

Governor Phil Murphy

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 utmost 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.”

Governor Phil Murphy

[Home \(/governor/\)](/governor/)

Administration

[Governor Phil Murphy \(/governor/admin/about/\)](/governor/admin/about/)

[Lt. Governor Sheila Oliver \(/governor/admin/lt/\)](/governor/admin/lt/)

[First Lady Tammy Snyder Murphy \(/governor/admin/fl/\)](/governor/admin/fl/)

[Cabinet \(/governor/admin/cabinet/\)](/governor/admin/cabinet/)

[Office of Health Care Affordability and Transparency](/governor/admin/affordablehealthcare/index.shtml)

[\(/governor/admin/affordablehealthcare/index.shtml\)](/governor/admin/affordablehealthcare/index.shtml)

[Boards, Commissions & Authorities \(/governor/admin/bca/\)](/governor/admin/bca/)

[Internship Opportunities \(/governor/admin/internship.shtml\)](/governor/admin/internship.shtml)

[Governor’s Residence - Drumthwacket \(http://drumthwacket.org/\)](http://drumthwacket.org/)

Key Initiatives

[Economy & Jobs \(/governor/initiatives/#Economy\)](/governor/initiatives/#Economy)

[Education \(/governor/initiatives/#Education\)](/governor/initiatives/#Education)

[Environment \(/governor/initiatives/#Environment\)](/governor/initiatives/#Environment)

[Health \(/governor/initiatives/#Health\)](/governor/initiatives/#Health)

[Law & Justice \(/governor/initiatives/#Justice\)](/governor/initiatives/#Justice)

[Transportation \(/governor/initiatives/#Transportation\)](/governor/initiatives/#Transportation)

News & Events

[Press Releases \(/governor/news/news/562022/approved/news_archive.shtml\)](/governor/news/news/562022/approved/news_archive.shtml)

[Photos \(https://www.flickr.com/photos/govmurphy\)](https://www.flickr.com/photos/govmurphy)

[Public Addresses \(/governor/news/addresses\)](/governor/news/addresses)

[Executive Orders \(/infobank/eo/056murphy/approved/eo_archive.html\)](/infobank/eo/056murphy/approved/eo_archive.html)

[Administrative Orders \(/governor/news/ao/approved/ao_archive.shtml\)](/governor/news/ao/approved/ao_archive.shtml)

[Direct Appointments \(/governor/news/appointments/\)](/governor/news/appointments/)

[Advice and Consent Appointments \(/governor/news/acappointments/\)](/governor/news/acappointments/)

[Statements on Legislation](#)

[\(/governor/news/statements/approved/statements_archive.shtml\)](/governor/news/statements/approved/statements_archive.shtml)

[Administration Reports \(/governor/news/adminreports/approved/archive.shtml\)](/governor/news/adminreports/approved/archive.shtml)

[Transition Reports \(/governor/news/reports/approved/reports_archive.shtml\)](/governor/news/reports/approved/reports_archive.shtml)

[Press Kits \(/governor/news/press/\)](/governor/news/press/)

Social

[Facebook \(https://www.facebook.com/governorphilmurphy/\)](https://www.facebook.com/governorphilmurphy/)

[Twitter \(https://twitter.com/GovMurphy\)](https://twitter.com/GovMurphy)

[Instagram \(https://www.instagram.com/govmurphy/\)](https://www.instagram.com/govmurphy/)

[Snapchat \(https://www.snapchat.com/add/philmurphy\)](https://www.snapchat.com/add/philmurphy)

[YouTube \(https://www.youtube.com/njgovernorsoffice\)](https://www.youtube.com/njgovernorsoffice)

[TikTok \(https://www.tiktok.com/@njgov?\)](https://www.tiktok.com/@njgov?)

Contact Us

[Scheduling Requests \(/governor/contact/scheduling/\)](/governor/contact/scheduling/)

[Contact Us \(/governor/contact/all/\)](/governor/contact/all/)

Statewide

[NJ Home \(//www.nj.gov\)](http://www.nj.gov)

[Services A to Z \(//www.nj.gov/nj/gov/njgov/alphaserv.html\)](http://www.nj.gov/nj/gov/njgov/alphaserv.html)

[Departments/Agencies \(//www.nj.gov/nj/gov/deptserv/\)](http://www.nj.gov/nj/gov/deptserv/)

[FAQs \(//www.nj.gov/faqs/\)](http://www.nj.gov/faqs/)

[Contact Us \(//www.nj.gov/nj/feedback.html\)](http://www.nj.gov/nj/feedback.html)

[Privacy Notice \(//www.nj.gov/nj/privacy.html\)](http://www.nj.gov/nj/privacy.html)

[Legal Statement & Disclaimers \(//www.nj.gov/nj/legal.html\)](http://www.nj.gov/nj/legal.html)

[Accessibility Statement \(//www.nj.gov/nj/accessibility.html\)](http://www.nj.gov/nj/accessibility.html)

(//nj.gov/opra/)

(https://my.state.nj.us/openam/UI/Login)

Copyright © State of New Jersey, 1996-2023
Office of Governor PO Box 001
Trenton, NJ 08625
609-292-6000

(https://tech.nj.gov/)