

2C:14-2

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 60
NJSA: 2C:14-2 (Statutes on sexual assault of minors)
BILL NO: S84 (Substituted for A3159)

SPONSOR(S): Zane and Allen

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Judiciary

SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** March 8, 2001

SENATE: February 7, 2000

DATE OF APPROVAL: April 19, 2001

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Original version of bill enacted)

S84

SPONSORS STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A3159

SPONSORS STATEMENT: (Begins on page 3 of original bill) Yes

Bill and Sponsors Statement identical to 84

COMMITTEE STATEMENT:

ASSEMBLY: Yes

Identical to Assembly Statement to S84

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government

Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Law targets sex abusers who take care of children," 4-21-2001 Asbury Park Press, p.A7

SENATE, No. 84

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator RAYMOND J. ZANE

District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

Senators Allen, Bucco, Sinagra, Singer, Inverso and Matheussen

SYNOPSIS

Modifies statutes with regard to sexual assault in certain circumstances involving minors.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning certain crimes involving minors and amending
2 N.J.S.2C:14-2.

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

6
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 the actor uses physical force or coercion;

28 (6) The actor uses physical force or coercion and severe personal
29 injury is sustained by the victim;

30 (7) The victim is one whom the actor knew or should have known
31 was physically helpless, mentally defective or mentally incapacitated.

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

33 b. An actor is guilty of sexual assault if he commits an act of sexual
34 contact with a victim who is less than 13 years old and the actor is at
35 least four years older than the victim.

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

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

41 (2) The victim is on probation or parole, or is detained in a
42 hospital, prison or other institution and the actor has supervisory or
43 disciplinary power over the victim by virtue of the actor's legal,

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 professional or occupational status;

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

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

5 (b) The actor has supervisory or disciplinary power of any nature
6 or in any capacity over the victim; or

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

9 (4) The victim is at least 13 but less than 16 years old and the actor
10 is at least four years older than the victim.

11 Sexual assault is a crime of the second degree.

12 (cf: P.L.1997, c.194, s.1)

13

14 2. This act shall take effect immediately.

15

16

17

STATEMENT

18

19 This bill would add the phrase "of any nature or in any capacity" to
20 that part of N.J.S.A. 2C:14-3 which criminalizes sex between persons
21 between the age of 16 and 18 and those with supervisory or
22 disciplinary powers. The inclusion of this phrase is intended to clarify
23 that in addition to parents, teachers, law enforcement officers, etc.,
24 this provision is intended to cover individuals with supervisory or
25 disciplinary power in volunteer organizations. Violation of this
26 provision would remain punishable as a crime of the second degree.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 84

STATE OF NEW JERSEY

DATED: JANUARY 31, 2000

The Senate Judiciary Committee reports favorably Senate Bill No. 84.

The bill would add the phrase "of any nature or in any capacity" to that part of N.J.S.A.2C:14-2 which criminalizes sex between persons aged 16 to 18 and persons with supervisory or disciplinary powers over them. The inclusion of this phrase is intended to clarify that in addition to parents, teachers, law enforcement officers, etc., this provision is intended to cover individuals with supervisory or disciplinary power in volunteer organizations. Violation of this provision would remain punishable as a crime of the second degree.

This bill was prefiled for introduction in the 2000 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 84

STATE OF NEW JERSEY

DATED: JANUARY 23, 2001

The Assembly Judiciary Committee reports favorably Senate Bill No. 84.

The bill would add the phrase "of any nature or in any capacity" to that part of N.J.S.A.2C:14-2 which criminalizes sex between persons aged 16 to 18 and persons with supervisory or disciplinary powers over them. The inclusion of this phrase is intended to clarify that in addition to parents, teachers, law enforcement officers, etc., this provision is intended to cover individuals with supervisory or disciplinary power in volunteer organizations. Violation of this provision would remain punishable as a crime of the second degree.

This bill is identical to Assembly Bill No. 3159.

SENATE, No. 84

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator RAYMOND J. ZANE

District 3 (Salem, Cumberland and Gloucester)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

Senators Bucco, Sinagra, Singer, Inverso, Matheussen, Assemblyman

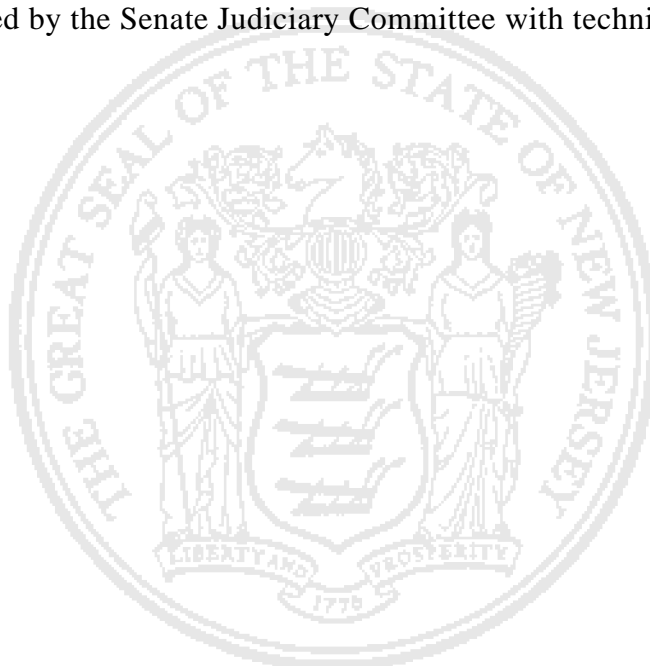
Talarico and Assemblywoman Previte

SYNOPSIS

Modifies statutes with regard to sexual assault in certain circumstances involving minors.

CURRENT VERSION OF TEXT

As reported by the Senate Judiciary Committee with technical review.



(Sponsorship Updated As Of: 3/9/2001)

1 AN ACT concerning certain crimes involving minors and amending
2 N.J.S.2C:14-2.

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

6
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 the actor uses physical force or coercion;

28 (6) The actor uses physical force or coercion and severe personal
29 injury is sustained by the victim;

30 (7) The victim is one whom the actor knew or should have known
31 was physically helpless, mentally defective or mentally incapacitated.

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

33 b. An actor is guilty of sexual assault if he commits an act of sexual
34 contact with a victim who is less than 13 years old and the actor is at
35 least four years older than the victim.

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

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

41 (2) The victim is on probation or parole, or is detained in a
42 hospital, prison or other institution and the actor has supervisory or
43 disciplinary power over the victim by virtue of the actor's legal,

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 professional or occupational status;
- 2 (3) The victim is at least 16 but less than 18 years old and:
- 3 (a) The actor is related to the victim by blood or affinity to the
- 4 third degree; or
- 5 (b) The actor has supervisory or disciplinary power of any nature
- 6 or in any capacity over the victim; or
- 7 (c) The actor is a foster parent, a guardian, or stands in loco
- 8 parentis within the household;
- 9 (4) The victim is at least 13 but less than 16 years old and the actor
- 10 is at least four years older than the victim.
- 11 Sexual assault is a crime of the second degree.
- 12 (cf: P.L.1997, c.194, s.1)
- 13
- 14 2. This act shall take effect immediately.

ASSEMBLY, No. 3159

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED JANUARY 18, 2001

Sponsored by:

Assemblyman GUY F. TALARICO

District 38 (Bergen)

Co-Sponsored by:

Assemblywoman Previte

SYNOPSIS

Modifies statutes with regard to sexual assault in certain circumstances involving minors.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/9/2001)

A3159 TALARICO

2

1 AN ACT concerning certain crimes involving minors and amending
2 N.J.S.2C:14-2.

3

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

6

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 the actor uses physical force or coercion;

28 (6) The actor uses physical force or coercion and severe personal
29 injury is sustained by the victim;

30 (7) The victim is one whom the actor knew or should have known
31 was physically helpless, mentally defective or mentally incapacitated.

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

33 b. An actor is guilty of sexual assault if he commits an act of sexual
34 contact with a victim who is less than 13 years old and the actor is at
35 least four years older than the victim.

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

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

41 (2) The victim is on probation or parole, or is detained in a
42 hospital, prison or other institution and the actor has supervisory or
43 disciplinary power over the victim by virtue of the actor's legal,

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

A3159 TALARICO

1 professional or occupational status;

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

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

5 (b) The actor has supervisory or disciplinary power of any nature
6 or in any capacity over the victim; or

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

9 (4) The victim is at least 13 but less than 16 years old and the actor
10 is at least four years older than the victim.

11 Sexual assault is a crime of the second degree.

12 (cf: P.L.1997, c.194, s.1)

13

14 2. This act shall take effect immediately.

15

16

17

STATEMENT

18

19 The bill would add the phrase "of any nature or in any capacity" to that
20 part of N.J.S.A.2C:14-2 which criminalizes sex between persons aged
21 16 to 18 and persons with supervisory or disciplinary powers over
22 them. The inclusion of this phrase is intended to clarify that in
23 addition to parents, teachers, law enforcement officers, etc., this
24 provision is intended to cover individuals with supervisory or
25 disciplinary power in volunteer organizations. Violation of this
26 provision would remain punishable as a crime of the second degree.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3159

STATE OF NEW JERSEY

DATED: JANUARY 23, 2001

The Assembly Judiciary Committee reports favorably Assembly Bill No. 3159.

The bill would add the phrase "of any nature or in any capacity" to that part of N.J.S.A.2C:14-2 which criminalizes sex between persons aged 16 to 18 and persons with supervisory or disciplinary powers over them. The inclusion of this phrase is intended to clarify that in addition to parents, teachers, law enforcement officers, etc., this provision is intended to cover individuals with supervisory or disciplinary power in volunteer organizations. Violation of this provision would remain punishable as a crime of the second degree.

This bill is identical to Senate, No. 84.

P.L. 2001, CHAPTER 60, *approved April 19, 2001*

Senate, No. 84

1 **AN ACT** concerning certain crimes involving minors and amending
2 N.J.S.2C:14-2.

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

6
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 the actor uses physical force or coercion;

28 (6) The actor uses physical force or coercion and severe personal
29 injury is sustained by the victim;

30 (7) The victim is one whom the actor knew or should have known
31 was physically helpless, mentally defective or mentally incapacitated.

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

33 b. An actor is guilty of sexual assault if he commits an act of sexual
34 contact with a victim who is less than 13 years old and the actor is at
35 least four years older than the victim.

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

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

41 (2) The victim is on probation or parole, or is detained in a

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 hospital, prison or other institution and the actor has supervisory or
2 disciplinary power over the victim by virtue of the actor's legal,
3 professional or occupational status;

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

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

7 (b) The actor has supervisory or disciplinary power of any nature
8 or in any capacity over the victim; or

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

11 (4) The victim is at least 13 but less than 16 years old and the actor
12 is at least four years older than the victim.

13 Sexual assault is a crime of the second degree.

14 (cf: P.L.1997, c.194, s.1)

15

16 2. This act shall take effect immediately.

17

18

19

20

21 Modifies statutes with regard to sexual assault in certain circumstances
22 involving minors.

CHAPTER 60

AN ACT concerning certain crimes involving minors and amending N.J.S.2C:14-2.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. N.J.S.2C:14-2 is amended to read as follows:

Sexual assault.

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

- (1) The victim is less than 13 years old;
- (2) The victim is at least 13 but less than 16 years old; and
 - (a) The actor is related to the victim by blood or affinity to the third degree, or
 - (b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or
 - (c) The actor is a foster parent, a guardian, or stands in loco parentis within the household;
- (3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape;
- (4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;
- (5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion;
- (6) The actor uses physical force or coercion and severe personal injury is sustained by the victim;
- (7) The victim is one whom the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated.

Aggravated sexual assault is a crime of the first degree.

b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.

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

- (1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury;
- (2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status;
- (3) The victim is at least 16 but less than 18 years old and:
 - (a) The actor is related to the victim by blood or affinity to the third degree; or
 - (b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or
 - (c) The actor is a foster parent, a guardian, or stands in loco parentis within the household;
- (4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.

Sexual assault is a crime of the second degree.

2. This act shall take effect immediately.

Approved April 19, 2001.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
609-777-2600

RELEASE: April 19 , 2001

DiFrancesco Signs Law Creating Hunger Prevention Program

*****Signs 7 other bills*****

Acting Gov. Donald T. DiFrancesco today signed legislation that creates a New Jersey Hunger Prevention and Assistance Program and allocates \$5 million for grants to food banks and other similar agencies.

S-1591, sponsored by Senators Kyrillos (R-Middlesex/Monmouth) and Palaia (R-Monmouth) and Assemblymembers Azzolina (R-Middlesex/Monmouth) and Thompson (R-Middlesex/Monmouth), allocates up to \$5 million in unexpended Temporary Assistance to Needy Family funds for grants to food banks and similar agencies.

The bill also establishes a New Jersey Hunger Prevention and Assistance Program in the Department of Human Services to improve the health and nutritional status of state residents in need of food assistance, supplement the efforts of emergency food programs in the state to reduce hunger, and enable families and individuals to become food secure and self-sufficient.

The Commissioner of Human Services is required by the bill to contract with Rutgers, the State University to conduct a six-pronged statewide needs assessment. The bill also establishes a 13 - member Hunger Prevention Advisory Committee within DHS to assist the commissioner in the implementation of the program.

The acting Governor also signed the following bills:

S-84, sponsored by Senator Zane (R-Salem/Cumberland/Gloucester) and Assembly members Felice (R-Bergen/Passaic) and Imprieveduto (D-Bergen/Hudson), clarifies the sexual assault statute in certain circumstances.

S-1372, sponsored by Senators Bennett (R-Monmouth) and Allen (R-Burlington/Camden) and Assemblymembers DiGaetano (R-Bergen/Essex/Passaic) and Moran (R-Atlantic/Burlington/Ocean), revises the procedure for self-administration by school pupils of medication for asthma.

S-2097, sponsored by Senators Kyrillos (R-Middlesex/Monmouth) and McNamara (R-Bergen/Passaic) and Assemblymembers Azzolina (R-Middlesex/Monmouth) and Thompson (R-Middlesex/Monmouth), Expands the role of the county superintendent in pupil transportation matters and permits school districts to offer subscription busing to additional students.

A-2549, sponsored by Assemblymembers Kelly (R-Bergen/Essex/Passaic) and Cohen (D-Union) and Senator Ciesla (R-Monmouth/Ocean), permits real estate brokers, broker-salespersons and salespersons to engage in certain promotions offering free or discounted products and services.

A-2318, sponsored by Assemblymembers Charles (D-Hudson) and Lance (R-Warren/Hunterdon/Mercer) and Senators Kenny (D-Hudson) and Kyrillos (R-Middlesex/Monmouth), appropriates \$350,000 to the Division of Youth and Family Services for a grant to Hudson Cradle, a nationally recognized multi-purpose family resource and transitional residence in Jersey City that serves approximately 50 "boarder babies" annually.

A-2458, sponsored by Assemblymembers Felice (R-Bergen/Passaic) and Doria (D-Hudson) and Assemblymember Conaway (D-Burlington/Camden), provides that prompt payment and claims payment enforcement laws apply to organized delivery systems. Organized delivery systems are entities that contract with health insurance carriers to provide either comprehensive health care services or benefits or limited health care services to covered persons under the carrier's health benefits plan or policy.