

Assembly brings age of sex consent back to 16

NJ Penal Code
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The New Jersey Senate is expected to act next week on a proposal, endorsed yesterday by the Assembly, to keep the age of sexual consent at 16.

The 71-2 Assembly vote on Speaker Christopher Jackman's bill to repeal the part of the state's new penal code that would lower the age of consent to 13 came after nearly two hours of

heated debate. The repeal was accompanied by scattered applause from the gallery.

The Senate Judiciary Committee is scheduled to complete its hearings on several similar bills and release one of them Monday. Majority Democrats have pledged prompt action on the measure.

Senate President Joseph Merlino of Trenton and Senate Majority Leader John Russo, D-Ocean, said Demo-

crats in the upper house are determined to restore the 16-year-old consent age. Joseph Santangelo, Gov. Brendan Byrne's chief spokesman, said the governor is expected to sign the measure if it comes to his desk.

The penal code with the controversial age-of-consent provision was approved last summer and takes effect Sept. 1.

YESTERDAY'S Assembly action

was unusual because it was scheduled without prior committee action. The lengthy debate that accompanied it surprised many legislators who had expected quick approval of the repealer, which has generated more grass-roots support than any other legislative bill in recent months.

"What is so fantastically interesting to me is the real impetus for this bill comes from the public," said Assembly Minority Leader James

Hurley, R-Cape May. "When the mothers of this state found out, they rose up in arms."

Stacks of paper with what Assemblywoman Marie Muhler, R-Monmouth, said contained 30,000 signatures from people opposed to lowering the age of consent were one indication of the groundswell.

However, only about two dozen mothers in a group calling itself "Concerned Parents from Paramus"

watched the debate and applauded periodically from the gallery. With them was Paramus Police Detective Lt. Joseph Delaney, whom they credited with alerting them to the error in the bill.

Delaney, a criminal-code instructor at the State Police Academy at Sea Girt, said he was thinking of his 13-year-old daughter and 12- and 18-year-old sons when he wrote an arti-

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cle on the new age of consent for a local newspaper. It appeared April 4 and apparently started the movement against the penal code, Delaney said.

"I SAW IT would cause me problems as a law enforcer," Delaney said, "but I also was thinking of my children."

"I wondered if I really wanted to send a kid to jail but then I had to consider that this is rape, and to me, a brutal rape of a woman is no different than murder. You never recover from it," the policeman said.

Delaney said the group would return to the State House Monday for the Senate deliberations with thousands more signatures from people opposed to the code.

Yesterday, Democratic legislators said the change in the criminal code lowering the age was a mistake, which, like the repeal of the Sunday blue laws, they had expected to fix before it became law. The consent issue couldn't wait for "omnibus" bill they have planned to correct several deficiencies because it had become too volatile, they said.

"We knew there were errors in the code," said Assemblyman Martin Herman, D-Gloucester, chairman of the Assembly Judiciary Committee which reviewed the bill last year.

"This won't be the only one but hopefully the others will be less serious and onerous."

REPUBLICANS CHALLENGED that explanation. "There should be no bouquets thrown to them," said

Hurley. "People knew this provision was in the bill — they told me before and they've said it since."

Jackman's measure would make it a first-degree offense punishable by 10 to 20 years in jail for persons 16 years old or older to sexually penetrate a victim under 16. Persons who have "sexual contact" with a victim under age 13 and four years younger than they would face sentences of up to 10 years.

One assemblyman, Charles Hardwick, R-Union, said he "reluctantly" supported the bill when he learned it wouldn't address sexual relations between partners who are both 13, 14 or 15.

Other opposition came from legislators who said the Assembly was acting too fast and could repeat the same mistake it made when the

penal code was approved. Assemblyman William Dowd, R-Monmouth, spotted a typographical error in the draft copy, and Assemblywoman Barbara Curran, R-Union, voted against the bill in protest of what she said was hasty action.

Another opponent, John Froude, D-Middlesex, said he voted against the bill because it reduced current penalties against rapists.