

2C:48A-1
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2009 **CHAPTER:** 81

NJSA: 2C:48A-1 (Establishes Criminal Sentencing and Disposition Commission to study and review the
criminal law and recommend revisions)

BILL NO: S1880

SPONSOR(S) Smith and others

DATE INTRODUCED: May 22, 2008

COMMITTEE: **ASSEMBLY:** Judiciary
 SENATE: Judiciary

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 25, 2009
 SENATE: June 18, 2009

DATE OF APPROVAL: July 2, 2009

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Third reprint enacted)

S1880		
SPONSOR'S STATEMENT:	(Begins on page 4 of original bill)	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
VETO MESSAGE:	Yes 4-17-09
GOVERNOR'S PRESS RELEASE ON SIGNING:	No

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

[Third Reprint]
SENATE, No. 1880

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED MAY 22, 2008

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblywoman L. GRACE SPENCER

District 29 (Essex and Union)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Co-Sponsored by:

Senator Beck and Assemblyman Diegnan

SYNOPSIS

Establishes Criminal Sentencing and Disposition Commission to study and review the criminal law and recommend revisions; repeals existing commissions.

CURRENT VERSION OF TEXT

As amended on May 21, 2009 by the Senate pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 6/26/2009)

1 AN ACT creating a Criminal Sentencing ³and Disposition³
 2 Commission ²[to study and review the criminal law and
 3 recommend revisions thereof and], supplementing Title 2C of
 4 the New Jersey Statutes and² repealing N.J.S.2C:48-1 et seq. and
 5 P.L.2003, c.265.

6
 7 **BE IT ENACTED** by the Senate and General Assembly of the State
 8 of New Jersey:

9
 10 1. a. There is hereby created a commission to be known as the
 11 “Criminal Sentencing ³and Disposition³ Commission” to consist of
 12 ²[11] 13² members as follows: the Attorney General, or his
 13 designee; the Public Defender, or his designee; the Chief Justice, or
 14 a designee of the Chief Justice who may be a retired judge with
 15 experience in the Criminal Division of the Superior Court; ²the
 16 Commissioner of the Department of Corrections, or his designee;
 17 the Chairman of the State Parole Board, or his designee;² the
 18 President of the New Jersey County Prosecutors Association, or ²[a
 19 representative] his designee²; ²the President of the New Jersey Bar
 20 Association, or his designee;² one public member appointed by the
 21 Senate President; one public member appointed by the Senate
 22 Minority Leader; one public member appointed by the Speaker of
 23 the General Assembly; one public member appointed by the
 24 Assembly Minority Leader; and ²[three] two² public members
 25 appointed by the Governor, not more than ²[two] one² of whom
 26 shall be of the same political party. In selecting the public
 27 members, the Senate President, the Senate Minority Leader, the
 28 Speaker of the General Assembly, the Assembly Minority Leader
 29 and the Governor should seek to include persons who have
 30 experience, training, or academic background in victims’ rights
 31 advocacy, corrections, judicial administration or criminal law. The
 32 public members appointed by the Governor shall include one
 33 representative of a police organization.

34 ²[The public] Public² members shall serve ²[during the
 35 existence of the commission. The members appointed from a class
 36 of holders of public office shall remain members until the
 37 expiration of the commission or until they cease to be members of
 38 the class from which they were appointed, whichever occurs first]
 39 for a term of three years from their date of appointment and until
 40 their successors are appointed and qualified². Any vacancy in the

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SJU committee amendments adopted June 5, 2008.

²Assembly AJU committee amendments adopted January 26, 2009.

³Senate amendments adopted in accordance with Governor's recommendations May 21, 2009.

1 membership of the commission shall be filled by appointment in the
2 same manner as the original appointment ²[was made]².
3 ²Vacancies resulting from causes other than by expiration of term
4 shall be filled for the unexpired term only.²

5 b. The commission shall organize as soon as possible after the
6 appointment of its members. The Senate President and the Speaker
7 of the General Assembly shall appoint one of the public members to
8 serve as chair and the Minority Leader of the Senate and the
9 Minority Leader of the Assembly shall appoint one of the public
10 members to serve as vice-chair.

11 c. The members of the commission shall serve without
12 compensation, but shall be eligible for reimbursement for necessary
13 and reasonable expenses incurred in the performance of their
14 official duties within the limits of funds appropriated or otherwise
15 made available to the commission for its purposes.

16 d. The Office of Legislative Services shall provide staffing for
17 the work of the commission. ¹At the request of the commission all
18 State entities shall, as soon as practicable, provide the commission
19 with any available information concerning sentencing.¹ In addition,
20 the commission shall be entitled to accept the assistance and
21 services of such employees of any State, county, or municipal
22 department, board, bureau, commission, or agency as may be made
23 available to it and to employ such legal, stenographic, technical,
24 and clerical assistance and incur such expenses as may be necessary
25 in order to perform its duties within the limits of funds appropriated
26 or otherwise made available to it for its purposes.

27
28 2. a. It shall be the duty of the commission to conduct a
29 thorough review of the criminal sentencing provisions of New
30 Jersey law for consideration of possible recommendations for
31 revisions to the laws governing the criminal justice system. These
32 recommendations shall be developed with the goal of providing a
33 rational, just and proportionate sentencing scheme that achieves to
34 the greatest extent possible public safety, offender accountability,
35 crime reduction and prevention, and offender rehabilitation while
36 promoting the efficient use of the State's resources. ³Additionally,
37 the commission shall consider issues regarding disparity in the
38 criminal justice process, including but not limited to racial and
39 ethnic disparity issues.³ ²The recommendations shall be based on
40 the available statistical data ³[concerning criminal sentencing.²] as
41 well as any other relevant information.³

42 b. ²[The] As provided in section 4 of P.L. , c. (C.)
43 (pending before the Legislature as this bill), the² commission shall
44 submit to the Governor and the Legislature ²[a report] reports²
45 containing its recommendations consistent with these purposes. The
46 commission's ²[report shall] reports ³[may²] shall³ include, but
47 ²[is] need² not ²be² limited to, recommendations regarding:

1 (1) An assessment of the current sentencing provisions under
2 New Jersey law, and a consideration as to whether the sentencing
3 options available to courts are sufficient or should be expanded in
4 some manner to provide a greater range of sentencing options;

5 (2) A review of judicial discretion available under the Criminal
6 Code, considering the appropriateness of existing mandatory
7 minimum sentencing and whether it would be beneficial to enhance,
8 reduce or retain the current level of judicial discretion;

9 (3) A recommendation as to whether determinate sentencing
10 should be extended to all criminal offenses, or to additional
11 criminal offenses under New Jersey law;

12 (4) A recommendation as to appropriate limits and conditions on
13 terms of supervised release, including whether there should be a
14 mechanism for changing the length of a term of supervised release
15 after its imposition and whether there should be supervised release
16 for offenders who serve their maximum sentence;

17 (5) A projection of the impact, if any, on the size of the New
18 Jersey's correctional and supervised offender populations of the
19 implementation of each measure proposed by the commission;
20 ³[and]³

21 (6) A recommendation for intermediate, alternative or additional
22 sanctions that should be made available in the New Jersey criminal
23 justice system, including proposals for alternatives to incarceration
24 for suitable offenders, the estimated cost of such programs, and
25 recommendations for rules or principles to guide a judge's
26 imposition of such sanctions as part of a criminal sentence³; and

27 (7) A review of disparity issues in the criminal justice process,
28 including but not limited to racial and ethnic disparity issues,
29 whether evidenced in sentencing outcomes or at earlier stages of the
30 criminal process, such as but not limited to charging and plea
31 decisions, and recommend appropriate revisions or other means to
32 address any such issues³.

33
34 3. The commission shall constitute a commission of the
35 Legislature in accordance with the provisions of Article IV, Section
36 V, paragraph 2 of the New Jersey Constitution.

37
38 4. The commission shall issue a report of its findings and
39 recommendations to the Governor and the Legislature within ²[two
40 years] one year² of organization of the commission ²and each year
41 thereafter².

42
43 5. N.J.S.2C:48-1 through N.J.S.2C:48-4 ³[and P.L.2003,
44 c.265]³ are repealed.

45

46 ³6. P.L.2003, c.265 is repealed.³

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5

1 ³[6.] 7. ³This act shall take effect immediately ³upon enactment,
2 except that section 5 shall take effect immediately upon enactment
3 or on May 30, 2009, whichever event occurs later³.

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4

1 3. The commission shall constitute a commission of the
2 Legislature in accordance with the provisions of Article IV, Section
3 V, paragraph 2 of the New Jersey Constitution.

4
5 4. The commission shall issue a report of its findings and
6 recommendations to the Governor and the Legislature within two
7 years of organization of the commission.

8
9 5. N.J.S.2C:48-1 through N.J.S.2C:48-4 and P.L.2003, c.265
10 are repealed.

11
12 6. This act shall take effect immediately.

13
14
15 *SPONSOR'S* STATEMENT

16
17 This bill would establish a "Criminal Sentencing Commission"
18 to study and review the statutory law pertaining to crimes and
19 criminal sentencing. The 11-member commission would
20 recommend revisions of the statutory law for enactment by the
21 Legislature. The membership of the commission would be as
22 follows: the Attorney General, or his designee; the Public Defender,
23 or his designee; the Chief Justice, or a designee of the Chief Justice
24 who may be a retired judge with experience in the Criminal
25 Division of the Superior Court; the President of the New Jersey
26 County Prosecutors Association, or a representative; one public
27 member appointed by the Senate President; one public member
28 appointed by the Senate Minority Leader; one public member
29 appointed by the Speaker of the General Assembly; one public
30 member appointed by the Assembly Minority Leader; and three
31 public members appointed by the Governor, not more than two of
32 whom shall be of the same political party. The bill provides that in
33 selecting the public members, the Senate President, the Senate
34 Minority Leader, the Speaker of the General Assembly, the
35 Assembly Minority Leader and the Governor would seek to include
36 persons who have experience, training, or academic background in
37 victims' rights advocacy, corrections, judicial administration or
38 criminal law. The public members appointed by the Governor
39 would include one representative of a police organization.

40 The Senate President and the Speaker of the General Assembly
41 would appoint one of the public members to serve as chair and the
42 Minority Leader of the Senate and the Minority Leader of the
43 Assembly would appoint one of the public members to serve as
44 vice-chair. The members of the commission would serve without
45 compensation, but would be eligible for reimbursement for
46 expenses.

47 The commission would constitute a commission of the
48 Legislature and the Office of Legislative Services would provide

1 staffing for the work of the commission. In addition, the
2 commission would be entitled to accept the assistance and services
3 of State, county, or municipal employees as may be made available
4 to it and to employ such legal, stenographic, technical, and clerical
5 assistance and incur such expenses as may be necessary in order to
6 perform its duties within the limits of funds appropriated or
7 otherwise made available to it.

8 The commission would be required to conduct a thorough review
9 of the criminal sentencing provisions of New Jersey law for
10 consideration of possible recommendations for revisions to the laws
11 governing the criminal justice system. These recommendations
12 would be developed with the goal of providing a rational, just and
13 proportionate sentencing scheme that achieves to the greatest extent
14 possible public safety, offender accountability, crime reduction and
15 prevention, and offender rehabilitation while promoting the
16 efficient use of the State's resources.

17 The commission would submit to the Governor and the
18 Legislature a report containing its recommendations consistent with
19 these purposes. The report would be issued within two years of
20 organization of the commission and would include, but not be
21 limited to, recommendations regarding:

22 (1) An assessment of the current sentencing provisions under
23 New Jersey law, and a consideration as to whether the sentencing
24 options available to courts are sufficient or should be expanded in
25 some manner to provide a greater range of sentencing options;

26 (2) A review of judicial discretion available under the Criminal
27 Code, considering the appropriateness of existing mandatory
28 minimum sentencing and whether it would be beneficial to enhance,
29 reduce or retain the current level of judicial discretion;

30 (3) A recommendation as to whether determinate sentencing
31 should be extended to all criminal offenses, or to additional
32 criminal offenses under New Jersey law;

33 (4) A recommendation as to appropriate limits and conditions on
34 terms of supervised release, including whether there should be a
35 mechanism for changing the length of a term of supervised release
36 after its imposition and whether there should be supervised release
37 for offenders who serve their maximum sentence;

38 (5) A projection of the impact, if any, on the size of the New
39 Jersey's correctional and supervised offender populations of the
40 implementation of each measure proposed by the commission; and

41 (6) A recommendation for intermediate, alternative or additional
42 sanctions that should be made available in the New Jersey criminal
43 justice system, including proposals for alternatives to incarceration
44 for suitable offenders, the estimated cost of such programs, and
45 recommendations for rules or principles to guide a judge's
46 imposition of such sanctions as part of a criminal sentence.

47 The bill would repeal N.J.S.2C:48-1 through N.J.S.2C:48-4,
48 which established the Criminal Disposition Commission, and

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6

- 1 P.L.2003, c.265, which established the Commission to Review
- 2 Criminal Sentencing.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1880

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 26, 2009

The Assembly Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1880(1R).

As introduced, this bill would have established a "Criminal Sentencing Commission" which would have been required to issue a report to the Governor and the Legislature within two years of the commission's organization. The committee amended the bill to make the commission permanent.

Under the provisions of the bill, the commission is charged with the duty of conducting a review of the criminal sentencing provisions in the statutory laws and providing recommendations for revisions of the criminal justice laws.

The committee amended the bill to increase the membership of the commission from 11 to 13 members.

The commission would be composed of the following members:

- the Attorney General, or his designee;
- the Public Defender, or his designee;
- the Chief Justice, or a designee of the Chief Justice who may be a retired judge with experience in the Criminal Division of the Superior Court;
- the Commissioner of the Department of Corrections, or his designee (*this member was added by amendment*);
- the Chairman of the State Parole Board, or his designee (*this member was added by amendment*);
- the President of the New Jersey County Prosecutors Association, or his designee;
- the President of the New Jersey Bar Association, or his designee (*this member was added by amendment*);
- one public member appointed by the Senate President;
- one public member appointed by the Senate Minority Leader;
- one public member appointed by the Speaker of the General Assembly;
- one public member appointed by the Assembly Minority Leader; and

- two public members appointed by the Governor, not more than one of whom shall be of the same political party (*originally the bill required the Governor to appoint three public members*).

The bill provides that in selecting the public members, the appointing authorities should seek to include persons who have experience, training, or academic background in victims' rights advocacy, corrections, judicial administration or criminal law. The public members appointed by the Governor would include one representative of a police organization.

The committee amended the bill to eliminate the language which provided that the public members of the commission remain until the expiration of the commission or until they cease to be members of the class from which they were appointed, whichever occurs first. The amendments require that the public members serve a term of three years. Any vacancy on the commission would be filled by appointment in the same manner as the original appointment. The committee amended the bill to provide that the vacancies resulting from causes other than by expiration would be filled for the unexpired term only.

The Senate President and the Speaker would appoint one of the public members to serve as chair and the Minority Leader of the Senate and the Assembly would appoint one of the public members to serve as vice-chair. The members of the commission would serve without compensation, but would be eligible for reimbursement for expenses.

The Office of Legislative Services would provide staffing for the work of the commission. At the request of the commission all State entities shall, as soon as practicable, provide the commission with any available information concerning sentencing. In addition, the commission would be entitled to accept the assistance and services of State, county, or municipal employees as may be made available to it and to employ such legal, stenographic, technical, and clerical assistance and incur such expenses as may be necessary in order to perform its duties within the limits of funds appropriated or otherwise made available to it.

The commission is charged with the duty of conducting a thorough review of the criminal sentencing provisions of New Jersey law for consideration of possible recommendations for revisions to the laws governing the criminal justice system. These recommendations would be developed with the goal of providing a rational, just and proportionate sentencing scheme that achieves to the greatest extent possible public safety, offender accountability, crime reduction and prevention, and offender rehabilitation while promoting the efficient use of the State's resources. The amendments require that the recommendations be based on the available statistical data concerning criminal sentencing.

As amended, the commission would be required to submit to the Governor and the Legislature a report within one year of organization of the commission and each year thereafter. The commission's reports

may include, but not be limited to, recommendations regarding:

(1) An assessment of the current sentencing provisions under New Jersey law, and a consideration as to whether the sentencing options available to courts are sufficient or should be expanded;

(2) A review of judicial discretion available under the Criminal Code;

(3) A recommendation as to whether determinate sentencing should be extended to all criminal offenses, or to additional criminal offenses under New Jersey law;

(4) A recommendation as to appropriate limits and conditions on terms of supervised release;

(5) A projection of the impact, if any, on the size of the New Jersey's correctional and supervised offender populations of the implementation of each proposal; and

(6) A recommendation for intermediate, alternative or additional sanctions that should be made available.

The bill repeals existing commissions designed to study criminal sentencing: the Criminal Disposition Commission, N.J.S.2C:48-1 through N.J.S.2C:48-4 and the New Jersey Commission to Review Criminal Sentencing, P.L.2003, c.265.

These amendments would make this bill identical to A3452(1R).

COMMITTEE AMENDMENTS

1. The title is amended to reflect the correct statutory provision which will be supplemented.
2. Section 1 is amended to increase the membership of the commission from 11 to 13 members. The additional members would be the Commissioner of the Department of Corrections, the Chairman of the State Parole Board, and the President of the New Jersey Bar Association or their designees. The amendments would also reduce the public members appointed by the Governor from three to two members.
3. Section 1 is amended to provide for a specific term of three years for the public members of the commission. The amendments also provide that vacancies resulting from causes other than by expiration of term would be filled for the unexpired term.
4. Section 2 is amended to clarify that the recommendations be based on the available statistical data concerning criminal sentencing. Section 2 is also amended to provide a cross reference to section 4 of the bill with regard to the issuance of the commission's reports.
5. Section 4 of the bill is amended to provide that the commission issue reports of its findings and recommendations to the Governor and the Legislature within one year of organization of the commission and each year thereafter.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1880

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 5, 2008

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1880.

This bill would establish a "Criminal Sentencing Commission" to study and review the statutory law pertaining to crimes and criminal sentencing. The commission would recommend revisions of the statutory law for enactment by the Legislature.

The membership of the commission would include the following 11 members: the Attorney General, or designee; the Public Defender, or designee; the Chief Justice, or a designee of the Chief Justice who may be a retired judge with experience in the Criminal Division of the Superior Court; the President of the New Jersey County Prosecutors Association, or a representative; one public member appointed by the Senate President; one public member appointed by the Senate Minority Leader; one public member appointed by the Speaker of the General Assembly; one public member appointed by the Assembly Minority Leader; and three public members appointed by the Governor, not more than two of whom shall be of the same political party. The bill provides that in selecting the public members, consideration would be given to include persons who have experience, training, or academic background in victims' rights advocacy, corrections, judicial administration or criminal law. The public members appointed by the Governor would include one representative of a police organization.

The Senate President and the Speaker would appoint one of the public members to serve as chair and the Minority Leader of the Senate and the Assembly would appoint one of the public members to serve as vice-chair. The members of the commission would serve without compensation, but would be eligible for reimbursement for expenses.

The commission would constitute a commission of the Legislature and the Office of Legislative Services would provide staffing for the work of the commission. In addition, the commission would be entitled to accept the assistance and services of State, county, or municipal employees as may be made available to it and to employ such legal, stenographic, technical, and clerical assistance and incur

such expenses as may be necessary in order to perform its duties within the limits of funds appropriated or otherwise made available to it.

The committee amendments add language to subsection d. of section 1 to emphasize that State entities shall cooperate as soon as practicable by providing information related to sentencing as requested by the commission.

The commission would be required to conduct a thorough review of the criminal sentencing provisions of New Jersey law for consideration of possible recommendations for revisions. These recommendations would be developed with the goal of providing a rational, just and proportionate sentencing scheme that achieves to the greatest extent possible public safety, offender accountability, crime reduction and prevention, and offender rehabilitation while promoting the efficient use of the State's resources.

The commission would submit to the Governor and the Legislature a report within two years of organization of the commission and would include, but not be limited to, recommendations regarding:

(1) An assessment of the current sentencing provisions under New Jersey law, and a consideration as to whether the sentencing options available to courts are sufficient or should be expanded;

(2) A review of judicial discretion available under the Criminal Code;

(3) A recommendation as to whether determinate sentencing should be extended to all criminal offenses, or to additional criminal offenses under New Jersey law;

(4) A recommendation as to appropriate limits and conditions on terms of supervised release;

(5) A projection of the impact, if any, on the size of the New Jersey's correctional and supervised offender populations of the implementation of each proposal; and

(6) A recommendation for intermediate, alternative or additional sanctions that should be made available.

The bill would repeal N.J.S.2C:48-1 through N.J.S.2C:48-4, which established the Criminal Disposition Commission, and P.L.2003, c.265, which established the Commission to Review Criminal Sentencing.



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JON S. CORZINE
Governor

For Immediate Release:
Date: April 17, 2009

For More Information:
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Governor Corzine Takes Action On Legislation

TRENTON – Governor Jon S. Corzine took action on the following legislation:

S-2188/A-1642 (Van Drew/McKeon, Albano) – Changes riparian land grant and lease process and amends various parts of statutory law

A-269/SCS for S-1226, 1266 (Vandervalk, Prieto, Lampitt/Vitale, Whelan, Turner) – Requires licensing of genetic counselors

A-2438/S-717 (McKeon, Vainieri Huttie, Deignan, Evans/B. Smith, Turner) – Increases cap for underground storage tank remediation grants to independent colleges

A-2681/SCS for S-1645/1640 (Love, Moriarty Vainieri Huttie/Weinberg, Madden) – Prohibits alimony and awards concerning equitable distribution to persons who commit certain crimes; eliminates inheritance rights for parents who abuse or abandon children

AJR-92/SJR-56 (O'Scanlon/Beck) – Designates May of each year as "Brain Tumor Awareness Month"

S-1880/A-3452 (B. Smith/Watson Coleman, Greenstein, Spencer, Tucker) – CONDITIONAL VETO – Establishes Criminal Sentencing Commission to study and review the criminal law and recommend revisions; repeals existing commissions

The Governor issued the following conditional veto message on Senate Bill No. 1880:

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1880 (Second Reprint) with my recommendations for reconsideration.

A. Summary of Bill

This bill would create a sentencing commission with broad authority to study aspects of the criminal sentencing laws. Members would include persons with experience in criminal justice issues, law, judicial administration, and victims' rights advocacy. The bill would repeal the laws establishing existing commissions that have related but somewhat different missions, including the Criminal Disposition Commission, which I am advised is in the process of preparing a report.

B. Recommended Action

I commend the sponsors for their substantial efforts to improve the criminal justice system, and agree with them that much good can be accomplished by studying our sentencing laws, and particularly by an analysis of the practical effects of these laws. Indeed, my Administration has supported changes to our State's sentencing scheme, some of which were recommended in analytical studies. I am advised, however, that certain changes to this legislation would be appropriate to ensure that the bill is not misinterpreted to prevent the new sentencing commission from studying other issues that affect the handling and ultimate dispositions of criminal matters. In particular, the Criminal Disposition Commission, which would be repealed by this bill, recently has focused on disparity issues, including racial and ethnic disparity, during the various stages of the criminal process, including charging decisions and other pre-indictment issues. Such issues are vitally important and deserve consideration by any body charged with making recommendations to ensure and enhance the fairness and effectiveness of our State's criminal justice system. For this reason, I recommend that these issues be expressly included among those to be studied by the new sentencing commission to be created by this legislation, to avoid any confusion regarding whether the new commission is authorized or directed to study them. I also am recommending certain other technical changes I am advised are necessary in order to implement the bill's provisions, and to give the Criminal Disposition Commission a short period of time to conclude its work.

Accordingly, I herewith return Senate Bill No. 1880 (Second Reprint) and recommend that it be amended as follows:

Page 2, Section 1, Line 10: After "Sentencing" insert "and Disposition"

Page 3, Section 2, Line 32: After "resources." insert "Additionally, the commission shall consider issues regarding disparity in the criminal justice process, including but not limited to racial and ethnic disparity issues."

Page 3, Section 2, Line 34: Delete "concerning criminal sentencing" insert "as well as any other relevant information."

Page 3, Section 2, Line 39: Delete "may" insert "shall"

Page 4, Section 2, Line 12: Delete "and"

Page 4, Section 2, Line 18: After "sentence" insert "; and"

(7) A review of disparity issues in the criminal justice process, including but not limited to racial and ethnic disparity issues, whether evidenced in sentencing outcomes or at earlier stages of the criminal process, such as but not limited to charging and plea decisions, and recommend appropriate revisions or other means to address any such issues."

Page 4, Section 5, Line 29: Delete "and P.L.2003, c. 265"

Page 4, Section 5, Line 31: Insert "6. P.L.2003, c.265 is repealed."

Page 4, Section 5, Line 32: Delete "6." Add "7."

Page 4, Section 5, Line 32:

After "immediately" insert "upon enactment, except that Section 5 shall take effect immediately upon enactment or on May 30, 2009, whichever event occurs later."

###

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