

2C:13-6

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2007 **CHAPTER:** 273
NJSA: 2C:13-6 (Provides for mandatory term of imprisonment for luring and enticing an adult; increases mandatory term for luring and enticing a child)
BILL NO: S1978 (Substituted for A4096)

SPONSOR(S): Codey and others

DATE INTRODUCED: June 12, 2006

COMMITTEE: **ASSEMBLY:** Judiciary
SENATE: Law and Public Safety and Veterans' Affairs
Budget and Appropriations

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** January 7, 2008
SENATE: March 15, 2007

DATE OF APPROVAL: January 13, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

S1978

[SPONSOR'S STATEMENT:](#) (Begins on page 5 of original bill) [Yes](#)

COMMITTEE STATEMENT: **[ASSEMBLY:](#)** [Yes](#)

SENATE: Yes [2-26-07 \(L & PS & VA\)](#)
[3-5-07 \(B & A\)](#)

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL NOTE:](#) [Yes](#)

A4096

[SPONSOR'S STATEMENT:](#) (Begins on page 5 of original bill) [Yes](#)

COMMITTEE STATEMENT: **[ASSEMBLY:](#)** [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL NOTE:](#) [Yes](#)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

IS 6/4/08

P.L. 2007, CHAPTER 273, *approved January 13, 2008*
Senate, No. 1978

1 AN ACT concerning luring and enticing and amending P.L. 1993, c.
2 291 and P.L. 2005, c. 1.

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. 1993, c. 291 (C.2C:13-6) is amended to read
8 as follows:

9 1. Luring, enticing child by various means, attempts; crime of
10 second degree; subsequent offense, mandatory imprisonment.

11 a. A person commits a crime of the second degree if he attempts,
12 via electronic or any other means, to lure or entice a child or one
13 who he reasonably believes to be a child into a motor vehicle,
14 structure or isolated area, or to meet or appear at any other place,
15 with a purpose to commit a criminal offense with or against the
16 child.

17 b. As used in this section:

18 "Child" **[as used in this act]** means a person less than 18 years
19 old.

20 "Electronic means" **[as used in this section]** includes, but is not
21 limited to, the Internet, which shall have the meaning set forth in
22 N.J.S.2C:24-4.

23 "Structure" **[as used in this act]** means any building, room, ship,
24 vessel or airplane and also means any place adapted for overnight
25 accommodation of persons, or for carrying on business therein,
26 whether or not a person is actually present.

27 c. Nothing herein shall be deemed to preclude, if the evidence so
28 warrants, an indictment and conviction for attempted kidnapping
29 under the provisions of N.J.S.2C:13-1.

30 d. A person convicted of a second or subsequent offense under
31 this section **[or a person convicted under this section who has**
32 **previously been convicted of a violation of N.J.S.2C:14-2,**
33 **subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4]** shall be sentenced
34 to a term of imprisonment. Notwithstanding the provisions of
35 **[paragraph (2) of]** subsection a. of N.J.S.2C:43-6, the term of
36 imprisonment shall include, unless the person is sentenced pursuant
37 to the provisions of N.J.S.2C:43-7, a mandatory minimum term of
38 one-third to one-half of the sentence imposed, or three years,
39 whichever is greater, during which time the defendant shall not be
40 eligible for parole. If the person is sentenced pursuant to
41 N.J.S.2C:43-7, the court shall impose a minimum term of one-third
42 to one-half of the sentence imposed, or five years, whichever is
43 greater. The court may not suspend or make any other non-

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 custodial disposition of any person sentenced as a second or
2 subsequent offender pursuant to this section.

3 For the purposes of this section, an offense is considered a
4 second or subsequent offense **[**or a previous conviction of
5 N.J.S.2C:14-2, subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4, as
6 the case may be,**]** if the actor has at any time been convicted
7 pursuant to this section, or under any similar statute of the United
8 States, this State or any other state for an offense that is
9 substantially equivalent to this section **[**or substantially equivalent
10 to N.J.S.2C:14-2, subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4**]**.

11 e. A person convicted of an offense under this section who has
12 previously been convicted of a violation of N.J.S.2C:14-2,
13 subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4 shall be sentenced
14 to a term of imprisonment. Notwithstanding the provisions of
15 subsection a. of N.J.S.2C:43-6, the term of imprisonment shall
16 include, unless the person is sentenced pursuant to the provisions of
17 N.J.S.2C:43-7, a mandatory minimum term of five years, during
18 which time the defendant shall not be eligible for parole. The court
19 may not suspend or make any other non-custodial disposition of any
20 person sentenced pursuant to this section.

21 For the purposes of this subsection, an offense is considered a
22 previous conviction of N.J.S.2C:14-2, subsection a. of N.J.S.2C:14-
23 3 or N.J.S.2C:24-4 if the actor has at any time been convicted under
24 any of these sections or under any similar statute of the United
25 States, this State or any other state for an offense that is
26 substantially equivalent to any of these sections.

27 f. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
28 law, a conviction under this section shall not merge with a
29 conviction of any other criminal offense, nor shall such other
30 conviction merge with a conviction under this section, and the court
31 shall impose separate sentences upon each violation of this section
32 and any other criminal offense. The court may not suspend or make
33 any other non-custodial disposition of any person sentenced
34 pursuant to this section.

35 (cf: P.L. 2003, c.229, s. 1).

36

37 2. Section 1 of P.L. 2005, c. 1 (C.2C:13-7) is amended to read as
38 follows:

39 1. a. A person commits a crime of the third degree if he attempts,
40 via electronic or any other means, to lure or entice a person into a
41 motor vehicle, structure or isolated area, or to meet or appear at any
42 place, with a purpose to commit a criminal offense with or against
43 the person lured or enticed or against any other person.

44 b. As used in this section:

45 "Electronic means" **[**as used in this section**]** includes, but is not
46 limited to, the Internet, which shall have the meaning set forth in
47 N.J.S.2C:24-4.

1 ["Internet" means the international computer network of both
2 federal and non-federal interoperable packet switched data
3 networks.]

4 "Structure" shall have the meaning set forth in P.L.1993, c.291
5 (C.2C:13-6).

6 c. Nothing herein shall be deemed to preclude, if the evidence so
7 warrants, an indictment and conviction for attempted kidnapping
8 under the provisions of N.J.S.2C:13-1 or for any other crime or
9 offense.

10 d. A person convicted of a second or subsequent offense under
11 this section shall be sentenced to a term of imprisonment.
12 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6,
13 the term of imprisonment shall include, unless the person is
14 sentenced pursuant to the provisions of N.J.S.2C:43-7, a mandatory
15 minimum term of one-third to one-half of the sentence imposed, or
16 one year, whichever is greater, during which time the defendant
17 shall not be eligible for parole. If the person is sentenced pursuant
18 to N.J.S.2C:43-7, the court shall impose a minimum term of one-
19 third to one-half of the sentence imposed, or five years, whichever
20 is greater. The court may not suspend or make any other non-
21 custodial disposition of any person sentenced as a second or
22 subsequent offender pursuant to this section.

23 For the purposes of this section, an offense is considered a
24 second or subsequent offense if the actor has at any time been
25 convicted pursuant to this section, or under any similar statute of
26 the United States, this State or any other state for an offense that is
27 substantially equivalent to this section.

28 e. A person convicted of an offense under this section who has
29 previously been convicted of a violation of N.J.S.2C:14-2,
30 subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4 shall be sentenced
31 to a term of imprisonment. Notwithstanding the provisions of
32 subsection a. of N.J.S.2C:43-6, the term of imprisonment shall
33 include, unless the person is sentenced pursuant to the provisions of
34 N.J.S.2C:43-7, a mandatory minimum term of three years, during
35 which time the defendant shall not be eligible for parole. The court
36 may not suspend or make any other non-custodial disposition of any
37 person sentenced pursuant to this section.

38 For the purposes of this subsection, an offense is considered a
39 previous conviction of N.J.S.2C:14-2, subsection a. of N.J.S.2C:14-
40 3 or N.J.S.2C:24-4 if the actor has at any time been convicted under
41 any of these sections or under any similar statute of the United
42 States, this State or any other state for an offense that is
43 substantially equivalent to any of these sections.

44 f. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
45 law, a conviction under this section shall not merge with a
46 conviction of any other criminal offense, nor shall such other
47 conviction merge with a conviction under this section, and the court
48 shall impose separate sentences upon each violation of this section

1 and any other criminal offense. The court may not suspend or make
2 any other non-custodial disposition of any person sentenced
3 pursuant to this section.
4 (cf: P.L. 2005, c.1, s. 1)

5

6 3. This act shall take effect immediately.

7

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STATEMENT

10

11 This bill would increase the penalties for persons convicted of
12 luring or enticing who have previously been convicted of sexual
13 assault, sexual contact or endangering the welfare of a child.

14 Under current law, a person convicted of a second or subsequent
15 offense of luring or enticing a child or a person convicted of luring
16 or enticing a child who has previously been convicted of sexual
17 assault, aggravated criminal sexual contact or endangering the
18 welfare of a child is required to be sentenced to a term of
19 imprisonment which includes a mandatory minimum term of one-
20 third to one-half of the sentence imposed, or three years, whichever
21 is greater, during which time the defendant shall not be eligible for
22 parole. Under the bill, a person with a previous conviction for
23 sexual assault, aggravated sexual contact or endangering the welfare
24 of a child who is convicted of *luring or enticing a child* would be
25 sentenced to a mandatory minimum term of five years, during
26 which the person would not be eligible for parole.

27 The bill provides that a person with a previous conviction for
28 sexual assault, sexual contact or endangering the welfare of a child
29 who is convicted of *luring or enticing an adult* would be sentenced
30 to a mandatory minimum term of three years, during which the
31 person would not be eligible for parole. The bill also provides that
32 a person convicted of a second or subsequent offense of luring or
33 enticing an adult would be sentenced to a mandatory minimum term
34 of one-third to one-half of the sentence imposed or one year,
35 whichever is greater.

36

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38

39

40 Provides for mandatory term of imprisonment for luring and
41 enticing an adult; increases mandatory term for luring and enticing
42 a child.

SENATE, No. 1978

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 12, 2006

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator JOHN A. GIRGENTI

District 35 (Bergen and Passaic)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Assemblywoman JOAN M. VOSS

District 38 (Bergen)

Assemblyman LOUIS M. MANZO

District 31 (Hudson)

Assemblyman JOSEPH VAS

District 19 (Middlesex)

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Senators Bark, Bucco, Buono, Coniglio, Doria, James, Kavanaugh, Kenny, Lance, Littell, Sarlo, Sweeney, Turner, Vitale, Karcher, Madden, Assemblymen Mayer and Moriarty

SYNOPSIS

Provides for mandatory term of imprisonment for luring and enticing an adult; increases mandatory term for luring and enticing a child.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 1/8/2008)

S1978 CODEY, GIRGENTI

2

1 AN ACT concerning luring and enticing and amending P.L. 1993, c.
2 291 and P.L. 2005, c. 1.

3

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

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7 1. Section 1 of P.L. 1993, c. 291 (C.2C:13-6) is amended to read
8 as follows:

9 1. Luring, enticing child by various means, attempts; crime of
10 second degree; subsequent offense, mandatory imprisonment.

11 a. A person commits a crime of the second degree if he attempts,
12 via electronic or any other means, to lure or entice a child or one
13 who he reasonably believes to be a child into a motor vehicle,
14 structure or isolated area, or to meet or appear at any other place,
15 with a purpose to commit a criminal offense with or against the
16 child.

17 b. As used in this section:

18 "Child" **[as used in this act]** means a person less than 18 years
19 old.

20 "Electronic means" **[as used in this section]** includes, but is not
21 limited to, the Internet, which shall have the meaning set forth in
22 N.J.S.2C:24-4.

23 "Structure" **[as used in this act]** means any building, room, ship,
24 vessel or airplane and also means any place adapted for overnight
25 accommodation of persons, or for carrying on business therein,
26 whether or not a person is actually present.

27 c. Nothing herein shall be deemed to preclude, if the evidence so
28 warrants, an indictment and conviction for attempted kidnapping
29 under the provisions of N.J.S.2C:13-1.

30 d. A person convicted of a second or subsequent offense under
31 this section **[or a person convicted under this section who has**
32 **previously been convicted of a violation of N.J.S.2C:14-2,**
33 **subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4]** shall be sentenced
34 to a term of imprisonment. Notwithstanding the provisions of
35 **[paragraph (2) of]** subsection a. of N.J.S.2C:43-6, the term of
36 imprisonment shall include, unless the person is sentenced pursuant
37 to the provisions of N.J.S.2C:43-7, a mandatory minimum term of
38 one-third to one-half of the sentence imposed, or three years,
39 whichever is greater, during which time the defendant shall not be
40 eligible for parole. If the person is sentenced pursuant to
41 N.J.S.2C:43-7, the court shall impose a minimum term of one-third
42 to one-half of the sentence imposed, or five years, whichever is
43 greater. The court may not suspend or make any other non-
44 custodial disposition of any person sentenced as a second or
45 subsequent offender pursuant to this section.

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 For the purposes of this section, an offense is considered a
2 second or subsequent offense [or a previous conviction of
3 N.J.S.2C:14-2, subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4, as
4 the case may be,] if the actor has at any time been convicted
5 pursuant to this section, or under any similar statute of the United
6 States, this State or any other state for an offense that is
7 substantially equivalent to this section [or substantially equivalent
8 to N.J.S.2C:14-2, subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4].

9 e. A person convicted of an offense under this section who has
10 previously been convicted of a violation of N.J.S.2C:14-2,
11 subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4 shall be sentenced
12 to a term of imprisonment. Notwithstanding the provisions of
13 subsection a. of N.J.S.2C:43-6, the term of imprisonment shall
14 include, unless the person is sentenced pursuant to the provisions of
15 N.J.S.2C:43-7, a mandatory minimum term of five years, during
16 which time the defendant shall not be eligible for parole. The court
17 may not suspend or make any other non-custodial disposition of any
18 person sentenced pursuant to this section.

19 For the purposes of this subsection, an offense is considered a
20 previous conviction of N.J.S.2C:14-2, subsection a. of N.J.S.2C:14-
21 3 or N.J.S.2C:24-4 if the actor has at any time been convicted under
22 any of these sections or under any similar statute of the United
23 States, this State or any other state for an offense that is
24 substantially equivalent to any of these sections.

25 f. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
26 law, a conviction under this section shall not merge with a
27 conviction of any other criminal offense, nor shall such other
28 conviction merge with a conviction under this section, and the court
29 shall impose separate sentences upon each violation of this section
30 and any other criminal offense. The court may not suspend or make
31 any other non-custodial disposition of any person sentenced
32 pursuant to this section.

33 (cf: P.L. 2003, c.229, s. 1).

34
35 2. Section 1 of P.L. 2005, c. 1 (C.2C:13-7) is amended to read as
36 follows:

37 1. a. A person commits a crime of the third degree if he attempts,
38 via electronic or any other means, to lure or entice a person into a
39 motor vehicle, structure or isolated area, or to meet or appear at any
40 place, with a purpose to commit a criminal offense with or against
41 the person lured or enticed or against any other person.

42 b. As used in this section:

43 "Electronic means" [as used in this section] includes, but is not
44 limited to, the Internet, which shall have the meaning set forth in
45 N.J.S.2C:24-4.

1 ["Internet" means the international computer network of both
2 federal and non-federal interoperable packet switched data
3 networks.]

4 "Structure" shall have the meaning set forth in P.L.1993, c.291
5 (C.2C:13-6).

6 c. Nothing herein shall be deemed to preclude, if the evidence so
7 warrants, an indictment and conviction for attempted kidnapping
8 under the provisions of N.J.S.2C:13-1 or for any other crime or
9 offense.

10 d. A person convicted of a second or subsequent offense under
11 this section shall be sentenced to a term of imprisonment.
12 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6,
13 the term of imprisonment shall include, unless the person is
14 sentenced pursuant to the provisions of N.J.S.2C:43-7, a mandatory
15 minimum term of one-third to one-half of the sentence imposed, or
16 one year, whichever is greater, during which time the defendant
17 shall not be eligible for parole. If the person is sentenced pursuant
18 to N.J.S.2C:43-7, the court shall impose a minimum term of one-
19 third to one-half of the sentence imposed, or five years, whichever
20 is greater. The court may not suspend or make any other non-
21 custodial disposition of any person sentenced as a second or
22 subsequent offender pursuant to this section.

23 For the purposes of this section, an offense is considered a
24 second or subsequent offense if the actor has at any time been
25 convicted pursuant to this section, or under any similar statute of
26 the United States, this State or any other state for an offense that is
27 substantially equivalent to this section.

28 e. A person convicted of an offense under this section who has
29 previously been convicted of a violation of N.J.S.2C:14-2,
30 subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4 shall be sentenced
31 to a term of imprisonment. Notwithstanding the provisions of
32 subsection a. of N.J.S.2C:43-6, the term of imprisonment shall
33 include, unless the person is sentenced pursuant to the provisions of
34 N.J.S.2C:43-7, a mandatory minimum term of three years, during
35 which time the defendant shall not be eligible for parole. The court
36 may not suspend or make any other non-custodial disposition of any
37 person sentenced pursuant to this section.

38 For the purposes of this subsection, an offense is considered a
39 previous conviction of N.J.S.2C:14-2, subsection a. of N.J.S.2C:14-
40 3 or N.J.S.2C:24-4 if the actor has at any time been convicted under
41 any of these sections or under any similar statute of the United
42 States, this State or any other state for an offense that is
43 substantially equivalent to any of these sections.

44 f. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
45 law, a conviction under this section shall not merge with a
46 conviction of any other criminal offense, nor shall such other
47 conviction merge with a conviction under this section, and the court
48 shall impose separate sentences upon each violation of this section

1 and any other criminal offense. The court may not suspend or make
2 any other non-custodial disposition of any person sentenced
3 pursuant to this section.
4 (cf: P.L. 2005, c.1, s. 1)

5

6 3. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 This bill would increase the penalties for persons convicted of
12 luring or enticing who have previously been convicted of sexual
13 assault, sexual contact or endangering the welfare of a child.

14 Under current law, a person convicted of a second or subsequent
15 offense of luring or enticing a child or a person convicted of luring
16 or enticing a child who has previously been convicted of sexual
17 assault, aggravated criminal sexual contact or endangering the
18 welfare of a child is required to be sentenced to a term of
19 imprisonment which includes a mandatory minimum term of one-
20 third to one-half of the sentence imposed, or three years, whichever
21 is greater, during which time the defendant shall not be eligible for
22 parole. Under the bill, a person with a previous conviction for
23 sexual assault, aggravated sexual contact or endangering the welfare
24 of a child who is convicted of *luring or enticing a child* would be
25 sentenced to a mandatory minimum term of five years, during
26 which the person would not be eligible for parole.

27 The bill provides that a person with a previous conviction for
28 sexual assault, sexual contact or endangering the welfare of a child
29 who is convicted of *luring or enticing an adult* would be sentenced
30 to a mandatory minimum term of three years, during which the
31 person would not be eligible for parole. The bill also provides that
32 a person convicted of a second or subsequent offense of luring or
33 enticing an adult would be sentenced to a mandatory minimum term
34 of one-third to one-half of the sentence imposed or one year,
35 whichever is greater.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1978

STATE OF NEW JERSEY

DATED: MAY 21, 2007

The Assembly Judiciary Committee reports favorably Senate Bill No. 1978.

This bill would increase the penalties for those offenders who have been convicted of luring or enticing a child or an adult and who have previously been convicted of sexual assault, aggravated sexual contact or endangering the welfare of a child.

Luring or enticing a child is a crime of the second degree punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both. Luring or enticing an adult is a crime of the third degree punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. This bill establishes a sentencing gradation scheme for luring a child and for luring an adult, taking into consideration the current sentencing provisions for these offenses and whether the offender has been previously convicted of luring or previously convicted of sexual assault, aggravated sexual contact or endangering the welfare of a child.

Luring or enticing a child. Under current law, a person convicted of a second or subsequent offense of luring or enticing a child or a person convicted of luring or enticing a child who has previously been convicted of sexual assault, aggravated criminal sexual contact or endangering the welfare of a child is sentenced to a term of imprisonment which includes a mandatory minimum term of one-third to one-half of the sentence imposed, or three years, whichever is greater, during which time the defendant shall not be eligible for parole. Under the bill, this current mandatory term of one-third to one-half of the sentence imposed or three years would be imposed only on a person convicted of a second or subsequent offense of luring or enticing a child.

The bill provides that any person who is convicted of luring or enticing a child who has previously been convicted of sexual assault, aggravated sexual contact or endangering the welfare of a child would be sentenced to a mandatory minimum term of five years, during which the person would not be eligible for parole. The bill provides that an offense is considered a previous conviction under the act if the actor has been convicted in any other state of an offense that is substantially equivalent to those enumerated in the statute.

Luring or enticing an adult. Currently, the law does not provide for a mandatory term of imprisonment for a second or subsequent conviction of luring an adult. This bill provides that any person convicted of a second or subsequent offense of luring or enticing an adult shall be sentenced to a mandatory minimum of one-third to one-half of the sentence imposed, or one year, whichever is greater, during which time the defendant shall not be eligible for parole.

In addition, a person convicted of luring or enticing an adult who has previously been convicted of sexual assault, aggravated sexual contact or endangering the welfare of a child shall be sentenced to a mandatory minimum term of three years, during which the person would not be eligible for parole. An offense is considered a previous conviction under the bill if the actor has been convicted in any other state of an offense that is substantially equivalent to those enumerated in the statute.

This bill is identical to Assembly Bill No. 4096.

SENATE LAW AND PUBLIC SAFETY AND VETERANS
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1978

STATE OF NEW JERSEY

DATED: FEBRUARY 26, 2007

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 1978.

This bill would increase the penalties for persons convicted of luring or enticing who have previously been convicted of sexual assault, sexual contact or endangering the welfare of a child.

Under current law, a person convicted of a second or subsequent offense of luring or enticing a child or a person convicted of luring or enticing a child who has previously been convicted of sexual assault, aggravated criminal sexual contact or endangering the welfare of a child is required to be sentenced to a term of imprisonment which includes a mandatory minimum term of one-third to one-half of the sentence imposed, or three years, whichever is greater, during which time the defendant shall not be eligible for parole. Under the bill, a person with a previous conviction for sexual assault, aggravated sexual contact or endangering the welfare of a child who is convicted of luring or enticing a child would be sentenced to a mandatory minimum term of five years, during which the person would not be eligible for parole.

The bill provides that a person with a previous conviction for sexual assault, sexual contact or endangering the welfare of a child who is convicted of luring or enticing an adult would be sentenced to a mandatory minimum term of three years, during which the person would not be eligible for parole. The bill also provides that a person convicted of a second or subsequent offense of luring or enticing an adult would be sentenced to a mandatory minimum term of one-third to one-half of the sentence imposed or one year, whichever is greater.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1978

STATE OF NEW JERSEY

DATED: MARCH 5, 2007

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1978.

The bill would increase the minimum mandatory terms of imprisonment for persons convicted of luring or enticing who have previously been convicted of sexual assault, sexual contact or endangering the welfare of a child.

Under the bill, a person with a previous conviction for sexual assault, aggravated sexual contact or endangering the welfare of a child who is convicted of luring or enticing a child would be sentenced to a mandatory minimum term of five years, during which the person would not be eligible for parole. Under current law, a person convicted of a second or subsequent offense of luring or enticing a child or a person convicted of luring or enticing a child who has previously been convicted of sexual assault, aggravated criminal sexual contact or endangering the welfare of a child is required to be sentenced to a term of imprisonment which includes a mandatory minimum term of one-third to one-half of the sentence imposed, or three years, whichever is greater, during which time the defendant shall not be eligible for parole.

The bill also provides that a person with a previous conviction for sexual assault, sexual contact or endangering the welfare of a child who is convicted of luring or enticing an adult would be sentenced to a mandatory minimum term of three years, during which the person would not be eligible for parole. The bill also provides that a person convicted of a second or subsequent offense of luring or enticing an adult would be sentenced to a mandatory minimum term of one-third to one-half of the sentence imposed or one year, whichever is greater.

FISCAL IMPACT:

The Administrative Office of the Courts (AOC) estimates that the total cost of implementing this legislation would be \$589,000, \$516,000 and \$542,000, respectively, in the first three years following enactment. These costs incorporate judicial salary expenditures, one-time start up costs and office and courtroom rent.

This estimate is based on the assumption that more defendants might plead not guilty to the charges addressed by this bill given the increased mandatory penalties the bill imposes. Specifically,

according to the AOC, from July 1, 2005 to July 1, 2006, there were 36 people convicted of luring or enticing a child. Of that number, 34 pled guilty. The AOC notes that if these 34 defendants who pled guilty decided to plead not guilty as a result of increased penalties, one additional judge team would be required to dispose of these cases. (For the same period, there were no convictions for luring or enticing an adult.)

The Office of Legislative Services notes that in addition to the costs cited by the AOC, Department of Corrections data indicate that for every offender who is convicted under this bill, the cost of constructing one additional prison bed space ranges between \$60,000 and \$95,000 depending upon the security level of the bed. The ongoing operations expense of housing a state sentenced prison inmate is \$32,000 per year for the duration of that offender's incarceration.

FISCAL NOTE
SENATE, No. 1978
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: APRIL 25, 2007

SUMMARY

Synopsis: Provides for mandatory term of imprisonment for luring and enticing an adult; increases mandatory term for luring and enticing a child.

Type of Impact: General Fund expenditure.

Agencies Affected: Judiciary, Department of Corrections

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Judiciary Cost	\$589,402	\$515,878	\$541,672
DOC Revenue	Indeterminate - See comments below		

- The Office of Legislative Services (OLS) **concurs** with the Judiciary's estimate of the cost of the bill to the Judiciary. The OLS adds that the Department of Corrections data indicate that for every offender who is convicted under this bill, the cost of constructing one additional prison bed space range between \$60,000 and \$95,000 depending upon the security level of the bed. The ongoing operations expense of housing a State sentenced prison inmate is \$32,000 per year for the duration of that offender's incarceration.
- The bill increase the penalties for persons convicted of luring or enticing who have previously been convicted of sexual assault, sexual contact or endangering the welfare of a child.
- The Administrative Office of the Courts (AOC) states that for the period from July 1, 2005 through June 30, 2006, there were 36 people convicted of luring or enticing a child. Thirty-four of those defendants pled guilty. The remaining two defendants were convicted after a trial. For the same time period, there were no convictions for luring or enticing an adult.
- The AOC notes that if the 34 defendants who pled guilty decided to plead not guilty to the charges as a result of the increased penalties, and as the average trial length is approximately 3 days, there would be an additional 102 trial days needed to dispose of the cases requiring one additional judge team.

- Each judge team consists of a Superior Court Judge, a Judge's Secretary, a Law Clerk, a Court Clerk, and an Official Court Reporter costing \$428,187 in salary expenses in the first full year after enactment. Second and third year salary costs would total \$449,597 and \$472,077, respectively
- The AOC notes that one-time start-up costs of \$98,090 would be generated to fund office furniture, video court room capability, computers, law books, etc. Continuing operating expenses are estimated at \$13,125 during the first year of operation. Second and third year program costs would total \$13,781 and \$14,470. In addition, the AOC notes that although not included in the cost projection as it is beyond the projection period, after 2 years, the maintenance of the video court capability is approximately \$3,675 per year.
- Finally, the AOC states that it is assumed that the Judiciary would have to rent 100 percent of the office and courtroom space necessary to facilitate the judge team at a total cost of \$50,000 in the first year, \$52,500 in the second year, and \$55,125 in the third year after implementation.

BILL DESCRIPTION

Senate Bill No. 1978 of 2006 increase the penalties for persons convicted of luring or enticing who have previously been convicted of sexual assault, sexual contact or endangering the welfare of a child.

Under current law, a person convicted of a second or subsequent offense of luring or enticing a child or a person convicted of luring or enticing a child who has previously been convicted of sexual assault, aggravated criminal sexual contact or endangering the welfare of a child is required to be sentenced to a term of imprisonment which includes a mandatory minimum term of one-third to one-half of the sentence imposed, or three years, whichever is greater, during which time the defendant shall not be eligible for parole. Under the bill, a person with a previous conviction for sexual assault, aggravated sexual contact or endangering the welfare of a child who is convicted of luring or enticing a child would be sentenced to a mandatory minimum term of five years, during which the person would not be eligible for parole.

The bill provides that a person with a previous conviction for sexual assault, sexual contact or endangering the welfare of a child who is convicted of luring or enticing an adult would be sentenced to a mandatory minimum term of three years, during which the person would not be eligible for parole. The bill also provides that a person convicted of a second or subsequent offense of luring or enticing an adult would be sentenced to a mandatory minimum term of one-third to one-half of the sentence imposed or one year, whichever is greater.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

The AOC states that for the period from July 1, 2005 through June 30, 2006, there were 36 people convicted of luring or enticing a child pursuant to N.J.S.A. 2C:13-6. Thirty-four of those defendants pled guilty. The remaining two defendants were convicted after a trial. For the same

time period, there were no convictions for luring or enticing an adult pursuant to N.J.S.A. 2C:13-7.

The AOC notes that if the 34 defendants who pled guilty decided to plead not guilty to the charges as a result of the increased penalties, and as the average trial length is approximately 3 days, there would be an additional 102 trial days needed to dispose of the cases. Assuming a judge sits for 215 days a year, there would be a new judge team needed to handle the additional trials.

According to the AOC, each judge team consists of a Superior Court Judge, a Judge's Secretary, a Law Clerk, a Court Clerk, and an Official Court Reporter costing \$428,187 in salary expenses in the first full year after enactment. Second and third year salary costs would total \$449,597 and \$472,077, respectively.

The AOC notes that one-time start-up costs of \$98,090 would be generated to fund office furniture, video court room capability, computers, law books, etc. Continuing operating expenses (office supplies, telephone bills, postage, office machine rentals, etc.) are estimated at \$13,125 during the first year of operation. Second and third year program costs would total \$13,781 and \$14,470. In addition, the AOC noted that although not included in the cost projection as it is beyond the projection period, after 2 years, the maintenance of the video court capability is approximately \$3,675 per year.

Finally, the AOC states that for the purpose of this fiscal note, it is assumed that the Judiciary would have to rent 100 percent of the office and courtroom space necessary to facilitate the judge team. Assuming that a 2,000 square foot space is necessary, at a cost of \$25 per square foot, the annual facility rental cost would total \$50,000 in the first year, \$52,500 in the second year, and \$55,125 in the third year after implementation.

Total annual costs to the Judiciary would be \$589,402 in the first year, \$515,878 in the second year, and \$541,672 in the third year after the bill's enactment.

Department of Corrections

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Judiciary's estimate of the cost of the bill to the Judiciary. The OLS adds that the Department of Corrections data indicate that for every offender who is convicted under this bill, the cost of constructing one additional prison bed space range between \$60,000 and \$95,000 depending upon the security level of the bed. The ongoing operations expense of housing a State sentenced prison inmate is \$32,000 per year for the duration of that offender's incarceration.

Section: Judiciary
Analyst: Anne Raughley
Principal Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 4096

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MARCH 12, 2007

Sponsored by:

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Assemblywoman JOAN M. VOSS

District 38 (Bergen)

Assemblyman LOUIS M. MANZO

District 31 (Hudson)

Assemblyman JOSEPH VAS

District 19 (Middlesex)

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

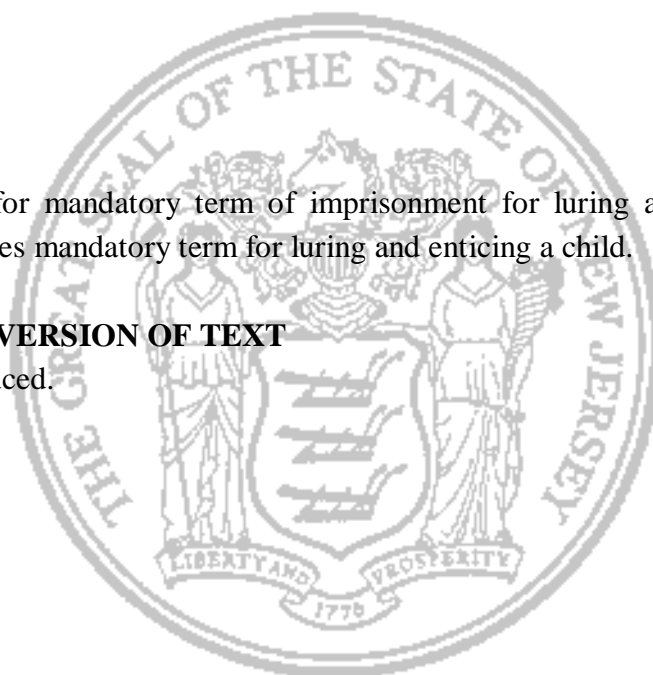
Assemblymen Mayer and Moriarty

SYNOPSIS

Provides for mandatory term of imprisonment for luring and enticing an adult; increases mandatory term for luring and enticing a child.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/8/2008)

1 AN ACT concerning luring and enticing and amending P.L.1993,
2 c.291 and P.L.2005, c.1.

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.1993, c.291 (C.2C:13-6) is amended to read
8 as follows:

9 1. Luring, enticing child by various means, attempts; crime of
10 second degree; subsequent offense, mandatory imprisonment.

11 a. A person commits a crime of the second degree if he attempts,
12 via electronic or any other means, to lure or entice a child or one
13 who he reasonably believes to be a child into a motor vehicle,
14 structure or isolated area, or to meet or appear at any other place,
15 with a purpose to commit a criminal offense with or against the
16 child.

17 b. As used in this section:

18 "Child" **[as used in this act]** means a person less than 18 years
19 old.

20 "Electronic means" **[as used in this section]** includes, but is not
21 limited to, the Internet, which shall have the meaning set forth in
22 N.J.S.2C:24-4.

23 "Structure" **[as used in this act]** means any building, room, ship,
24 vessel or airplane and also means any place adapted for overnight
25 accommodation of persons, or for carrying on business therein,
26 whether or not a person is actually present.

27 c. Nothing herein shall be deemed to preclude, if the evidence so
28 warrants, an indictment and conviction for attempted kidnapping
29 under the provisions of N.J.S.2C:13-1.

30 d. A person convicted of a second or subsequent offense under
31 this section **[or a person convicted under this section who has**
32 **previously been convicted of a violation of N.J.S.2C:14-2,**
33 **subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4]** shall be sentenced
34 to a term of imprisonment. Notwithstanding the provisions of
35 **[paragraph (2) of]** subsection a. of N.J.S.2C:43-6, the term of
36 imprisonment shall include, unless the person is sentenced pursuant
37 to the provisions of N.J.S.2C:43-7, a mandatory minimum term of
38 one-third to one-half of the sentence imposed, or three years,
39 whichever is greater, during which time the defendant shall not be
40 eligible for parole. If the person is sentenced pursuant to
41 N.J.S.2C:43-7, the court shall impose a minimum term of one-third
42 to one-half of the sentence imposed, or five years, whichever is
43 greater. The court may not suspend or make any other non-

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 custodial disposition of any person sentenced as a second or
2 subsequent offender pursuant to this section.

3 For the purposes of this section, an offense is considered a
4 second or subsequent offense [or a previous conviction of
5 N.J.S.2C:14-2, subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4, as
6 the case may be,] if the actor has at any time been convicted
7 pursuant to this section, or under any similar statute of the United
8 States, this State or any other state for an offense that is
9 substantially equivalent to this section [or substantially equivalent
10 to N.J.S.2C:14-2, subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4].

11 e. A person convicted of an offense under this section who has
12 previously been convicted of a violation of N.J.S.2C:14-2,
13 subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4 shall be sentenced
14 to a term of imprisonment. Notwithstanding the provisions of
15 subsection a. of N.J.S.2C:43-6, the term of imprisonment shall
16 include, unless the person is sentenced pursuant to the provisions of
17 N.J.S.2C:43-7, a mandatory minimum term of five years, during
18 which time the defendant shall not be eligible for parole. The court
19 may not suspend or make any other non-custodial disposition of any
20 person sentenced pursuant to this section.

21 For the purposes of this subsection, an offense is considered a
22 previous conviction of N.J.S.2C:14-2, subsection a. of N.J.S.2C:14-
23 3 or N.J.S.2C:24-4 if the actor has at any time been convicted under
24 any of these sections or under any similar statute of the United
25 States, this State or any other state for an offense that is
26 substantially equivalent to any of these sections.

27 f. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
28 law, a conviction under this section shall not merge with a
29 conviction of any other criminal offense, nor shall such other
30 conviction merge with a conviction under this section, and the court
31 shall impose separate sentences upon each violation of this section
32 and any other criminal offense. The court may not suspend or make
33 any other non-custodial disposition of any person sentenced
34 pursuant to this section.

35 (cf: P.L.2003, c.229, s.1).

36

37 2. Section 1 of P.L.2005, c.1 (C.2C:13-7) is amended to read as
38 follows:

39 1. a. A person commits a crime of the third degree if he attempts,
40 via electronic or any other means, to lure or entice a person into a
41 motor vehicle, structure or isolated area, or to meet or appear at any
42 place, with a purpose to commit a criminal offense with or against
43 the person lured or enticed or against any other person.

44 b. As used in this section:

45 "Electronic means" [as used in this section] includes, but is not
46 limited to, the Internet, which shall have the meaning set forth in
47 N.J.S.2C:24-4.

1 ["Internet" means the international computer network of both
2 federal and non-federal interoperable packet switched data
3 networks.]

4 "Structure" shall have the meaning set forth in P.L.1993, c.291
5 (C.2C:13-6).

6 c. Nothing herein shall be deemed to preclude, if the evidence so
7 warrants, an indictment and conviction for attempted kidnapping
8 under the provisions of N.J.S.2C:13-1 or for any other crime or
9 offense.

10 d. A person convicted of a second or subsequent offense under
11 this section shall be sentenced to a term of imprisonment.
12 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6,
13 the term of imprisonment shall include, unless the person is
14 sentenced pursuant to the provisions of N.J.S.2C:43-7, a mandatory
15 minimum term of one-third to one-half of the sentence imposed, or
16 one year, whichever is greater, during which time the defendant
17 shall not be eligible for parole. If the person is sentenced pursuant
18 to N.J.S.2C:43-7, the court shall impose a minimum term of one-
19 third to one-half of the sentence imposed, or five years, whichever
20 is greater. The court may not suspend or make any other non-
21 custodial disposition of any person sentenced as a second or
22 subsequent offender pursuant to this section.

23 For the purposes of this section, an offense is considered a
24 second or subsequent offense if the actor has at any time been
25 convicted pursuant to this section, or under any similar statute of
26 the United States, this State or any other state for an offense that is
27 substantially equivalent to this section.

28 e. A person convicted of an offense under this section who has
29 previously been convicted of a violation of N.J.S.2C:14-2,
30 subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4 shall be sentenced
31 to a term of imprisonment. Notwithstanding the provisions of
32 subsection a. of N.J.S.2C:43-6, the term of imprisonment shall
33 include, unless the person is sentenced pursuant to the provisions of
34 N.J.S.2C:43-7, a mandatory minimum term of three years, during
35 which time the defendant shall not be eligible for parole. The court
36 may not suspend or make any other non-custodial disposition of any
37 person sentenced pursuant to this section.

38 For the purposes of this subsection, an offense is considered a
39 previous conviction of N.J.S.2C:14-2, subsection a. of N.J.S.2C:14-
40 3 or N.J.S.2C:24-4 if the actor has at any time been convicted under
41 any of these sections or under any similar statute of the United
42 States, this State or any other state for an offense that is
43 substantially equivalent to any of these sections.

44 f. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
45 law, a conviction under this section shall not merge with a
46 conviction of any other criminal offense, nor shall such other
47 conviction merge with a conviction under this section, and the court
48 shall impose separate sentences upon each violation of this section

1 and any other criminal offense. The court may not suspend or make
2 any other non-custodial disposition of any person sentenced
3 pursuant to this section.
4 (cf: P.L.2005, c.1, s.1)

5

6 3. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 This bill would increase the penalties for persons convicted of
12 luring or enticing who have previously been convicted of sexual
13 assault, sexual contact or endangering the welfare of a child.

14 Under current law, a person convicted of a second or subsequent
15 offense of luring or enticing a child or a person convicted of luring
16 or enticing a child who has previously been convicted of sexual
17 assault, aggravated criminal sexual contact or endangering the
18 welfare of a child is required to be sentenced to a term of
19 imprisonment which includes a mandatory minimum term of one-
20 third to one-half of the sentence imposed, or three years, whichever
21 is greater, during which time the defendant shall not be eligible for
22 parole. Under the bill, a person with a previous conviction for
23 sexual assault, aggravated sexual contact or endangering the welfare
24 of a child who is convicted of *luring or enticing a child* would be
25 sentenced to a mandatory minimum term of five years, during
26 which the person would not be eligible for parole.

27 The bill provides that a person with a previous conviction for
28 sexual assault, sexual contact or endangering the welfare of a child
29 who is convicted of *luring or enticing an adult* would be sentenced
30 to a mandatory minimum term of three years, during which the
31 person would not be eligible for parole. The bill also provides that
32 a person convicted of a second or subsequent offense of luring or
33 enticing an adult would be sentenced to a mandatory minimum term
34 of one-third to one-half of the sentence imposed or one year,
35 whichever is greater.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4096

STATE OF NEW JERSEY

DATED: MAY 21, 2007

The Assembly Judiciary Committee reports favorably Assembly Bill No. 4096.

This bill would increase the penalties for those offenders who have been convicted of luring or enticing a child or an adult and who have previously been convicted of sexual assault, aggravated sexual contact or endangering the welfare of a child.

Luring or enticing a child is a crime of the second degree punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both. Luring or enticing an adult is a crime of the third degree punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. This bill establishes a sentencing gradation scheme for luring a child and for luring an adult, taking into consideration the current sentencing provisions for these offenses and whether the offender has been previously convicted of luring or previously convicted of sexual assault, aggravated sexual contact or endangering the welfare of a child.

Luring or enticing a child. Under current law, a person convicted of a second or subsequent offense of luring or enticing a child or a person convicted of luring or enticing a child who has previously been convicted of sexual assault, aggravated criminal sexual contact or endangering the welfare of a child is sentenced to a term of imprisonment which includes a mandatory minimum term of one-third to one-half of the sentence imposed, or three years, whichever is greater, during which time the defendant shall not be eligible for parole. Under the bill, this current mandatory term of one-third to one-half of the sentence imposed or three years would be imposed only on a person convicted of a second or subsequent offense of luring or enticing a child.

The bill provides that any person who is convicted of luring or enticing a child who has previously been convicted of sexual assault, aggravated sexual contact or endangering the welfare of a child would be sentenced to a mandatory minimum term of five years, during which the person would not be eligible for parole. The bill provides that an offense is considered a previous conviction under the act if the actor has been convicted in any other state of an offense that is substantially equivalent to those enumerated in the statute.

Luring or enticing an adult. Currently, the law does not provide for a mandatory term of imprisonment for a second or subsequent conviction of luring an adult. This bill provides that any person convicted of a second or subsequent offense of luring or enticing an adult shall be sentenced to a mandatory minimum of one-third to one-half of the sentence imposed, or one year, whichever is greater, during which time the defendant shall not be eligible for parole.

In addition, a person convicted of luring or enticing an adult who has previously been convicted of sexual assault, aggravated sexual contact or endangering the welfare of a child shall be sentenced to a mandatory minimum term of three years, during which the person would not be eligible for parole. An offense is considered a previous conviction under the bill if the actor has been convicted in any other state of an offense that is substantially equivalent to those enumerated in the statute.

This bill is identical to Senate Bill No. 1978.

FISCAL NOTE
ASSEMBLY, No. 4096
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: JANUARY 10, 2008

SUMMARY

Synopsis: Provides for mandatory term of imprisonment for luring and enticing an adult; increases mandatory term for luring and enticing a child.

Type of Impact: General Fund expenditure.

Agencies Affected: Judiciary, Department of Corrections

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Judiciary Cost	\$589,402	\$515,878	\$541,672
Department of Corrections Revenue	Indeterminate - See comments below		

- The Office of Legislative Services (OLS) **concurs** with the Judiciary's estimate of the cost of the bill to the Judiciary. The OLS adds that the Department of Corrections data indicate that for every offender who is convicted under this bill, the cost of constructing one additional prison bed space range between \$60,000 and \$95,000 depending upon the security level of the bed. The ongoing operations expense of housing a State sentenced prison inmate is \$32,000 per year for the duration of that offender's incarceration.
- The bill increase the penalties for persons convicted of luring or enticing who have previously been convicted of sexual assault, sexual contact or endangering the welfare of a child.
- The Administrative Office of the Courts (AOC) states that for the period from July 1, 2005 through June 30, 2006, there were 36 people convicted of luring or enticing a child. Thirty-four of those defendants pled guilty. The remaining two defendants were convicted after a trial. For the same time period, there were no convictions for luring or enticing an adult.
- The AOC notes that if the 34 defendants who pled guilty decided to plead not guilty to the charges as a result of the increased penalties, and as the average trial length is approximately 3 days, there would be an additional 102 trial days needed to dispose of the cases requiring one additional judge team.

- Each judge team consists of a Superior Court Judge, a Judge's Secretary, a Law Clerk, a Court Clerk, and an Official Court Reporter costing \$428,187 in salary expenses in the first full year after enactment. Second and third year salary costs would total \$449,597 and \$472,077, respectively
- The AOC notes that one-time start-up costs of \$98,090 would be generated to fund office furniture, video court room capability, computers, law books, etc. Continuing operating expenses are estimated at \$13,125 during the first year of operation. Second and third year program costs would total \$13,781 and \$14,470. In addition, the AOC notes that although not included in the cost projection as it is beyond the projection period, after 2 years, the maintenance of the video court capability is approximately \$3,675 per year.
- Finally, the AOC states that it is assumed that the Judiciary would have to rent 100 percent of the office and courtroom space necessary to facilitate the judge team at a total cost of \$50,000 in the first year, \$52,500 in the second year, and \$55,125 in the third year after implementation.

BILL DESCRIPTION

Assembly Bill No. 4096 of 2007 increases the penalties for persons convicted of luring or enticing who have previously been convicted of sexual assault, sexual contact or endangering the welfare of a child.

Under current law, a person convicted of a second or subsequent offense of luring or enticing a child or a person convicted of luring or enticing a child who has previously been convicted of sexual assault, aggravated criminal sexual contact or endangering the welfare of a child is required to be sentenced to a term of imprisonment which includes a mandatory minimum term of one-third to one-half of the sentence imposed, or three years, whichever is greater, during which time the defendant shall not be eligible for parole. Under the bill, a person with a previous conviction for sexual assault, aggravated sexual contact or endangering the welfare of a child who is convicted of luring or enticing a child would be sentenced to a mandatory minimum term of five years, during which the person would not be eligible for parole.

The bill provides that a person with a previous conviction for sexual assault, sexual contact or endangering the welfare of a child who is convicted of luring or enticing an adult would be sentenced to a mandatory minimum term of three years, during which the person would not be eligible for parole. The bill also provides that a person convicted of a second or subsequent offense of luring or enticing an adult would be sentenced to a mandatory minimum term of one-third to one-half of the sentence imposed or one year, whichever is greater.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

The AOC states that for the period from July 1, 2005 through June 30, 2006, there were 36 people convicted of luring or enticing a child pursuant to N.J.S.A. 2C:13-6. Thirty-four of those defendants pled guilty. The remaining two defendants were convicted after a trial. For the same time period, there were no convictions for luring or enticing an adult pursuant to N.J.S.A.2C:13-7.

The AOC notes that if the 34 defendants who pled guilty decided to plead not guilty to the charges as a result of the increased penalties, and as the average trial length is approximately 3 days, there would be an additional 102 trial days needed to dispose of the cases. Assuming a judge sits for 215 days a year, there would be a new judge team needed to handle the additional trials.

According to the AOC, each judge team consists of a Superior Court Judge, a Judge's Secretary, a Law Clerk, a Court Clerk, and an Official Court Reporter costing \$428,187 in salary expenses in the first full year after enactment. Second and third year salary costs would total \$449,597 and \$472,077, respectively.

The AOC notes that one-time start-up costs of \$98,090 would be generated to fund office furniture, video court room capability, computers, law books, etc. Continuing operating expenses (office supplies, telephone bills, postage, office machine rentals, etc.) are estimated at \$13,125 during the first year of operation. Second and third year program costs would total \$13,781 and \$14,470. In addition, the AOC noted that although not included in the cost projection as it is beyond the projection period, after 2 years, the maintenance of the video court capability is approximately \$3,675 per year.

Finally, the AOC states that for the purpose of this fiscal note, it is assumed that the Judiciary would have to rent 100 percent of the office and courtroom space necessary to facilitate the judge team. Assuming that a 2,000 square foot space is necessary, at a cost of \$25 per square foot, the annual facility rental cost would total \$50,000 in the first year, \$52,500 in the second year, and \$55,125 in the third year after implementation.

Total annual costs to the Judiciary would be \$589,402 in the first year, \$515,878 in the second year, and \$541,672 in the third year after the bill's enactment.

Department of Corrections

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Judiciary's estimate of the cost of the bill to the Judiciary. The OLS adds that the Department of Corrections data indicate that for every offender who is convicted under this bill, the cost of constructing one additional prison bed space range between \$60,000 and \$95,000 depending upon the security level of the bed. The ongoing operations expense of housing a State sentenced prison inmate is \$32,000 per year for the duration of that offender's incarceration.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67.