

ASSEMBLY, No. 953

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman FELICE and Assemblywoman CRECCO

1 AN ACT concerning endangering the welfare of children and amending  
2 N.J.S.2C:24-4.

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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. N.J.S.2C:24-4 is amended to read as follows:

8 2C:24-4. Endangering Welfare of Children. a. Any person having  
9 a legal duty for the care of a child or who has assumed responsibility  
10 for the care of a child who engages in sexual conduct which would  
11 impair or debauch the morals of the child, or who causes the child  
12 harm that would make the child an abused or neglected child as  
13 defined in R.S.9:6-1, R.S.9:6-3 and P.L.1974, c.119, s.1 (C.9:6-8.21)  
14 is guilty of a crime of the second degree. Any other person who  
15 engages in conduct or who causes harm as described in this subsection  
16 to a child under the age of 16 is guilty of a crime of the third degree.

17 b. As used in this subsection:

18 (1) "Child" shall mean any person under **[16]** 18 years of age.

19 (2) "Prohibited sexual act" means

20 (a) Sexual intercourse; or

21 (b) Anal intercourse; or

22 (c) Masturbation; or

23 (d) Bestiality; or

24 (e) Sadism; or

25 (f) Masochism; or

26 (g) Fellatio; or

27 (h) Cunnilingus; or

28 (i) Nudity, if depicted for the purpose of sexual stimulation or  
29 gratification of any person who may view such depiction.

30 (3) Any person, including any parent, guardian, or other person  
31 legally charged with the care or custody of a child, who causes or  
32 permits a child to engage in a prohibited sexual act or in the simulation

**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 of such an act if the person knows, has reason to know or intends that  
2 the prohibited act may be photographed, filmed, reproduced or  
3 reconstructed in any manner or may be part of an exhibition or  
4 performance is guilty of a crime of the second degree.

5 (4) Any person who photographs or films a child in a prohibited  
6 sexual act or in the simulation of such an act or who uses any device  
7 to reproduce or reconstruct the image of a child in a prohibited sexual  
8 act or in the simulation of such an act is guilty of a crime of the second  
9 degree.

10 (5) (a) Any person who knowingly receives for the purpose of  
11 selling or who knowingly sells, procures, manufactures, gives,  
12 provides, lends, trades, mails, delivers, transfers, publishes, distributes,  
13 circulates, disseminates, presents, exhibits, advertises, offers or agrees  
14 to offer any photograph, film, video tape or any other reproduction or  
15 reconstruction which depicts a child engaging in a prohibited sexual  
16 act or in the simulation of such an act, is guilty of a crime of the  
17 second degree.

18 (b) Any person who knowingly possesses or knowingly views any  
19 photograph, film, video tape or any other reproduction or  
20 reconstruction which depicts a child engaging in a prohibited sexual  
21 act or in the simulation of such act, is guilty of a crime of the fourth  
22 degree.

23 (6) For purposes of this subsection, a person who is depicted as or  
24 presents the appearances of being under the age of ~~[16]~~ 18 in any  
25 photograph or film shall be rebuttably presumed to be under the age  
26 of ~~[16]~~ 18.

27 (cf: P.L.1992, c.6, s.1)

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29 2. This act shall take effect immediately.

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#### STATEMENT

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34 This bill amends N.J.S.2C:24-4, the statute governing endangering  
35 the welfare of children. Presently the offenses set forth in subsection  
36 b. of N.J.S.2C:24-4, which include child pornography, prohibit certain  
37 activities involving children under the age of 16. This bill raises to age  
38 18 the threshold for offenses involving child pornography.

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44 Raises the age limitation in the definition of "child" as it relates to  
45 certain crimes of endangering the welfare of children from 16 to 18  
years old.