

## **EXECUTIVE ORDER NO.411**

WHEREAS, in addressing issues of criminal justice, my Administration has been guided not only by a firm commitment to public safety, but also by a recognition that individuals are endowed with human dignity and value, capable of rehabilitation, and deserving of second chances; and

WHEREAS, we have made significant progress during my Administration in reducing the unduly harsh collateral consequences of a conviction and in dismantling barriers faced by individuals with prior involvement with the criminal justice system, which disproportionately affect Black and Hispanic or Latino New Jerseyans; and

WHEREAS, for example, we have worked with the Legislature to reform our expungement process to be one of the most progressive in the nation, to restore voting rights for individuals on probation and parole, to ensure that individuals with criminal records have a fair chance to find affordable housing, and to reduce barriers to professional licensure and employment faced by individuals with criminal records; and

WHEREAS, with the assistance of the Clemency Advisory Board and the New Jersey State Parole Board, I also have used my executive powers to help make New Jersey the State for Second Chances, granting more pardons and commutations than any other New Jersey Governor in recent history; and

WHEREAS, despite these and other recent developments, a conviction still may result in certain legal disabilities under state law, including a prohibition on jury service for individuals convicted of an indictable offense; and

WHEREAS, this prohibition on jury service stems from a statute, N.J.S.A. 2B:20-1(e), which provides that a person is ineligible to serve on a jury in New Jersey if they have been "convicted of any indictable offense under the laws of this State, another state, or the United States"; and

WHEREAS, categorically excluding from jury service individuals subject to N.J.S.A. 2B:20-1(e) affects the potential composition of jury panels by excluding hundreds of thousands of individuals from jury service, and does so in a manner that reflects the disparities of our criminal justice system; and

WHEREAS, N.J.S.A. 2B:20-1(e) implicates the availability of impartial juries reflective of the community, which our nation has recognized since its earliest days as an important part of the government process and as a valuable safeguard of liberty; and

WHEREAS, jury service additionally is a mark of citizenship and represents for many citizens their most significant opportunity, aside from voting in elections, to share in the responsibilities of democratic self-government; and

WHEREAS, N.J.S.A. 2B:20-1(e) excludes citizens from such civic participation by virtue of any indictable conviction even after they have completed their sentence of incarceration and/or court-ordered supervision, including any term of probation or parole; and

WHEREAS, in 2022, the New Jersey Supreme Court approved a recommendation of the Committee of the Judicial Conference on Jury Selection that the Legislature should explore options for an individual who has completed their sentence (including any term of supervision) to be restored to eligibility to serve as a juror, subject to potential challenge for cause or peremptory challenge; and

WHEREAS, the Committee's recommendation was informed by the report and recommendations of a Subcommittee on Systemic Barriers to Jury Service, which found that the exclusion of individuals with a criminal conviction from jury pools disproportionately affects communities of color; and

WHEREAS, the Subcommittee also recommended that individuals who have repaid their debt to society should be eligible to represent their community and serve on a jury, just as they are able to vote in elections; and

WHEREAS, the Constitution of the State of New Jersey vests in the Governor the power to grant pardons and reprieves in all cases other than impeachment and treason, and the power to suspend and remit fines and forfeitures; and

WHEREAS, included within these powers is the power to grant a partial pardon or to restore one or more specific rights, such as the right to serve on a jury, that an individual forfeits due to a conviction; and

WHEREAS, I find it to be just and appropriate to exercise my executive clemency powers to restore the right to serve on a jury to certain individuals by relieving them of the forfeiture of their jury-service rights imposed pursuant to N.J.S.A. 2B:20-1(e); and

WHEREAS, such a grant of executive clemency is necessarily limited to individuals convicted of an indictable offense under the laws of this State and does not extend to convictions under the laws of another state or the United States; and

WHEREAS, consistent with the recommendation advanced by the Judiciary, this grant of executive clemency shall apply once an individual has completed any terms of incarceration, probation, and parole supervision, if applicable, for a covered indictable offense;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Subject to the limitations set forth in this Order, any individual who has been disqualified from serving as a juror in the State of New Jersey by reason of a conviction of an indictable offense under the laws of this State is, by this Order, granted executive clemency for any such offense to the extent necessary to restore their right or ability to qualify for jury service upon the discharge of the non-monetary components of their criminal sentence, including any term of incarceration, probation, or parole, provided that:

- a. The disqualifying conviction occurred on or before January 10, 2026; and
- b. The individual is not disqualified from jury service for any reason other than a conviction of an indictable offense under the laws of this State, including but not limited to that the individual is not disqualified from jury service by reason of a conviction of an indictable offense under the laws of another state or the United States.

2. The restoration of rights granted by this Order shall not apply to convictions in cases of impeachment or treason.

3. The terms of this Order apply to the qualifications for service on any jury, including the jury for a criminal or civil trial as well as a grand jury.

4. Nothing in this Order concerning the statutory disqualification from jury service shall preclude any for-cause challenge to any prospective juror on a case-by-case basis, including on grounds relating to the individual's underlying conviction or convictions or other criminal record.

5. This Order shall not be considered a full pardon or remission of guilt, or forgiveness of the underlying offense or offenses, or relief from any obligation to pay restitution, fines, fees, or other court-ordered monetary obligations, nor shall this Order be construed to restore any right other than the ability to qualify for jury service.

6. Nothing in this Order shall preclude the otherwise appropriate consideration of an individual's criminal record in any criminal or civil case or other proceeding, including consideration for the purpose of imposing greater penalties for second offenses, subsequent convictions, or conviction as a habitual or persistent offender.

7. Nothing in this Order shall preclude any individual from requesting or receiving any other grant of executive clemency.

8. Nothing in this Order shall be construed to supersede any federal, State, or local law.

9. A copy of this Order shall constitute proof of the restoration of rights granted herein.

10. Each Executive Branch department and agency is hereby required, to the extent not inconsistent with law, to take such actions as are necessary to accomplish the purpose of this Order.

11. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

12. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
11<sup>th</sup> day of January,  
Two Thousand and Twenty-Six,  
and of the Independence of  
the United States, the Two  
Hundred and Fiftieth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate E. McDonnell

Chief Counsel to the Governor