

RENTON

Monday's meeting of the State Legislature

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Assembly closes loopholes and votes new crime code

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By STUART MARQUES

The Legislature put its final seal of approval on a bill revising the state's proposed criminal code yesterday, and Gov. Brendan Byrne is expected to sign it soon.

In a 46-25 vote, the Assembly passed the measure designed to close loopholes in the penal code, which will take effect Sept. 1.

Among other things, the bill keeps the age of sexual consent at 16, retains Sunday closing laws and, for the first time, allows prosecutors to appeal certain sentences when they believe a judge was too lenient.

But lawmakers defeated a proposal that would have jailed anyone convicted of murder for at least 25 years without parole.

Joseph Santangelo, chief spokesman for Byrne, said the Governor is expected to sign the bill "sometime before the code takes effect."

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Final passage of the so-called cleanup bill ends nearly a year of wrangling over the loopholes, omissions and oversights that plagued the 212-page crime code.

The code sets new sentencing guidelines, revamps most crime categories, liberalizes some sex laws and omits many "social crimes," such as consensual sex between adults — even homosexuals.

Byrne signed the code into law last August, with the proviso that it not take effect for 13 months. That period was to be used to clean up the code's defects.

Even before Byrne signed the code, some defects were found. The Legislature had inadvertently repealed the Sunday closing laws and the statutes governing abortion regulations.

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Later, lawmakers found the code lowered the age of

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sexual consent from 16 to 13. Bills to correct those things were quickly introduced, but Byrne favored a giant bill covering all the areas.

"Hopefully, this ends things for a while," said Assemblyman Martin Herman (D-Salem), a chief sponsor of the code and the subsequent cleanup bill.

"But I don't know that the penal code will ever be all over," he said. "We have an obligation to continually review all the legislation we pass and change things as we go along."

Assemblyman Walter Kern (R-Bergen) tried to get the lower house to agree to impose a 25-year mandatory sentence without parole on anyone convicted of murder.

Kern held up a newspaper story about a man who spent 18 years in a New Jersey state prison only to be sought for yet another killing after he got out.

"Tough laws are essential if we're going to keep these people off the street and prevent them from committing another murder," Kern said. But Kern's proposal lost, 35-32.

AP Wirephoto
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The vote on the entire bill was tense and lasted through several roll calls as legislators held off for various reasons.

The key vote came from Assemblyman Francis McManimon (D-Mercer), who had agreed to vote for the bill only if it needed his ballot to pass.

"I didn't want to hold the thing up because there are some good points in it," he said. His main opposition was to a section of the crime code allowing towns to create sexual "combat zones" where C-rated movies and live sex shows would be legal, he said.

"I was hoping we'd straighten that out in this bill, but it wasn't in the cards," he said. "I still play to fight to get the combat zones knocked out, though."