

ASSEMBLY, No. 4486

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JUNE 4, 2015

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District 21 (Morris, Somerset and Union)

Assemblyman CHARLES MAINOR

District 31 (Hudson)

Co-Sponsored by:

Assemblywoman Angelini and Assemblyman Dancer

SYNOPSIS

Provides mandatory minimum term of imprisonment for certain crimes of domestic violence.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/17/2015)

1 AN ACT concerning enhanced penalties for domestic violence
2 crimes and supplementing Title 2C of the New Jersey Statutes.

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

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7 1. a. Notwithstanding the provisions of subsection f. of
8 N.J.S.2C:44-1, a person convicted of the following crimes of
9 domestic violence, as defined in section 3 of P.L.1961, c.261
10 (C.2C:25-19), shall be sentenced in accordance with subsection b.
11 of this section:

12 (1) Homicide, pursuant to N.J.S.2C:11-1 et seq.;

13 (2) Aggravated assault and assault by auto or vessel pursuant to
14 subsection b. and c. of N.J.S.2C:12-1;

15 (3) Kidnapping, pursuant to N.J.S.2C:13-1;

16 (4) Criminal restraint, pursuant to N.J.S.2C:13-2;

17 (5) Sexual assault, pursuant to N.J.S.2C:14-2; and

18 (6) Criminal sexual contact, pursuant to N.J.S.2C:14-3.

19 b. (1) Unless the provisions of any other law provide for a
20 higher mandatory minimum term of imprisonment, a person
21 convicted of a crime of domestic violence as set forth in subsection
22 a. of this section shall be sentenced to a term of imprisonment as
23 follows: for a crime of the fourth degree, 18 months; for a crime of
24 the third degree, five years; for a crime of the second degree, 10
25 years; and for a crime of the first degree, 20 years.

26 (2) The term of imprisonment shall include the imposition of a
27 minimum term. The minimum term shall be fixed at one-half of the
28 sentence imposed by the court or 42 months, whichever is greater,
29 or 18 months in the case of a fourth degree crime, during which the
30 defendant shall be ineligible for parole.

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32 2. This act shall take effect on the first day of the fourth month
33 following enactment.

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STATEMENT

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38 This bill strengthens protections for victims of domestic violence
39 by providing mandatory minimum terms of incarceration, with set
40 periods of parole ineligibility, for offenders who commit physically
41 violent acts.

42 Under the provisions of the bill, a person convicted of any of the
43 following crimes of domestic violence would be subject to the
44 enhanced penalties provided in the bill:

45 (1) Homicide, pursuant to N.J.S.2C:11-1 et seq.;

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 (2) Aggravated assault and assault by auto or vessel pursuant to
2 subsection b. and c. of N.J.S.2C:12-1;

3 (3) Kidnapping, pursuant to N.J.S.2C:13-1;

4 (4) Criminal restraint, pursuant to N.J.S.2C:13-2;

5 (5) Sexual assault, pursuant to N.J.S.2C:14-2; and

6 (6) Criminal sexual contact, pursuant to N.J.S.2C:14-3.

7 The bill provides that a person will be sentenced as follows: 18
8 months for a crime of the fourth degree, five years for a crime of
9 the third degree, 10 years for a crime of the second degree, and 20
10 years for a crime of the first degree, unless the provisions of any
11 other law provide for a higher mandatory minimum term.

12 The court additionally will impose a period of parole ineligibility
13 as follows: 18 months for a crime of the fourth degree, 42 months
14 for a crime of the third degree, five years for a crime of the second
15 degree, and 10 years for a crime of the first degree.