

May 9, 2013

**SENATE BILL NO. 1219
(First Reprint)**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1219 (First Reprint) with my recommendations for reconsideration.

This bill proposes to increase the statutory damage amounts awarded in lawsuits for wrongful imprisonment. Specifically, under the bill, compensation would increase from twice the amount of the claimant's income in the year prior to the claimant's incarceration or \$20,000 for each year of incarceration, whichever is greater, to twice the claimant's income or \$50,000 for each year of incarceration, whichever is greater. In addition, the bill would require compensation caps to further increase based upon the Consumer Price Index and would also require the court to award reasonable attorney fees and reimbursement of litigation costs, as well as non-monetary relief such as vocational training and counseling.

I strongly support the sponsors' goal of providing proper redress for those who are wrongfully convicted and imprisoned. Our criminal justice system must be vigilant, fair, and just. Where errors have led to undeserved criminal punishments, it is the duty of the State to provide redress. To that end, New Jersey has already worked to correct some of the underlying causes of unlawfully coerced confessions and faulty witness identifications. By requiring that all confessions are recorded and making stringent recordkeeping a prerequisite of witness identifications, New Jersey has been recognized as a leader in

efforts to ensure that all criminal defendants are afforded fair trials. The changes provided in this bill, particularly the increased compensation, will continue that progress.

It is nevertheless important to recognize that some defendants, through their own free will and accord, contributed to their convictions by pleading guilty in a court of law. In contrast, this bill specifies that a guilty plea to a crime the claimant did not commit would not bar compensation for wrongful imprisonment. As a result, a person's own decision to enter a false plea, under oath and in a court, could lead to payment for the imprisonment that flowed from the defendant's own misstatement. In that particular situation, providing payment for "wrongful imprisonment" is not justified. Accordingly, I recommend that this bill be narrowly revised to remove compensation in cases where a person has brought about their own conviction through a false guilty plea.

Finally, I also recommend removing the automatic increase in compensation to leave additional changes to our wrongful imprisonment laws to subsequent legislation based on a review of the newly implemented changes, and any other necessary improvements.

Accordingly, I herewith return Senate Bill No. 1219 (First Reprint) and recommend that it be amended as follows:

Page 3, Section 3, Lines 11-12: Delete ", nor a guilty plea to a crime the claimant did not commit,"

Page 3, Section 3, Line 14: After "subsection" insert "; and d. He did not plead guilty to the crime for which he was convicted"

Page 3, Section 4, Lines 19-20:

Delete "[Damages] Except as otherwise provided in paragraph (2) of this subsection, damages" and insert "Damages"

Page 3, Section 4, Lines 26-35:

Delete in their entirety

Page 3, Section 4, Line 36:

Delete "(3)" and insert "(2)"

Respectfully,

/s/ Chris Christie

Governor

[seal]

Attest:

/s/ Charles B. McKenna

Chief Counsel to the Governor