

ASSEMBLY, No. 369

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman HOLZAPFEL

1 AN ACT concerning certain persistent offenders and amending
2 P.L. , c. (now pending before the Legislature as Senate Bill No.
3 138).

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

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8 1. Section 1 of P.L. , c. (now pending before the Legislature
9 as Senate Bill No. 138) is amended to read as follows:

10 1. a. This act shall be known and may be cited as the "Persistent
11 Offenders Accountability Act."

12 b. Notwithstanding the provisions of any other law, a person
13 convicted on a third or subsequent occasion of a crime under any of
14 the following sections: N.J.S.2C:11-3; N.J.S.2C:11-4; subsection b. of
15 N.J.S.2C:12-1; N.J.S.2C:13-1; N.J.S.2C:14-2; N.J.S.2C:15-1, or
16 subsection a., b., or c. of N.J.S.2C:39-4, or under any similar statute
17 of the United States or any other state for a crime that is substantially
18 equivalent, shall be sentenced to a term of life imprisonment by the
19 court, with no eligibility for parole.

20 c. (1) Upon sentencing a person convicted on a first or second
21 occasion of any crime listed in this act, the court shall inform the
22 person orally and in writing of the provisions of this act, specifying
23 that a third conviction will result in the imposition of a term of life
24 imprisonment with no eligibility for parole.

25 (2) The defendant shall be required to acknowledge the receipt of
26 this information in writing, but the court's failure to provide the
27 information or the defendant's failure to acknowledge its receipt shall
28 have no effect on any sentence subsequently imposed pursuant to this
29 act.

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31 2. This act shall take effect immediately.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 STATEMENT

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3 This bill would amend the "Persistent Offenders Accountability
4 Act," now pending as Senate Bill No. 138, to require that first-time
5 and second-time offenders convicted of crimes which would trigger
6 the life imprisonment term be given written notice of the law. The
7 offender would be required to acknowledge receipt of the notice in
8 writing. However, failure to receive such a notice or to acknowledge
9 that a notice was received would have no effect on the person's
10 sentence upon a third conviction.

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15 Requires first-time and second-time offenders convicted of "three
16 strikes" crimes to receive notice that a third conviction will result in
17 life imprisonment.