

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 892

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 2014

The Assembly Judiciary Committee reports favorably Assembly Bill No. 892.

This bill, designated the “Jessica Lunsford Act,” would impose mandatory terms of imprisonment on persons convicted of aggravated sexual assault against a child under the age of 13.

Under paragraph (1) of subsection a. of N.J.S.2C:14-2, a person is guilty of aggravated sexual assault, a crime of the first degree, if he commits an act of sexual penetration with a victim under the age of 13. A crime of the first degree is ordinarily punishable by a term of imprisonment of 10 to 20 years or a fine of up to \$200,000 or both. Under the bill, the person would be sentenced to a specific term of years fixed by the court. The term would be between 25 years and life imprisonment of which the person must serve 25 years before being eligible for parole. The bill provides that the person must serve the 25-year parole ineligibility term unless a longer term of parole ineligibility is otherwise provided pursuant to law.

The bill would allow for a negotiated reduction of the mandatory term under certain circumstances. This would allow the prosecutor, in consideration of the interests of the victim, to offer a negotiated plea agreement in which the defendant would be sentenced to a specific term of imprisonment of not less than 15 years, during which the defendant shall not be eligible for parole. The court may accept the negotiated plea agreement and impose the term of imprisonment and period of parole ineligibility as provided for in the plea agreement. The court may not impose a lesser term of imprisonment or parole or a lesser period of parole ineligibility than that expressly provided in the plea agreement.

The bill also requires the Attorney General to develop guidelines to ensure the uniform exercise of discretion in making determinations regarding a negotiated reduction in the term of imprisonment and period of parole ineligibility.

This bill is modeled on provisions of Florida’s “Jessica Lunsford Act,” Chapter No. 2005-28. Jessica, a nine-year-old Florida resident, was kidnapped, raped, and murdered by a registered sex offender. The Florida enactment imposed a mandatory term of imprisonment of 25 years for sex crimes against children and required satellite monitoring to track the location of sex offenders after release.

In 2007, New Jersey enacted a statute similar to the provision of the Florida enactment requiring satellite monitoring, P.L.2007, c.128 (C.30:4-123.89 et seq.).

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.