

ASSEMBLY, No. 491

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

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District 14 (Mercer and Middlesex)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

Assemblyman Thomson

SYNOPSIS

Creates the crime of victimization of a senior citizen or a person with a disability.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/1/2021)

1 **AN ACT** concerning senior citizens and persons with a disability
2 and supplementing Title 2C of the New Jersey Statutes.

3

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

6

7 1. a. Notwithstanding any other provision of law to the
8 contrary, a person is guilty of the crime of victimization of a senior
9 citizen or a person with a disability if he commits, attempts to
10 commit, conspires with another to commit or threatens the
11 immediate commission of an offense specified in chapters 11
12 through 18 of Title 2C of the New Jersey Statutes against a senior
13 citizen or a person with a disability.

14 b. Grading. Victimization is a crime of the fourth degree if the
15 underlying offense referred to in subsection a. is a disorderly
16 persons offense or petty disorderly persons offense. Otherwise,
17 victimization is a crime one degree higher than the most serious
18 underlying crime referred to in subsection a., except that where the
19 underlying crime is a crime of the first degree, victimization is a
20 first degree crime and the defendant upon conviction thereof may,
21 notwithstanding the provisions of paragraph (1) of subsection a. of
22 N.J.S. 2C:43-6, be sentenced to an ordinary term of imprisonment
23 between 20 years and life imprisonment, with a presumptive term of
24 50 years. A court imposing a sentence pursuant to this section shall
25 also impose a five-year term of parole supervision if the underlying
26 crime for which the defendant is being sentenced is a crime of the
27 first degree, or a three-year term of parole supervision if the
28 underlying crime for which the defendant is being sentenced is a
29 crime of the second degree. The term of parole supervision shall
30 commence upon the completion of the sentence of incarceration
31 imposed by the court pursuant to this subsection unless the
32 defendant is serving a sentence of incarceration for another crime at
33 the time the defendant completes the sentence of incarceration
34 imposed pursuant to this section, in which case the term of parole
35 supervision shall commence immediately upon the defendant's
36 release from incarceration. During the term of parole supervision,
37 the defendant shall remain in release status in the community in the
38 legal custody of the Commissioner of the Department of
39 Corrections and shall be supervised by the Bureau of Parole of the
40 Department of Corrections as if on parole and shall be subject to the
41 provisions and conditions of section 3 of P.L.1997, c.117 (C.30:4-
42 123.51b).

43 c. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
44 provision of law, a conviction for victimization shall not merge
45 with a conviction of any of the underlying offenses referred to in
46 subsection a. of this section, nor shall any conviction for such
47 underlying offense merge with a conviction for victimization.
48 The court shall impose separate sentences upon a conviction for

1 victimization and a conviction of any underlying offense.
2 d. For the purposes of this section:
3 "Senior citizen" means a person 62 years of age or over; and
4 "Person with a disability" means a person who by reason of any
5 pre-existing medically determinable physical or mental impairment
6 is substantially incapable of exercising normal physical or mental
7 power of resistance, and includes, but is not limited to, any person
8 determined disabled pursuant to the federal Social Security Act or
9 any other governmental retirement or benefits program that uses
10 substantially the same criteria for determining eligibility.

11

12 2. This act shall take effect immediately.

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15 STATEMENT

16

17 This bill establishes a separate crime of victimization against a
18 senior citizen or a person with a disability, which must be charged
19 and proved as any other crime. Victimization would be graded one
20 degree higher than the offense that was committed. A person would
21 be guilty of victimization if the person commits any crime listed in
22 the bill against a senior citizen or a person with a disability. Upon a
23 conviction, the sentence imposed by the court would not merge with
24 the sentence imposed for the underlying offense.

25 This bill also provides that if the underlying crime for which the
26 person is being sentenced was graded as a crime of the first or
27 second degree, the sentence imposed shall include a term of post-
28 incarceration parole supervision.

29 Under the bill, a "senior citizen" is defined as a person 62 years
30 of age or over. A "person with a disability" is defined as a person
31 who by reason of any pre-existing medically determinable physical
32 or mental impairment is substantially incapable of exercising
33 normal physical or mental power of resistance, and includes, but is
34 not limited to, any person determined disabled pursuant to the
35 federal Social Security Act or any other governmental retirement or
36 benefits program that uses substantially the same criteria for
37 determining eligibility.