

ASSEMBLY, No. 591

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman WEINGARTEN, Assemblywoman
FARRAGHER, and Assemblyman O'Toole

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
33 sections 2C:14-2 or 2C:14-3a. or under any similar statute of the

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

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

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

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16 3. This act shall take effect immediately.

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21 Permits sentencing as repeat sex offender if adult defendant had been
22 previously adjudicated delinquent as a juvenile for a sex offense.