

2C:24-4

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:24-4 (Child Pornography Law - amend)

LAWS OF: 1983

CHAPTER: 494

Bill No: S1843

Sponsor(s): Connors and others

Date Introduced: October 25, 1982

Committee: Assembly: ---

Senate: Judiciary

Amended during passage: Yes

Amendments during passage denoted by asterisks

Date of Passage:

Assembly: January 9, 1984

Senate: December 12, 1983

Date of Approval: January 17, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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SENATE, No. 1843

STATE OF NEW JERSEY

INTRODUCED OCTOBER 25, 1982

By Senators CONNORS, GALLAGHER, LASKIN and FORAN

Referred to Committee on Judiciary

AN ACT concerning offenses against the family, children and incompetents and amending N. J. S. 2C:24-4.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. N. J. S. 2C:24-4 is amended to read as follows:

2 2C:24-4. Endangering Welfare of Children. a. Any person
3 having a legal duty for the care of a child or who has assumed
4 responsibility for the care of a child who engages in sexual conduct
5 which would impair or debauch the morals of the child, or who
6 causes the child harm that would make the child an abused or
7 neglected child as defined in R. S. 9:6-1, R. S. 9:6-3 and P. L. 1974,
8 c. 119, s. 1 (C. 9:6-8.21) is guilty of a crime of the third degree.
9 Any other person who engages in conduct or who causes harm as
10 described in this subsection to a child under the age of 16 is guilty
11 of a crime of the fourth degree.

12 b. As used in this subsection:

13 (1) "Child" shall mean any person under 16 years of age.

14 (2) "Prohibited sexual act" means

15 (a) Sexual intercourse; or

16 (b) Anal intercourse; or

17 (c) Masturbation; or

18 (d) Bestiality; or

19 (e) Sadism; or

20 (f) Masochism; or

21 (g) Fellatio; or

22 (h) Cunnilingus; or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted December 8, 1983.

**—Senate amendment adopted December 12, 1983.

23 (i) Nudity, if depicted for the purpose of sexual stimulation
24 or gratification of any person who may view such depiction.

25 (3) Any person, including any parent, guardian, or other person
26 legally charged with the care or custody of a child, who causes or
27 permits a child to engage in a prohibited sexual act or in the
28 simulation of such an act if the person knows, has reason to know
29 or intends that the prohibited act may be photographed *~~or~~
30 ~~filmed~~* *, *filmed, reproduced, or reconstructed in any manner** or
30A may be part of an exhibition or performance is guilty of a crime
31 of the second degree.

32 (4) Any person who photographs or films a child in a prohibited
33 sexual act or in the simulation of such an act **or who uses any*
34 *device to reproduce or reconstruct the image of a child in a pro-*
34A *hibited sexual act or in the simulation of such an act** is guilty of a
34B crime of the second degree.

35 (5) Any person who knowingly receives for the purpose of
36 selling or who ***knowingly*** sells, *procures, manufactures, gives,*
37 *provides, lends, trades, mails, delivers, transfers, publishes,*
38 *distributes, circulates, disseminates, presents, exhibits, advertises,*
39 *offers or agrees to offer* any photograph **~~or film~~** *, *film, video*
40 *tape or any other reproduction or reconstruction** which depicts a
41 child engaging in a prohibited sexual act or in the simulation of such
41A an act, is guilty of a crime of the second degree.

42 (6) For purposes of this subsection, a person who is depicted
43 as or presents the appearance of being under the age of 16 in any
44 photograph or film shall be rebuttably presumed to be under the
45 age of 16.

1 2. This act shall take effect immediately.

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SENATE, No. 1843

STATE OF NEW JERSEY

INTRODUCED OCTOBER 25, 1982

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1 1. N. J. S. 2C:24-4 is amended to read as follows:

2 2C:24-4. Endangering Welfare of Children. a. Any person
3 having a legal duty for the care of a child or who has assumed
4 responsibility for the care of a child who engages in sexual conduct
5 which would impair or debauch the morals of the child, or who
6 causes the child harm that would make the child an abused or
7 neglected child as defined in R. S. 9:6-1, R. S. 9:6-3 and P. L. 1974,
8 c. 119, s. 1 (C. 9:6-8.21) is guilty of a crime of the third degree.
9 Any other person who engages in conduct or who causes harm as
10 described in this subsection to a child under the age of 16 is guilty
11 of a crime of the fourth degree.

12 b. As used in this subsection:

13 (1) "Child" shall mean any person under 16 years of age.

14 (2) "Prohibited sexual act" means

15 (a) Sexual intercourse; or

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28 simulation of such an act if the person knows, has reason to know
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34A *hibited sexual act or in the simulation of such an act** is guilty of a
34B crime of the second degree.

35 (5) Any person who knowingly receives for the purpose of
36 selling or who sells, *procures, manufactures, gives, provides,*
37 *lends, trades, mails, delivers, transfers, publishes, distributes,*
38 *circulates, disseminates, presents, exhibits, advertises, offers or*
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39A *other reproduction or reconstruction** which depicts a child engag-
40 ing in a prohibited sexual act or in the simulation of such an act, is
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44 photograph or film shall be rebuttably presumed to be under the
45 age of 16.

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SENATE, No. 1843

STATE OF NEW JERSEY

INTRODUCED OCTOBER 25, 1982

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STATEMENT

The purpose of this bill is to fortify the child pornography law. According to this bill, any person who knowingly receives for the purpose of selling or who sells, *procures, manufactures, gives, provides, lends, trades, mails, delivers, transfers, publishes, distributes, circulates, disseminates, presents, exhibits, advertises, offers or agrees to offer* any photograph or film which depicts a child engaging in a prohibited sexual act is guilty of a crime of the second degree.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1843

with Senate committee amendment

STATE OF NEW JERSEY

DATED: DECEMBER 8, 1983

Presently, New Jersey's child pornography statute generally prohibits permitting a child to engage in the production of pornographic material; the photographing or filming of a child in sexual acts and the selling of pornographic material depicting children engaged in sexual acts.

Senate Bill No. 1843 would expand the scope of the child pornography statute by adding language indicating that the procuring, manufacturing, giving, providing, lending, trading, mailing, delivering, transferring, publishing, distributing, circulating, disseminating, presenting, exhibiting, advertising, offering or agreeing to offer pornographic material depicting children is also prohibited.

Under the amendments adopted by the committee, permitting a child to engage in sexual acts which will be reproduced or reconstructed in any manner and the actual reproduction or reconstruction of such materials would be prohibited.

The adopted committee amendments also include video tapes and other types of reproductions and reconstructions within the purview of the child pornography statute.

S-1791 SIGNED, ET AL.

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JANUARY 17, 1984

S-1456, sponsored by State Senator Edward T. O'Connor, Jr., D-Hudson, known as the "Uniform Limited Partnership Act," this bill revises and supplements the Uniform Limited Partnership Act of 1919.

S-1742, sponsored by State Senator Walter Rand, D-Camden, which allows drivers with hearing impairments to apply for a special driver's license. To qualify, the applicants hearing loss must be verified by an otorhinolaryngologist or by a certified audiologist.

S-1893, also sponsored by Senator Rand, which adds freeholders to the list of individuals who can administer oaths and take affidavits.

S-1843, sponsored by State Senator Leonard T. Connors, Jr.,/A-1871, sponsored by Assemblyman John T. Hendrickson, Jr., both R-Ocean, which expands the provisions of the child pornography laws to include making it a crime to reproduce the image of any prohibited sexual act, to have any intention to reproduce or reconstruct such an act or to sell, receive or in any way knowingly deal with any such reproduction or reconstruction.

S-1544, sponsored by State Senator Carmen A. Orechio, D-Essex, which provides for members of the Public Employees Retirement System to receive credit for any period of service with a local public employer.

S-1480, sponsored by State Senator John F. Russo, D-Ocean, which prohibits a New Jersey commercial corporation from organizing under a corporate name which is the same or similar to that of an existing New Jersey nonprofit corporation.