

2C:34-5

LEGISLATIVE HISTORY CHECKLIST

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(Sexually transmitted diseases--
knowledge)

NJSA: 2C:34-5

LAWS OF: 1997 CHAPTER: 201

BILL NO: S1297

SPONSOR(S): Cafiero

DATE INTRODUCED: June 13, 1996

COMMITTEE: ASSEMBLY: Judiciary

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes. Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 23, 1997

SENATE: May 22, 1997

DATE OF APPROVAL: August 14, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: ~~No~~ Yes

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

KBP:pp

P.L. 1997, CHAPTER 201, *approved August 14, 1997*
Senate, No. 1297 (*First Reprint*)

1 AN ACT concerning increased penalties for transmitting sexually
2 transmitted diseases and amending N.J.S.2C:34-5.

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:34-5 is amended to read as follows:

8 2C:34-5. Diseased person committing an act of sexual penetration.

9 **[Any]¹** A person is guilty of a crime of the fourth degree who,
10 knowing that he or she is infected with a venereal disease such as
11 chancroid, gonorrhea, syphilis, herpes virus, or any of the varieties or
12 stages of such diseases,¹ [or, with human immune deficiency virus
13 (HIV) infection or any other related virus identified as a probable
14 causative agent of AIDS.]¹ commits an act of sexual penetration[, is
15 a petty disorderly person] without the informed consent of the other
16 person.

17 b. A person is guilty of a crime of the third degree who, knowing
18 that he or she is infected with human immune deficiency virus (HIV)
19 or any other related virus identified as a probable causative agent of
20 acquired immune deficiency syndrome (AIDS), commits an act of
21 sexual penetration without the informed consent of the other person.¹

22 (cf: P.L.1979, c.178, s.68)

23

24 2. This act shall take effect immediately.

25

26

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28

29 Increases penalty for knowingly transmitting certain sexually
30 transmitted diseases including AIDS.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJU committee amendments adopted March 20, 1997.

SENATE, No. 1297

STATE OF NEW JERSEY

INTRODUCED JUNE 13, 1996

By Senator CAFIERO

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2 transmitted diseases and amending N.J.S.2C:34-5.

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11 chancroid, gonorrhea, syphilis, herpes virus, or any of the varieties or
12 stages of such diseases, or, with human immune deficiency virus (HIV)
13 infection or any other related virus identified as a probable causative
14 agent of AIDS, commits an act of sexual penetration[, is a petty
15 disorderly person].

16 (cf: P.L.1979, c. 178, s. 68)

17

18 2. This act shall take effect immediately.

19

20

21

STATEMENT

22

23 Presently, it is a petty disorderly persons offense if a person
24 commits an act of sexual penetration, knowing that he or she is
25 infected with a venereal disease. A petty disorderly persons offense
26 is punishable by up to thirty days imprisonment, a fine up to \$500.00,
27 or both. This bill would increase the penalty for this offense to a crime
28 of the fourth degree. A crime of the fourth degree is punishable by up
29 to eighteen months imprisonment, a fine of up to \$7,500.00, or both.
30 In addition, the bill would include HIV and any other related virus
31 identified as a probable causative agent of AIDS within the diseases
32 referred to in this offense.

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.

S1297

2

1

2

3 Increases penalty for knowingly transmitting certain sexually
4 transmitted diseases including AIDS.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1297

STATE OF NEW JERSEY

DATED: JUNE 12, 1997

The Assembly Judiciary Committee reports favorably Senate Bill No. 1297 (1R).

Presently, N.J.S.2C:34-5 provides that it is a petty disorderly persons offense if a person commits an act of sexual penetration knowing that he or she is infected with a venereal disease. A petty disorderly persons offense is punishable by up to thirty days imprisonment, a fine up to \$500.00, or both. This bill would increase the penalty for this offense to a crime of the fourth degree. A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine of up to \$7,500.00, or both. The bill also provides that the act of sexual penetration is committed without the informed consent of the other person.

The bill would classify an act of sexual penetration by a person who knows he is infected by AIDS without the informed consent of the other person as a crime of the third degree. Crimes of the third degree are punishable by between 3 and 5 years imprisonment, a fine of up to \$7,500.00 or both.

In response to a point raised that the bill possibly applied only to men, the committee discussed that "sexual penetration" is defined in N.J.S. 2C:14-1 and is applicable to both males and females.

This bill is identical to Assembly Bill No. 2084 (1R).

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1297

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 20, 1997

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1297.

Presently, N.J.S.2C:34-5 provides that it is a petty disorderly persons offense if a person commits an act of sexual penetration knowing that he or she is infected with a venereal disease. A petty disorderly persons offense is punishable by up to thirty days imprisonment, a fine up to \$500.00, or both. This bill would increase the penalty for this offense to a crime of the fourth degree. A crime of the fourth degree is punishable by up to eighteen months imprisonment, a fine of up to \$7,500.00, or both.

The committee adopted amendments that would classify an act of sexual penetration by a person who knows he is infected by AIDS as a crime of the third degree. Crimes of the third degree are punishable by between 3 and 5 years imprisonment, a fine of up to \$7,500.00 or both.

1/14/97
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**OFFICE OF THE GOVERNOR
NEWS RELEASE**

BOX-004

TRENTON, NJ 08625

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**RELEASE: Thursday
Aug. 14, 1997**

**Gov. Whitman Inks Bills: Increases Penalties for
Persons Who Knowingly Transmit AIDS or HIV**

Gov. Christie Whitman signed a bill today that makes it a crime of the third degree to transmit AIDS or HIV to a sexual partner while fully knowing that you are infected with the disease.

"AIDS is one of the biggest threats to the health and safety of our society," Gov. Whitman said. "It is unconscionable for one person to knowingly pass on a disease that could kill someone else. That's why this legislation is so important. Now, those who transmit the disease knowing that they are putting someone else in danger will have to face penalties including jail time."

Prior to enactment of this legislation, knowingly infecting someone with a sexually transmitted disease without their consent only resulted in a disorderly persons offense charge. Now, those people who knowingly pass AIDS or HIV onto another person face a maximum penalty of five years in prison and a \$7,500 fine.

S-1297 / A- 2084 was sponsored by Senators John P. Scott (R-Bergen / Essex / Passaic) and James S. Cafiero (R-Cape May / Atlantic / Cumberland) and Assembly members Charlotte Vandervalk (R-Bergen) and David C. Russo (R-Bergen / Passaic).