

2C:44-6

LEGISLATIVE HISTORY CHECKLIST
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(Presentencing investigations..
defendent's mental condition if
crime involved child)

NJSA: 2C:44-6

LAWS OF: 1994 **CHAPTER:** 92

BILL NO: S870

SPONSOR(S): Bennett and others

DATE INTRODUCED: March 21, 1994

COMMITTEE: **ASSEMBLY:** Judiciary; Law & Public Safety & Defense
SENATE: Judiciary

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

DATE OF PASSAGE: **ASSEMBLY:** June 20, 1994
SENATE: May 23, 1994

DATE OF APPROVAL: August 9, 1994

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

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clipping--attached:
"Child-killer crackdown..." 8-10-94, Asbury Park Press.

KBG:pp

[FIRST REPRINT]

SENATE, No. 870

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1994

By Senators BENNETT, PALAIA
and Ciesla

1 AN ACT concerning certain presentence reports and amending
2 N.J.S.2C:44-6.

3

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

6 1. N.J.S.2C:44-6 is amended to read as follows:

7 2C:44-6. Procedure on Sentence; Presentence Investigation
8 and Report.

9 a. The court shall not impose sentence without first ordering a
10 presentence investigation of the defendant and according due
11 consideration to a written report of such investigation when
12 required by Rules of Court. The court may order a presentence
13 investigation in any other case.

14 b. The presentence investigation shall include an analysis of
15 the circumstances attending the commission of the offense, the
16 defendant's history of delinquency or criminality, family
17 situation, financial resources, debts, including any amount owed
18 for a fine, assessment or restitution ordered in accordance to the
19 provisions of Title 2C, employment history, personal habits, the
20 disposition of any charge made against any codefendants and may
21 include a report on his physical and mental condition and any
22 other matters that the probation officer deems relevant or the
23 court directs to be included. In any case involving a conviction of
24 ¹N.J.S.2C:24-4, endangering the welfare of a child;¹
25 ¹N.J.S.2C:18-3, criminal trespass, where the trespass was
26 committed in a school building or on school property ¹[with
27 children present]¹; section ¹[of]¹ 1 of P.L.1993, c.291
28 (C.2C:13-6), attempting to lure or entice a child with purpose to
29 commit a criminal offense; ¹[or]¹ section 1 of P.L.1992, c.209
30 (C.2C:12-10), stalking ¹; or N.J.S.2C:13-1, kidnapping¹, where
31 the victim of the offense is a child under the age of 18, the
32 investigation shall include a report on the defendant's mental
33 condition ¹unless the court directs otherwise¹. The presentence
34 report shall also include a report on any compensation paid by the
35 Violent Crimes Compensation Board as a result of the
36 commission of the offense and, in any case where the victim
37 chooses to provide one, a statement by the victim of the offense
38 for which the defendant is being sentenced. The statement may
39 include the nature and extent of any physical harm or
40 psychological or emotional harm or trauma suffered by the
41 victim, the extent of any loss to include loss of earnings or ability

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.

Matter enclosed in superscript numerals has been adopted as follows:
¹ Assembly AJL committee amendments adopted June 13, 1994.

1 to work suffered by the victim and the effect of the crime upon
2 the victim's family. The probation department shall notify the
3 victim or nearest relative of a homicide victim of his right to
4 make a statement for inclusion in the presentence report if the
5 victim or relative so desires. Any such statement shall be made
6 within 20 days of notification by the probation department.

7 The presentence report shall specifically include an assessment
8 of the gravity and seriousness of harm inflicted on the victim,
9 including whether or not the defendant knew or reasonably should
10 have known that the victim of the offense was particularly
11 vulnerable or incapable of resistance due to advanced age,
12 disability, ill-health, or extreme youth, or was for any other
13 reason substantially incapable of exercising normal physical or
14 mental power of resistance.

15 c. If, after the presentence investigation, the court desires
16 additional information concerning an offender convicted of an
17 offense before imposing sentence, it may order that he be
18 examined as to his medical or mental condition, except that he
19 may not be committed to an institution for such examination.

20 d. Disclosure of any presentence investigation report or
21 psychiatric examination report shall be in accordance with law
22 and the Rules of Court, except that information concerning the
23 defendant's financial resources shall be made available upon
24 request to the Violent Crimes Compensation Board or to any
25 officer authorized under the provisions of [N.J.S.2C:46-4] section
26 3 of P.L.1979, c.396 (c.2C:46-4) to collect payment on an
27 assessment, restitution or fine.

28 e. The court shall not impose a sentence of imprisonment for
29 an extended term unless the ground therefor has been established
30 at a hearing after the conviction of the defendant and on written
31 notice to him of the ground proposed. The defendant shall have
32 the right to hear and controvert the evidence against him and to
33 offer evidence upon the issue.

34 f. (Deleted by amendment, P.L.1986, c.85).
35 (cf: P.L.1991, c.329, s.7)

36 2. This act shall take effect immediately.

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42 Requires presentence investigation of defendants convicted of
43 certain offenses to contain a report on the defendants' mental
condition.

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2 desires. Any such statement shall be made within 20 days of
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STATEMENT

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This bill would require that any presentence investigation of a
person convicted of trespassing in school buildings when children
are present; stalking a child victim; or attempting to lure or
entice a child with purpose to commit a criminal offense, contain
a report on the defendant's mental condition.

Requires presentence investigation of defendants convicted of
certain offenses involving children to contain report on
defendants' mental condition.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

SENATE, No. 870

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 13, 1994

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 870.

This bill amends N.J.S.2C:44-6 to require that any presentence investigation of a person convicted of trespassing in a school building; stalking or attempting to lure or entice a child for the purpose of committing a criminal offense include a report on the defendant's mental condition.

The committee amended the bill to remove the reference to the presence of children with respect to trespass offenses under N.J.S.2C:18-3 since that language was omitted by the committee today in companion legislation, Assembly Bill No. 1584 and Senate Bill No. 868. The committee added references to endangering the welfare of a child, N.J.S.2C:24-4 and kidnapping, when the victim is less than 18 years of age, to the list of offenses which require the presentence investigation. The amendments omit the requirement that the stalking victim has to be less than 18 years of age. The amendments also add language permitting the court to direct that the requirement will not be applicable in a particular case.

This bill is identical to Assembly Bill No. 1586 [1R].

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 870

STATE OF NEW JERSEY

DATED: MAY 16, 1994

The Senate Judiciary Committee reports favorably Senate Bill No. 870.

This bill would require that any presentence investigation of a person convicted of trespassing in a school building when children are present; stalking when a child is the victim or attempting to lure or entice a child for the purpose of committing a criminal offense include a report on the defendant's mental condition.