

SENATE SUBSTITUTE FOR
SENATE, No. 2215

STATE OF NEW JERSEY
211th LEGISLATURE

ADOPTED MARCH 21, 2005

Sponsored by:

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

Senator SHIRLEY K. TURNER

District 15 (Mercer)

SYNOPSIS

Permits certain persons on probation or parole for certain fourth degree crimes enacted after January 1, 2006 to vote.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate.



1 AN ACT concerning the right of suffrage for certain persons on
2 probation and parole and amending R.S.19:4-1 and supplementing
3 Title 19 of the Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. R.S.19:4-1 is amended to read as follows:

9 19:4-1. Except as provided in sections 19:4-2 and 19:4-3 of this
10 Title, every person possessing the qualifications required by Article
11 II, paragraph 3, of the Constitution of the State of New Jersey and
12 having none of the disqualifications hereinafter stated and being duly
13 registered as required by this Title, shall have the right of suffrage and
14 shall be entitled to vote in the polling place assigned to the election
15 district in which he actually resides, and not elsewhere.

16 No person shall have the right of suffrage--

17 (1) Who is an idiot or is insane; or

18 (2) (Deleted by amendment.)

19 (3) (Deleted by amendment.)

20 (4) (Deleted by amendment.)

21 (5) (Deleted by amendment.)

22 (6) Who has been convicted of a violation of any of the provisions
23 of this Title, for which criminal penalties were imposed, if such person
24 was deprived of such right as part of the punishment therefor
25 according to law unless pardoned or restored by law to the right of
26 suffrage; or

27 (7) Who shall be convicted of the violation of any of the provisions
28 of this Title, for which criminal penalties are imposed, if such person
29 shall be deprived of such right as part of the punishment therefor
30 according to law, unless pardoned or restored by law to the right of
31 suffrage; or

32 (8) Who is serving a sentence or is on parole or probation as the
33 result of a conviction of any indictable offense under the laws of this
34 or another state or of the United States except that certain persons on
35 parole or probation as the result of a conviction of certain crimes of
36 the fourth degree as set forth in section 2 of P.L. c. (C.)(now
37 pending before the Legislature as section 2 of this bill) may have the
38 right of suffrage.

39 A person who will have on the day of the next general election the
40 qualifications to entitle him to vote shall have the right to be registered
41 for and vote at such general election and register for and vote at any
42 election, intervening between such date of registration and such
43 general election, if he shall be a citizen of the United States and shall

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 meet the age and residence requirements prescribed by the
2 Constitution of this State and the laws of the United States, when
3 such intervening election is held, as though such qualifications were
4 met before registration.

5 (cf: P.L.1971, c. 280, s. 1)

6

7 2. (New section) Any person convicted of a crime of the fourth
8 degree which crime is designated as a crime of the fourth degree after
9 January 1, 2006 either as a newly enacted crime or as the result of an
10 enactment amending an existing criminal penalty and who is on parole
11 or probation as a result of that conviction shall have the right of
12 suffrage while on parole or probation unless the statute setting forth
13 the crime specifically states otherwise. This section shall apply to any
14 person convicted of a substantially similar crime under the laws of
15 another state or the United States.

16

17 3. (New section) The Attorney General shall maintain a list of all
18 crimes of the fourth degree designated as crimes of the fourth degree
19 after January 1, 2006 in accordance with the provisions of section 2 of
20 P.L. c. (C.) (now pending before the Legislature as section 2
21 of this bill) for the purpose of identifying those crimes for which a
22 person on parole or probation for a conviction of that crime shall have
23 the right of suffrage and for enforcing the provisions of R.S.19:15-19.

24

25 4. (New section) The Attorney General may adopt rules and
26 regulations pursuant to the "Administrative Procedure Act," P.L.1968,
27 c. 410 (C.52:14B-1 et seq.) concerning the creation of the list of
28 fourth degree crimes, maintenance of this list, distribution and posting
29 of the information on the list and any related matters necessary to
30 ensure the implementation of this act.

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32 5. This act shall take effect immediately.

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STATEMENT

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37 This floor substitute provides that any person convicted of a crime
38 of the fourth degree which crime is designated as a crime of the fourth
39 degree after January 1, 2006 either as a newly enacted crime or as the
40 result of an enactment amending an existing criminal penalty and who
41 is on parole or probation as a result of that conviction shall have the
42 right of suffrage while on parole or probation unless the statute setting
43 forth the crime specifically states otherwise. Persons convicted of a
44 substantially similar crime under the laws of another state or the
45 United States would be subject to this provision.

46 The substitute amends R.S.19:4-1 which currently prohibits anyone

1 who is serving a sentence or is on parole or probation as the result of
2 a conviction of any indictable offense under the laws of this State or
3 another state or of the United States from voting. This floor substitute
4 makes an exception for certain persons convicted of certain fourth
5 degree crimes to enable them to vote while on probation or parole.

6 This floor substitute requires the Attorney General to maintain a
7 list of all crimes of the fourth degree designated as crimes of the fourth
8 degree after January 1, 2006 for the purpose of identifying those
9 crimes for which a person on parole or probation for a conviction of
10 that crime shall have the right of suffrage and for enforcing the
11 provisions of R.S.19:15-19 concerning challenges to the right to vote
12 based on a person's conviction of a crime.