

ASSEMBLY, No. 3985

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 4, 2020

Sponsored by:

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblyman Space

SYNOPSIS

“The 10-20-Life Law.”

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning prison sentencing for certain crimes committed
2 with firearms, supplementing Title 2C of the New Jersey
3 Statutes, and making an appropriation.
4

5 BE IT ENACTED by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. This act shall be known and may be cited as “The 10-20-Life
9 Law.”
10

11 2. a. Notwithstanding the provisions of N.J.S.2C:39-4,
12 N.J.S.2C:43-6, N.J.S.2C:43-7 or any other law to the contrary,
13 upon a conviction for N.J.S.2C:11-3, N.J.S.2C:11-4, subsection b.
14 of N.J.S.2C:12-1, N.J.S.2C:13-1, subsection a. of N.J.S.2C:14-2,
15 subsection a. of N.J.S.2C:14-3, N.J.S.2C:15-1, N.J.S.2C:18-2,
16 N.J.S.2C:29-5, N.J.S.2C:35-5 during the commission of which a
17 person: (1) possesses for an unlawful purpose a firearm or threatens
18 the immediate use of a firearm against the person of another, an
19 additional 10 years shall be added to the person’s term of sentence
20 or extended term of sentence during which the person shall be
21 ineligible for parole; (2) intentionally discharges a firearm at or
22 near a person, an additional 20 years shall be added to the person’s
23 term of sentence or extended term of sentence during which the
24 person shall be ineligible for parole; or (3) intentionally discharges
25 a firearm so as to recklessly cause serious bodily injury as defined
26 in N.J.S.2C:11-1 or death, a sentence or specific term or extended
27 term between 25 years and life imprisonment, of which the person
28 shall serve a minimum term of 25 years before becoming eligible
29 for parole, shall be added to the person’s term of sentence or
30 extended term of sentence.

31 For the purposes of this section, a "firearm" means a firearm as
32 defined in subsection f. of N.J.S.2C:39-1, provided, however, it
33 shall not include an air gun, spring gun, or pistol or other weapon of
34 a similar nature.

35 Notwithstanding the provisions of N.J.S.2C:1-8 or any other law
36 to the contrary, a conviction arising under this act shall not merge
37 with a conviction for a violation of any of the sections referred to in
38 this subsection nor shall any conviction under those sections merge
39 with a conviction under this section. Notwithstanding the
40 provisions of N.J.S.2C:44-5 or any other law to the contrary, the
41 sentence imposed upon a violation of this act shall be ordered to be
42 served consecutively to that imposed for any conviction for a
43 violation of any of the sections referred to in this section or a
44 conviction for conspiracy or attempt to violate any of those
45 sections.

46 b. As an alternative to incarceration, in extraordinary cases or
47 circumstances, the court may grant probation for the conviction of
48 crimes referred to in subsection a. of this act if imprisonment would

1 result in a manifest denial of justice. In such cases, the court shall
2 indicate for the record the reason for not imposing the mandatory
3 penalty.

4

5 3. The Attorney General shall establish a public education
6 program concerning the purpose and provisions of this act,
7 including, but not limited to, multilingual public service
8 announcements, advertisements, and billboards to assure the
9 widespread dissemination of information.

10

11 4. There is appropriated to the Department of Law and Public
12 Safety \$500,000 to carry out the public education requirements of
13 section 3 of this act.

14

15 5. This act shall take effect on the first day of the fifth month
16 next following the date of enactment.

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STATEMENT

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21 This bill is named the "10-20-Life Law." It calls for
22 enhancements of existing penalties, including "Graves Act"
23 penalties, for the use of firearms in specified crimes.

24 The bill requires that 10 years be added to the sentence of those
25 who possess a firearm for an unlawful purpose or threaten the use
26 of one against another person. It requires that 20 years be added to
27 a term for intentionally firing a gun at or near a person. The bill
28 requires an additional sentence of 25 years to life if the intentional
29 firing of a gun recklessly causes serious bodily injury or death. A
30 "firearm" is defined as any handgun, rifle, shotgun, machine gun,
31 automatic or semi-automatic rifle, or any gun, device or instrument
32 in the nature of a weapon from which may be fired or ejected any
33 solid projectable ball, slug, pellet, missile or bullet, or any gas,
34 vapor or other noxious thing, by means of a cartridge or shell or by
35 the action of an explosive or the igniting of flammable or explosive
36 substances, but excludes an air gun, spring gun, pistol or other
37 weapon of a similar nature.

38 These extended sentences, which would be served consecutively,
39 would apply when a firearm is used during the commission of the
40 following crimes: N.J.S.2C:11-3 (murder); N.J.S.2C:11-4
41 (manslaughter); subsection b. of N.J.S.2C:12-1 (aggravated
42 assault); N.J.S.2C:13-1 (kidnapping); subsection a. of N.J.S.2C:14-
43 2 (aggravated sexual assault); subsection a. of N.J.S.2C:14-3
44 (aggravated sexual criminal contact); N.J.S.2C:15-1 (robbery);
45 N.J.S.2C:18-2 (burglary); N.J.S.2C:29-5 (escape); and N.J.S.2C:35-
46 5 (manufacturing, distributing, or dispensing certain controlled
47 dangerous substances).

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1 For example, if a person is convicted of robbery and is armed
2 with or uses or threatens the immediate use of a deadly weapon
3 such as a firearm, the person would be subject to the penalty for a
4 first degree crime, namely 10 to 20 years in prison. Normally, a
5 presumptive term of imprisonment of 15 years would be imposed.
6 If this presumptive term were imposed, the person would be
7 sentenced to 15 years, plus 10 years under this bill for a total of 25
8 years.

9 Further, this bill also appropriates \$500,000 for an education
10 campaign concerning the provisions and purpose of the bill. It is
11 designed as a deterrent in the hope that it might persuade criminals
12 to think twice about using weapons.

13 The bill is intended to serve as a powerful tool to protect the
14 State's residents and appropriately incapacitate those who would use
15 guns in crimes. It is patterned on legislation enacted in Florida in
16 1999 and California in 1997.