ASSEMBLY, No. 4100

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS
Establishes crime of incest.

CURRENT VERSION OF TEXT
As introduced.

AN ACT creating the crime of incest and supplementing chapter 14 of Title 2C of the New Jersey Statutes.

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

1. Except as provided in subparagraph (a) of paragraph (2) of subsection a. of N.J.S.2C:14-2, and subparagraph (a) of paragraph (3) of subsection c. of N.J.S.2C:14-2, an actor is guilty of incest if he marries or commits an act of sexual penetration with an ancestor or descendant to whom the actor is related by blood or affinity to the third degree, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood. The relationships referred to herein include blood relationships without regard to legitimacy, and relationship of parent and child by adoption.

Incest is a crime of the third degree.

2. This act shall take effect immediately.

STATEMENT

Currently, N.J.S.2C:14-2 provides that a sexual assault is: (1) a first degree aggravated sexual assault crime if the actor commits an act of sexual penetration with a person who is at least 13 but less than 16 years old, and the actor is related to that person by blood or affinity to the third degree; or (2) a second degree sexual assault crime if the actor commits an act of sexual penetration with a person who is at least 16 but less than 18 years of age, and the actor is related to that person by blood or affinity to the third degree. The crime of sexual assault does not apply to incestuous acts between consenting adults.

This bill would establish a third degree crime of incest in cases not included in N.J.S.2C:14-2 as stated above. Under the bill, a person commits the crime of incest if the person marries or commits an act of sexual penetration with a person to whom the actor is related by blood or affinity to the third degree. The prohibition includes a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood. These relationships enumerated in the bill would include blood relationships without regard to legitimacy or relationship of parent and child by adoption.

A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to $15,000, or both.