

ASSEMBLY, No. 861

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen MALONE and COTTRELL

1 AN ACT concerning senior citizens and supplementing chapter 43 of
2 Title 2C of the New Jersey Statutes.

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

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7 1. This act shall be known and may be cited as the "Senior Citizens
8 Protection Act."

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10 2. As used in this act:

11 "Adult day care facility" means any building or structure which
12 primarily provides services designed to meet the needs of senior
13 citizens.

14 "Housing for older persons" means housing which meets the
15 requirements established pursuant to the federal "Fair Housing
16 Amendments Act of 1988," Pub.L.100-430 (42 U.S.C.3601 et seq.).

17 "Senior citizen" means a person 62 years of age or over.

18 "Senior citizen zone" means an area designated by the governing
19 body of a municipality where 70% of the population are senior
20 citizens.

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22 3. a. Notwithstanding the provisions of N.J.S.2C:43-3 or any
23 other law to the contrary, any person who is convicted of a crime of
24 violence against a senior citizen, including but not limited to:
25 N.J.S.2C:11-3; N.J.S.2C:11-4; subsection b. of N.J.S.2C:12-1;
26 N.J.S.2C:13-1; subsection a. of N.J.S.2C:14-2 or N.J.S.2C:15-1 while
27 on any property owned by or leased to any adult day care facility, any
28 housing for older persons or any other area designated as a "senior
29 citizen zone" or within 1,000 feet of those areas shall be sentenced to
30 a term of imprisonment. The term of imprisonment shall include the
31 imposition of a minimum term which shall be fixed at, or between
32 one-half and three-fourths of the sentence imposed or one year,
33 whichever is greater, during which the defendant shall be ineligible for
34 parole.

35 b. The court shall not consider or accept a negotiated plea or post

1 conviction agreement to resolve the charges against any person who
2 violates the provisions of this act.

3 c. In a prosecution under this act, a map produced or reproduced
4 by any municipal or county engineer for the purpose of depicting the
5 location and boundaries of the buildings or grounds designated as an
6 adult care facility, housing for older persons or a senior citizen zone
7 and used for such purposes, or within 1,000 feet of any property used
8 for adult day care purposes which is owned by or leased to any adult
9 day care facility, or a true copy of such a map, shall be admissible
10 upon proper authentication, and shall constitute prima facie evidence
11 of the location and boundaries of those areas, provided that the
12 governing body of the municipality or county has adopted a resolution
13 or ordinance approving the map as the official finding and record of
14 the location and boundaries of those areas. Any map approved
15 pursuant to this section may be changed from time to time by the
16 governing body of the municipality or county. The original of every
17 map approved or revised pursuant to this section, or a true copy
18 thereof, shall be filed with the clerk of the municipality or county, and
19 shall be maintained as an official record of the municipality or county.
20 Nothing in this section shall be construed to preclude the prosecution
21 from introducing or relying upon any other evidence or testimony to
22 establish any element of this offense; nor shall this section be
23 construed to preclude the use or admissibility of any map or diagram
24 other than one which has been approved by the governing body of a
25 municipality or county, provided that the map or diagram is otherwise
26 admissible pursuant to the Rules of Evidence.

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28 4. This act shall take effect immediately.

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STATEMENT

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33 This bill enacts the "Senior Citizens Protection Act," which would
34 authorize municipalities to create senior citizen zones. A senior citizen
35 zone is defined as an area designated by the governing body of a
36 municipality where 70% of the population are senior citizens.

37 Under the provisions of the bill, any person who is convicted of a
38 crime of violence against a senior citizen, including but not limited to:
39 murder, manslaughter, aggravated sexual assault, aggravated assault,
40 and robbery on any property owned by or leased to any adult day care
41 facility, any housing for older persons or any other area designated as
42 a senior citizen zone or within 1,000 feet of those areas must serve a
43 mandatory minimum term of imprisonment. The term of imprisonment
44 would be fixed at or between one-half and three-fourths of the
45 sentence imposed or one year, whichever is greater, during which time
46 that person would be ineligible for parole.

1 The bill would also ban all plea bargaining in cases where the
2 defendant commits a crime near an adult care facility, housing for
3 older persons or in a senior citizen zone.

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8 Enacts the "Senior Citizens Protection Act;" authorizes municipalities
9 to create senior citizen zones; imposes mandatory terms of
10 imprisonment.