ASSEMBLY, No. 1805

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Provides mandatory minimum term of imprisonment for certain crimes of domestic violence.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning enhanced penalties for domestic violence crimes and supplementing Title 2C of the New Jersey Statutes.

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

1. a. Notwithstanding the provisions of subsection f. of N.J.S.2C:44-1, a person convicted of the following crimes of domestic violence, as defined in section 3 of P.L.1961, c.261 (C.2C:25-19), shall be sentenced in accordance with subsection b. of this section:

(1) Homicide, pursuant to N.J.S.2C:11-1 et seq.;

(2) Aggravated assault and assault by auto or vessel pursuant to subsection b. and c. of N.J.S.2C:12-1;

(3) Kidnapping, pursuant to N.J.S.2C:13-1;

(4) Criminal restraint, pursuant to N.J.S.2C:13-2;

(5) Sexual assault, pursuant to N.J.S.2C:14-2; and

(6) Criminal sexual contact, pursuant to N.J.S.2C:14-3.

b. (1) Unless the provisions of any other law provide for a higher mandatory minimum term of imprisonment, a person convicted of a crime of domestic violence as set forth in subsection a. of this section shall be sentenced to a term of imprisonment as follows: for a crime of the fourth degree, 18 months; for a crime of the third degree, five years; for a crime of the second degree, 10 years; and for a crime of the first degree, 20 years.

(2) The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at one-half of the sentence imposed by the court or 42 months, whichever is greater, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

2. This act shall take effect on the first day of the fourth month following enactment.

STATEMENT

This bill strengthens protections for victims of domestic violence by providing mandatory minimum terms of incarceration, with set periods of parole ineligibility, for offenders who commit physically violent acts.

Under the provisions of the bill, a person convicted of any of the following crimes of domestic violence would be subject to the enhanced penalties provided in the bill:

(1) Homicide, pursuant to N.J.S.2C:11-1 et seq.;

(2) Aggravated assault and assault by auto or vessel pursuant to subsection b. and c. of N.J.S.2C:12-1;

(3) Kidnapping, pursuant to N.J.S.2C:13-1;

(4) Criminal restraint, pursuant to N.J.S.2C:13-2;

(5) Sexual assault, pursuant to N.J.S.2C:14-2; and

(6) Criminal sexual contact, pursuant to N.J.S.2C:14-3.

The bill provides that a person will be sentenced as follows: 18 months for a crime of the fourth degree, five years for a crime of the third degree, 10 years for a crime of the second degree, and 20 years for a crime of the first degree, unless the provisions of any other law provide for a higher mandatory minimum term.

The court additionally will impose a period of parole ineligibility as follows: 18 months for a crime of the fourth degree, 42 months for a crime of the third degree, five years for a crime of the second degree, and 10 years for a crime of the first degree.