

## Amendments reach N.J. assembly

NJ - PENAL CODE

# Crime law changes gain

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TRENTON — A massive revision of New Jersey's criminal code, in the planning stages for more than five years, reached the floor of the state Assembly yesterday despite intense Republican opposition.

The criminal code would bring major changes to New Jersey's law books. Victimless crimes would be stricken. Sexual acts between consenting adults would be legalized. Vaguely worded

laws against vagrancy, loitering, and unlawful assembly would be eliminated.

"The system of justice as it exists in New Jersey leaves a lot to be desired," said Assemblyman Eldridge Hawkins, the East Orange Democrat who has shepherded the bill through committee for more than two years.

Legislators yesterday began the long task of voting on each of at least a dozen amendments that have been proposed to the 185-page document. Two amendments were approved before

Democratic leaders ordered an adjournment.

At every opportunity, Republicans attempted to block the revised code. On four votes, they were defeated in their attempts either to table it for later consideration or to send it back to committee. Assemblyman John A. Spizziri, R-Bergen, contended that the measure was in need of numerous changes and that the changes should be made in committee rather than on the Assembly floor.

The first change approved yesterday See CODE, Page A-4

## Assembly eyes code

CODE

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struck the code's prohibition of the use of dum-dum bullets. Police and hunters waged a vigorous letter-writing campaign to convince assemblymen that the hollow-nosed bullets should be kept legal for their use.

A second amendment increased from 15 to 20 years the minimum term for such offenses as kidnaping and rape.

But some of the most controversial amendments must still be voted on. Among these is a proposal to amend the code to provide for a mandatory death sentence for persons convicted of premeditated murder or murder of a uniformed policeman, fireman, or prison guard.

Repeated attempts to reimpose the death penalty have been attempted in New Jersey since the U.S. Supreme Court struck down capital punishment laws as unconstitutional.

None of the capital punishment bills has been successful.

But advocates of the criminal code fear that they will be forced into the position of accepting a death penalty provision in the new code or of not getting the votes for the rest of the code.

Other provisions of the code also are controversial, and Hawkins says he expects to face floor fights on a number of provisions, including:

- **Pornography.** The new code effectively would remove most laws that restrict the sale and distribution of obscene materials to adults. The code considers such activities as victimless crime, and therefore those laws would be expunged.

- **Sexual acts.** The proposed code would eliminate all laws that prohibit any kind of sexual activity among consenting adults, including homosexuality.

- **Common law.** The code would wipe off the law books the use of hundreds of years of

English and American common law. All criminal charges would have to be based on specific prohibitions contained with the code. Many lawyers, however, suggest that such a change would disrupt the judicial system by causing confusion and uncertainty. They also fear that prosecutors would lose flexibility in dealing with criminals.

In another action, the Assembly took the step to accomplish the long-debated breakup of the giant Department of Institutions and Agencies.

The vote yesterday was 52-13 on the bill to establish a separate Department of Corrections, which would leave Institutions and Agencies with its social service divisions but put prisons and parole under a new cabinet officer. The measure was sent to the Senate.