

S 4406 -- Redline

Enrolled to Chaptered -- Clarifies sentencing under certain circumstances.

Deletions ~~struck~~ · Insertions underlined

2026, c.030 (S4406) ~~Sec. 2~~CHAPTER Note30 ~~P.L. An Act concerning sentencing for convictions of certain crimes and amending N.J.S.2C:44-1.~~

~~2026, CHAPTER 30, approved July 2, 2026 Senate, No.~~

~~4406 — An Act concerning sentencing for convictions of certain crimes and amending N.J.S.2C:44-1. Criteria, withholding, imposing sentences, imprisonment.~~

(8) The defendant committed the offense against a police or other law enforcement officer, correctional ~~employee~~employee, or firefighter, acting in the performance of the officer, employee, or firefighter duties while in uniform or exhibiting evidence of his authority;

the defendant committed the offense against a sports official, athletic ~~coach~~coach, or manager, acting in or immediately following the performance of the person's duties or because of the person's status as a sports official, ~~coach~~coach, or manager;

or the defendant committed the offense against any health care professional, volunteer working for a health care professional or working at a health care facility, supportive services staff member working for a health care professional or working at a health care facility, or employee of a health care professional or health care ~~facility~~facility while the health care professional, volunteer, supportive services staff member, or employee is performing official duties.

(2) When imposing a sentence of ~~imprisonment~~imprisonment, the court shall consider the defendant's eligibility for release under the law governing parole, including time credits awarded pursuant to Title 30 of the Revised Statutes, in determining the appropriate term of imprisonment.

of this section, the court shall deal with a person who has been convicted of theft of a motor vehicle or of the unlawful taking of a motor vehicle and who has previously been convicted of either offense by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that imprisonment would be a serious injustice which overrides the need to deter such conduct by ~~others~~others. This paragraph shall not apply to a person for whom the court finds that the mitigating factor in paragraph (15) of subsection b.

~~This [subsection] paragraph shall not apply to a person for whom the court finds that the mitigating factor in paragraph (15) of subsection b.~~

of this section, except that this subsection shall not apply if the court finds that the aggravating factor in paragraph (5), ~~(14)~~(14), or (15) of subsection a.

if the person is convicted of a crime of the third degree constituting distribution, ~~manufacture~~manufacture, or possession of an item containing personal identifying information in violation of subsection b.

of this section applies, the court shall consider all relevant ~~circumstances~~circumstances and shall take judicial notice of any evidence, testimony, or information adduced at the trial, plea hearing, or other court proceedings and any additional relevant evidence including, but not limited to:

~~(cf: _____ 2.~~

~~P.L.2025, c.328, s.1) — 2.~~

~~STATEMENT — This~~Approved bill~~July clarifies2, that2026.~~ ~~a court may sentence a defendant to a reduced sentence under certain circumstances.~~

~~Under the bill, in cases of a conviction for a crime of the first or second degree where the court is clearly convinced that the mitigating factors substantially outweigh the aggravating factors and where the interest of justice demands, the court may sentence the defendant to a term appropriate to a crime of one degree lower than that of the crime for which the defendant was convicted. If the court does impose a sentence pursuant to this provision, or if the court imposes a noncustodial or probationary sentence upon conviction for a crime of the first or second degree, the sentence would not become final for 10 days in order to permit the appeal of the sentence by the prosecution.~~

~~A crime of the first degree is punishable by a term of imprisonment of 10 to 20 years, a fine of up to \$200,000, or both. A crime of the second degree is punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both.~~

~~This bill restores language omitted under P.L.2025, c.328. The bill would take effect immediately and apply retroactively to the effective date of section 1 of P.L.2025, c.328.~~

~~Clarifies sentencing under certain circumstances.~~