

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 80

STATE OF NEW JERSEY

DATED: JUNE 4, 1998

The Senate Judiciary Committee reports favorably a Senate committee substitute for Senate Bill No. 80.

The committee substitute creates a new offense of employing a juvenile in the commission of a crime. The substitute makes it a crime for any adult to use, solicit, direct, hire, employ or conspire with a juvenile 17 years of age or younger to commit a criminal offense. The new offense would not apply to N.J.S.2C:20-17 (employing a juvenile in an auto theft) and N.J.S.2C:35-6 (employing a juvenile in a drug distribution scheme) because those offenses are punishable by separate penalties.

The committee substitute provides that an offense under this section would constitute a crime of the fourth degree if the underlying offense is a disorderly persons offense. Otherwise, an offense would be classified one degree higher than the underlying offense.

The committee substitute also provides that a conviction under this section would not merge with a conviction for the underlying offense; nor would a conviction for the underlying offense merge with a conviction under this section.

In addition, the committee substitute provides that it is no defense to a prosecution under the act that the adult mistakenly believed the person used to commit the crime was 18 years of age or older, even if that belief was reasonable.

This committee substitute is identical to ACS for A425/688/689.