

2C:44-1
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2020 **CHAPTER:** 110

NJSA: 2C:44-1 (Establishes youthful age of defendant as mitigating factor in sentencing.)

BILL NO: A4373 (Substituted for S2592)

SPONSOR(S) William W. Spearman and others

DATE INTRODUCED: 6/29/2020

COMMITTEE: **ASSEMBLY:** Law & Public Safety

SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 7/30/2020

SENATE: 8/27/2020

DATE OF APPROVAL: 10/19/2020

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced bill enacted) Yes

A4373

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2592

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: Yes

New Jersey Criminal Sentencing and Disposition Commission
First Annual Report (November 2019)
Available online at <https://dSPACE.njstatelib.org/handle/10929/57490>
Call number: 974.901 C931

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Criminal justice bills signed." Joe Atmonavage. The Times (Trenton, NJ),
October 22, 2020: Page 013.

RWH

P.L. 2020, CHAPTER 110, *approved October 19, 2020*
Assembly, No. 4373

1 AN ACT concerning sentencing and amending N.J.S.2C:44-1.

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:44-1 is amended to read as follows:

7 2C:44-1. a. In determining the appropriate sentence to be
8 imposed on a person who has been convicted of an offense, the
9 court shall consider the following aggravating circumstances:

10 (1) The nature and circumstances of the offense, and the role of
11 the actor **[therein]** in committing the offense, including whether or
12 not it was committed in an especially heinous, cruel, or depraved
13 manner;

14 (2) The gravity and seriousness of harm inflicted on the victim,
15 including whether or not the defendant knew or reasonably should
16 have known that the victim of the offense was particularly
17 vulnerable or incapable of resistance due to advanced age, ill-
18 health, or extreme youth, or was for any other reason substantially
19 incapable of exercising normal physical or mental power of
20 resistance;

21 (3) The risk that the defendant will commit another offense;

22 (4) A lesser sentence will depreciate the seriousness of the
23 defendant's offense because it involved a breach of the public trust
24 under chapters 27 and 30 of this title, or the defendant took
25 advantage of a position of trust or confidence to commit the
26 offense;

27 (5) There is a substantial likelihood that the defendant is
28 involved in organized criminal activity;

29 (6) The extent of the defendant's prior criminal record and the
30 seriousness of the offenses of which **[he]** the defendant has been
31 convicted;

32 (7) The defendant committed the offense pursuant to an
33 agreement **[that he]** to either pay or be paid for the commission of
34 the offense and the pecuniary incentive was beyond that inherent in
35 the offense itself;

36 (8) The defendant committed the offense against a police or
37 other law enforcement officer, correctional employee or **[fireman]**
38 firefighter, acting in the performance of **[his]** the officer, employee,
39 or firefighter duties while in uniform or exhibiting evidence of his
40 authority; the defendant committed the offense because of the status
41 of the victim as a public servant; or the defendant committed the
42 offense against a sports official, athletic coach or manager, acting in
43 or immediately following the performance of **[his]** the person's

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 duties or because of the person's status as a sports official, coach or
2 manager;
- 3 (9) The need for deterring the defendant and others from
4 violating the law;
- 5 (10) The offense involved fraudulent or deceptive practices
6 committed against any department or division of State government;
- 7 (11) The imposition of a fine, penalty, or order of restitution
8 without also imposing a term of imprisonment would be perceived
9 by the defendant or others merely as part of the cost of doing
10 business, or as an acceptable contingent business or operating
11 expense associated with the initial decision to resort to unlawful
12 practices;
- 13 (12) The defendant committed the offense against a person who
14 **【he】** the defendant knew or should have known was 60 years of age
15 or older, or disabled;
- 16 (13) The defendant, while in the course of committing or
17 attempting to commit the crime, including the immediate flight
18 therefrom, used or was in possession of a stolen motor vehicle;
- 19 (14) The offense involved an act of domestic violence, as that
20 term is defined in subsection a. of section 3 of P.L.1991, c. 261
21 (C.2C:25-19), committed in the presence of a child under 16 years
22 of age; and
- 23 (15) The offense involved an act of domestic violence, as that
24 term is defined in subsection a. of section 3 of P.L.1991, c. 261
25 (C.2C:25-19) and the defendant committed at least one act of
26 domestic violence on more than one occasion.
- 27 b. In determining the appropriate sentence to be imposed on a
28 person who has been convicted of an offense, the court may
29 properly consider the following mitigating circumstances:
- 30 (1) The defendant's conduct neither caused nor threatened
31 serious harm;
- 32 (2) The defendant did not contemplate that **【his】** the defendant's
33 conduct would cause or threaten serious harm;
- 34 (3) The defendant acted under a strong provocation;
- 35 (4) There were substantial grounds tending to excuse or justify
36 the defendant's conduct, though failing to establish a defense;
- 37 (5) The victim of the defendant's conduct induced or facilitated
38 its commission;
- 39 (6) The defendant has compensated or will compensate the
40 victim of **【his】** the defendant's conduct for the damage or injury
41 that **【he】** the victim sustained, or will participate in a program of
42 community service;
- 43 (7) The defendant has no history of prior delinquency or
44 criminal activity or has led a law-abiding life for a substantial
45 period of time before the commission of the present offense;
- 46 (8) The defendant's conduct was the result of circumstances
47 unlikely to recur;

1 (9) The character and attitude of the defendant indicate that
2 **【he】** the defendant is unlikely to commit another offense;

3 (10) The defendant is particularly likely to respond affirmatively
4 to probationary treatment;

5 (11) The imprisonment of the defendant would entail excessive
6 hardship to **【himself】** the defendant or **【his】** the defendant's
7 dependents;

8 (12) The willingness of the defendant to cooperate with law
9 enforcement authorities;

10 (13) The conduct of a youthful defendant was substantially
11 influenced by another person more mature than the defendant ; and

12 (14) The defendant was under 26 years of age at the time of the
13 commission of the offense.

14 c. (1) A plea of guilty by a defendant or failure to so plead
15 shall not be considered in withholding or imposing a sentence of
16 imprisonment.

17 (2) When imposing a sentence of imprisonment the court shall
18 consider the defendant's eligibility for release under the law
19 governing parole, including time credits awarded pursuant to Title
20 30 of the Revised Statutes, in determining the appropriate term of
21 imprisonment.

22 d. Presumption of imprisonment. The court shall deal with a
23 person who has been convicted of a crime of the first or second
24 degree, or a crime of the third degree where the court finds that the
25 aggravating factor in paragraph (5), (14),¹ or (15) of subsection a. of
26 this section applies, by imposing a sentence of imprisonment unless,
27 having regard to the character and condition of the defendant, it is
28 of the opinion that **【his】** the defendant's imprisonment would be a
29 serious injustice which overrides the need to deter such conduct by
30 others. Notwithstanding the provisions of subsection e. of this
31 section, the court shall deal with a person who has been convicted
32 of theft of a motor vehicle or of the unlawful taking of a motor
33 vehicle and who has previously been convicted of either offense by
34 imposing a sentence of imprisonment unless, having regard to the
35 character and condition of the defendant, it is of the opinion that
36 **【his】** imprisonment would be a serious injustice which overrides
37 the need to deter such conduct by others.

38 e. The court shall deal with a person convicted of an offense
39 other than a crime of the first or second degree, who has not
40 previously been convicted of an offense, without imposing a
41 sentence of imprisonment unless, having regard to the nature and
42 circumstances of the offense and the history, character,¹ and
43 condition of the defendant, it is of the opinion that **【his】**
44 imprisonment is necessary for the protection of the public under the
45 criteria set forth in subsection a. of this section, except that this
46 subsection shall not apply if the court finds that the aggravating
47 factor in paragraph (5), (14) or (15) of subsection a. of this section

1 applies or if the person is convicted of any of the following crimes
2 of the third degree: theft of a motor vehicle; unlawful taking of a
3 motor vehicle; eluding; strict liability vehicular homicide pursuant
4 to section 1 of P.L.2017, c.165 (C.2C:11-5.3); if the person is
5 convicted of a crime of the third degree constituting use of a false
6 government document in violation of subsection c. of section 1 of
7 P.L.1983, c.565 (C.2C:21-2.1); if the person is convicted of a crime
8 of the third degree constituting distribution, manufacture or
9 possession of an item containing personal identifying information in
10 violation of subsection b. of section 6 of P.L.2003, c.184 (C.2C:21-
11 17.3); if the person is convicted of a crime of the third or fourth
12 degree constituting bias intimidation in violation of N.J.S.2C:16-1;
13 if the person is convicted of a crime of the third degree under
14 paragraph (12) of subsection b. of N.J.S.2C:12-1 or section 2 of
15 P.L.1997, c.111 (C.2C:12-1.1); or if the person is convicted of a
16 crime of the third or fourth degree under the provisions of section 1
17 or 2 of P.L.2007, c.341 (C.2C:33-29 or C.2C:33-30).

18 f. Presumptive Sentences. (1) Except for the crime of murder,
19 unless the preponderance of aggravating or mitigating factors, as set
20 forth in subsections a. and b. of this section, weighs in favor of a
21 higher or lower term within the limits provided in N.J.S.2C:43-6,
22 when a court determines that a sentence of imprisonment is
23 warranted, it shall impose sentence as follows:

24 (a) To a term of 20 years for aggravated manslaughter or
25 kidnapping pursuant to paragraph (1) of subsection c. of
26 N.J.S.2C:13-1 when the offense constitutes a crime of the first
27 degree;

28 (b) Except as provided in subparagraph (a) of this paragraph to a
29 term of 15 years for a crime of the first degree;

30 (c) To a term of seven years for a crime of the second degree;

31 (d) To a term of four years for a crime of the third degree; and

32 (e) To a term of nine months for a crime of the fourth degree.

33 In imposing a minimum term pursuant to subsection b. of
34 N.J.S.2C:43-6, the sentencing court shall specifically place on the
35 record the aggravating factors set forth in this section which justify
36 the imposition of a minimum term.

37 Unless the preponderance of mitigating factors set forth in
38 subsection b. weighs in favor of a lower term within the limits
39 authorized, sentences imposed pursuant to paragraph (1) of
40 subsection a. of N.J.S.2C:43-7 shall have a presumptive term of life
41 imprisonment. Unless the preponderance of aggravating and
42 mitigating factors set forth in subsections a. and b. of this section
43 weighs in favor of a higher or lower term within the limits
44 authorized, sentences imposed pursuant to paragraph (2) of
45 subsection a. of N.J.S.2C:43-7 shall have a presumptive term of 50
46 years' imprisonment; sentences imposed pursuant to paragraph (3)
47 of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of
48 15 years' imprisonment; and sentences imposed pursuant to

1 paragraph (4) of subsection a. of N.J.S.2C:43-7 shall have a
2 presumptive term of seven years' imprisonment.

3 In imposing a minimum term pursuant to subsection b. of
4 N.J.S.2C:43-7, the sentencing court shall specifically place on the
5 record the aggravating factors set forth in this section which justify
6 the imposition of a minimum term.

7 (2) In cases of convictions for crimes of the first or second
8 degree where the court is clearly convinced that the mitigating
9 factors substantially outweigh the aggravating factors and where the
10 interest of justice demands, the court may sentence the defendant to
11 a term appropriate to a crime of one degree lower than that of the
12 crime for which **[he]** the defendant was convicted. If the court
13 does impose sentence pursuant to this paragraph, or if the court
14 imposes a noncustodial or probationary sentence upon conviction
15 for a crime of the first or second degree, **[such]** the sentence shall
16 not become final for 10 days in order to permit the appeal of **[such]**
17 the sentence by the prosecution.

18 g. Imposition of Noncustodial Sentences in Certain Cases. If
19 the court, in considering the aggravating factors set forth in
20 subsection a. of this section, finds the aggravating factor in
21 paragraph (2), (5), (10), or (12) of subsection a. of this section and
22 does not impose a custodial sentence, the court shall specifically
23 place on the record the mitigating factors which justify the
24 imposition of a noncustodial sentence.

25 h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-
26 11), the presumption of imprisonment as provided in subsection d.
27 of this section shall not preclude the admission of a person to the
28 Intensive Supervision Program, established pursuant to the Rules
29 Governing the Courts of the State of New Jersey.
30 (cf: P.L.2017, c.165, s.6)

31

32 2. This act shall take effect immediately.

33

34

35

STATEMENT

36

37 This bill provides the court with discretion to consider the age of
38 a youthful defendant as a mitigating factor during sentencing.

39 Current law provides 13 mitigating factors that the court may
40 consider when sentencing a defendant. The only mitigating factor
41 related to the age of a youthful defendant permits the court to
42 consider whether the defendant's conduct was substantially
43 influenced by another, more mature person. Under the bill's
44 provisions, the court would be permitted broadly to consider as a
45 mitigating factor whether a defendant was under the age of 26 when
46 an offense was committed.

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4

Establishes youthful age of defendant as mitigating factor in sentencing.

ASSEMBLY, No. 4373

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 29, 2020

Sponsored by:

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Assemblyman ADAM J. TALIAFERRO

District 3 (Cumberland, Gloucester and Salem)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

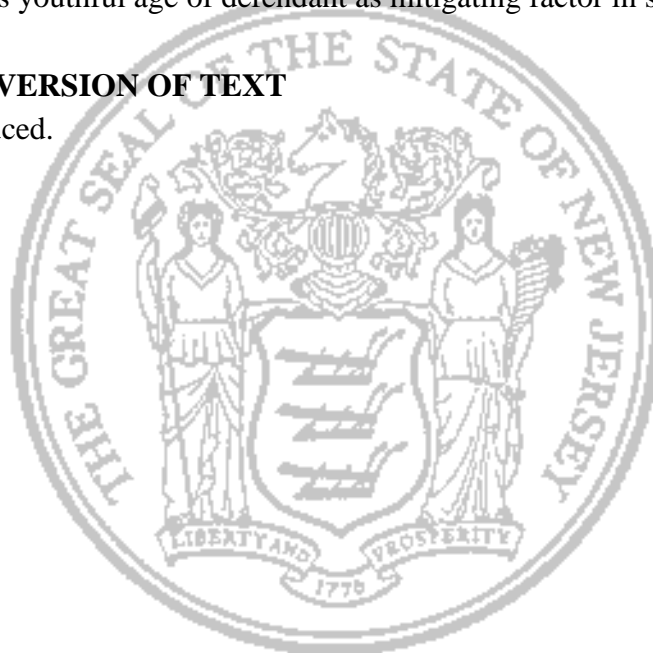
Assemblyman Moen, Assemblywoman Sumter, Senators Scutari and Ruiz

SYNOPSIS

Establishes youthful age of defendant as mitigating factor in sentencing.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/27/2020)

1 AN ACT concerning sentencing and amending N.J.S.2C:44-1.

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:44-1 is amended to read as follows:

7 2C:44-1. a. In determining the appropriate sentence to be
8 imposed on a person who has been convicted of an offense, the
9 court shall consider the following aggravating circumstances:

10 (1) The nature and circumstances of the offense, and the role of
11 the actor **[therein]** in committing the offense, including whether or
12 not it was committed in an especially heinous, cruel, or depraved
13 manner;

14 (2) The gravity and seriousness of harm inflicted on the victim,
15 including whether or not the defendant knew or reasonably should
16 have known that the victim of the offense was particularly
17 vulnerable or incapable of resistance due to advanced age, ill-
18 health, or extreme youth, or was for any other reason substantially
19 incapable of exercising normal physical or mental power of
20 resistance;

21 (3) The risk that the defendant will commit another offense;

22 (4) A lesser sentence will depreciate the seriousness of the
23 defendant's offense because it involved a breach of the public trust
24 under chapters 27 and 30 of this title, or the defendant took
25 advantage of a position of trust or confidence to commit the
26 offense;

27 (5) There is a substantial likelihood that the defendant is
28 involved in organized criminal activity;

29 (6) The extent of the defendant's prior criminal record and the
30 seriousness of the offenses of which **[he]** the defendant has been
31 convicted;

32 (7) The defendant committed the offense pursuant to an
33 agreement **[that he]** to either pay or be paid for the commission of
34 the offense and the pecuniary incentive was beyond that inherent in
35 the offense itself;

36 (8) The defendant committed the offense against a police or
37 other law enforcement officer, correctional employee or **[fireman]**
38 firefighter, acting in the performance of **[his]** the officer, employee,
39 or firefighter duties while in uniform or exhibiting evidence of his
40 authority; the defendant committed the offense because of the status
41 of the victim as a public servant; or the defendant committed the
42 offense against a sports official, athletic coach or manager, acting in
43 or immediately following the performance of **[his]** the person's
44 duties or because of the person's status as a sports official, coach or
45 manager;

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 (9) The need for deterring the defendant and others from
2 violating the law;
- 3 (10) The offense involved fraudulent or deceptive practices
4 committed against any department or division of State government;
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6 without also imposing a term of imprisonment would be perceived
7 by the defendant or others merely as part of the cost of doing
8 business, or as an acceptable contingent business or operating
9 expense associated with the initial decision to resort to unlawful
10 practices;
- 11 (12) The defendant committed the offense against a person who
12 **【he】** the defendant knew or should have known was 60 years of age
13 or older, or disabled;
- 14 (13) The defendant, while in the course of committing or
15 attempting to commit the crime, including the immediate flight
16 therefrom, used or was in possession of a stolen motor vehicle;
- 17 (14) The offense involved an act of domestic violence, as that
18 term is defined in subsection a. of section 3 of P.L.1991, c. 261
19 (C.2C:25-19), committed in the presence of a child under 16 years
20 of age; and
- 21 (15) The offense involved an act of domestic violence, as that
22 term is defined in subsection a. of section 3 of P.L.1991, c. 261
23 (C.2C:25-19) and the defendant committed at least one act of
24 domestic violence on more than one occasion.
- 25 b. In determining the appropriate sentence to be imposed on a
26 person who has been convicted of an offense, the court may
27 properly consider the following mitigating circumstances:
- 28 (1) The defendant's conduct neither caused nor threatened
29 serious harm;
- 30 (2) The defendant did not contemplate that **【his】** the defendant's
31 conduct would cause or threaten serious harm;
- 32 (3) The defendant acted under a strong provocation;
- 33 (4) There were substantial grounds tending to excuse or justify
34 the defendant's conduct, though failing to establish a defense;
- 35 (5) The victim of the defendant's conduct induced or facilitated
36 its commission;
- 37 (6) The defendant has compensated or will compensate the
38 victim of **【his】** the defendant's conduct for the damage or injury
39 that **【he】** the victim sustained, or will participate in a program of
40 community service;
- 41 (7) The defendant has no history of prior delinquency or
42 criminal activity or has led a law-abiding life for a substantial
43 period of time before the commission of the present offense;
- 44 (8) The defendant's conduct was the result of circumstances
45 unlikely to recur;
- 46 (9) The character and attitude of the defendant indicate that
47 **【he】** the defendant is unlikely to commit another offense;

- 1 (10) The defendant is particularly likely to respond affirmatively
2 to probationary treatment;
- 3 (11) The imprisonment of the defendant would entail excessive
4 hardship to **【himself】** the defendant or **【his】** the defendant's
5 dependents;
- 6 (12) The willingness of the defendant to cooperate with law
7 enforcement authorities;
- 8 (13) The conduct of a youthful defendant was substantially
9 influenced by another person more mature than the defendant ; and
- 10 (14) The defendant was under 26 years of age at the time of the
11 commission of the offense.
- 12 c. (1) A plea of guilty by a defendant or failure to so plead shall
13 not be considered in withholding or imposing a sentence of
14 imprisonment.
- 15 (2) When imposing a sentence of imprisonment the court shall
16 consider the defendant's eligibility for release under the law
17 governing parole, including time credits awarded pursuant to Title
18 30 of the Revised Statutes, in determining the appropriate term of
19 imprisonment.
- 20 d. Presumption of imprisonment. The court shall deal with a
21 person who has been convicted of a crime of the first or second
22 degree, or a crime of the third degree where the court finds that the
23 aggravating factor in paragraph (5), (14),¹ or (15) of subsection a. of
24 this section applies, by imposing a sentence of imprisonment unless,
25 having regard to the character and condition of the defendant, it is
26 of the opinion that **【his】** the defendant's imprisonment would be a
27 serious injustice which overrides the need to deter such conduct by
28 others. Notwithstanding the provisions of subsection e. of this
29 section, the court shall deal with a person who has been convicted
30 of theft of a motor vehicle or of the unlawful taking of a motor
31 vehicle and who has previously been convicted of either offense by
32 imposing a sentence of imprisonment unless, having regard to the
33 character and condition of the defendant, it is of the opinion that
34 **【his】** imprisonment would be a serious injustice which overrides
35 the need to deter such conduct by others.
- 36 e. The court shall deal with a person convicted of an offense
37 other than a crime of the first or second degree, who has not
38 previously been convicted of an offense, without imposing a
39 sentence of imprisonment unless, having regard to the nature and
40 circumstances of the offense and the history, character,² and
41 condition of the defendant, it is of the opinion that **【his】**
42 imprisonment is necessary for the protection of the public under the
43 criteria set forth in subsection a. of this section, except that this
44 subsection shall not apply if the court finds that the aggravating
45 factor in paragraph (5), (14) or (15) of subsection a. of this section
46 applies or if the person is convicted of any of the following crimes
47 of the third degree: theft of a motor vehicle; unlawful taking of a
48 motor vehicle; eluding; strict liability vehicular homicide pursuant

1 to section 1 of P.L.2017, c.165 (C.2C:11-5.3); if the person is
2 convicted of a crime of the third degree constituting use of a false
3 government document in violation of subsection c. of section 1 of
4 P.L.1983, c.565 (C.2C:21-2.1); if the person is convicted of a crime
5 of the third degree constituting distribution, manufacture or
6 possession of an item containing personal identifying information in
7 violation of subsection b. of section 6 of P.L.2003, c.184 (C.2C:21-
8 17.3); if the person is convicted of a crime of the third or fourth
9 degree constituting bias intimidation in violation of N.J.S.2C:16-1;
10 if the person is convicted of a crime of the third degree under
11 paragraph (12) of subsection b. of N.J.S.2C:12-1 or section 2 of
12 P.L.1997, c.111 (C.2C:12-1.1); or if the person is convicted of a
13 crime of the third or fourth degree under the provisions of section 1
14 or 2 of P.L.2007, c.341 (C.2C:33-29 or C.2C:33-30).

15 f. Presumptive Sentences. (1) Except for the crime of murder,
16 unless the preponderance of aggravating or mitigating factors, as set
17 forth in subsections a. and b. of this section, weighs in favor of a
18 higher or lower term within the limits provided in N.J.S.2C:43-6,
19 when a court determines that a sentence of imprisonment is
20 warranted, it shall impose sentence as follows:

21 (a) To a term of 20 years for aggravated manslaughter or
22 kidnapping pursuant to paragraph (1) of subsection c. of
23 N.J.S.2C:13-1 when the offense constitutes a crime of the first
24 degree;

25 (b) Except as provided in subparagraph (a) of this paragraph to a
26 term of 15 years for a crime of the first degree;

27 (c) To a term of seven years for a crime of the second degree;

28 (d) To a term of four years for a crime of the third degree; and

29 (e) To a term of nine months for a crime of the fourth degree.

30 In imposing a minimum term pursuant to subsection b. of
31 N.J.S.2C:43-6, the sentencing court shall specifically place on the
32 record the aggravating factors set forth in this section which justify
33 the imposition of a minimum term.

34 Unless the preponderance of mitigating factors set forth in
35 subsection b. weighs in favor of a lower term within the limits
36 authorized, sentences imposed pursuant to paragraph (1) of
37 subsection a. of N.J.S.2C:43-7 shall have a presumptive term of life
38 imprisonment. Unless the preponderance of aggravating and
39 mitigating factors set forth in subsections a. and b. of this section
40 weighs in favor of a higher or lower term within the limits
41 authorized, sentences imposed pursuant to paragraph (2) of
42 subsection a. of N.J.S.2C:43-7 shall have a presumptive term of 50
43 years' imprisonment; sentences imposed pursuant to paragraph (3)
44 of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of
45 15 years' imprisonment; and sentences imposed pursuant to
46 paragraph (4) of subsection a. of N.J.S.2C:43-7 shall have a
47 presumptive term of seven years' imprisonment.

1 In imposing a minimum term pursuant to subsection b. of
2 N.J.S.2C:43-7, the sentencing court shall specifically place on the
3 record the aggravating factors set forth in this section which justify
4 the imposition of a minimum term.

5 (2) In cases of convictions for crimes of the first or second
6 degree where the court is clearly convinced that the mitigating
7 factors substantially outweigh the aggravating factors and where the
8 interest of justice demands, the court may sentence the defendant to
9 a term appropriate to a crime of one degree lower than that of the
10 crime for which **[he]** the defendant was convicted. If the court
11 does impose sentence pursuant to this paragraph, or if the court
12 imposes a noncustodial or probationary sentence upon conviction
13 for a crime of the first or second degree, **[such]** the sentence shall
14 not become final for 10 days in order to permit the appeal of **[such]**
15 the sentence by the prosecution.

16 g. Imposition of Noncustodial Sentences in Certain Cases. If
17 the court, in considering the aggravating factors set forth in
18 subsection a. of this section, finds the aggravating factor in
19 paragraph (2), (5), (10), or (12) of subsection a. of this section and
20 does not impose a custodial sentence, the court shall specifically
21 place on the record the mitigating factors which justify the
22 imposition of a noncustodial sentence.

23 h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-
24 11), the presumption of imprisonment as provided in subsection d.
25 of this section shall not preclude the admission of a person to the
26 Intensive Supervision Program, established pursuant to the Rules
27 Governing the Courts of the State of New Jersey.
28 (cf: P.L.2017, c.165, s.6)

29
30 2. This act shall take effect immediately.

31
32
33 STATEMENT

34
35 This bill provides the court with discretion to consider the age of
36 a youthful defendant as a mitigating factor during sentencing.

37 Current law provides 13 mitigating factors that the court may
38 consider when sentencing a defendant. The only mitigating factor
39 related to the age of a youthful defendant permits the court to
40 consider whether the defendant's conduct was substantially
41 influenced by another, more mature person. Under the bill's
42 provisions, the court would be permitted broadly to consider as a
43 mitigating factor whether a defendant was under the age of 26 when
44 an offense was committed.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4373

STATE OF NEW JERSEY

DATED: JULY 20, 2020

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 4373.

As reported by the committee, Assembly Bill No. 4373 provides the court with discretion to consider the age of a youthful defendant as a mitigating factor during sentencing.

Current law provides 13 mitigating factors that the court may consider when sentencing a defendant. The only mitigating factor related to the age of a youthful defendant permits the court to consider whether the defendant's conduct was substantially influenced by another, more mature person. Under the bill's provisions, the court would be permitted broadly to consider as a mitigating factor whether a defendant was under the age of 26 when an offense was committed.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4373

STATE OF NEW JERSEY

DATED: AUGUST 24, 2020

The Senate Judiciary Committee reports favorably Assembly Bill No. 4373.

This bill would provide for the consideration of youth as a mitigating factor for criminal sentencing, based on Recommendation 5 contained in the first annual report of the New Jersey Criminal Sentencing and Disposition Commission (the CSDC), created by P.L.2009, c.81 (C.2C:48A-1 et seq.) but delayed in being constituted and actively reviewing the State's sentencing laws. The bill would provide a court with the authority to consider as a mitigating factor that the defendant was under 26 years of age at the time the defendant committed the offense when determining the appropriate sentence to be imposed. This would broaden the court's consideration of age as a mitigating factor for determining sentences, as current law only permits as a mitigating factor directly related to age whether a "youthful defendant was substantially influenced" by a more mature person.

This bill as reported is identical to Senate Bill No. 2592, also reported today by the committee.

SENATE, No. 2592

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 22, 2020

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senators Scutari and Ruiz

SYNOPSIS

Establishes youthful age of defendant as mitigating factor in sentencing.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/27/2020)

1 AN ACT concerning sentencing and amending N.J.S.2C:44-1.

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:44-1 is amended to read as follows:

7 2C:44-1. a. In determining the appropriate sentence to be
8 imposed on a person who has been convicted of an offense, the
9 court shall consider the following aggravating circumstances:

10 (1) The nature and circumstances of the offense, and the role of
11 the actor **[therein]** in committing the offense, including whether or
12 not it was committed in an especially heinous, cruel, or depraved
13 manner;

14 (2) The gravity and seriousness of harm inflicted on the victim,
15 including whether or not the defendant knew or reasonably should
16 have known that the victim of the offense was particularly
17 vulnerable or incapable of resistance due to advanced age, ill-
18 health, or extreme youth, or was for any other reason substantially
19 incapable of exercising normal physical or mental power of
20 resistance;

21 (3) The risk that the defendant will commit another offense;

22 (4) A lesser sentence will depreciate the seriousness of the
23 defendant's offense because it involved a breach of the public trust
24 under chapters 27 and 30 of this title, or the defendant took
25 advantage of a position of trust or confidence to commit the
26 offense;

27 (5) There is a substantial likelihood that the defendant is
28 involved in organized criminal activity;

29 (6) The extent of the defendant's prior criminal record and the
30 seriousness of the offenses of which **[he]** the defendant has been
31 convicted;

32 (7) The defendant committed the offense pursuant to an
33 agreement **[that he]** to either pay or be paid for the commission of
34 the offense and the pecuniary incentive was beyond that inherent in
35 the offense itself;

36 (8) The defendant committed the offense against a police or
37 other law enforcement officer, correctional employee or **[fireman]**
38 firefighter, acting in the performance of **[his]** the officer, employee,
39 or firefighter duties while in uniform or exhibiting evidence of his
40 authority; the defendant committed the offense because of the status
41 of the victim as a public servant; or the defendant committed the
42 offense against a sports official, athletic coach or manager, acting in
43 or immediately following the performance of **[his]** the person's
44 duties or because of the person's status as a sports official, coach or
45 manager;

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 (9) The need for deterring the defendant and others from
2 violating the law;
 - 3 (10) The offense involved fraudulent or deceptive practices
4 committed against any department or division of State government;
 - 5 (11) The imposition of a fine, penalty, or order of restitution
6 without also imposing a term of imprisonment would be perceived
7 by the defendant or others merely as part of the cost of doing
8 business, or as an acceptable contingent business or operating
9 expense associated with the initial decision to resort to unlawful
10 practices;
 - 11 (12) The defendant committed the offense against a person who
12 **【he】** the defendant knew or should have known was 60 years of age
13 or older, or disabled;
 - 14 (13) The defendant, while in the course of committing or
15 attempting to commit the crime, including the immediate flight
16 therefrom, used or was in possession of a stolen motor vehicle;
 - 17 (14) The offense involved an act of domestic violence, as that
18 term is defined in subsection a. of section 3 of P.L.1991, c. 261
19 (C.2C:25-19), committed in the presence of a child under 16 years
20 of age; and
 - 21 (15) The offense involved an act of domestic violence, as that
22 term is defined in subsection a. of section 3 of P.L.1991, c. 261
23 (C.2C:25-19) and the defendant committed at least one act of
24 domestic violence on more than one occasion.
- 25 b. In determining the appropriate sentence to be imposed on a
26 person who has been convicted of an offense, the court may
27 properly consider the following mitigating circumstances:
- 28 (1) The defendant's conduct neither caused nor threatened
29 serious harm;
 - 30 (2) The defendant did not contemplate that **【his】** the defendant's
31 conduct would cause or threaten serious harm;
 - 32 (3) The defendant acted under a strong provocation;
 - 33 (4) There were substantial grounds tending to excuse or justify
34 the defendant's conduct, though failing to establish a defense;
 - 35 (5) The victim of the defendant's conduct induced or facilitated
36 its commission;
 - 37 (6) The defendant has compensated or will compensate the
38 victim of **【his】** the defendant's conduct for the damage or injury
39 that **【he】** the victim sustained, or will participate in a program of
40 community service;
 - 41 (7) The defendant has no history of prior delinquency or
42 criminal activity or has led a law-abiding life for a substantial
43 period of time before the commission of the present offense;
 - 44 (8) The defendant's conduct was the result of circumstances
45 unlikely to recur;
 - 46 (9) The character and attitude of the defendant indicate that
47 **【he】** the defendant is unlikely to commit another offense;

- 1 (10) The defendant is particularly likely to respond
2 affirmatively to probationary treatment;
- 3 (11) The imprisonment of the defendant would entail excessive
4 hardship to **【himself】** the defendant or **【his】** the defendant's
5 dependents;
- 6 (12) The willingness of the defendant to cooperate with law
7 enforcement authorities;
- 8 (13) The conduct of a youthful defendant was substantially
9 influenced by another person more mature than the defendant ; and
- 10 (14) The defendant was under 26 years of age at the time of the
11 commission of the offense.
- 12 c. (1) A plea of guilty by a defendant or failure to so plead
13 shall not be considered in withholding or imposing a sentence of
14 imprisonment.
- 15 (2) When imposing a sentence of imprisonment the court shall
16 consider the defendant's eligibility for release under the law
17 governing parole, including time credits awarded pursuant to Title
18 30 of the Revised Statutes, in determining the appropriate term of
19 imprisonment.
- 20 d. Presumption of imprisonment. The court shall deal with a
21 person who has been convicted of a crime of the first or second
22 degree, or a crime of the third degree where the court finds that the
23 aggravating factor in paragraph (5), (14), or (15) of subsection a. of
24 this section applies, by imposing a sentence of imprisonment unless,
25 having regard to the character and condition of the defendant, it is
26 of the opinion that **【his】** the defendant's imprisonment would be a
27 serious injustice which overrides the need to deter such conduct by
28 others. Notwithstanding the provisions of subsection e. of this
29 section, the court shall deal with a person who has been convicted
30 of theft of a motor vehicle or of the unlawful taking of a motor
31 vehicle and who has previously been convicted of either offense by
32 imposing a sentence of imprisonment unless, having regard to the
33 character and condition of the defendant, it is of the opinion that
34 **【his】** imprisonment would be a serious injustice which overrides
35 the need to deter such conduct by others.
- 36 e. The court shall deal with a person convicted of an offense
37 other than a crime of the first or second degree, who has not
38 previously been convicted of an offense, without imposing a
39 sentence of imprisonment unless, having regard to the nature and
40 circumstances of the offense and the history, character, and
41 condition of the defendant, it is of the opinion that **【his】**
42 imprisonment is necessary for the protection of the public under the
43 criteria set forth in subsection a. of this section, except that this
44 subsection shall not apply if the court finds that the aggravating
45 factor in paragraph (5), (14) or (15) of subsection a. of this section
46 applies or if the person is convicted of any of the following crimes
47 of the third degree: theft of a motor vehicle; unlawful taking of a
48 motor vehicle; eluding; strict liability vehicular homicide pursuant

1 to section 1 of P.L.2017, c.165 (C.2C:11-5.3); if the person is
2 convicted of a crime of the third degree constituting use of a false
3 government document in violation of subsection c. of section 1 of
4 P.L.1983, c.565 (C.2C:21-2.1); if the person is convicted of a crime
5 of the third degree constituting distribution, manufacture or
6 possession of an item containing personal identifying information in
7 violation of subsection b. of section 6 of P.L.2003, c.184 (C.2C:21-
8 17.3); if the person is convicted of a crime of the third or fourth
9 degree constituting bias intimidation in violation of N.J.S.2C:16-1;
10 if the person is convicted of a crime of the third degree under
11 paragraph (12) of subsection b. of N.J.S.2C:12-1 or section 2 of
12 P.L.1997, c.111 (C.2C:12-1.1); or if the person is convicted of a
13 crime of the third or fourth degree under the provisions of section 1
14 or 2 of P.L.2007, c.341 (C.2C:33-29 or C.2C:33-30).

15 f. Presumptive Sentences. (1) Except for the crime of murder,
16 unless the preponderance of aggravating or mitigating factors, as set
17 forth in subsections a. and b. of this section, weighs in favor of a
18 higher or lower term within the limits provided in N.J.S.2C:43-6,
19 when a court determines that a sentence of imprisonment is
20 warranted, it shall impose sentence as follows:

21 (a) To a term of 20 years for aggravated manslaughter or
22 kidnapping pursuant to paragraph (1) of subsection c. of
23 N.J.S.2C:13-1 when the offense constitutes a crime of the first
24 degree;

25 (b) Except as provided in subparagraph (a) of this paragraph to a
26 term of 15 years for a crime of the first degree;

27 (c) To a term of seven years for a crime of the second degree;

28 (d) To a term of four years for a crime of the third degree; and

29 (e) To a term of nine months for a crime of the fourth degree.

30 In imposing a minimum term pursuant to subsection b. of
31 N.J.S.2C:43-6, the sentencing court shall specifically place on the
32 record the aggravating factors set forth in this section which justify
33 the imposition of a minimum term.

34 Unless the preponderance of mitigating factors set forth in
35 subsection b. weighs in favor of a lower term within the limits
36 authorized, sentences imposed pursuant to paragraph (1) of
37 subsection a. of N.J.S.2C:43-7 shall have a presumptive term of life
38 imprisonment. Unless the preponderance of aggravating and
39 mitigating factors set forth in subsections a. and b. of this section
40 weighs in favor of a higher or lower term within the limits
41 authorized, sentences imposed pursuant to paragraph (2) of
42 subsection a. of N.J.S.2C:43-7 shall have a presumptive term of 50
43 years' imprisonment; sentences imposed pursuant to paragraph (3)
44 of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of
45 15 years' imprisonment; and sentences imposed pursuant to
46 paragraph (4) of subsection a. of N.J.S.2C:43-7 shall have a
47 presumptive term of seven years' imprisonment.

1 In imposing a minimum term pursuant to subsection b. of
2 N.J.S.2C:43-7, the sentencing court shall specifically place on the
3 record the aggravating factors set forth in this section which justify
4 the imposition of a minimum term.

5 (2) In cases of convictions for crimes of the first or second
6 degree where the court is clearly convinced that the mitigating
7 factors substantially outweigh the aggravating factors and where the
8 interest of justice demands, the court may sentence the defendant to
9 a term appropriate to a crime of one degree lower than that of the
10 crime for which **[he]** the defendant was convicted. If the court
11 does impose sentence pursuant to this paragraph, or if the court
12 imposes a noncustodial or probationary sentence upon conviction
13 for a crime of the first or second degree, **[such]** the sentence shall
14 not become final for 10 days in order to permit the appeal of **[such]**
15 the sentence by the prosecution.

16 g. Imposition of Noncustodial Sentences in Certain Cases. If
17 the court, in considering the aggravating factors set forth in
18 subsection a. of this section, finds the aggravating factor in
19 paragraph (2), (5), (10), or (12) of subsection a. of this section and
20 does not impose a custodial sentence, the court shall specifically
21 place on the record the mitigating factors which justify the
22 imposition of a noncustodial sentence.

23 h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-
24 11), the presumption of imprisonment as provided in subsection d.
25 of this section shall not preclude the admission of a person to the
26 Intensive Supervision Program, established pursuant to the Rules
27 Governing the Courts of the State of New Jersey.
28 (cf: P.L.2017, c.165, s.6)

29
30 2. This act shall take effect immediately.
31
32

33 STATEMENT
34

35 This bill provides the court with discretion to consider the age of
36 a youthful defendant as a mitigating factor during sentencing.

37 Current law provides 13 mitigating factors that the court may
38 consider when sentencing a defendant. The only mitigating factor
39 related to the age of a youthful defendant permits the court to
40 consider whether the defendant's conduct was substantially
41 influenced by another, more mature person. Under the bill's
42 provisions, the court would be permitted broadly to consider as a
43 mitigating factor whether a defendant was under the age of 26 when
44 an offense was committed.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2592

STATE OF NEW JERSEY

DATED: AUGUST 24, 2020

The Senate Judiciary Committee reports favorably Senate Bill No. 2592.

This bill would provide for the consideration of youth as a mitigating factor for criminal sentencing, based on Recommendation 5 contained in the first annual report of the New Jersey Criminal Sentencing and Disposition Commission (the CSDC), created by P.L.2009, c.81 (C.2C:48A-1 et seq.) but delayed in being constituted and actively reviewing the State's sentencing laws. The bill would provide a court with the authority to consider as a mitigating factor that the defendant was under 26 years of age at the time the defendant committed the offense when determining the appropriate sentence to be imposed. This would broaden the court's consideration of age as a mitigating factor for determining sentences, as current law only permits as a mitigating factor directly related to age whether a "youthful defendant was substantially influenced" by a more mature person.

This bill as reported is identical to Assembly Bill No. 4373, also reported today by the committee.

Governor Murphy Signs Sentencing Reform Legislation

10/19/2020

Governor Urges Passage of Remainder of Criminal Sentencing and Disposition Commission Bill Package

TRENTON – Governor Phil Murphy today signed three bills (A2370, A4371, and A4373) which together establish a compassionate release program for certain inmates, require a cost savings study of compassionate release programs and elimination of mandatory minimum terms, establish a "Corrections Rehabilitation and Crime Prevention Fund," and add a defendant's youth to the list of permissible mitigating factors a court may consider when sentencing a defendant.

"Our administration has been committed to criminal justice reform since day one, and we have taken many steps to address the wide disparities present in our justice system," **said Governor Murphy**. "I am proud to sign these three bills today, which will further our commitment to sentencing reform."

"However, it is imperative that we also enact existing legislation that implements the recommendations of the Criminal Sentencing and Disposition Commission to eliminate certain mandatory minimum terms of imprisonment for offenses specified by the Commission, allow the mandatory minimum reforms to apply retroactively, and allow for the resentencing of some inmates. We have made great progress on remaking our criminal justice system into one that reforms people instead of breaking them, but there is still much to be done. I look forward to working with advocates and our partners in the Legislature to see through the adoption of the rest of this critical bill package."

"Today the Governor has signed three important bills into law," **said former Chief Justice Deborah Poritz, Chair of the Criminal Sentencing and Disposition Commission**. "I urge the swift enactment of the Commission's other recommendations, including the elimination of mandatory minimums as specifically identified by the Commission in its initial report."

"The New Jersey Department of Corrections is proud to be part of the bi-partisan Criminal Sentencing Disposition Committee and seeing the committee's recommendations to right-size disparities in the judicial system come to fruition," **said New Jersey Department of Corrections Commissioner Marcus O. Hicks, Esq.** "Together with my committee members, we will continue to explore opportunities that support the well-being of all those in state custody while balancing public safety."

Primary sponsors for A2370 include Assemblymembers Gary S. Schaer and Verlina Reynolds-Jackson, and Senator Sandra B. Cunningham.

"Under our current medical parole system, very few of our gravely ill inmates meet the strict eligibility requirements. Our justice system is more than crime and punishment, it seeks to balance penalty with rehabilitation. By expanding upon what already exists we can show true compassion to those with profound medical needs and those suffering terminal illness," **said Assemblyman Gary Schaer and Assemblywoman Verlina Reynolds-Jackson in a joint statement**. "The financial realities of providing extensive medical care has burdened our already overcrowded prison system. Creating clear guidelines with this compassionate release program will allow us to reduce capacity, and alleviate financial strains while getting medically vulnerable residents the care they need outside of prison. Our treatment of those within our prisons is a reflection of our humanity. As we work to reduce the spread of COVID-19 we bear responsibility for protecting the vulnerable within our prison system. Ensuring the ongoing safety of our communities must include steps to preserve those who are incarcerated. Every life is valuable and is worth defending. "

A2370 implements Recommendation #7 from the Criminal Sentencing and Disposition Commission's November 2019 report. It would repeal New Jersey's existing medical parole statute and replace it with "compassionate release," under which an incarcerated person may be released from prison if the person is suffering from a terminal medical condition or permanent physical incapacity. Under current law, an inmate is eligible for medical parole if two physicians determine that he suffers from either (1) a terminal illness with six months or less to live, or (2) a permanent physical incapacity rendering him unable to perform activities of basic daily living and requiring 24-hour care.

This bill would keep the prognosis requirements for eligibility, but additionally require DOC to notify an inmate's attorney when an inmate is diagnosed with a "grave medical condition," defined as having twelve months or less to live or having been unable to perform activities of basic daily living for the prior three months. This change would allow the inmate's attorney to prepare a petition for the inmate's compassionate release before his or her condition deteriorates to the point of being unable to complete the process. If a released person is subsequently found to no longer be so debilitated or incapacitated as to be physically incapable of committing a crime or poses a threat to public safety, the individual may be returned to DOC custody after a hearing.

Primary sponsors for A4371 include Assemblymembers Annette Chaparro, Gordon M. Johnson, and Pedro Mejia, and Senator Sandra B. Cunningham.

"New Jersey's prison population increased by 278% between 1975 and 2015. Mass incarceration has shattered the lives of thousands of people across our state. Alarming racial disparities and mandatory minimums have exacerbated the problem. Between high rates of recidivism and mandatory minimum sentences keeping individuals incarcerated, the State has also shouldered a large economic burden. The cost to keep a person behind bars is estimated to be \$50,000 per year," **said Assemblywoman Chaparro, Assemblyman Johnson, and Assemblyman Pedro Mejia in a joint statement.** "Reform is long overdue. The fiscal study required under this law will give us a clear picture of the real cost savings of a compassionate release program and the elimination of certain mandatory minimums for parole, and guide us in focusing our efforts to help formerly incarcerated residents re-enter society and build their futures."

"No one should have to spend the final months of their life inside a prison cell. By implementing a compassionate release program we can allow more individual to live out their last days someplace that is comfortable to them, surrounded by friends and family," **said Senator Cunningham.** "Not only is this the right thing to do, but we expect it will also save the state significant amounts of money in medical costs."

A4371 implements Recommendation #8 from the Criminal Sentencing and Disposition Commission's November 2019 report. It would require DOC, in consultation with Treasury and the State Parole Board, to annually report to the Governor and Legislature the results of a study examining any cost savings that may be realized from compassionate release and mandatory minimum reforms. Since the proposed reforms are likely to result in shorter prison terms for certain low-risk offenders, the Commission believes the reduction may generate cost savings to the State over the long-term.

The bill would require any cost savings to be deposited into a newly created "Corrections Rehabilitation and Crime Prevention Fund," which would be used to support recidivism reduction programs (e.g., educational and vocational training) and for other services to facilitate inmates' successful reentry in society.

Primary sponsors for A4373 include Assemblymembers William W. Spearman, Angelica M. Jimenez, and Adam J. Taliaferro, and Senators Nellie Pou, and Shirley Turner.

"The social, emotional and mental maturity of a youthful defendant is complex and nuanced. That very fact makes it critical for the age of a defendant to be factored by the court in criminal culpability. Young people are impressionable and particularly susceptible to peer pressure. More broadly, when placed in the wrong correctional environments and without appropriate interventions, they are more likely to reoffend," **said Assemblyman William Spearman, Assemblywoman Angelica Jimenez, and Assemblywoman Adam Taliaferro in a joint statement.** "The goal, first and foremost, is to ensure our justice system always treats our young people with compassion. Allowing the courts to consider age as a mitigating factor would align juvenile sentencing with best practices that stem from neurological evidence and prevent disproportionately harsh sentencing. Ultimately, our young people must have the opportunity to grow and redefine themselves beyond their wrongdoing."

"As we continue to address historically biased criminal sentencing practices, we must also consider those now currently serving severe, decades-long sentences that were saddled on them as juveniles," **said Senator Pou.** "We cannot right every wrong, but when we build a better future and restructure policies for criminal sentencing moving forward, we cannot forget those still living with the sentencing missteps of the past. These sentencing reforms represent a small, though crucial piece of the greater effort to build a safer, fairer and more just New Jersey."

"All too often people make mistakes in their youth which follow them for the rest of their lives," **said Senator Turner.** "By allowing judges to consider the age of defendants, up to age 26, we can help to ensure the sentencing of children and young adults takes into account their level of maturity when they committed the crime, so can be given a second chance to turn their lives around."

A4373 implements Recommendation #5 from the Criminal Sentencing and Disposition Commission's November 2019 report. It would add a criminal defendant's youth to the list of permissible mitigating factors a court may consider when sentencing a defendant. Current law provides 13 mitigating factors that the court may consider

when sentencing a defendant. The only mitigating factor related to the age of a youthful defendant permits the court to consider whether the defendant's conduct was substantially influenced by another, more mature person. Under this bill, the court would be permitted broadly to consider as a mitigating factor whether a defendant was under the age of 26 when an offense was committed.

Numerous advocacy organizations including NOBLE, the REFORM Alliance, the National Action Network, the Latino Action Network, and Communities in Cooperation played critical roles in this legislation at every step of the process.

"These important bills will benefit all New Jerseyans and their families, especially those in marginalized communities," said **Jiles H. Ship, President of the National Organization of Black Law Enforcement Executives, New Jersey Chapter**. "The commission's vision for a fairer criminal justice system garnered unanimous consensus from the various professionals who work daily in the criminal justice system. Together, these reforms can change people's lives and makes New Jersey safer for everyone, which ultimately saves taxpayer dollars."

"Overly harsh sentences waste lives and money, with no public safety benefit," said **Jessica Jackson, Chief Advocacy Officer, for the REFORM Alliance**. "These measures are rooted in the fact that people are more than their worst day and deserve a second chance. This legislation represents a giant step forward for justice in New Jersey."

"I am writing this letter for the strict purpose of showing my upmost support on behalf of the three laws being signed today," said **Reverend Steffie Bartley, Northeastern Regional Director for the National Action Network**. "Not only will many people benefit from this, but they will also be given a second chance at life. I am happy to not only be apart but to witness this change for the better with the reform of our Judicial system. Although, I am excited about this, I also want to encourage that the change does not stop here, there are still many laws in place that need to be dismantled. I encourage we continue to work on getting these bills passed and I look forward to seeing this reform happen."

"I have been a criminal justice reform advocate for over 20 years, statewide and I have seen New Jersey evolve," said **Cuqui Rivera, Criminal Justice Reform Chair at the Latino Action Network**. "New Jersey leads the way in criminal justice reforms above the country. It is impressive that we have been able to achieve so much. I am proud of New Jersey and this administration for getting to this place. This is hard stuff to work through and we applaud this administration for doing the right thing, not necessarily the popular thing. It is also important that we see the entire sentencing reform package through. The Senate must pass currently stalled legislation that adopts more of the Criminal Sentencing and Disposition Commission's recommendations, including those to eliminate certain mandatory minimums, allow the Department of Corrections to make more inmates eligible for parole, and to allow for resentencing of some inmates."

"Considering the enormity of the problems with the prison systems of America adversely impacting people of color, New Jersey is making progress in remedying some of the ineffectiveness practices of the prison system," said **Reverend Dr. Pamela Jones, Director of Communities in Cooperation**. "More so, the answer to prison reform is at both the state and the local government levels where fairness begins. Governor Murphy's positioning provides monumental progress for New Jersey as a major influencer of prison reforms nationally while the implementation of supportive release is a vital component of the restorative process."