

2C:49-7

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LAWS OF: 1999 **CHAPTER:** 302
NJSA: 2C:49-7 (Murder victim family members – attending execution)
BILL NO: A2439 (Substituted for S2027)

SPONSOR(S): Talarico and Heck

DATE INTRODUCED: September 17, 1998

COMMITTEE: **ASSEMBLY:** Judiciary

SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 17, 1999

SENATE: November 15, 1999

DATE OF APPROVAL: December 23, 1999

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Original
(Amendments during passage denoted by superscript numbers)

A2439

SPONSORS STATEMENT: (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

S2027

SPONSORS STATEMENT: (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

Identical to Senate Statement for A2439

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: [Yes](#)

FOLLOWING WERE PRINTED:

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Yes

REPORTS:

974.90 New Jersey. Governor's Study Commission on Implementation of the
C244 Death Penalty
1998 Final Report...August 6, 1998. Trenton, 1998.
[SEE PP. 6, 38-40, 58-59]

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Death penalty reforms ok'd," 6-18-99, Courier News., p. A3.

"Assembly approves legislation to speed trials, executions," 6-18-99, New Brunswick Home News. p. B12.

P.L. 1999, CHAPTER 302, *approved December 23, 1999*
Assembly, No. 2439

1 AN ACT concerning executions and amending P.L.1983, c.245.

2

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

5

6 1. Section 7 of P.L.1983, c.245 (C.2C:49-7) is amended to read
7 as follows:

8 7. a. The commissioner, the persons designated by the
9 commissioner to act as execution technicians, and **two** one licensed
10 **physicians** physician shall be present at the execution. The
11 commissioner shall also select and invite the presence of, by at least
12 three days' prior notice, six adult citizens. The names of the execution
13 technicians shall not be disclosed, and the names of the six adult
14 citizens who witnessed the execution shall not be disclosed until after
15 the execution.

16 b. The commissioner shall, at the request of the person sentenced
17 to death, authorize and permit no more than two clergymen, who are
18 not related to the inmate, to be present at the execution. The
19 commissioner may, at the request of the person sentenced to death,
20 authorize and permit no more than two adult members of the person's
21 immediate family to be present at the execution.

22 c. The commissioner shall permit **eight** four representatives of
23 the news media to be present at the execution, for the purpose of
24 giving their respective newspapers and associations accounts of the
25 execution. The **eight** four representatives shall be composed of
26 **two representatives** one representative of the major wire services,
27 **two representatives** one representative of television news services,
28 **two representatives** one representative of newspapers, and **two**
29 **representatives** one representative of radio news services.
30 Immediately following the execution, the **eight** four representatives
31 of the news media may hold a press conference for the purpose of
32 giving other news representatives an account of the execution.

33 d. The commissioner shall not authorize or permit any person **who**
34 is related by either blood or marriage to the sentenced person or to
35 the victim to be present at the execution, nor shall the commissioner
36 authorize or permit any other person **to be present, except those**
37 authorized by this section.

38 e. The commissioner shall authorize and permit no more than four
39 adult members of the victim's immediate family to be present at the
40 execution. The names of the members of the victim's immediate family
41 who witnessed the execution shall not be disclosed.

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.

ASSEMBLY, No. 2439

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED SEPTEMBER 17, 1998

Sponsored by:

Assemblyman GUY F. TALARICO

District 38 (Bergen)

Assemblywoman ROSE MARIE HECK

District 38 (Bergen)

Co-Sponsored by:

Assemblymen Merkt, Azzolina, Garrett, Senators Robertson and Singer

SYNOPSIS

Allows family members of the murder victim to attend the condemned person's execution.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/16/1999)

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13 technicians shall not be disclosed, and the names of the six adult
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ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2439

STATE OF NEW JERSEY

DATED: FEBRUARY 11, 1999

The Assembly Judiciary Committee reports favorably Assembly Bill No. 2439.

This bill would amend N.J.S.A.2C:49-7 concerning who may be present at executions to allow no more than four adult members of the murder victim's family and no more than two adult members of the sentenced person's family to attend the execution. Under current law the commissioner may not authorize any person related by blood or marriage to the sentenced person or to the victim to be present. Specifically, at the request of the sentenced person two adult members of the sentenced person's immediate family may attend the execution, at the discretion of the Commissioner of the Department of Corrections. The bill would require the commissioner to allow four adult members of the victim's immediate family to be present. The names of these persons are not to be disclosed. The bill defines "immediate family" as "a spouse, parent, stepparent, legal guardian, grandparent, child or sibling."

In addition, the bill would reduce the numbers of certain other persons who are authorized to attend an execution. The number of licensed physicians would be reduced from two to one. The number of news media representatives would be reduced from eight to four: one representative of the major wire services; one representative of television news services, one representative of newspapers and one representative of radio news services.

This bill embodies Proposal #6 of the "Governor's Study Commission on the Implementation of the Death Penalty," issued August 6, 1998.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2439

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 1999

The Senate Judiciary Committee reports favorably Assembly Bill No. 2439.

This bill would amend N.J.S.A.2C:49-7 concerning who may be present at executions to allow no more than four adult members of the murder victim's family and no more than two adult members of the sentenced person's family to attend the execution. Under current law, the Commissioner of the Department of Corrections may not authorize any person related by blood or marriage to the sentenced person or to the victim to be present. Specifically, at the request of the sentenced person, two adult members of the sentenced person's immediate family may, at the discretion of the commissioner, attend the execution. The bill would require the commissioner to allow four adult members of the victim's immediate family to be present. The names of these persons are not to be disclosed. The bill defines "immediate family" as "a spouse, parent, stepparent, legal guardian, grandparent, child or sibling."

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SENATE, No. 2027

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JUNE 24, 1999

Sponsored by:

Senator NORMAN M. ROBERTSON

District 34 (Essex and Passaic)

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

SYNOPSIS

Allows family members of the murder victim to attend the condemned person's execution.

CURRENT VERSION OF TEXT

As introduced.



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SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2027

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 1999

The Senate Judiciary Committee reports favorably Senate Bill No. 2027.

This bill would amend N.J.S.A.2C:49-7 concerning who may be present at executions to allow no more than four adult members of the murder victim's family and no more than two adult members of the sentenced person's family to attend the execution. Under current law, the Commissioner of the Department of Corrections may not authorize any person related by blood or marriage to the sentenced person or to the victim to be present. Specifically, at the request of the sentenced person, two adult members of the sentenced person's immediate family may, at the discretion of the commissioner, attend the execution. The bill would require the commissioner to allow four adult members of the victim's immediate family to be present. The names of these persons are not to be disclosed. The bill defines "immediate family" as "a spouse, parent, stepparent, legal guardian, grandparent, child or sibling."

In addition, the bill would reduce the numbers of certain other persons who are authorized to attend an execution. The number of licensed physicians would be reduced from two to one. The number of news media representatives would be reduced from eight to four: one representative of the major wire services; one representative of television news services, one representative of newspapers and one representative of radio news services.

This bill embodies Proposal #6 of the "Governor's Study Commission on the Implementation of the Death Penalty," issued August 6, 1998.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Jayne O'Connor
Laura Otterbourg
609-777-2600

RELEASE: December 23, 1999

**Governor Signs Bill to Protect Homeowners,
Bill Connected to Death Penalty, among other Legislation**

Governor Christie Whitman today signed legislation prohibiting the cancellation and non-renewal of homeowners' insurance because of claims or losses resulting from weather-related damage or a third party criminal act. The Governor also signed legislation allowing family members of the murder victim to attend the condemned person's execution.

Protection for Homeowners

"This piece of legislation is important in that it protects homeowners from factors that are outside of their control and no fault of their own," said Gov. Whitman. "When people have weather-related damage at home because of a severe storm, for instance, they should be able to count on the fact that an insurer does not have the right to cancel or not renew their policy."

This bill also includes claims or losses that result from a third party criminal act committed by a non-resident of the insured dwelling, and like weather-related damage, it is beyond the homeowner's control. It applies only to owner-occupied, one to four family dwellings.

Yet the bill outlines that insurers are able to offer coverage on different terms and conditions if the insured has failed to reduce the risk of future claims, such as not making repairs if they were needed.

Under previous law, insurers were able to use their own underwriting guidelines; they could cancel or not renew a homeowner's insurance policy based upon a weather-related or criminal act claim during the policy year.

The legislation, **SCS for S-950 and S-1099**, was sponsored by Senators Anthony R. Bucco (R-Morris), Dr. Gerald Cardinale (R-Bergen) and Raymond J. Lesniak (D-Union) and Assembly Members Neil M. Cohen (D-Union) and Joseph Suliga (D-Union).

Recommendation to Death Penalty

"I feel it's only right that family members of a murder victim be allowed to attend the condemned person's execution - if that is something they choose to do," said Gov. Whitman. "While this bill doesn't ease the pain and suffering of a murder victim's family, these people are hurting enough - and we should grant them this wish, especially after all they have been through."

Including a recommendation from the Report by the Governor's Study Commission on the Implementation of the Death Penalty, the bill amends the law concerning executions to allow members of the murder victim's family, as well as the condemned person's family, to attend the execution.

Specifically, it permits two adult members of the condemned person's immediate family to be present at the condemned person's request. The bill also allows four adult members of the victim's family to be present, but prohibits disclosure of their names. And it reduces the number of physicians who must be present from two to one and reduces the number of members of the press from eight to four.

Under the previous law, both the families of the accused and the victim were prevented from attending the execution. Another provision that allows six citizen witnesses from attending still remains in the legislation.

The legislation, **A-2439**, was sponsored by Assembly Members Guy F. Talarico (R-Bergen) and Rose M. Heck (R-Bergen) and Senators Norman M. Robertson (R-Essex/Passaic) and Robert W. Singer (R-Burlington/Monmouth/Ocean).

In addition, Gov. Whitman today signed these pieces of legislation:

A-2099, sponsored by Assemblyman E. Scott Garrett (R-Sussex/Hunterdon/Morris), clarifies the rights of campground facilities. The bill grants the owner of a private campground facility a lien upon the personal property (located at the facility) of a campground occupant for rent, labor or other reasonable charges due under the rental agreement. Personal property is defined as any property not affixed to the land, such as recreational vehicles, trailers, boats, tents and their contents. Also, in order to provide the campground owners with a more effective means to deal with rowdy or abusive campers, the bill says that an owner may have an occupant removed if the occupant is in violation of the terms of a rental agreement.

A-194, sponsored by Assembly Members George F. Geist (R-Camden/Gloucester) and Gerald J. Luongo (R-Camden/ Gloucester) and Senators John J. Matheussen (R-Camden/Gloucester) and Andrew R. Ciesla (R-Monmouth/Ocean), imposes an additional penalty in certain drug-related cases and provides for deposit of such penalties in the Drug Abuse Education Fund. The bill imposes a penalty of \$50 on persons who are admitted to supervisory treatment pursuant to the Pre-Trial Intervention Program or who receive a conditional discharge for drug-related offenses.

A-2269, sponsored by Assemblyman Bagger (R-Middlesex /Morris/ Somerset/Union) makes changes to the law concerning certification of municipal tax collectors.