



STATE OF NEW JERSEY, *legislature, Assembly,*  
" Judiciary Committee.

REPORT OF

Assembly Judiciary Committee pur-  
suant to Assembly Resolution 13  
of 1972, directing the Committee  
to review the proposed Penal Code  
prepared by the Criminal Law  
Revision Commission.

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LETTER OF TRANSMITTAL

TO THE HONORABLE MEMBERS OF THE GENERAL ASSEMBLY OF THE  
STATE OF NEW JERSEY:

In accordance with Assembly Resolution 13 (1972),  
the Judiciary Committee has undertaken a review of the pro-  
posed Penal Code prepared by the Criminal Law Revision Com-  
mission with the objective of preparing a proposed Penal  
Code for consideration and enactment into law.

Pursuant to this resolution, the Committee hereby  
transmits its findings and recommendations.

Respectfully yours,

/s/ William K. Dickey  
WILLIAM K. DICKEY,  
CHAIRMAN

/s/ John J. Dawes  
HON. JOHN I. DAWES

/s/ Ann Klein  
HON. ANN KLEIN

/s/ Walter C. Keogh-Dwyer  
HON. WALTER C. KEOGH-DWYER

/s/ Herbert C. Klein  
HON. HERBERT C. KLEIN

/s/ John A. Spizziri  
HON. JOHN A. SPIZZIRI

/s/ David A. Wallace  
HON. DAVID A. WALLACE

## INTRODUCTION

Assembly Resolution No. 13 of 1972 directed the Assembly Judiciary Committee to "review the proposed Penal Code prepared by the Criminal Law Revision Commission". The Committee was directed to

(1) confer with the Criminal Law Revision Commission, the Supreme Court, the Attorney General, county prosecutors and other law enforcement officers and agencies,

(2) hold public hearings on the proposed Penal Code, and

(3) report to the General Assembly with a proposed Penal Code in appropriate form for consideration and enactment into law.

In discharging its mandate, the Committee held two public hearings to which the various groups directed to be consulted were invited. These hearings were held at the following times and locations:

April 20, 1972 - State House, Trenton

April 27, 1972 - State House, Trenton

The Committee agreed to accept more detailed comments from several of those who testified at the public hearing in the form of written reports to be submitted by the end of the summer.

The members of the Committee have studied carefully the testimony elicited at the public hearings and the written comments which have already been received.

#### FINDINGS AND RECOMMENDATIONS

The Judiciary Committee finds that there is general agreement among those various agencies and groups in the State who chose to make their options known that the proposed Penal Code as a whole is a worthwhile document which should be enacted into law.

However, it was also made clear at the public hearings that there are many provisions in the proposed Penal Code which require further careful study and possible revision.

The written comments from the Division of Criminal Justice and the State Public Defender's Office have not yet been received for the Committee's review. If the testimony at the public hearing is a valid indication, the reports from these state agencies will contain very different opinions on certain sections of the proposed Penal Code. The Committee will, therefore, be required to consider and reconcile these conflicting views before making a final determination on the various sections of the proposed Penal Code.

In addition, the criminal law is continuously being interpreted by the courts. For example, State v. Rosenfeld,

120 N.J. Super. 458, which was recently decided by the Appellate Division of the Superior Court, declared part of the present disorderly persons law unconstitutional. The proposed Penal Code is, therefore, being reviewed by the Committee in light of this and other cases in order to avoid as many constitutional problems as possible.

The Committee is, therefore, unable at this time to report to the General Assembly a proposed Penal Code ready for its consideration and enactment into law.

As additional time is needed to review the proposed Penal Code with the deliberation that such an undertaking requires, the Committee recommends that the mandate of Assembly Resolution No. 13 be extended by the General Assembly through a further resolution directing the Judiciary Committee to continue its review of the proposed Penal Code and to submit its final report of findings and recommendations as soon as practicable, but no later than the second Tuesday in January, 1973.