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

Delete in their entirety

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

Respectfully,

/s/ Chris Christie
Governor

Attest:

/s/ Charles B. McKenna
Chief Counsel to the Governor