

ASSEMBLY CONCURRENT RESOLUTION No. 115

STATE OF NEW JERSEY

INTRODUCED MAY 5, 1997

By Assemblywoman HECK and Assemblyman HOLZAPFEL

1 A CONCURRENT RESOLUTION proposing an amendment to Article I,
2 paragraph 11 of the Constitution of the State of New Jersey.

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4 BE IT RESOLVED by the General Assembly of the State of New Jersey
5 (the Senate concurring):

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7 1. The following proposed amendment to the Constitution of the State of
8 New Jersey is hereby agreed to:

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10 PROPOSED AMENDMENT

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12 Amend Article I, paragraph 11 to read as follows:

13 11. No person shall, after acquittal, be tried for the same offense. All
14 persons shall, before conviction, be bailable by sufficient sureties, except [for
15 as may be provided by law in capital offenses or where a person, who has
16 been previously convicted of sexual assault of a child who was 16 years old
17 or younger, is charged with a second or subsequent sexual assault offense
18 where the victim was 16 years old or younger when the proof is evident or
19 presumption great. Any law providing for the denial of bail shall require a
20 hearing at which time the defendant shall be given the opportunity to be heard.

21 (cf: Art.1, par.11)

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23 2. When this proposed amendment to the Constitution is finally agreed to
24 pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted
25 to the people at the next general election occurring more than three months
26 after the final agreement and shall be published at least once in at least one
27 newspaper of each county designated by the President of the Senate, the
28 Speaker of the General Assembly and the Secretary of State, not less than
29 three months prior to the general election.

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31 3. This proposed amendment to the Constitution shall be submitted to the
32 people at that election in the following manner and form:

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 There shall be printed on each official ballot to be used at the general
 2 election, the following:

3 a. In every municipality in which voting machines are not used, a legend
 4 which shall immediately precede the question, as follows:

5 If you favor the proposition printed below make a cross (X), plus (+), or
 6 check (T) in the square opposite the word "Yes." If you are opposed thereto
 7 make a cross (X), plus (+) or check (T) in the square opposite the word
 8 "No."

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10 b. In every municipality the following question:

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13 14 15 16 17 18 19 20 21 22 23 24 25	YES	<p>DENYING RELEASE ON BAIL TO PERSONS IN CERTAIN CIRCUMSTANCES</p> <p>Shall the amendment to Article I, paragraph 11 of the Constitution, agreed to by the Legislature, providing that bail may be denied after a hearing in a case where a person, who has been previously convicted of sexual assault of a child who was 16 years old or younger, is charged with a second or subsequent sexual assault offense where the victim was 16 years old or younger be approved.</p>
26 27 28 29 30 31 32 33 34	NO	<p>INTERPRETIVE STATEMENT</p> <p>This constitutional amendment would permit the enactment of a law that a court could deny bail after a hearing in a case where a person, who has been previously convicted of sexual assault of a child who was 16 years old or younger, is charged with a second or subsequent sexual assault offense where the victim was 16 years old or younger.</p>

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STATEMENT

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39 This proposed constitutional amendment would permit by law that a court
 40 could deny bail after a hearing in a case where a person, who has been
 41 previously convicted of sexual assault of a child who was 16 years old or
 42 younger, is charged with a second or subsequent sexual assault offense where

- 1 the victim was 16 years old or younger.

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3 Proposes an amendment to the Constitution to provide that release on bail

4 may be denied under certain circumstances.