

Drug Policy Alliance

Criminal Justice Issues and Prisoners' Rights

<https://drugpolicy.org/resource/crime-and-punishment-new-jersey-criminal-code-and-public-opinion-sentencing>

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This groundbreaking report contains two major findings:

The first finding comes from the survey of 222 New Jersey residents regarding their opinions on the level of seriousness (and thus punishment) of 108 criminal offenses. For almost 90 percent of the offenses about which New Jersey residents were asked their opinion, the survey respondents categorized the offenses as belonging in a less serious category, and therefore deserving of a less serious penalty, than what is actually mandated by the criminal code. In other words, the penalties contained in the criminal code are at odds with the values of New Jersey residents.

The second finding is that the structural flaws of the original criminal code, exacerbated by years of amendments and additions, have created a seriously flawed system of offenses and penalties. New Jersey enacted its Code of Criminal Justice in 1978. The code established a comprehensive list of 243 critical offenses and suboffenses. Since then there has been an enormous number of offense-related legislative amendments: 863 an average of nearly 29 amendments every year for 30 years. The large number of amendments has seriously degraded the original criminal code and produced an increasingly convoluted body of law riddled with grading irrationalities and internal inconsistencies. Today, there are 650 offenses listed in the criminal code and another 904 offenses that have been added in New Jersey statutes other than the criminal code for a total of 1,554 total criminal offenses. This stunning growth has resulted in a code that has become increasingly irrational in its categorization (and punishment) of offenses and unfair in its application.

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