

ASSEMBLY, No. 549

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman TURNER

1 AN ACT concerning penalties for sexual assault, amending
2 N.J.S.2C:14-2 and supplementing Title 2C of the New Jersey
3 Statutes.

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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. N.J.S.2C:14-2 is amended to read as follows:

9 2C:14-2. Sexual assault. a. An actor is guilty of aggravated sexual
10 assault if he commits an act of sexual penetration with another person
11 under any one of the following circumstances:

12 (1) The victim is less than 13 years old;

13 (2) The victim is at least 13 but less than 16 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 over the victim
17 by virtue of the actor's legal, professional, or occupational status, or

18 (c) The actor is a foster parent, a guardian, or stands in loco
19 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 object;

27 (5) The actor is aided or abetted by one or more other persons and
28 either of the following circumstances exists:

29 (a) The actor uses physical force or coercion, or

30 (b) The victim is one whom the actor knew or should have known
31 was physically helpless, mentally defective or mentally incapacitated;

32 (6) The actor uses physical force or coercion and severe personal

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 injury is sustained by the victim.

2 Aggravated sexual assault is a crime of the first degree.
3 Notwithstanding the provisions of any other law, a person convicted
4 under paragraph (1) or (2) of this subsection or convicted under
5 paragraph (3), (4), (5) or (6) where the victim was less than 16 years
6 old, shall be sentenced to life imprisonment, during which time the
7 person shall not be eligible for parole.

8 b. An actor is guilty of sexual assault if he commits an act of sexual
9 contact with a victim who is less than 13 years old and the actor is at
10 least four years older than the victim.

11 c. An actor is guilty of sexual assault if he commits an act of sexual
12 penetration with another person under any one of the following
13 circumstances:

14 (1) The actor uses physical force or coercion, but the victim does
15 not sustain severe personal injury;

16 (2) The victim is one whom the actor knew or should have known
17 was physically helpless, mentally defective or mentally incapacitated;

18 (3) The victim is on probation or parole, or is detained in a
19 hospital, prison or other institution and the actor has supervisory or
20 disciplinary power over the victim by virtue of the actor's legal,
21 professional or occupational status;

22 (4) The victim is at least 16 but less than 18 years old and:

23 (a) The actor is related to the victim by blood or affinity to the
24 third degree; or

25 (b) The actor has supervisory or disciplinary power over the
26 victim; or

27 (c) The actor is a foster parent, a guardian, or stands in loco
28 parentis within the household;

29 (5) The victim is at least 13 but less than 16 years old and the actor
30 is at least four years older than the victim.

31 Sexual assault is a crime of the second degree.

32 (cf: P.L.1989, c.228, s.3)

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34 2. (New section) Notwithstanding the provisions of section 7 of
35 P.L.1979, c.441 (C.30:4-123.51), R.S.30:4-140, R.S.30:4-92 or any
36 other law, a term of imprisonment imposed on a person confined to the
37 Adult Diagnostic and Treatment Center pursuant to the provisions of
38 chapter 47 of this Title shall not be reduced by progressive time credits
39 or credits for diligent application to work and other institutional
40 assignments for any year or fractional part of a year during which the
41 person failed to fully cooperate with all offered treatment.

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43 3. This act shall take effect immediately.

1 STATEMENT

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3 This bill would set a mandatory term of life imprisonment, without
4 eligibility for parole, for a person who commits aggravated sexual
5 assault upon a minor under the age of 16. Aggravated sexual assault
6 is a crime of the first degree. A crime of the first degree is normally
7 punishable by a term of imprisonment of up to 10 to 20 years, a fine
8 of up to \$100,000, or both.

9 The bill also provides that inmates confined to the Adult Diagnostic
10 and Treatment Center, the institution for the treatment of repetitive
11 and compulsive sex offenders, be ineligible for "good behavior" credits
12 unless they fully cooperate with the treatment offered during their
13 confinement.

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18 Provides for mandatory life imprisonment for sexual assault upon a
19 minor; makes "good behavior" credits at ADTC contingent on
20 cooperation with treatment.