

ASSEMBLY, No. 4404

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED SEPTEMBER 13, 2018

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman JOHN ARMATO

District 2 (Atlantic)

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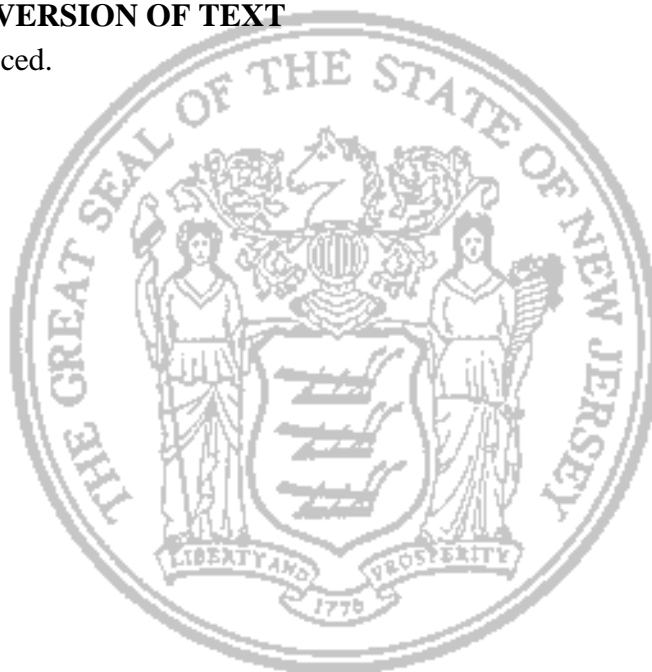
Assemblywoman Murphy and Assemblyman Mazzeo

SYNOPSIS

Provides that certain persons who commit act of sexual penetration or sexual contact with students who are 16 or older are guilty of sexual assault or criminal sexual contact.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/27/2018)

1 AN ACT concerning sexual assault and criminal sexual contact and
2 amending N.J.S.2C:14-2 and N.J.S.2C:14-3.

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 a. An actor is guilty of aggravated sexual assault if he commits
9 an act of sexual penetration with another person under any one of
10 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 or incapacitated, intellectually or
34 mentally incapacitated, or had a mental disease or defect which
35 rendered the victim temporarily or permanently incapable of
36 understanding the nature of his conduct, including, but not limited
37 to, being incapable of providing consent.

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

39 Except as otherwise provided in subsection d. of this section, a
40 person convicted under paragraph (1) of this subsection shall be
41 sentenced to a specific term of years which shall be fixed by the
42 court and shall be between 25 years and life imprisonment of which
43 the person shall serve 25 years before being eligible for parole,
44 unless a longer term of parole ineligibility is otherwise provided
45 pursuant to this Title.

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 (5) The victim is a pupil 16 years of age or older and has not
23 received a high school diploma and:

24 (a) the actor is 21 years of age or older and is employed by, or a
25 volunteer at, the public or private school at which the victim is
26 enrolled or is attending at the time of the sexual penetration; and

27 (b) the actor has had interaction with the victim in the course of
28 performing his or her duties as an employee or volunteer.

29 Sexual assault is a crime of the second degree.

30 d. Notwithstanding the provisions of subsection a. of this
31 section, where a defendant is charged with a violation under
32 paragraph (1) of subsection a. of this section, the prosecutor, in
33 consideration of the interests of the victim, may offer a negotiated
34 plea agreement in which the defendant would be sentenced to a
35 specific term of imprisonment of not less than 15 years, during
36 which the defendant shall not be eligible for parole. In such event,
37 the court may accept the negotiated plea agreement and upon such
38 conviction shall impose the term of imprisonment and period of
39 parole ineligibility as provided for in the plea agreement, and may
40 not impose a lesser term of imprisonment or parole or a lesser
41 period of parole ineligibility than that expressly provided in the plea
42 agreement. The Attorney General shall develop guidelines to ensure
43 the uniform exercise of discretion in making determinations
44 regarding a negotiated reduction in the term of imprisonment and
45 period of parole ineligibility set forth in subsection a. of this
46 section.

47 (cf: P.L.2014, c.7, s.1)

2 a. An actor is guilty of aggravated criminal sexual contact if he
3 commits an act of sexual contact with the victim under any of the
4 circumstances set forth in 2C:14-2a. (2) through (7).

6 b. An actor is guilty of criminal sexual contact if he commits
7 an act of sexual contact with the victim under any of the
8 circumstances set forth in section 2C:14-2c. (1) through **[(4)] (5)**.

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24 The bill also provides that a person is guilty of criminal sexual
25 contact if he commits an act of sexual contact under the same
26 conditions.

27 Sexual assault is a crime of the second degree. Criminal sexual
28 contact is a crime of the fourth degree.