

SENATE, No. 248

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator ZANE

1 AN ACT concerning sexual assault of certain minors in volunteer
2 organizations and amending N.J.S. 2C:14-2.

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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:14-2 is amended to read as follows:

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

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

12 (2) The victim is at least 13 but less than 16 years old; and

13 (a) The actor is related to the victim by blood or affinity to the
14 third degree, or

15 (b) The actor has supervisory or disciplinary power over the victim
16 by virtue of the actor's legal, professional, or occupational status, or

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

19 (3) The act is committed during the commission, or attempted
20 commission, whether alone or with one or more other persons, of
21 robbery, kidnapping, homicide, aggravated assault on another,
22 burglary, arson or criminal escape;

23 (4) The actor is armed with a weapon or any object fashioned in
24 such a manner as to lead the victim to reasonably believe it to be a
25 weapon and threatens by word or gesture to use the weapon or object;

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

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

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

31 (6) The actor uses physical force or coercion and severe personal
32 injury is sustained by the victim.

33 Aggravated sexual assault is a crime of the first degree.

34 b. An actor is guilty of sexual assault if he commits an act of

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 sexual contact with a victim who is less than 13 years old and the actor
2 is at least four years older than the victim.

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

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

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

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

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

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

17 (b) The actor has supervisory or disciplinary power over the
18 victim; or

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

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

23 (6) The victim is at least 16 but less than 18 years old and the actor
24 is at least four years older than the victim and has supervisory power
25 in a volunteer organization of which the victim is a member.

26 Sexual assault is a crime of the second degree; except that sexual
27 assault under paragraph (6) of subsection c. is a crime of the third
28 degree.

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

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31 2. This act shall take effect immediately.

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STATEMENT

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36 Sexual assault is punishable as a second degree crime where the
37 victim is between the ages of 16 and 18 and the actor exercises
38 supervisory or disciplinary power over the victim.

39 This bill provides that sexual assault of a person between 16 and
40 18 years old by an actor who is at least four years older than the
41 victim and who has supervisory power in a volunteer organization of
42 which the victim is a member, is a third degree crime. It is the
43 sponsor's view that although the victim in these instances may not be
44 under the compulsory supervision or discipline of the actor, the actor
45 is nonetheless abusing the position of authority in relation to the
46 victim. A crime of the third degree is punishable by up to five years

1 imprisonment, a fine up to \$7,500, or both.

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6 Punishes sexual assault by actor in supervisory or disciplinary position

7 in volunteer organizations.