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Contact: [Jason Butkowski](#)
(609) 292-5215

SMITH BILL TO CREATE PANEL TO REVIEW CRIMINAL SENTENCING ADVANCES IN ASSEMBLY

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 Assembly today by a vote of 60-14, with 3 abstentions.

"For too long, New Jersey lawmakers have advanced legislation with mandatory minimum sentencing requirements, to send the message to voters that they're tough on crime," said Senator Smith, D-Middlesex and Somerset, and a member of the Judiciary Committee. "This policy crosses the partisan divide, and unfortunately, a side-effect from our tampering with criminal sentencing is a judiciary in the Garden State with very little judicial discretion. Under the checks and balances of government in this country, the courts are the final arbiter of justice, but when their hands are tied by mandatory sentencing guidelines, legislators are overstepping their bounds."

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.

"The criminal sentencing guidelines currently on the books are convoluted and arbitrary, and we need a commission of experts to take a soup-to-nuts approach to reviewing the criminal code," said Senator Smith. "This should be an exercise done every so often to make sure that true justice is being accomplished 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.

"Ultimately, our primary goal in reviewing criminal sentencing in New Jersey is to ensure a fair, just and honest criminal justice system," said Senator Smith. "However, we need to also be aware of the economic impact on the State of New Jersey that overly harsh sentencing guidelines have. The taxpayers of this State should not be paying to incarcerate non-violent criminals when there are less costly alternatives to incarceration."

The bill now heads back to the Senate to concur with Assembly amendments to the bill. If approved, it would go to the Governor to be signed into law.