

# SENATE, No. 601

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator DECLAN J. O'SCANLON, JR.**

**District 13 (Monmouth)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**SYNOPSIS**

Creates crime of fiscal victimization against senior citizens or disabled persons.

**CURRENT VERSION OF TEXT**

As reported by the Senate Law and Public Safety Committee with technical review.



**(Sponsorship Updated As Of: 2/10/2020)**

1 AN ACT concerning senior citizens and persons with a disability  
2 and supplementing Title 2C of the New Jersey Statutes.

3

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

6

7 1. a Notwithstanding any other provision of law to the  
8 contrary, a person is guilty of the crime of fiscal victimization  
9 against a senior citizen or a person with a disability if the person  
10 commits, attempts to commit, conspires with another to commit or  
11 threatens the immediate commission of a theft offense specified in  
12 chapter 20 of Title 2C of the New Jersey Statutes or a violation of  
13 N.J.S.2C:21-17 against a senior citizen or a person with a disability.  
14 If the victim of an underlying offense is a senior citizen or a person  
15 with a disability, the actor shall be strictly liable for the  
16 victimization offense and it shall not be a defense that the actor did  
17 not know that the victim was a senior citizen or a person with a  
18 disability, nor shall it be a defense that the actor believed that the  
19 victim was not a senior citizen or a person with a disability, even if  
20 the mistaken belief was reasonable.

21 b. Grading. Fiscal victimization is a crime of the fourth degree  
22 if the underlying offense referred to in subsection a. of this section  
23 is a disorderly persons offense or petty disorderly persons offense.  
24 Otherwise, fiscal victimization is a crime one degree higher than the  
25 most serious underlying crime referred to in subsection a. of this  
26 section, except that when the underlying crime is a crime of the first  
27 degree, fiscal victimization is a first degree crime and the defendant  
28 upon conviction thereof may, notwithstanding the provisions of  
29 paragraph (1) of subsection a. of N.J.S.2C:43-6, be sentenced to an  
30 ordinary term of imprisonment between 10 years and 30 years, with  
31 a presumptive term of 20 years.

32 c. Notwithstanding the provisions of N.J.S.2C:1-8 or any other  
33 provision of law to the contrary, a conviction of fiscal victimization  
34 shall not merge with a conviction of any of the underlying offenses  
35 referred to in subsection a. of this section, nor shall any conviction  
36 for the underlying offense merge with a conviction for fiscal  
37 victimization. The court shall impose separate sentences upon a  
38 conviction for fiscal victimization and a conviction of any  
39 underlying offense.

40 d. For the purposes of this section:

41 "Person with a disability" means a person who by reason of a  
42 pre-existing medically determinable physical or mental impairment  
43 is substantially incapable of exercising normal physical or mental  
44 power of resistance, and includes, but is not limited to, a person  
45 determined disabled pursuant to the federal Social Security Act or  
46 any other governmental retirement or benefits program that uses  
47 substantially the same criteria for determining eligibility; and

48 "Senior citizen" means a person 60 years of age or older.

49

50 2. This act shall take effect immediately.