Wimberly/Turner, Allen) - **CONDITIONAL** - Requires health insurance coverage for contraceptives to include prescriptions for 12 months

A-3338/S-862 (Eustace, Lagana, Vainieri Huttle, Muoio, Mukherji, Benson, Jimenez, Giblin, Moriarty, Lampitt/Stack, Weinberg) - **CONDITIONAL** - Dedicates one percent of cigarette and other tobacco products tax revenues to anti-smoking initiatives

ACS for A-3480, 4119/S-2536 (Downey, Lampitt, Schaer, Houghtaling, Benson, Singleton, Muoio, DeAngelo/Gill, Weinberg) - **ABSOLUTE** - Concerns employer inquiries about worker's wage and salary experience

A-4253/S-2634 (Quijano, Mukherji, Vainieri Huttle, Eustace, Jones, McKeon/Weinberg, Diegnan) - CONDITIONAL - Establishes "New Jersey Nonprofit Security Grant Pilot Program"; appropriates \$3,000,000 over next three fiscal years

A-4453/S-2881 (Downey, Houghtaling/Ruiz) – CONDITIONAL - Requires pupils who reside on certain federal property to enroll in resident school district in accordance with schedule determined by executive county superintendent of schools

A-4496/S-2977 (Wimberly, Sumter, Lampitt/Lesniak) – CONDITIONAL - "Healthy Small Food Retailer Act"; provides funding to small food retailers to sell fresh and nutritious food; appropriates \$1 million

A-4587/SCS for S-2574 (Quijano, Vainieri Huttle, Mukherji, Giblin/Diegnan, Sarlo) – ABSOLUTE - Imposes State sales and use tax and hotel and motel occupancy fee on transient accommodations; authorizes various municipal taxes and fees on transient accommodations

A-4870/S-3226 (Prieto, Oliver, Quijano, Pintor Marin, Schaer, Vainieri Huttle, Eustace/Ruiz, Sweeney, Greenstein) – ABSOLUTE - "Safe Transportation Jobs and Fair Employment Rules Act"

ACS for A-4927/SCS for S-3085 (Prieto, Oliver, Gusciora, Jasey/Sweeney, Diegnan, Ruiz) – CONDITIONAL - Revises law concerning family leave, temporary disability and family temporary disability leave, and domestic or sexual violence safety leave

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TRANSGENDER RIGHTS ARE NOW LAW AS CHRISTIE SIGNS DOZENS OF BILLS

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- Author/Byline: Catherine Carrera, Staff Writer, @CattCarrera
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After talking baseball and O.J. Simpson's parole on sports radio Friday, Gov. Chris Christie made time to sign dozens of new laws, including one that protects transgender students' privacy rights, and permits them to use bathrooms and dress according to their gender identity.

Christie also signed legislation designed to combat the state's heroin crisis and another named after a slain Hillsdale girl.

Fourteen bills were vetoed, including one that would have benefited anti-smoking initiatives by dedicating 1 percent of the tax revenues from the sale of cigarettes and tobacco products to those programs. He also agreed to raise the minimum age to buy tobacco products from 19 to 21.

The transgender rights law requires the commissioner of education to develop guidelines for school districts to address an array of transgender students' needs. Christie, a Republican who had sought his party's nomination for president after making some appeals to conservatives, signed the law cleared by the state's Democratic-controlled Legislature without comment.

"These guidelines are needed to ensure that transgender students can safely be themselves without fear of being persecuted," said Assemblywomen Valerie Vainieri Huttie, D-Englewood, one of the bill's sponsors, in a statement.

Some school districts have already implemented similar policies, allowing transgender students to use bathrooms and locker rooms that align with their gender identities.

Schools are also required to use the name or pronoun that corresponds to a student's gender identity, and a student's school ID should be in the name corresponding to the student's gender identity. Transgender students are also given equal opportunities to participate in physical education and in gender-segregated school activities.

Fighting heroin epidemic

In the final year of his second term, Christie's agenda has aimed to focus on fighting the state's heroin epidemic by expanding treatment and resources.

Statistics released this week by the Bergen County Prosecutor's Office show that this year could be Bergen County's most deadly year on record, with 244 overdoses, including 57 fatalities.

The new legislation requires the state's Department of Human Services to start a daily report, which would be posted on their website, that includes information on open beds available in facilities across the state for those in need of mental health or substance-use disorder treatment.

Further, the Department of Education is tasked with developing an educational fact sheet, targeted specifically for parents of student athletes and cheerleaders, about the use and misuse of prescription opioids.

Hospice programs, under the new laws, are permitted to accept unused prescription medication from their patients for safe disposal. Those programs are also required to use sensitive terminology when referring to people with substance use disorders or certain disabilities.

Joan's Law

The latest amendment to Joan's Law, a bill named after Hillsdale's 7-year-old Joan D'Alessandro, who was raped and killed by her neighbor 44 years ago, will require life in prison without parole for anyone convicted of murdering and sexually assaulting a person under the age of 18.

The previous bill required the same punishment for those convicted of that crime to minors under 14.

"This day is a tremendous victory," said Rosemarie D'Alessandro, Joan's mother and leading advocate of the law, which was first enacted 20 years ago.

D'Alessandro was hoping for a public signing of the bill, similar to the one former Gov. Christine Whitman did when signing the bill in

1997. She had been advocating for this latest amendment to the bill for seven years.

"They will never have to go through parole hearings and appeals like our family had to for through for years," D'Alessandro said. She was motivated to get Joan's Law established when her daughter's murderer, Joseph McGowan, became eligible for parole 14 years after receiving a life sentence. He has been denied parole several times.

Other bills signed

Christie signed five bills aimed to benefit the state's military veterans, including one that establishes a Gold Star Family Counseling Program in the Department of Military and Veterans Affairs. Another bill allows all disabled veterans to receive parking privileges reserved for people with disabilities.

Among the bills signed that are aimed to preserve and protect the environment was legislation appropriating \$71.7 million from the corporate business tax revenue and Green Acres funds to the Department of Environment Protection for local government open space acquisitions and park development projects.

Christie began his day once again filling in on the WFAN-660 morning show, "Boomer & Carton."

"Sounds like a great day for me," Christie said as he kicked off the show. Christie began auditioning this month for a permanent hosting gig at the CBS sports radio station.

But, Friday's 20-minute segment was not part of the governor's series of auditions, said co-host Boomer Esiason.

The radio appearance came ahead of Christie's trip to Colorado next week for a meeting with the Republican Governors Association.

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