

SENATE, No. 2639

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 30, 2020

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Temporarily upgrades certain offenses against persons during Public Health Emergency and State of Emergency declared by Governor's Executive Order 103 of 2020 concerning coronavirus pandemic.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** temporarily upgrading certain offenses against persons
2 during the Public Health Emergency and State of Emergency
3 declared by the Governor in Executive Order 103 of 2020
4 concerning the coronavirus disease 2019 pandemic.

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

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9 1. a. Notwithstanding the provisions of the “New Jersey Code
10 of Criminal Justice,” Title 2C of the New Jersey Statutes, to the
11 contrary, all of the following crimes, disorderly persons offenses,
12 and petty disorderly persons offenses as set forth throughout
13 various chapters of that Title, committed during the Public Health
14 Emergency and State of Emergency declared by the Governor in
15 Executive Order 103 of 2020 concerning the coronavirus disease
16 2019 pandemic, shall be upgraded as set forth in subsection b. of
17 this section. These crimes, disorderly persons offenses, and petty
18 disorderly persons offenses are set forth in:

- 19 (1) chapter 11, Criminal Homicide;
20 (2) chapter 12, Assault; Reckless Endangering; Threats;
21 (3) chapter 13, Kidnapping and Related Offenses: Coercion;
22 (4) chapter 14, Sexual Offenses; and
23 (5) chapter 15, Robbery.

24 b. During the declared emergency:

25 (1) Any petty disorderly persons offense set forth in the chapters
26 described in subsection a. of this section constitutes a disorderly
27 persons offense;

28 (2) Any disorderly persons offense set forth in the chapters
29 described in subsection a. of this section constitutes a crime of the
30 fourth degree; and

31 (3) Any crime set forth in the chapters described in subsection a.
32 of this section shall be classified one degree higher, provided that
33 with respect to a crime of the first degree, that crime remains a
34 crime of the first degree, but a person convicted for that degree of
35 crime shall be sentenced to a term of imprisonment that shall
36 include a mandatory minimum term of one-third to one-half of the
37 sentence imposed, during which time the person shall not be
38 eligible for parole, unless a greater mandatory minimum with parole
39 ineligibility for that particular crime is set forth in the “New Jersey
40 Code of Criminal Justice,” Title 2C of the New Jersey Statutes, in
41 which case the greater sentence shall apply.

42 c. This section shall expire upon the declared end to the Public
43 Health Emergency and State of Emergency first declared by the
44 Governor in Executive Order 103 of 2020, except to the extent
45 necessary for its application in prosecuting and sentencing persons
46 who are guilty of any crimes, disorderly persons offenses, and petty
47 disorderly persons offenses as set forth in subsection a. of this
48 section.

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill would temporarily upgrade certain offenses against
7 persons during the Public Health Emergency and State of
8 Emergency declared by the Governor in Executive Order 103 of
9 2020 concerning the coronavirus disease 2019 pandemic.
10 Specifically, all crimes, disorderly persons offenses, and petty
11 disorderly persons offenses appearing in the following chapters of
12 the “New Jersey Code of Criminal Justice,” Title 2C of the New
13 Jersey Statutes, would be upgraded:

14 (1) chapter 11, Criminal Homicide;

15 (2) chapter 12, Assault; Reckless Endangering; Threats;

16 (3) chapter 13, Kidnapping and Related Offenses: Coercion;

17 (4) chapter 14, Sexual Offenses; and

18 (5) chapter 15, Robbery.

19 During the declared emergency, a petty disorderly persons
20 offense would constitute a disorderly persons offense, and the latter
21 would constitute a crime of the fourth degree. A crime of the
22 fourth, third, or second degree would be classified one degree
23 higher. A crime of the first degree would remain so, but a person
24 convicted for that degree of crime would be sentenced to a term of
25 imprisonment that would include a mandatory minimum term of
26 one-third to one-half of the sentence imposed, during which time
27 the person would not be eligible for parole, unless a greater
28 mandatory minimum with parole ineligibility for that particular
29 crime was set forth in the “New Jersey Code of Criminal Justice,”
30 in which case that greater sentence would apply.

31 Concerning the sentencing for crimes, and disorderly persons
32 and petty disorderly persons offenses, the ordinary sentences are:

33 -Petty disorderly persons offense: term of imprisonment of up to
34 30 days, fine of up to \$500, or both;

35 -Disorderly persons offense: term of imprisonment of up to six
36 months, fine of up to \$1,000, or both;

37 -Fourth degree crime: term of imprisonment up to 18 months,
38 fine of up to \$10,000, or both;

39 -Third degree crime: term of imprisonment of three to five years,
40 fine of up to \$15,000, or both;

41 -Second degree crime: term of imprisonment of five to 10 years,
42 fine of up to \$150,000, or both; and

43 -First degree crime: term of imprisonment of 10 to 20 years, fine
44 of up to \$200,000, or both.