

SENATE, No. 1239

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Senators CONNORS and BASSANO

1 AN ACT concerning sexual assault against certain minors and
2 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 2C:14-2. Sexual assault. a. An actor is guilty of aggravated sexual
9 assault if he commits an act of sexual penetration with another person
10 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 sexual

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 contact with a victim who is less than 13 years old and the actor is at
2 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] 18 years old and the
22 actor is at least four years older than the victim.

23 Sexual assault is a crime of the second degree.

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

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26 2. This act shall take effect immediately.

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STATEMENT

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31 Currently, a person who commits an act of sexual penetration
32 with a minor who is either 13, 14 or 15 years old is guilty of the
33 crime of sexual assault if the person is at least four years older than
34 the minor. Sexual assault is a crime of the second degree,
35 punishable by a term of imprisonment of up to five to 10 years or a
36 fine of up to \$100,000, or both.

37 However, if a minor is either 16 or 17 years old, an adult who
38 commits an act of sexual penetration with that minor commits no
39 criminal offense (assuming that the adult is not related to the minor,
40 does not have supervisory or disciplinary power over the minor, and
41 is not the minor's foster parent or guardian). Thus, the "age of
42 consent" in New Jersey (the age at which a minor is deemed legally
43 capable of giving consent to sexual intercourse) is currently 16.

44 The sponsor believes that this age is insufficient, given the
45 capacity of an older person to take advantage of a minor under
46 these circumstances. This bill would raise the "age of consent" to

1 18, providing that an adult who has sexual intercourse with a 16- or
2 17-year-old is guilty of sexual assault if the adult is at least four
3 years older than the minor.

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8 Raises "age of consent" for sexual relations from age 16 to age 18,
9 making an adult guilty of sexual assault if the adult commits an act of
10 sexual penetration with a 16- or 17-year-old.