

# SENATE, No. 80

---

## STATE OF NEW JERSEY

### 208th LEGISLATURE

---

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Senator C. LOUIS BASSANO**

**District 21 (Essex and Union)**

**SYNOPSIS**

Creates offense of employing a juvenile in the commission of a crime.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning employing a juvenile in the commission of a crime  
2 and supplementing Title 2C of the New Jersey Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. a. A person who is at least 18 years of age who knowingly uses,  
8 solicits, directs, hires or employs a person 17 years of age or younger  
9 to commit any crime is guilty of a crime of the second degree.

10 b. It shall be no defense to a prosecution under this act that the  
11 actor mistakenly believed that the person which the actor used,  
12 solicited, directed, hired or employed was older than 17 years of age,  
13 even if such mistaken belief was reasonable.

14 c. Nothing in this act shall be construed to preclude or limit a  
15 prosecution or conviction for any other provision of law governing an  
16 actor's liability for the conduct of another.

17 d. It shall be an affirmative defense to prosecution under this  
18 section that the actor using, soliciting, directing, hiring or employing  
19 a juvenile was, at the time of the commission of the offense, less than  
20 two years older than the juvenile.

21  
22 2. This act shall take effect immediately.

23  
24

25 STATEMENT

26

27 The bill creates the offense of employing a juvenile in the  
28 commission of a crime. Under the bill, this offense would be classified  
29 as a crime of the second degree. Crimes of the second degree are  
30 punishable by between 5 and 10 years imprisonment, a fine of up to  
31 \$100,000 or both.

32 This bill also provides that it is no defense that the adult mistakenly  
33 believed the person used to commit the crime was over 17 even if that  
34 belief was reasonable.

35 The bill further provides that if a person was less than two years  
36 older than the juvenile, that this circumstance would constitute a  
37 defense to a charge of using a juvenile in the commission of a crime.