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SMITH BILL TO CREATE PANEL TO REVIEW CRIMINAL SENTENCING **ADVANCES**

TRENTON – A bill sponsored by Senator Bob Smith which would consolidate and refocus efforts to review the State's criminal sentencing provisions to ensure greater fairness and efficient use of New Jersey's resources was unanimously approved by the Senate Judiciary Committee today.

"In an effort to appear tough on crime, New Jersey's lawmakers have, over the years, relied on mandatory minimum sentences to get the point across," said Senator Smith, D-Middlesex and Somerset, and a member of the Judiciary Committee. "However, by removing judicial discretion from the criminal justice system, we've unwittingly created a monster of one-size-fits-all penalties for even non-violent crimes. We need to take a look at the criminal justice system in New Jersey, and adopt a fairer set of guidelines which makes the most of State resources."

The bill, S-1880, would create the Criminal Sentencing Commission to study and review the State's sentencing laws. The 11-member Commission would be comprised of bipartisan members appointed by the Governor, the Senate President, the Assembly Speaker, and the Minority Leaders of each Legislative house, as well as the Attorney General, the Public Defender, the Chief Justice and the President of the New Jersey County Prosecutors Association, or designees chosen by those officials. The Commission would have two years to study and review the statutory law concerning crimes and criminal sentencing, before issuing its final report, with recommendations to lawmakers for revisions in the laws governing the criminal justice system.

"I think that this Commission represents the right recipe for success in updating our criminal justice system," said Senator Smith. "It ensures a proper political balance, and gives a voice to the law enforcement and criminal justice communities. We need to engage those people with greatest experience dealing with New Jersey's fractured criminal justice system, and ask them how to improve sentencing in the Garden State."

According to Senator Smith, the new Commission will be charged with developing recommendations with the ultimate goal of rational, just and proportionate criminal sentencing. The Commission will be asked to take into account the needs of public safety, offender accountability, crime reduction and prevention and offender rehabilitation, while promoting the efficient use of the State's Corrections resources.

"Not only do we have to be aware of the effects that sentencing guidelines have on criminals, but also the effects on the State's coffers," said Senator Smith. "It's expensive to require mandatory imprisonment for every minor offense that comes across a judge's desk. Obviously, the number one priority in criminal justice needs to be justice, but we need to also make the most out of limited State resources."

Senator Smith noted that recent attempts to review criminal sentencing in New Jersey have met with little success. The Criminal Disposition Commission (CDC) was created in 1978 as a permanent commission of the Legislature, but according to Senator Smith, has met infrequently and has not produced any recommendations for reform within the last several years. In 2004, the Governor signed legislation creating the Commission to Review Criminal Sentencing (CRCS), but the mission of that panel was hampered by, among other issues, the Commission's lack of partisan balance and a broad mandate to look at nearly every aspect of the criminal justice system. Senator Smith noted that both panels would be eliminated under his legislation in favor of a streamlined, focused Commission charged with making real recommendations for sentencing reform.

"Both existing sentencing commissions came to the table with good intentions, but were short on results," said Senator Smith. "The CDC just hasn't been productive in recent years, and the CRCS has given us disjointed recommendations which reflect on the broad mandate to look at everything."

We need a focused, experienced review of the State's criminal justice system, and the new Criminal Sentencing Commission would provide just that."

The bill now heads to the Senate Budget and Appropriations Committee before going to the full Senate for consideration.