

# ASSEMBLY, No. 1767

## STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

Assemblywoman **NANCY F. MUNOZ**  
District 21 (Essex, Morris, Somerset and Union)  
Assemblywoman **JOAN M. VOSS**  
District 38 (Bergen)  
Assemblywoman **MARY PAT ANGELINI**  
District 11 (Monmouth)

**Co-Sponsored by:**

Assemblymen Rumpf, Diegnan, Biondi, Chivukula, Bramnick, Green, Egan, Assemblywoman McHose, Assemblymen Russo, McKeon, Prieto, Wolfe, Scalera, Assemblywoman Quigley, Assemblymen Dancer, Conaway, Conners, DeCroce, Assemblywoman Handlin, Assemblymen Holzapfel, Albano, Thompson, Amodeo, Caputo, Milam, Assemblywoman Addiego, Assemblyman Carroll, Assemblywoman Casagrande, Assemblymen O'Scanlon, Giblin, Wisniewski, Assemblywoman Vainieri Huttel, Assemblyman Rible, Assemblywoman Tucker, Assemblyman Rumana, Assemblywoman Oliver, Assemblymen Chiappone, Moriarty, DiMaio, Assemblywomen Evans, Coyle, Wagner, Assemblymen Chiusano, Webber, Assemblywoman Jasey, Assemblyman Rudder, Assemblywoman Vandervalk, Assemblymen Malone, Polistina, DeAngelo, Burzichelli, Assemblywoman Gove, Assemblymen Schroeder, Peterson, A.M.Bucco, DiCicco, Fuentes, Benson and Coughlin

**SYNOPSIS**

Enacts the "Jessica Lunsford Act;" increases sentences for sex offenders and persons who harbor them.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Judiciary Committee with technical review.

(Sponsorship Updated As Of: 6/14/2011)

1 AN ACT concerning certain sex offenders and designated the “Jessica  
2 Lunsford Act” and amending N.J.S.2C:14-2 and N.J.S.2C:29-3.

3

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

6

7 1. N.J.S.2C:14-2 is amended to read as follows:

8 2C:14-2. Sexual assault. a. An actor is guilty of aggravated  
9 sexual assault if he commits an act of sexual penetration with  
10 another person under any one of the following circumstances:

11 (1) The victim is less than 13 years old;

12 (2) The victim is at least 13 but less than 16 years old; and

13 (a) The actor is related to the victim by blood or affinity to the  
14 third degree, or

15 (b) The actor has supervisory or disciplinary power over the  
16 victim by virtue of the actor's legal, professional, or occupational  
17 status, or

18 (c) The actor is a resource family parent, a guardian, or stands  
19 in loco parentis within the household;

20 (3) The act is committed during the commission, or attempted  
21 commission, whether alone or with one or more other persons, of  
22 robbery, kidnapping, homicide, aggravated assault on another,  
23 burglary, arson or criminal escape;

24 (4) The actor is armed with a weapon or any object fashioned in  
25 such a manner as to lead the victim to reasonably believe it to be a  
26 weapon and threatens by word or gesture to use the weapon or  
27 object;

28 (5) The actor is aided or abetted by one or more other persons  
29 and the actor uses physical force or coercion;

30 (6) The actor uses physical force or coercion and severe  
31 personal injury is sustained by the victim;

32 (7) The victim is one whom the actor knew or should have  
33 known was physically helpless, mentally defective or mentally  
34 incapacitated.

35 Aggravated sexual assault is a crime of the first degree.

36 Notwithstanding the provisions of any other law, a person  
37 convicted under paragraph (1) or (2) of this subsection shall be  
38 sentenced to a specific term of years which shall be fixed by the  
39 court and shall be between 25 years and life imprisonment of which  
40 the person must serve 25 years before being eligible for parole. A  
41 person convicted under paragraph (3), (4), (5), (6) or (7) where the  
42 victim was less than 18 years old shall be sentenced to a specific  
43 term of years which shall be fixed by the court and shall be between  
44 25 years and life imprisonment of which the person must serve 25  
45 years before being eligible for parole.

**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       b. An actor is guilty of sexual assault if he commits an act of  
2 sexual contact with a victim who is less than 13 years old and the  
3 actor is at least four years older than the victim.

4       c. An actor is guilty of sexual assault if he commits an act of  
5 sexual penetration with another person under any one of the  
6 following circumstances:

7       (1) The actor uses physical force or coercion, but the victim  
8 does not sustain severe personal injury;

9       (2) The victim is on probation or parole, or is detained in a  
10 hospital, prison or other institution and the actor has supervisory or  
11 disciplinary power over the victim by virtue of the actor's legal,  
12 professional or occupational status;

13       (3) The victim is at least 16 but less than 18 years old and:

14       (a) The actor is related to the victim by blood or affinity to the  
15 third degree; or

16       (b) The actor has supervisory or disciplinary power of any  
17 nature or in any capacity over the victim; or

18       (c) The actor is a resource family parent, a guardian, or stands  
19 in loco parentis within the household;

20       (4) The victim is at least 13 but less than 16 years old and the  
21 actor is at least four years older than the victim.

22       Sexual assault is a crime of the second degree.

23       If the victim of an offense committed pursuant to paragraph (1)  
24 or paragraph (2) of this subsection is less than 18 years old, sexual  
25 assault is a crime of the first degree and a person convicted of such  
26 offense shall be sentenced to a specific term of years which shall be  
27 fixed by the court and shall be between 25 years and life  
28 imprisonment of which the person must serve 25 years before being  
29 eligible for parole.

30 (cf: P.L.2004, c.130, s.13)

31

32       2. N.J.S.2C:29-3 is amended to read as follows:

33       2C:29-3. Hindering Apprehension or Prosecution. a. A person  
34 commits an offense if, with purpose to hinder the detention,  
35 apprehension, investigation, prosecution, conviction or punishment  
36 of another for an offense or violation of Title 39 of the Revised  
37 Statutes or a violation of chapter 33A of Title 17 of the Revised  
38 Statutes he:

39       (1) Harbors or conceals the other;

40       (2) Provides or aids in providing a weapon, money,  
41 transportation, disguise or other means of avoiding discovery or  
42 apprehension or effecting escape;

43       (3) Suppresses, by way of concealment or destruction, any  
44 evidence of the crime, or tampers with a witness, informant,  
45 document or other source of information, regardless of its  
46 admissibility in evidence, which might aid in the discovery or  
47 apprehension of such person or in the lodging of a charge against  
48 him;

1 (4) Warns the other of impending discovery or apprehension,  
2 except that this paragraph does not apply to a warning given in  
3 connection with an effort to bring another into compliance with  
4 law;

5 (5) Prevents or obstructs, by means of force, intimidation or  
6 deception, anyone from performing an act which might aid in the  
7 discovery or apprehension of such person or in the lodging of a  
8 charge against him;

9 (6) Aids such person to protect or expeditiously profit from an  
10 advantage derived from such crime; or

11 (7) Gives false information to a law enforcement officer or a  
12 civil State investigator assigned to the Office of the Insurance Fraud  
13 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-  
14 16).

15 (a) An offense under paragraph (5) of subsection a. of this  
16 section is a crime of the second degree, unless the actor is a spouse,  
17 domestic partner, partner in a civil union, parent or child to the  
18 person aided [who] and is the victim of the offense, in which case  
19 the offense is a crime of the fourth degree. Otherwise, the offense  
20 is a crime of the third degree if the conduct which the actor knows  
21 has been charged or is liable to be charged against the person aided  
22 would constitute a crime of the second degree or greater, unless the  
23 actor is a spouse, domestic partner, partner in a civil union, parent  
24 or child of the person aided, in which case the offense is a crime of  
25 the fourth degree. The offense is a crime of the fourth degree if  
26 such conduct would constitute a crime of the third degree.  
27 Otherwise it is a disorderly persons offense.

28 (b) Notwithstanding the provisions of subparagraph (a) of this  
29 paragraph, any actor who harbors or conceals a person who is  
30 subject to the registration requirements of section 2 of P.L.1994,  
31 c.133 (C.2C:7-2) and who the actor has reason to believe is not  
32 complying or has not complied with the provisions of section 2 of  
33 P.L.1994, c.133 shall be sentenced to a minimum term of  
34 imprisonment without eligibility for parole. If the offense is a crime  
35 of the third degree then the period of parole ineligibility shall be  
36 three years; if the offense is a crime of the fourth degree then the  
37 period of parole ineligibility shall be one year.

38 b. A person commits an offense if, with purpose to hinder his  
39 own detention, apprehension, investigation, prosecution, conviction  
40 or punishment for an offense or violation of Title 39 of the Revised  
41 Statutes or a violation of chapter 33A of Title 17 of the Revised  
42 Statutes, he:

43 (1) Suppresses, by way of concealment or destruction, any  
44 evidence of the crime or tampers with a document or other source of  
45 information, regardless of its admissibility in evidence, which might  
46 aid in his discovery or apprehension or in the lodging of a charge  
47 against him; or

1 (2) Prevents or obstructs by means of force or intimidation  
2 anyone from performing an act which might aid in his discovery or  
3 apprehension or in the lodging of a charge against him; or

4 (3) Prevents or obstructs by means of force, intimidation or  
5 deception any witness or informant from providing testimony or  
6 information, regardless of its admissibility, which might aid in his  
7 discovery or apprehension or in the lodging of a charge against him;  
8 or

9 (4) Gives false information to a law enforcement officer or a  
10 civil State investigator assigned to the Office of the Insurance Fraud  
11 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-  
12 16).

13 An offense under paragraph (3) of subsection b. of this section is  
14 a crime of the second degree. Otherwise, the offense is a crime of  
15 the third degree if the conduct which the actor knows has been  
16 charged or is liable to be charged against him would constitute a  
17 crime of the second degree or greater. The offense is a crime of the  
18 fourth degree if such conduct would constitute a crime of the third  
19 degree. Otherwise it is a disorderly persons offense.

20 (cf: P.L.2008, c.81, s.2)

21

22 3. This act shall take effect on the first day of the sixth month  
23 after enactment.