

ASSEMBLY, No. 591

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman LUSTBADER and Assemblywoman FARRAGHER

1 AN ACT concerning juvenile sex offenders and amending P.L.1982,  
2 c.77 and N.J.S.2C:14-6.

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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. Section 29 of P.L.1982, c.77 (C.2A:4A-48) is amended to read  
8 as follows:

9 29. Effect of disposition. No disposition under this act shall  
10 operate to impose any of the civil disabilities ordinarily imposed by  
11 virtue of a criminal conviction, nor shall a juvenile be deemed a  
12 criminal by reason of such disposition.

13 The disposition of a case under this act shall not be admissible  
14 against the juvenile in any criminal or penal case or proceeding in any  
15 other court except for consideration in sentencing, including  
16 sentencing of a person under the provisions of N.J.S.2C:14-6  
17 concerning a second or subsequent conviction of a sexual offense or  
18 as otherwise provided by law.

19 (cf: P.L.1982, c.77, s.29)

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21 2. N.J.S.2C:14-6 is amended to read as follows:

22 2C:14-6. Sentencing.

23 a. If a person is convicted of a second or subsequent offense under  
24 sections 2C:14-2 or 2C:14-3a., the sentence imposed under those  
25 sections for the second or subsequent offense shall, unless the person  
26 is sentenced pursuant to the provisions of 2C:43-7, include a fixed  
27 minimum sentence of not less than 5 years during which the defendant  
28 shall not be eligible for parole. The court may not suspend or make  
29 any other non-custodial disposition of any person sentenced as a  
30 second or subsequent offender pursuant to this section. For the  
31 purpose of this section an offense is considered a second or  
32 subsequent offense, if the actor has at any time been convicted under

**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 sections 2C:14-2 or 2C:14-3a. or under any similar statute of the  
2 United States, this State, or any other state for an offense that is  
3 substantially equivalent to sections 2C:14-2 or 2C:14-3a.

4 b. If a person has been adjudicated delinquent as a juvenile for an  
5 act which, if committed by an adult, would constitute a conviction of  
6 2C:14-2 or 2C:14-3a. or been convicted or adjudicated delinquent  
7 under any similar statute of the United States, this State, or any other  
8 state for an offense that is substantially equivalent to sections 2C:14-2  
9 or 2C:14-3a. and that person is convicted of a subsequent offense  
10 under sections 2C:14-2 or 2C:14-3a. as an adult, the sentence imposed  
11 under those sections for the subsequent offense may, unless the person  
12 is sentenced pursuant to the provisions of 2C:43-7, include a fixed  
13 minimum sentence of not less than 5 years during which the defendant  
14 shall not be eligible for parole.

15 (cf: P.L.1978, c.95, s.2C:14-6)

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17 3. This act shall take effect immediately.

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20 STATEMENT

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22 Under current law, a person who is convicted a second or  
23 subsequent time of sexual assault or aggravated criminal sexual  
24 contact must serve a mandatory minimum term of imprisonment of five  
25 years. However, if the person was previously adjudicated delinquent  
26 as a juvenile for an act which would constitute such a sex crime if it  
27 had been committed by an adult, the adjudication is not considered to  
28 be a prior conviction and the person is treated as a first offender. This  
29 bill would require any such previous adjudications to be considered to  
30 be prior offenses for purposes of sentencing the person as a repeat sex  
31 offender. The bill as originally drafted would have required that  
32 persons who were sentenced as repeat sex offenders because of the  
33 juvenile adjudication would have been subject to the same fixed  
34 minimum sentence as repeat adult sex offenders. The bill moves the  
35 reference to juvenile adjudications in N.J.S.2C:14-6 to a separate  
36 subsection b. which permits the judge to impose the fixed minimum  
37 sentence but which does not require it.

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42 Requires sentencing as repeat sex offender if adult defendant had been  
43 previously adjudicated delinquent as a juvenile for a sex offense.