

2C:43-7

LEGISLATIVE HISTORY CHECKLIST
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(Sexually violent crimes--
extended terms)

NJSA: 2C:43-7

LAWS OF: 1994 **CHAPTER:** 127

BILL NO: S11

SPONSOR(S): DiFrancesco and Martin

DATE INTRODUCED: September 19, 1994

COMMITTEE: **ASSEMBLY:** ---
SENATE: Law and Public Safety

AMENDED DURING PASSAGE: No Senate Committee substitute
S11/S902/A82 enacted

DATE OF PASSAGE: **ASSEMBLY:** October 20, 1994
SENATE: October 3, 1994

DATE OF APPROVAL: October 31, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

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P.L.1994, CHAPTER 127, approved October 31, 1994
Senate Committee Substitute for
1994 Senate Nos. 11, 902 and Assembly No. 82

1 AN ACT concerning the imposition of extended terms of
2 imprisonment in certain cases and amending N.J.S.2C:43-7 and
3 N.J.S.2C:44-3.

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

7 1. N.J.S.2C:43-7 is amended to read as follows:

8 2C:43-7. Sentence of Imprisonment for Crime; Extended
9 Terms. a. In the cases designated in section 2C:44-3, a person
10 who has been convicted of a crime may be sentenced to an
11 extended term of imprisonment, as follows:

12 (1) In case of aggravated manslaughter sentenced under
13 subsection c. of N.J.S.2C:11-4 [or]; kidnapping when sentenced as
14 a crime of the first degree under paragraph (1) of subsection c. of
15 2C:13-1; or aggravated sexual assault if the person is eligible for
16 an extended term pursuant to the provisions of subsection g. of
17 N.J.S.2C:44-3 for a specific term of years which shall be
18 between 30 years and life imprisonment;

19 (2) Except for the crime of murder and except as provided in
20 paragraph (1) of this subsection, in the case of a crime of the
21 first degree, for a specific term of years which shall be fixed by
22 the court and shall be between 20 years and life imprisonment;

23 (3) In the case of a crime of the second degree, for a term
24 which shall be fixed by the court between 10 and 20 years;

25 (4) In the case of a crime of the third degree, for a term which
26 shall be fixed by the court between five and 10 years;

27 (5) In the case of a crime of the fourth degree pursuant to
28 2C:43-6c., 2C:44-3d. [and], 2C:44-3e. for a term of five years,
29 and in the case of a crime of the fourth degree pursuant to
30 2C:43-6f. and 2C:43-6g. for a term which shall be fixed by the
31 court between three and five years.

32 b. As part of a sentence for an extended term and
33 notwithstanding the provisions of 2C:43-9, the court may fix a
34 minimum term not to exceed one-half of the term set pursuant to
35 subsection a. during which the defendant shall not be eligible for
36 parole or a term of 25 years during which time the defendant
37 shall not be eligible for parole where the sentence imposed was
38 life imprisonment; provided that no defendant shall be eligible for
39 parole at a date earlier than otherwise provided by the law
40 governing parole.

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.

1 c. In the case of a person sentenced to an extended term
2 pursuant to 2C:43-6c., 2C:43-6f. and 2C:44-3d., the court shall
3 impose a sentence within the ranges permitted by 2C:43-7a.(2),
4 (3), (4) or (5) according to the degree or nature of the crime for
5 which the defendant is being sentenced, which sentence shall
6 include a minimum term which shall, except as may be
7 specifically provided by N.J.S.2C:43-6f., be fixed at or between
8 one-third and one-half of the sentence imposed by the court or
9 five years, whichever is greater, during which the defendant shall
10 not be eligible for parole. Where the sentence imposed is life
11 imprisonment, the court shall impose a minimum term of 25 years
12 during which the defendant shall not be eligible for parole, except
13 that where the term of life imprisonment is imposed on a person
14 convicted for a violation of N.J.S.2C:35-3, the term of parole
15 ineligibility shall be 30 years.

16 d. In the case of a person sentenced to an extended term
17 pursuant to N.J.S.2C:43-6g., the court shall impose a sentence
18 within the ranges permitted by N.J.S.2C:43-7a(2), (3), (4) or (5)
19 according to the degree or nature of the crime for which the
20 defendant is being sentenced, which sentence shall include a
21 minimum term which shall be fixed at 15 years for a crime of the
22 first or second degree, eight years for a crime of the third
23 degree, or five years for a crime of the fourth degree during
24 which the defendant shall not be eligible for parole. Where the
25 sentence imposed is life imprisonment, the court shall impose a
26 minimum term of 25 years during which the defendant shall not
27 be eligible for parole, except that where the term of life
28 imprisonment is imposed on a person convicted of a violation of
29 N.J.S.2C:35-3, the term of parole eligibility shall be 30 years.
30 (cf: P.L.1990, c.87, s.3)

31 2. N.J.S.2C:44-3 is amended to read as follows:

32 2C:44-3. Criteria for Sentence of Extended Term of
33 Imprisonment.

34 The court may, upon application of the prosecuting attorney,
35 sentence a person who has been convicted of a crime of the first,
36 second or third degree to an extended term of imprisonment if it
37 finds one or more of the grounds specified in subsection a., b., c.,
38 or f. of this section. The court shall, upon application of the
39 prosecuting attorney, sentence a person who has been convicted
40 of a crime, other than a violation of N.J.S.2C:12-1a.,
41 N.J.S.2C:33-4 or a violation of section 1 or 2 of P.L.1981, c.282
42 (C.2C:33-10 or 2C:33-11), to an extended term if it finds, by a
43 preponderance of the evidence, the grounds in subsection e. If the
44 grounds specified in subsection d. are found, and the person is
45 being sentenced for commission of any of the offenses
46 enumerated in N.J.S.2C:43-6c. or N.J.S.2C:43-6g., the court shall
47 sentence the defendant to an extended term as required by
48 N.J.S.2C:43-6c. or N.J.S.2C:43-6g., and application by the
49 prosecutor shall not be required. The court shall, upon
50 application of the prosecuting attorney, sentence a person who
51 has been convicted of a crime under N.J.S.2C:14-2 or
52 N.J.S.2C:14-3 to an extended term of imprisonment, upon
53 application of the prosecutor, if the grounds specified in
54 subsection g. of this section are found. The finding of the court
55 shall be incorporated in the record.

1 a. The defendant has been convicted of a crime of the first,
2 second or third degree and is a persistent offender. A persistent
3 offender is a person who at the time of the commission of the
4 crime is 21 years of age or over, who has been previously
5 convicted on at least two separate occasions of two crimes,
6 committed at different times, when he was at least 18 years of
7 age, if the latest in time of these crimes or the date of the
8 defendant's last release from confinement, whichever is later, is
9 within 10 years of the date of the crime for which the defendant
10 is being sentenced.

11 b. The defendant has been convicted of a crime of the first,
12 second or third degree and is a professional criminal. A
13 professional criminal is a person who committed a crime as part
14 of a continuing criminal activity in concert with two or more
15 persons, and the circumstances of the crime show he has
16 knowingly devoted himself to criminal activity as a major source
17 of livelihood.

18 c. The defendant has been convicted of a crime of the first,
19 second or third degree and committed the crime as consideration
20 for the receipt, or in expectation of the receipt, of anything of
21 pecuniary value the amount of which was unrelated to the
22 proceeds of the crime or he procured the commission of the
23 offense by payment or promise of payment of anything of
24 pecuniary value.

25 d. Second offender with a firearm. The defendant is at least
26 18 years of age and has been previously convicted of any of the
27 following crimes: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1,
28 2C:14-2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, 2C:39-4a., or
29 has been previously convicted of an offense under Title 2A of the
30 New Jersey Statutes which is equivalent of the offenses
31 enumerated in this subsection and he used or possessed a firearm,
32 as defined in 2C:39-1f., in the course of committing or
33 attempting to commit any of these crimes, including the
34 immediate flight therefrom.

35 e. The defendant in committing the crime acted, at least in
36 part, with ill will, hatred or bias toward, and with a purpose to
37 intimidate, an individual or group of individuals because of race,
38 color, religion, sexual orientation or ethnicity.

39 f. The defendant has been convicted of a crime under any of
40 the following sections: N.J.S.2C:11-4, N.J.S.2C:12-1b.,
41 N.J.S.2C:13-1, N.J.S.2C:14-2a., N.J.S.2C:14-3a., N.J.S.2C:15-1,
42 N.J.S.2C:18-2, N.J.S.2C:29-2b., N.J.S.2C:29-5, N.J.S.2C:35-5,
43 and in the course of committing or attempting to commit the
44 crime, including the immediate flight therefrom, the defendant
45 used or was in possession of a stolen motor vehicle.

46 g. The defendant has been convicted of a crime under
47 N.J.S.2C:14-2 or N.J.S.2C:14-3 involving violence or the threat
48 of violence and the victim of the crime was 16 years of age or
49 less.

50 For purposes of this subsection, a crime involves violence or
51 the threat of violence if the victim sustains serious bodily injury
52 as defined in subsection b. of N.J.S.2C:11-1, or the actor is
53 armed with and uses a deadly weapon or threatens by word or
54 gesture to use a deadly weapon as defined in subsection c. of
55 N.J.S.2C:11-1, or threatens to inflict serious bodily injury.

56 (cf: P.L.1993, c.132, s.2)

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3. This act shall take effect immediately.

Provides extended terms of imprisonment for sexually violent predators.

SENATE, No. 11
STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1994

By Senators DiFRANCESCO and MARTIN

1 AN ACT concerning the imposition of extended terms of
2 imprisonment in certain cases and amending N.J.S.2C:43-7 and
3 N.J.S.2C:44-3.

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11 extended term of imprisonment, as follows:

12 (1) In case of aggravated manslaughter sentenced under
13 subsection c. of N.J.S.2C:11-4 [or]; kidnapping when sentenced as
14 a crime of the first degree under paragraph (1) of subsection c. of
15 2C:13-1 for a specific term of years or aggravated sexual assault
16 if the person is eligible for an extended term pursuant to the
17 provisions of subsection g. of N.J.S.2C:44-3 which shall be
18 between 30 years and life imprisonment;

19 (2) Except for the crime of murder and except as provided in
20 paragraph (1) of this subsection, in the case of a crime of the
21 first degree, for a specific term of years which shall be fixed by
22 the court and shall be between 20 years and life imprisonment;

23 (3) In the case of a crime of the second degree, for a term
24 which shall be fixed by the court between 10 and 20 years;

25 (4) In the case of a crime of the third degree, for a term which
26 shall be fixed by the court between five and 10 years;

27 (5) In the case of a crime of the fourth degree pursuant to
28 2C:43-6c., 2C:44-3d. [and], 2C:44-3e. for a term of five years,
29 and in the case of a crime of the fourth degree pursuant to
30 2C:43-6f. and 2C:43-6g. for a term which shall be fixed by the
31 court between three and five years.

32 b. As part of a sentence for an extended term and
33 notwithstanding the provisions of 2C:43-9, the court may fix a
34 minimum term not to exceed one-half of the term set pursuant to
35 subsection a. during which the defendant shall not be eligible for
36 parole or a term of 25 years during which time the defendant
37 shall not be eligible for parole where the sentence imposed was
38 life imprisonment; provided that no defendant shall be eligible for
39 parole at a date earlier than otherwise provided by the law
40 governing parole.

41 c. In the case of a person sentenced to an extended term
42 pursuant to 2C:43-6c., 2C:43-6f. and 2C:44-3d., the court shall
43 impose a sentence within the ranges permitted by 2C:43-7a.(2),
44 (3), (4) or (5) according to the degree or nature of the crime for
45 which the defendant is being sentenced, which sentence shall

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.

1 include a minimum term which shall, except as may be
2 specifically provided by N.J.S.2C:43-6f., be fixed at or between
3 one-third and one-half of the sentence imposed by the court or
4 five years, whichever is greater, during which the defendant shall
5 not be eligible for parole. Where the sentence imposed is life
6 imprisonment, the court shall impose a minimum term of 25 years
7 during which the defendant shall not be eligible for parole, except
8 that where the term of life imprisonment is imposed on a person
9 convicted for a violation of N.J.S.2C:35-3, the term of parole
10 ineligibility shall be 30 years.

11 d. In the case of a person sentenced to an extended term
12 pursuant to N.J.S.2C:43-6g., the court shall impose a sentence
13 within the ranges permitted by N.J.S.2C:43-7a(2), (3), (4) or (5)
14 according to the degree or nature of the crime for which the
15 defendant is being sentenced, which sentence shall include a
16 minimum term which shall be fixed at 15 years for a crime of the
17 first or second degree, eight years for a crime of the third
18 degree, or five years for a crime of the fourth degree during
19 which the defendant shall not be eligible for parole. Where the
20 sentence imposed is life imprisonment, the court shall impose a
21 minimum term of 25 years during which the defendant shall not
22 be eligible for parole, except that where the term of life
23 imprisonment is imposed on a person convicted of a violation of
24 N.J.S.2C:35-3, the term of parole eligibility shall be 30 years.
25 (cf: P.L.1990, c.87, s.3)

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30 sentence a person who has been convicted of a crime of the first,
31 second or third degree to an extended term of imprisonment if it
32 finds one or more of the grounds specified in subsection a., b., c.,
33 or f. of this section. The court shall, upon application of the
34 prosecuting attorney, sentence a person who has been convicted
35 of a crime, other than a violation of N.J.S.2C:12-1a.,
36 N.J.S.2C:33-4 or a violation of section 1 or 2 of P.L.1981, c.282
37 (C.2C:33-10 or 2C:33-11), to an extended term if it finds, by a
38 preponderance of the evidence, the grounds in subsection e. If the
39 grounds specified in subsection d. are found, and the person is
40 being sentenced for commission of any of the offenses
41 enumerated in N.J.S.2C:43-6c. or N.J.S.2C:43-6g., the court shall
42 sentence the defendant to an extended term as required by
43 N.J.S.2C:43-6c. or N.J.S.2C:43-6g., and application by the
44 prosecutor shall not be required. The court shall sentence a
45 person who has been convicted of crime under N.J.S.2C:14-2 or
46 N.J.S.2C:14-3 to an extended term of imprisonment, upon
47 application of the prosecutor, if the grounds specified in
48 subsection g. are found. The finding of the court shall be
49 incorporated in the record.

50 a. The defendant has been convicted of a crime of the first,
51 second or third degree and is a persistent offender. A persistent
52 offender is a person who at the time of the commission of the
53 crime is 21 years of age or over, who has been previously
54 convicted on at least two separate occasions of two crimes,

1 committed at different times, when he was at least 18 years of
2 age, if the latest in time of these crimes or the date of the
3 defendant's last release from confinement, whichever is later, is
4 within 10 years of the date of the crime for which the defendant
5 is being sentenced.

6 b. The defendant has been convicted of a crime of the first,
7 second or third degree and is a professional criminal. A
8 professional criminal is a person who committed a crime as part
9 of a continuing criminal activity in concert with two or more
10 persons, and the circumstances of the crime show he has
11 knowingly devoted himself to criminal activity as a major source
12 of livelihood.

13 c. The defendant has been convicted of a crime of the first,
14 second or third degree and committed the crime as consideration
15 for the receipt, or in expectation of the receipt, of anything of
16 pecuniary value the amount of which was unrelated to the
17 proceeds of the crime or he procured the commission of the
18 offense by payment or promise of payment of anything of
19 pecuniary value.

20 d. Second offender with a firearm. The defendant is at least
21 18 years of age and has been previously convicted of any of the
22 following crimes: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1,
23 2C:14-2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, 2C:39-4a., or
24 has been previously convicted of an offense under Title 2A of the
25 New Jersey Statutes which is equivalent of the offenses
26 enumerated in this subsection and he used or possessed a firearm,
27 as defined in 2C:39-1f., in the course of committing or
28 attempting to commit any of these crimes, including the
29 immediate flight therefrom.

30 e. The defendant in committing the crime acted, at least in
31 part, with ill will, hatred or bias toward, and with a purpose to
32 intimidate, an individual or group of individuals because of race,
33 color, religion, sexual orientation or ethnicity.

34 f. The defendant has been convicted of a crime under any of
35 the following sections: N.J.S.2C:11-4, N.J.S.2C:12-1b.,
36 N.J.S.2C:13-1, N.J.S.2C:14-2a., N.J.S.2C:14-3a., N.J.S.2C:15-1,
37 N.J.S.2C:18-2, N.J.S.2C:29-2b., N.J.S.2C:29-5, N.J.S.2C:35-5,
38 and in the course of committing or attempting to commit the
39 crime, including the immediate flight therefrom, the defendant
40 used or was in possession of a stolen motor vehicle.

41 g. The defendant has been convicted of a crime under
42 N.J.S.2C:14-2 or N.J.S.2C:14-3 involving violence or the threat
43 of violence and the victim of the crime was 16 years of age or
44 less.

45 For purposes of this subsection, a crime involves violence or
46 the threat of violence if the victim sustains serious bodily injury
47 as defined in subsection b. of N.J.S.2C:11-1, or the actor is
48 armed with and uses a deadly weapon or threatens by word or
49 gesture to use a deadly weapon as defined in subsection c. of
50 N.J.S.2C:11-1 or threatens to inflict serious bodily injury.

51 (cf: P.L.1993, c.132, s.2)

52 3. This act shall take effect immediately.

STATEMENT

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This bill would provide that a person convicted of aggravated sexual assault, sexual assault; aggravated criminal sexual contact or criminal sexual contact may be sentenced to an extended term of imprisonment if the crime involved violence or the threat of violence and the victim of the offense was 16 years of age or less. If the person is convicted of aggravated sexual assault, the person would be eligibile for an extended term of between 30 years and life imprisonment. If the person was convicted of sexual assault, the extended term would be between 10 and 20 years imprisonment. The extended term for aggravated criminal sexual contact would be between 5 and 10 years imprisonment and for criminal sexual contact would be between 3 and 5 years imprisonment and for criminal sexual contact would be between 3 and 5 years imprisonment.

Provides extended terms of imprisonment for sexually violent predators.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

**SENATE, Nos. 11, 902 and
ASSEMBLY, No. 82**

STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 1994

The Senate Law and Public Safety Committee favorably reports the Senate Committee Substitute for Senate Bill Nos. 11, 902 and Assembly Bill No. 82.

This bill would provide that a person convicted of aggravated sexual assault, sexual assault, aggravated criminal sexual contact or criminal sexual contact may be sentenced to an extended term of imprisonment if the crime involved violence or the threat of violence and the victim of the offense was 16 years of age or less. If the person is convicted of aggravated sexual assault, the person would be eligible for an extended term of between 30 years and life imprisonment. If the person was convicted of sexual assault, the extended term would be between 10 and 20 years imprisonment. The extended term for aggravated criminal sexual contact would be between five and 10 years imprisonment, and for criminal sexual contact the term would be between three and five years imprisonment.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, Nos. 11, 902 and
ASSEMBLY, No. 82

STATE OF NEW JERSEY

ADOPTED SEPTEMBER 26, 1994

Sponsored by Senators DiFRANCESCO, MARTIN,
Assemblymen DORIA and CORODEMUS

1 AN ACT concerning the imposition of extended terms of
2 imprisonment in certain cases and amending N.J.S.2C:43-7 and
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14 a crime of the first degree under paragraph (1) of subsection c. of
15 2C:13-1; or aggravated sexual assault if the person is eligible for
16 an extended term pursuant to the provisions of subsection g. of
17 N.J.S.2C:44-3 for a specific term of years which shall be
18 between 30 years and life imprisonment;

19 (2) Except for the crime of murder and except as provided in
20 paragraph (1) of this subsection, in the case of a crime of the
21 first degree, for a specific term of years which shall be fixed by
22 the court and shall be between 20 years and life imprisonment;

23 (3) In the case of a crime of the second degree, for a term
24 which shall be fixed by the court between 10 and 20 years;

25 (4) In the case of a crime of the third degree, for a term which
26 shall be fixed by the court between five and 10 years;

27 (5) In the case of a crime of the fourth degree pursuant to
28 2C:43-6c., 2C:44-3d. [and], 2C:44-3e. for a term of five years,
29 and in the case of a crime of the fourth degree pursuant to
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32 b. As part of a sentence for an extended term and
33 notwithstanding the provisions of 2C:43-9, the court may fix a
34 minimum term not to exceed one-half of the term set pursuant to
35 subsection a. during which the defendant shall not be eligible for
36 parole or a term of 25 years during which time the defendant
37 shall not be eligible for parole where the sentence imposed was
38 life imprisonment; provided that no defendant shall be eligible for
39 parole at a date earlier than otherwise provided by the law
40 governing parole.

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

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1 c. In the case of a person sentenced to an extended term
2 pursuant to 2C:43-6c., 2C:43-6f. and 2C:44-3d., the court shall
3 impose a sentence within the ranges permitted by 2C:43-7a.(2),
4 (3), (4) or (5) according to the degree or nature of the crime for
5 which the defendant is being sentenced, which sentence shall
6 include a minimum term which shall, except as may be
7 specifically provided by N.J.S.2C:43-6f., be fixed at or between
8 one-third and one-half of the sentence imposed by the court or
9 five years, whichever is greater, during which the defendant shall
10 not be eligible for parole. Where the sentence imposed is life
11 imprisonment, the court shall impose a minimum term of 25 years
12 during which the defendant shall not be eligible for parole, except
13 that where the term of life imprisonment is imposed on a person
14 convicted for a violation of N.J.S.2C:35-3, the term of parole
15 ineligibility shall be 30 years.

16 d. In the case of a person sentenced to an extended term
17 pursuant to N.J.S.2C:43-6g., the court shall impose a sentence
18 within the ranges permitted by N.J.S.2C:43-7a(2), (3), (4) or (5)
19 according to the degree or nature of the crime for which the
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37 finds one or more of the grounds specified in subsection a., b., c.,
38 or f. of this section. The court shall, upon application of the
39 prosecuting attorney, sentence a person who has been convicted
40 of a crime, other than a violation of N.J.S.2C:12-1a.,
41 N.J.S.2C:33-4 or a violation of section 1 or 2 of P.L.1981, c.282
42 (C.2C:33-10 or 2C:33-11), to an extended term if it finds, by a
43 preponderance of the evidence, the grounds in subsection e. If the
44 grounds specified in subsection d. are found, and the person is
45 being sentenced for commission of any of the offenses
46 enumerated in N.J.S.2C:43-6c. or N.J.S.2C:43-6g., the court shall
47 sentence the defendant to an extended term as required by
48 N.J.S.2C:43-6c. or N.J.S.2C:43-6g., and application by the
49 prosecutor shall not be required. The court shall, upon
50 application of the prosecuting attorney, sentence a person who
51 has been convicted of a crime under N.J.S.2C:14-2 or
52 N.J.S.2C:14-3 to an extended term of imprisonment, upon
53 application of the prosecutor, if the grounds specified in
54 subsection g. of this section are found. The finding of the court
55 shall be incorporated in the record.

1 a. The defendant has been convicted of a crime of the first,
2 second or third degree and is a persistent offender. A persistent
3 offender is a person who at the time of the commission of the
4 crime is 21 years of age or over, who has been previously
5 convicted on at least two separate occasions of two crimes,
6 committed at different times, when he was at least 18 years of
7 age, if the latest in time of these crimes or the date of the
8 defendant's last release from confinement, whichever is later, is
9 within 10 years of the date of the crime for which the defendant
10 is being sentenced.

11 b. The defendant has been convicted of a crime of the first,
12 second or third degree and is a professional criminal. A
13 professional criminal is a person who committed a crime as part
14 of a continuing criminal activity in concert with two or more
15 persons, and the circumstances of the crime show he has
16 knowingly devoted himself to criminal activity as a major source
17 of livelihood.

18 c. The defendant has been convicted of a crime of the first,
19 second or third degree and committed the crime as consideration
20 for the receipt, or in expectation of the receipt, of anything of
21 pecuniary value the amount of which was unrelated to the
22 proceeds of the crime or he procured the commission of the
23 offense by payment or promise of payment of anything of
24 pecuniary value.

25 d. Second offender with a firearm. The defendant is at least
26 18 years of age and has been previously convicted of any of the
27 following crimes: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1,
28 2C:14-2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, 2C:39-4a., or
29 has been previously convicted of an offense under Title 2A of the
30 New Jersey Statutes which is equivalent of the offenses
31 enumerated in this subsection and he used or possessed a firearm,
32 as defined in 2C:39-1f., in the course of committing or
33 attempting to commit any of these crimes, including the
34 immediate flight therefrom.

35 e. The defendant in committing the crime acted, at least in
36 part, with ill will, hatred or bias toward, and with a purpose to
37 intimidate, an individual or group of individuals because of race,
38 color, religion, sexual orientation or ethnicity.

39 f. The defendant has been convicted of a crime under any of
40 the following sections: N.J.S.2C:11-4, N.J.S.2C:12-1b.,
41 N.J.S.2C:13-1, N.J.S.2C:14-2a., N.J.S.2C:14-3a., N.J.S.2C:15-1,
42 N.J.S.2C:18-2, N.J.S.2C:29-2b., N.J.S.2C:29-5, N.J.S.2C:35-5,
43 and in the course of committing or attempting to commit the
44 crime, including the immediate flight therefrom, the defendant
45 used or was in possession of a stolen motor vehicle.

46 g. The defendant has been convicted of a crime under
47 N.J.S.2C:14-2 or N.J.S.2C:14-3 involving violence or the threat
48 of violence and the victim of the crime was 16 years of age or
49 less.

50 For purposes of this subsection, a crime involves violence or
51 the threat of violence if the victim sustains serious bodily injury
52 as defined in subsection b. of N.J.S.2C:11-1, or the actor is
53 armed with and uses a deadly weapon or threatens by word or
54 gesture to use a deadly weapon as defined in subsection c. of
55 N.J.S.2C:11-1, or threatens to inflict serious bodily injury.

56 (cf: P.L.1993, c.132, s.2)

1 3. This act shall take effect immediately.

2

3

4

5

6 Provides extended terms of imprisonment for sexually violent
7 predators.