

LEGISLATIVE HISTORY CHECKLIST

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LAWS of 1999

CHAPTER: 8

NJSA: 2C:24-8

(Abandonment of elderly or disabled person)

BILL NO: A1308 (Substituted for S1172 1st Reprint)

SPONSOR(S): Heck

DATE INTRODUCED: Pre-filed

COMMITTEE:

ASSEMBLY: Senior Issues

SENATE: Commerce

AMENDED DURING PASSAGE: Yes

DATES OF PASSAGE:

ASSEMBLY: November 23, 1998

SENATE: December 10, 1998

DATE OF APPROVAL: January 25, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: 1st Reprint

(Amendments during passage denoted by superscript numbers)

A1308

SPONSORS STATEMENT: *Yes* (begins on page 2 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

S1172

SPONSORS STATEMENT: *Yes* (begins on page 2 of original bill)
Bill and sponsor's statement identical to A1308

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *Yes*

LEGISLATIVE FISCAL ESTIMATE: *No*

LAST VERSION: *Yes* (1st Reprint)

(Amendments during passage denoted by superscript numbers)

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *No*

THE FOLLOWING WERE PRINTED:

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REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

P.L. 1999, CHAPTER 8, *approved January 25, 1999*
Assembly, No. 1308 (*First Reprint*)

1 AN ACT concerning abandonment of elderly ¹persons¹ or disabled
2 ¹**[persons]** adults¹ and amending P.L.1989, c.23.

3

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

6

7 1. Section 1 of P.L.1989, c.23 (C.2C:24-8) is amended to read as
8 follows:

9 1. a. A person having a legal duty to care for or who has assumed
10 continuing responsibility for the care of a person 60 years of age or
11 older or ¹a¹ disabled ¹adult¹, who abandons the elderly ¹person¹ or
12 disabled ¹**[person]** adult¹ or unreasonably neglects to do or fails to
13 permit to be done any act necessary for the physical or mental health
14 of the elderly ¹person¹ or disabled ¹**[person]** adult¹, is guilty of a crime
15 of the **[fourth]** third degree. For purposes of this section "abandon"
16 means the willful desertion or forsaking of an elderly ¹person¹ or
17 disabled ¹**[person]** adult¹.

18 b. A person shall not be considered to commit an offense under this
19 section for the sole reason that he provides or permits to be provided
20 nonmedical remedial treatment by spiritual means through prayer alone
21 in lieu of medical care, in accordance with the tenets and practices of
22 the ¹elderly¹ person's ¹or disabled adult's¹ established religious
23 tradition, to ¹**[a]** an elderly¹ person ¹or disabled adult¹ to whom he
24 has a legal duty to care for or has assumed responsibility for the care
25 of.

26 c. Nothing in this section shall be construed to preclude or limit the
27 prosecution or conviction for any other offense defined in this code or
28 in any other law of this State.

29 (cf: P.L.1989, c.23, s.1)

30

31 2. This act shall take effect immediately.

32

33

34

35

36 Clarifies offense of endangering the welfare of an elderly person or
37 disabled adult to include abandonment; upgrades to crime of third
38 degree.

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 Assembly ASC committee amendments adopted October 5, 1998.

[First Reprint]

ASSEMBLY, No. 1308

STATE OF NEW JERSEY
208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblywoman ROSE MARIE HECK

District 38 (Bergen)

Assemblyman KENNETH C. LEFEVRE

District 2 (Atlantic)

Co-Sponsored by:

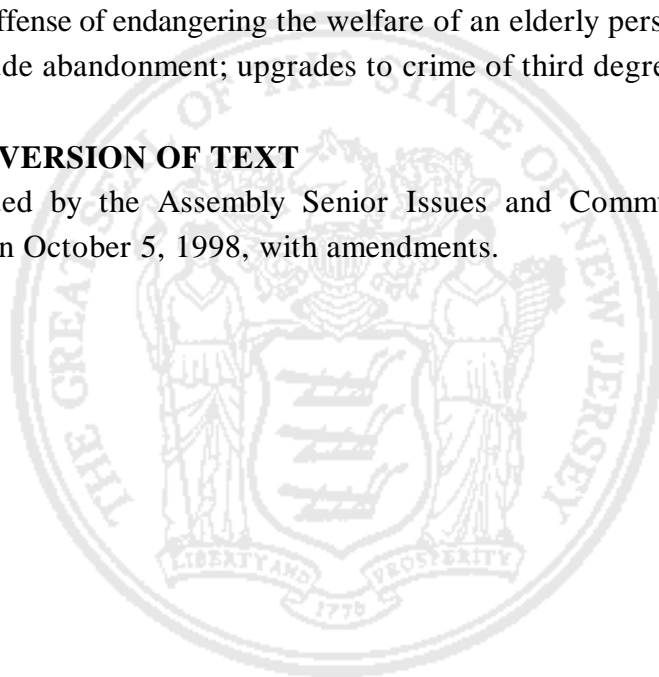
**Assemblymen Arnone, Corodemus, Talarico, Thompson, Senators Inverso,
Allen and Rice**

SYNOPSIS

Clarifies offense of endangering the welfare of an elderly person or disabled adult to include abandonment; upgrades to crime of third degree.

CURRENT VERSION OF TEXT

As reported by the Assembly Senior Issues and Community Services Committee on October 5, 1998, with amendments.



(Sponsorship Updated As Of: 12/11/1998)

1 AN ACT concerning abandonment of elderly ¹persons¹ or disabled
2 ¹**[persons]** adults¹ and amending P.L.1989, c.23.

3

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

6

7 1. Section 1 of P.L.1989, c.23 (C.2C:24-8) is amended to read as
8 follows:

9 1. a. A person having a legal duty to care for or who has assumed
10 continuing responsibility for the care of a person 60 years of age or
11 older or ¹a¹ disabled ¹adult¹, who abandons the elderly ¹person¹ or
12 disabled ¹**[person]** adult¹ or unreasonably neglects to do or fails to
13 permit to be done any act necessary for the physical or mental health
14 of the elderly ¹person¹ or disabled ¹**[person]** adult¹, is guilty of a crime
15 of the **[fourth]** third degree. For purposes of this section "abandon"
16 means the willful desertion or forsaking of an elderly ¹person¹ or
17 disabled ¹**[person]** adult¹.

18 b. A person shall not be considered to commit an offense under this
19 section for the sole reason that he provides or permits to be provided
20 nonmedical remedial treatment by spiritual means through prayer alone
21 in lieu of medical care, in accordance with the tenets and practices of
22 the ¹elderly¹ person's ¹or disabled adult's¹ established religious
23 tradition, to ¹**[a]** an elderly¹ person ¹or disabled adult¹ to whom he
24 has a legal duty to care for or has assumed responsibility for the care
25 of.

26 c. Nothing in this section shall be construed to preclude or limit the
27 prosecution or conviction for any other offense defined in this code or
28 in any other law of this State.

29 (cf: P.L.1989, c.23, s.1)

30

31 2. This act shall take effect immediately.

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 Assembly ASC committee amendments adopted October 5, 1998.

ASSEMBLY SENIOR ISSUES AND COMMUNITY SERVICES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1308

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 5, 1998

The Assembly Senior Issues and Community Services Committee favorably reports and with committee amendments Assembly Bill No. 1308.

Pursuant to current law, a person having a legal duty to care for or who has assumed the responsibility for the care of a person 60 years of age and older, or disabled, who neglects or fails to perform an act necessary for the physical or mental health of that elderly or disabled person, is guilty of a crime of the fourth degree.

As amended by committee, this bill upgrades the offense to a crime of the third degree and clarifies the offense to include abandonment of an elderly person or disabled adult. The term "abandon" is defined as the willful desertion or forsaking of an elderly person or disabled adult.

A crime of the third degree is punishable by a term of imprisonment between three and five years, a fine up to \$15,000, or both.

The committee amended the bill to clarify, in the current law, that the accommodation to permit the provision of nonmedical remedial treatment by spiritual means through prayer alone in lieu of medical care, in accordance with the tenets and practices of the person's established religious tradition, shall apply to the tenets and practices of the elderly person's or disabled adult's religious tradition. Other amendments provide for consistent use of the term "elderly person or disabled adult" throughout the statute.

This bill was prefiled for introduction in the 1998-1999 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE, No. 1172

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JUNE 11, 1998

Sponsored by:

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

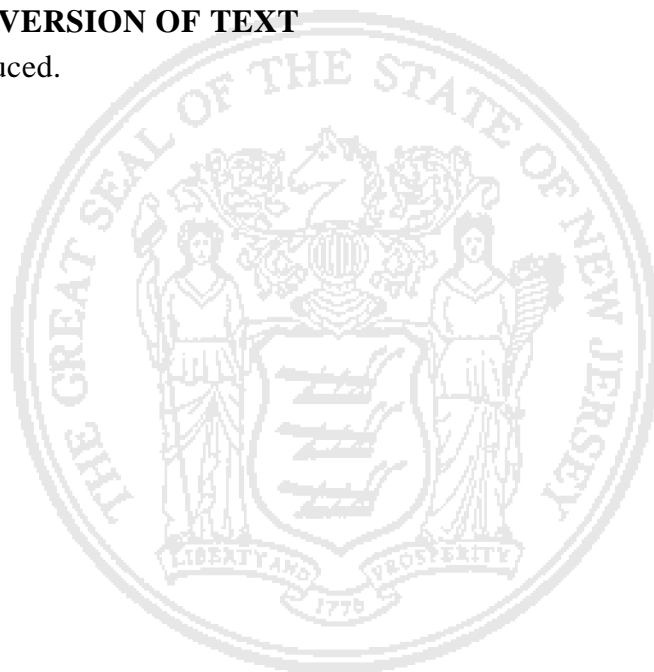
Senator Rice

SYNOPSIS

Clarifies offense of endangering the welfare of an elderly or disabled person to include abandonment; upgrades to crime of the third degree.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/11/1998)

1 AN ACT concerning abandonment of elderly or disabled persons and
2 amending P.L.1989, c.23.

3

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

6

7 1. Section 1 of P.L.1989, c.23 (C.2C:24-8) is amended to read as
8 follows:

9 1. a. A person having a legal duty to care for or who has assumed
10 continuing responsibility for the care of a person 60 years of age or
11 older or disabled, who abandons the elderly or disabled person or
12 unreasonably neglects to do or fails to permit to be done any act
13 necessary for the physical or mental health of the elderly or disabled
14 person, is guilty of a crime of the [fourth] third degree. For purposes
15 of this section "abandon" means the willful desertion or forsaking of
16 an elderly or disabled person.

17 b. A person shall not be considered to commit an offense under this
18 section for the sole reason that he provides or permits to be provided
19 nonmedical remedial treatment by spiritual means through prayer alone
20 in lieu of medical care, in accordance with the tenets and practices of
21 the person's established religious tradition, to a person to whom he has
22 a legal duty to care for or has assumed responsibility for the care of.

23 c. Nothing in this section shall be construed to preclude or limit the
24 prosecution or conviction for any other offense defined in this code or
25 in any other law of this State.

26 (cf: P.L.1989, c.23, s.1)

27

28 2. This act shall take effect immediately.

29

30

31

STATEMENT

32

33 Pursuant to current law, a person having a legal duty to care for or
34 who has assumed the responsibility for the care of a person over the
35 age of 60 or disabled who neglects or fails to perform an act necessary
36 for the physical or mental health of an elderly or disabled person is
37 guilty of a crime of the fourth degree. This bill upgrades the offense
38 to a crime of the third degree and clarifies the offense to include
39 abandonment of an elderly or disabled person. The term "abandon" is
40 defined as the willful desertion or forsaking of an elderly or disabled
41 person. A crime of the third degree is punishable by a term of
42 imprisonment between three and five years, a fine up to \$7,500, or
43 both.

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.

SENATE SENIOR CITIZENS, VETERANS' AFFAIRS AND
HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1172

STATE OF NEW JERSEY

DATED: SEPTEMBER 24, 1998

The Senate Senior Citizens, Veterans' Affairs and Human Services Committee reports favorably Senate Bill No. 1172.

Pursuant to current law, a person having a legal duty to care for or who has assumed the responsibility for the care of a person over the age of 60 or disabled who neglects or fails to perform an act necessary for the physical or mental health of an elderly or disabled person is guilty of a crime of the fourth degree. This bill upgrades the offense to a crime of the third degree and clarifies the offense to include abandonment of an elderly or disabled person. The term "abandon" is defined as the willful desertion or forsaking of an elderly or disabled person. A crime of the third degree is punishable by a term of imprisonment between three and five years, a fine up to \$15,000, or both.

STATEMENT TO
SENATE, No. 1172

with Senate Floor Amendments
(Proposed By Senator INVERSO)

ADOPTED:DECEMBER 10, 1998

This floor amendment clarifies that the accommodation to permit the provision of nonmedical remedial treatment by spiritual means through prayer alone in lieu of medical care, in accordance with the tenets and practices of the person's established religious tradition, shall apply to the tenets and practices of the elderly person's or disabled adult's religious tradition. The amendment also provides for consistent use of the term "elderly person or disabled adult" throughout the bill.

The amendments make this bill identical to A-1308 (1R) (Heck/LeFevre).

[First Reprint]

SENATE, No. 1172

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JUNE 11, 1998

Sponsored by:

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

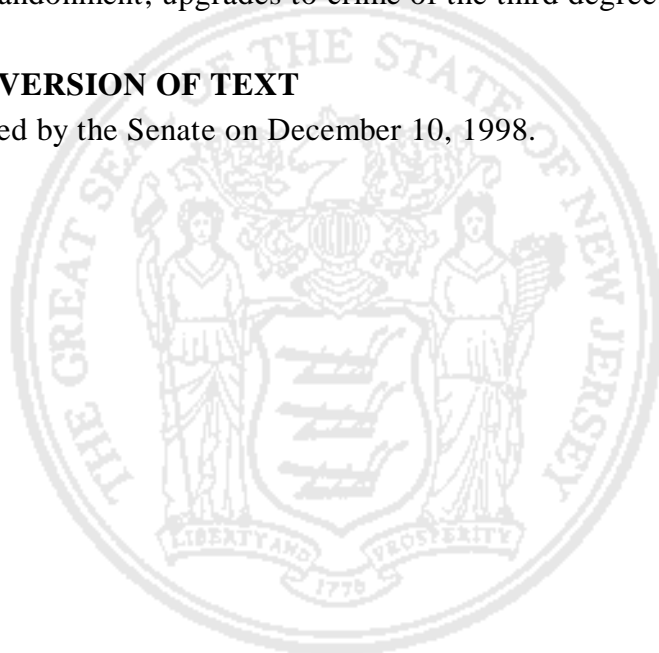
Senator Rice

SYNOPSIS

Clarifies offense of endangering the welfare of an elderly or disabled person to include abandonment; upgrades to crime of the third degree.

CURRENT VERSION OF TEXT

As amended by the Senate on December 10, 1998.



(Sponsorship Updated As Of: 12/11/1998)

1 AN ACT concerning abandonment of elderly ¹persons¹ or disabled
2 ¹**[persons]**adults¹ and amending P.L.1989, c.23.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
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9 1. a. A person having a legal duty to care for or who has assumed
10 continuing responsibility for the care of a person 60 years of age or
11 older or ¹a¹ disabled ¹adult¹ , who abandons the elderly ¹person¹ or
12 disabled ¹**[person]** adult¹ or unreasonably neglects to do or fails to
13 permit to be done any act necessary for the physical or mental health
14 of the elderly ¹person¹ or disabled ¹**[person]** adult¹ , is guilty of a
15 crime of the **[fourth]** third degree. For purposes of this section
16 "abandon" means the willful desertion or forsaking of an elderly
17 person¹ or disabled ¹**[person]**adult¹ .

18 b. A person shall not be considered to commit an offense under this
19 section for the sole reason that he provides or permits to be provided
20 nonmedical remedial treatment by spiritual means through prayer alone
21 in lieu of medical care, in accordance with the tenets and practices of
22 the ¹elderly¹ person's ¹or disabled adult's¹ established religious
23 tradition, to ¹**[a]** an elderly¹ person ¹or disabled adult¹ to whom he
24 has a legal duty to care for or has assumed responsibility for the care
25 of.

26 c. Nothing in this section shall be construed to preclude or limit the
27 prosecution or conviction for any other offense defined in this code or
28 in any other law of this State.

29 (cf: P.L.1989, c.23, s.1)

30

31 2. This act shall take effect immediately.

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 floor amendments adopted December 10, 1998.