

2C:5-4

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:5-4 (Attempted murder-- extend term of imprisonment)

CHAPTER 190

Laws Of: 1986

Bill No: S1193

Sponsor(s): O'Connor

Date Introduced: Pre-filed

Committee: **Assembly:** Judiciary
Senate: Judiciary

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: **Assembly:** October 23, 1986
Senate: February 3, 1986

Date of Approval: December 17, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

12-17-86

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SENATE, No. 1193

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator O'CONNOR

AN ACT extending the term of imprisonment for attempted murder and amending N. J. S. 2C:5-4.

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. N. J. S. 2C:5-4 is amended to read as follows:
2 2C:5-4. Grading of Criminal Attempt and Conspiracy; Mitiga-
3 tion in Cases of Lesser Danger. a. Grading. An attempt or con-
4 spiracy to commit a crime of the first degree is a crime of the
5 second degree *,* except that an attempt to commit murder *[as
6 defined in N. J. S. 2C:11-3 may be punishable by a maximum term
7 not to exceed 20 years]* *is a crime of the 1st degree*. Otherwise
8 an attempt is a crime of the same degree as the most serious crime
9 which is attempted, and conspiracy is a crime of the same degree
10 as the most serious crime which is the object of the conspiracy;
11 provided that, leader of organized crime is a crime of the second
12 degree. An attempt or conspiracy to commit an offense defined by
13 a statute outside the code shall be graded as a crime of the same
14 degree as the offense is graded pursuant to sections 2C:1-4 and
14A 2C:43-1.

15 b. Mitigation. The court may impose sentence for a crime of a
16 lower grade or degree if neither the particular conduct charged
17 nor the defendant presents a public danger warranting the grading
18 provided for such crime under subsection a. because:

- 19 (1) The criminal attempt or conspiracy charged is so inherently
20 unlikely to result or culminate in the commission of a crime; or
- 21 (2) The conspiracy, as to the particular defendant charged, is
22 so peripherally related to the main unlawful enterprise.

1 2. This act shall take effect immediately.

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted May 5, 1986.

CRIMINAL JUSTICE

Extends the term of imprisonment which may be imposed for attempted murder.

SENATE, No. 1193

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator O'CONNOR

SENATE, No. 2835

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1985

By Senators O'CONNOR, COWAN and JACKMAN

Referred to Committee on Judiciary

AN ACT extending the term of imprisonment for attempted murder
and amending N. J. S. 2C:5-4.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. N. J. S. 2C:5-4 is amended to read as follows:

2 2C:5-4. Grading of Criminal Attempt and Conspiracy; Mitiga-
3 tion in Cases of Lesser Danger. a. Grading. An attempt or con-
4 spiracy to commit a crime of the first degree is a crime of the
5 second degree *except that an attempt to commit murder as defined*
6 *in N. J. S. 2C:11-3 may be punishable by a maximum term not to*
7 *exceed 20 years.* Otherwise an attempt is a crime of the same degree
8 as the most serious crime which is attempted, and conspiracy is a
9 crime of the same degree as the most serious crime which is the
10 object of the conspiracy; provided that, leader of organized crime
11 is a crime of the second degree. An attempt or conspiracy to com-
12 mit an offense defined by a statute outside the code shall be graded
13 as a crime of the same degree as the offense is graded pursuant to
14 sections 2C:1-4 and 2C:43-1.

15 b. Mitigation. The court may impose sentence for a crime of a
16 lower grade or degree if neither the particular conduct charged
17 nor the defendant presents a public danger warranting the grading
18 provided for such crime under subsection a. because:

19 (1) The criminal attempt or conspiracy charged is so inherently
20 unlikely to result or culminate in the commission of a crime; or

21 (2) The conspiracy, as to the particular defendant charged, is
22 so peripherally related to the main unlawful enterprise.

1 2. This act shall take effect immediately.

Matter printed in italics thus is new matter.

STATEMENT

This bill extends the term of imprisonment which may be imposed on persons convicted of attempted murder. The present statute provides that any attempt to commit a crime of the first degree is a crime of the second degree. The present maximum allowable term of imprisonment for a second degree crime is 10 years and for a first degree crime is 20 years, unless otherwise stated. Since the crime of murder may carry a term of 30 years in exception to the general penalty scheme, it is appropriate to also provide a harsher penalty for persons convicted of attempted murder, a very serious offense.

51193(1986)

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1193

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 1, 1986

The Assembly Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1193.

Generally, under the Criminal Code an attempt to commit a crime of the first degree is graded as a crime of the second degree. As amended by the committee, this bill grades an attempt to commit murder the same as the crime of murder. That is, attempted murder would be a crime of the first degree.

Committee amendments make this bill identical to Assembly Bill No. 1569 of 1986.

STATEMENT ON

Senate Bill No. 1193DATED January 30, 1986

The Senate Judiciary Committee released favorably Senate Bill No. 1193. S-1193 would increase the maximum term of imprisonment for attempted murder. Presently, an attempt to commit a crime of the first degree is graded as a crime of the second degree. Crimes of the second degree are punishable by between 5 and 10 years' imprisonment. Murder is classified as a crime of the first degree. Thus, the present maximum term of imprisonment for attempted murder is 10 years. S-1193 would establish a 20 year maximum prison term for attempted murder.



OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001

Contact: JOHN SAMERJAN
609-292-8956 OR 609-292-6000 EXT. 207

TRENTON, N.J. 08625

Release: THURS., DEC. 18, 1986

Governor Thomas H. Kean today signed the following legislation:

S-2247, sponsored by Senator John F. Russo, D-Ocean, expands the eligibility for participation in the Animal Population Control Program to those persons who have adopted a dog or cat from an animal shelter or pound.

The legislation allows persons who have adopted a dog or cat from a licensed non-profit animal shelter or a municipal, county or regional pound to participate in the Population Control Program which provides low-cost sterilization services.

"I am delighted to sign this legislation for pet owners," Governor Kean stated," and it is particularly timely as many adoptions occur during the holiday season."

The legislation is effective immediately.

S-1193/A-1569, sponsored by Senator Edward O'Connor, D-Hudson and Assemblyman Walter Kern, R-Bergen, upgrades the crime of attempted murder from a crime of the second degree to a crime of the first degree. The term of imprisonment for conviction of attempted murder will be increased from the current term of five to ten years to a term of between ten and twenty years.

"By creating this exception to the general grading for attempt to commit crimes, we recognize that an attempt to commit murder is more serious than an attempt to commit other first degree crimes," Governor Kean stated.

The legislation is effective immediately.

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S-1089/A-2664, sponsored by Senator John Dorsey, R-Morris and Assemblymen William Schuber, R-Bergen and Thomas Shusted, R-Camden provides limited civil and criminal immunity to medical facilities and their personnel who take breath, blood, urine or other bodily substance samples at the request of law enforcement officers, and to permit the introduction of documentary evidence attesting to how a specimen was taken.

Medical personnel are often reluctant to take specimens because of the fear that the accused may institute civil or criminal charges for assault. The purpose of this legislation is to encourage medical personnel to cooperate with law enforcement officials in obtaining these samples.

The legislation is effective immediately.

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