



NEW JERSEY STATE BAR ASSOCIATION

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March 15, 2020

The Honorable Phil Murphy
Office of the Governor
Post Office Box 001
Trenton, New Jersey 08625

Re: S3456 (Cunningham)/A5385 (Chiaravalloti) – Eliminates mandatory minimum terms of imprisonment determined by the Legislature to be of a non-violent nature

Dear Governor Murphy:

On behalf of the New Jersey State Bar Association, I want to convey our strong support of S3456/A5385, which implements several of the sentencing recommendations of the Criminal Sentencing and Disposition Commission (Commission) to eliminate certain mandatory minimum terms of imprisonment. The importance of this bill has resonated with our membership, especially with our recently formed NJSBA Commission on Racial Equity in the Law, which reviews these initiatives with an eye towards removing systemic bias and racism in the law. Mandatory minimum sentencing schemes have a disproportionate impact on communities of color and have resulted in New Jersey having the highest disparity in the nation between incarceration of people of color and white people. We urge this bill's swift passage in the Legislature.

In a thorough report by the Criminal Sentencing Disposition Commission (Report), the overwhelming sentiment is that the elimination or reduction of mandatory minimum sentences for certain crimes would go a long way to addressing inequities in criminal penalties in New Jersey. It is important to note some disturbing statistics that came out of this report:

- The incarceration rate for Black people is twelve times the white incarceration rate.
- For Hispanics, that ratio is double that of the white population.
- Over 76 percent of the prison population are people of color, compared with the overall population of people of color at 44 percent.

This Report was a wake-up call to many, and a needed response to the constant refrain from advocates for criminal justice reform to fix the worst disparity in the rates of incarceration between Black and white offenders in the entire country. The time is now to remove mandatory minimums to give judges discretion and a greater range of alternatives to impose sentences that

fit the crime and consider the circumstances of each defendant at the time of sentencing.

We strongly urge you to sign this bill into law. Thank you for your commitment to this important issue. On behalf of the NJSBA, thank you for your strong leadership.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kimberly A. Yonta". The signature is fluid and cursive, with a large, stylized initial "K".

Kimberly A. Yonta
President

cc: Angela Scheck, NJSBA Executive Director
Domenick Carmagnola, Esq., NJSBA President-Elect
Senator Sandra B. Cunningham
Assemblyman Nicholas Chiaravalloti