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

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 approved by the Senate today by a vote of 38-0.

"New Jersey's lawmakers have recently relied on mandatory minimum sentencing guidelines to tell their constituents that they're tough on crime," said Senator Smith, D-Middlesex and Somerset, and a member of the Judiciary Committee. "However, the side effect of the convoluted sentencing guidelines on the books is a State judiciary without judicial discretion, unable to make penalty decisions from the bench. We need to take a serious look at the maze of sentencing guidelines in New Jersey, and where appropriate, give greater discretion to the talented judges appointed in the Garden State."

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.

"In recent attempts to review criminal sentencing guidelines, we haven't had very good balance," said Senator Smith. "We want to make sure with this panel that all viewpoints are represented, and that we have a soup-to-nuts review of the system, including looking at the law enforcement, criminal defense and judicial sides of sentencing in New Jersey."

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.

"Our primary goal with any review of sentencing guidelines has to be a fair and just criminal law system," said Senator Smith. "But in addition to that, we need to take a look at how we spend State dollars to incarcerate minor offenders. The Department of Corrections budget is quite possibly one of the biggest chunks of our annual fiscal spending, and we need to ensure taxpayers that we aren't wasting their money by keeping non-violent offenders behind bars."

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.

"We need to start from scratch in our review of criminal sentencing, because past efforts have been hampered by a lack of results or too much information," said Senator Smith. "The Criminal Sentencing Commission has to be above the mistakes of past, and needs to be a results-oriented

panel, not just an exercise in judicial academia. I think this bill recognizes that we've learned from our past mistakes, and want to move forward to ensure a fairer justice system which makes efficient use of our limited State resources."

The bill now heads to the Assembly for consideration