

ASSEMBLY, No. 334

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblyman JON M. BRAMNICK

District 21 (Morris, Somerset and Union)

Assemblyman JACK M. CIATTARELLI

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman ANTHONY M. BUCCO

District 25 (Morris and Somerset)

Co-Sponsored by:

Assemblywomen Angelini, Handlin, McHose and Assemblyman Space

SYNOPSIS

Increases maximum penalty for attempted murder and conspiracy to commit murder in certain cases.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning attempted murder and conspiracy to commit
2 murder and amending N.J.S.2C:5-4.

3

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

6

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

8 2C:5-4. Grading of Criminal Attempt and Conspiracy;
9 Mitigation in Cases of Lesser Danger. a. Grading. Except as
10 provided in subsections c. and d., an attempt or conspiracy to
11 commit a crime of the first degree is a crime of the second degree;
12 except that an attempt or conspiracy to commit murder or terrorism
13 is a crime of the first degree **[**, provided, however, that**]**. A person
14 convicted of attempted murder or conspiracy to commit murder
15 shall, notwithstanding the provisions of paragraph (1) of subsection
16 a. of N.J.S.2C:43-6, be sentenced by the court to a specific term of
17 imprisonment between 10 and 30 years; except if the person
18 attempted or conspired to murder five or more persons, the person
19 shall be sentenced by the court to a term of 30 years, during which
20 the person shall not be eligible for parole, or to a specific term of
21 years which shall be between 30 years and life imprisonment, of
22 which the person shall serve not less than 30 years before eligibility
23 for parole. Otherwise an attempt is a crime of the same degree as
24 the most serious crime which is attempted, and conspiracy is a
25 crime of the same degree as the most serious crime which is the
26 object of the conspiracy; provided that, leader of organized crime is
27 a crime of the second degree. An attempt or conspiracy to commit
28 an offense defined by a statute outside the code shall be graded as a
29 crime of the same degree as the offense is graded pursuant to
30 N.J.S.2C:1-4 and N.J.S.2C:43-1.

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

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

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

39 c. Notwithstanding the provisions of subsection a. of this
40 section, conspiracy to commit a crime set forth in subsection a., b.,
41 or d. of N.J.S.2C:17-1 where the structure which was the target of
42 the crime was a church, synagogue, temple or other place of public
43 worship is a crime of the first degree.

44 d. Notwithstanding the provisions of subsection a. of this
45 section, conspiracy to commit a crime as set forth in P.L.1994,

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 c.121 (C.2C:21-23 et seq.) is a crime of the same degree as the most
2 serious crime that was conspired to be committed.
3 (cf: P.L.2002, c.26, s.9)
4

5 2. This act shall take effect immediately.
6
7

8 STATEMENT
9

10 This bill increases the maximum penalty for attempted murder
11 and conspiracy to commit murder. Under current law, an attempt or
12 conspiracy to commit murder is a crime of the first degree which is
13 punishable by imprisonment of 10 to 20 years.

14 This bill increases the maximum penalty for attempted murder
15 and conspiracy to commit murder by allowing the court to sentence
16 a person who has been convicted of attempted murder or conspiracy
17 to commit murder to a term of imprisonment of 10 to 30 years.

18 Under current law, if a person attempted or conspired to murder
19 five or more persons, the court must sentence the person to a term
20 of imprisonment for 30 years, during which the person is not
21 eligible for parole or to a specific term of years between 30 years
22 and life imprisonment, of which the person must serve at least 30
23 years before becoming eligible for parole. This bill does not change
24 this penalty.