

ASSEMBLY AGING AND SENIOR SERVICES COMMITTEE

STATEMENT TO ASSEMBLY, No. 2524

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 13, 2022

The Assembly Aging and Senior Services Committee reports favorably Assembly Bill No. 2524 with committee amendments.

As amended by the committee, the bill provides that a person would be guilty of fiscal victimization if the person commits, attempts to commit, conspires with another to commit or threatens to commit a theft offense specified in chapter 20 of Title 2C of the New Jersey Statutes or a violation of N.J.S.2C:21-17, identity theft, against an individual that the person knows or reasonably should know is a senior citizen or a person with a disability. Fiscal victimization is a crime of the fourth degree if the underlying offense is a disorderly persons offense or petty disorderly persons offense. Otherwise, fiscal victimization is a crime one degree higher than the most serious underlying crime.

The bill also provides a conviction of fiscal victimization would not merge with a conviction of any of the underlying offenses, nor would any conviction for the underlying offense merge with a conviction for fiscal victimization. Therefore, the court would be authorized to impose separate sentences upon a conviction for fiscal victimization and a conviction of any underlying offense.

The bill defines a "senior citizen" as a person 60 years of age or older. "Person with a disability" is defined as a person who by reason of a pre-existing medically determinable physical or mental impairment is substantially incapable of exercising normal physical or mental power of resistance, and includes, but is not limited to, a person determined disabled pursuant to the federal Social Security Act or any other governmental retirement or benefits program that uses substantially the same criteria for determining eligibility.

COMMITTEE AMENDMENTS:

The committee amendments remove provisions from the bill that: 1) provide for strict liability regarding the crime of fiscal victimization; and 2) prohibit an actor's defense on the basis that the actor believed that the victim was not a senior citizen or a person with a disability, even if the mistaken belief was reasonable.

The amendments provide that a person is guilty of the crime of fiscal victimization against a senior citizen or a person with a

disability if the violation is made against an individual that the person knows or reasonably should know is a senior citizen or a person with a disability.

The amendments remove an irrelevant provision from the bill regarding the grade of a fiscal victimization crime when the underlying theft offense is a first degree crime. There are currently no first degree theft offenses.

The amendments also make a technical change regarding grammar.