

NEWSPAPER ARTICLES:

Yes

“Define Gangster But Delay Action,” Trenton Evening Times, May 1, 1934

Note: R.S. 2:136-1 et seq not enacted when Title 2A was codified January 1, 1952.

MM/RH

SENATE, No. 309

(2 Comp. Stat., 1743)

STATE OF NEW JERSEY

INTRODUCED APRIL 23, 1934

By Mr. ALBRIGHT

(Without Reference)

A SUPPLEMENT to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

1 1. All gangsters are hereby declared to be enemies of the State.

1 2. Any person in whose possession is found a machine gun, or sub-ma-
2 chine gun; or any person who having no lawful occupation is apprehended
3 while carrying a deadly weapon on his person, or in any conveyance, without
4 being duly licensed so to do; or any person who is a member of any gang
5 consisting of three or more persons engaged in any unlawful pursuit, or con-
6 sisting of vagrants, or persons the majority of whom have no lawful occupa-
7 tion, and who has been convicted at least three times for being a disorderly
8 person or for the commission of any crime, is hereby declared to be a gangster.

1 3. Any person convicted of being a gangster under the provisions of this
2 act shall be punished by a fine of not exceeding ten thousand dollars (\$10,-
3 000.00), or be imprisoned for not exceeding ten years, or both.

1 4. This act shall take effect immediately.

STATEMENT

The object of the above bill is to strengthen the Crimes Act; to define who are gangsters, and enable authorities effectually to deal with them.

The Disorderly Persons Act is inadequate for dealing with the gangster as defined in this act.

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 309

(2 Comp. Stat, 1743)

STATE OF NEW JERSEY

INTRODUCED APRIL 23, 1934

By Mr. ALBRIGHT

(Without Reference)

A SUPPLEMENT to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

1 1. All gangsters are hereby declared to be enemies of the State.

1 2. Any person in whose possession is found a machine gun, or sub-ma-
2 chine gun; or any person who having no lawful occupation is apprehended
3 while carrying a deadly weapon on his person, or in any conveyance, without
4 being duly licensed so to do; or any person who is a member of any gang
5 consisting of three or more persons engaged in any unlawful pursuit, or con-
6 sisting of vagrants, or persons the majority of whom have no lawful occupa-
7 tion, and who has been convicted at least three times of being a disorderly
8 person or who has been heretofore convicted of the commission of any crime,
9 is hereby declared to be a gangster; *provided*, that nothing herein shall be
10 taken to relate to any labor dispute or any act or thing done by any employees
11 on strike during any labor dispute.

1 3. Any person convicted of being a gangster under the provisions of this
2 act shall be punished by a fine of not exceeding ten thousand dollars (\$10,-
3 000.00), or be imprisoned for not exceeding ten years, or both.

1 4. This act shall take effect immediately.

COMMITTEE SUBSTITUTE FOR

SENATE, No. 309

STATE OF NEW JERSEY

ADOPTED MAY 1, 1934

A FURTHER SUPPLEMENT to an act entitled "An act for the punishment of crimes (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

1 1. A gangster is hereby declared to be an enemy of the State.

1 2. Any person in whose possession is found a machine gun or a sub-
2 machine gun is declared to be a gangster; *provided, however,* that nothing in
3 this section contained shall be construed to apply to any member of the
4 military or naval forces of this State, or to any police officer of the State
5 or of any county or municipality thereof, while engaged in his official duties.

1 3. Any person, having no lawful occupation, who is apprehended while
2 carrying a deadly weapon, without a permit so to do, and who has been
3 convicted at least three times of being a disorderly person, or who has been
4 convicted of any crime, in this or in any other State, is declared to be a
5 gangster.

1 4. Any person, not engaged in any lawful occupation, known to be a
2 member of any gang consisting of two or more persons, who has been
3 convicted at least three times of being a disorderly person, or who has been
4 convicted of any crime, in this or in any other State, is declared to be a
5 gangster; *provided, however,* that nothing in this section contained shall in any
6 wise be construed to include any participant or sympathizer in any labor
7 dispute.

1 5. Any person convicted of being a gangster under the provisions of this
2 act shall be guilty of a high misdemeanor, and shall be punished by a fine
3 not exceeding ten thousand dollars (\$10,000.00), or by imprisonment not
4 exceeding twenty years, or both.

1 6. This act shall take effect immediately.

A message was received from the Senate by the hands of its Secretary as follows, and was read by the Clerk:

STATE OF NEW JERSEY,
SENATE CHAMBER, }
May 1, 1934. }

Mr. Speaker:

I am directed by the Senate to inform the House of Assembly that the Senate has passed the following bill:

Committee Substitute for Senate Bill No. 309, entitled "A further supplement to an act entitled 'An act for the punishment of crimes (Revision of 1898),' approved June fourteenth, one thousand eight hundred and ninety-eight,"

In which the concurrence of the House of Assembly is requested.

OLIVER F. VAN CAMP,
Secretary of the Senate.

The Senate message was then taken up, and

Committee Substitute for Senate Bill No. 309, entitled "A further supplement to an act entitled 'An act for the punishment of crimes (Revision of 1898),' approved June fourteenth, one thousand eight hundred and ninety-eight,"

Was read for the first time by its title, ordered to have a second reading, and referred to the Committee on Judiciary.

A message was received from the Senate by the hands of its Secretary as follows, and was read by the Clerk:

STATE OF NEW JERSEY,
SENATE CHAMBER, }
May 1, 1934. }

Mr. Speaker:

I am directed by the Senate to inform the House of Assembly that the Senate has passed the following bill:

Senate Committee Substitute for Assembly Bill No. 296, entitled "An act defining the status of and giving the protection of the civil service laws to employees of the Traffic Commission who are now employees of the Department of Motor Vehicles,"

In which the concurrence of the House of Assembly is requested.

OLIVER F. VAN CAMP,
Secretary of the Senate.

On page 9, paragraph 23, line 1, strike out "become effective on the first day of July, one thousand nine hundred and thirty-four," and substitute the following: "take effect immediately."

Mr. Siracusa moved the adoption of the committee amendments to Assembly Bill No. 22.

Which motion was adopted.

Mr. Waugh, Chairman of the Committee on Highways, reported

Senate Bill No. 269.

Favorably, without amendment.

Mr. King, Chairman of the Committee on Revision and Amendment of Laws, reported

Senate Bills Nos. 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 286, 287, 288, 289, 290, 292, 293, 294.

Favorably, without amendment.

Mr. Naughtright, Chairman of the Committee on Judiciary, reports

Senate Bills Nos. 254, 274, 296, 305,

Favorably, without amendment.

And

Committee Substitute for Senate Bill No. 309,

Favorably, without amendment.

Mr. Siracusa, Chairman of the Committee on Miscellaneous Business, reported

Senate Bill No. 108,

Favorably, without amendment.

Mr. Platts, Chairman of the Committee on Appropriations, reported

Senate Bill No. 268,

Favorably, without amendment.

Senate Bill No. 293, entitled "An act to amend the title and body of an act entitled 'An act to prevent the felonious taking and stealing of motor vehicles and the receiving and purchasing of stolen motor vehicles,' approved April seventh, one thousand nine hundred and twenty-one,"

Senate Bill No. 294, entitled "An act to amend an act entitled 'An act for the punishment of crimes' (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight,"

Senate Bill No. 254, entitled "An act to amend an act entitled 'A supplement to an act entitled "An act respecting the office of the treasurer," approved April seventeenth, one thousand eight hundred and forty-six,' which said supplement was approved April tenth, one thousand nine hundred and two,"

Senate Bill No. 274, entitled "An act to amend an act entitled 'An act concerning contagious and infectious diseases among cattle; regulating the importation of cattle into this State, and providing measures to check the spread of diseases among cattle in this State; creating the Commission on Tuberculosis Among Animals, prescribing its powers and duties and fixing penalties for violations of this act,' approved April twenty-fourth, one thousand nine hundred and eleven, as amended by an act approved March first, one thousand nine hundred and eighteen, and to repeal the supplement approved March thirty-first, one thousand nine hundred and seventeen,"

Senate Bill No. 296, entitled "An act to amend an act entitled 'An act concerning trust companies' (Revision of 1899), approved March twenty-fourth, one thousand eight hundred and ninety-nine,"

Senate Bill No. 305, entitled "A supplement to an act entitled 'An act concerning building and loan associations' (Revision of 1925), approved March twelfth, one thousand nine hundred and twenty-five,"

Committee Substitute for Senate Bill No. 309, entitled "A further supplement to an act entitled 'An act for the punishment of crimes (Revision of 1898),' approved June fourteenth, one thousand eight hundred and ninety-eight,"

in the county of Hudson, to the Joseph Edwin Frobisher, Jr., Post, No. 99, Department of New Jersey, American Legion, a corporation of this State,"

Was read for the first time by its title, ordered to have a second reading, and referred to the Committee on Veterans and Military Affairs.

A message was received from the Senate by the hands of its Secretary, as follows, and was read by the Clerk:

STATE OF NEW JERSEY,
SENATE CHAMBER,

Mr. Speaker:

May 2, 1934.

I am directed by the Senate to inform the House of Assembly that the Senate has passed the following bill:

Assembly Bill No. 392, entitled "An act to amend an act entitled 'An act creating a Department of Municipal Accounts and the office of Commissioner of Municipal Accounts, and defining his duties and powers,' approved March twenty-seventh, one thousand nine hundred and seventeen, approved March fourth, one thousand nine hundred and eighteen,"

Without Senate amendments.

OLIVER F. VAN CAMP,
Secretary of the Senate.

Committee Substitute for Senate Bill No. 309, entitled "A further supplement to an act entitled 'An act for the punishment of crimes (Revision of 1898),' approved June fourteenth, one thousand eight hundred and ninety-eight,"

Was taken up, was read a third time by its title, and passed by the following vote:

In the affirmative were—

Messrs. Aitken, Altman (Speaker), Bischoff, Blank, Bowers, Bucino, Calabrese, Cavinato, Cunard, Doughty, Fort, Galdieri, Gilmore, Gross, Gurk, Hargrave, Hejke, Higbie, Hunt, Hunziker, Jamieson, Jefferson, King, Kinzley, Maloney, McAleer, McCampbell, McKinstry, Muir, Naughtright,

Newcomb, Pascoe, Pesin, Platts, Rafferty, Reinert, Schoen, Schroeder, Siracusa, Tinsman, Travaline, Trube, VanFleet, Vorsanger, Waugh, Yuill—46.

In the negative—None.

Ordered, that the Speaker sign the said bill, and that the Clerk carry it to the Senate and inform the Senate that the House of Assembly has passed the same, without amendment.

Assembly Bill No. 169, entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof,' approved October nineteenth, one thousand nine hundred and three,"

Was taken up, was read a third time by its title, and passed by the following vote:

In the affirmative were—

Messrs. Aitken, Altman (Speaker), Blank, Bowers, Burke, Calabrese, Cavinato, Doughty, Fort, Gilmore, Gross, Gurk, Hargrave, Higbie, Hunt, Hunziker, Jamieson, Jefferson, King, Kinzley, McCampbell, McKean, McKinstry, Molson, Muir, Naughtright, Newcomb, Pascoe, Platts, Preiser, Rafferty, Reinert, Schoen, Schroeder, Siracusa, Tinsman, Travaline, Trube, VanFleet, Vorsanger, Waugh, Yuill—42.

In the negative were—

Messrs. Bischoff, Bucino, Galdieri, Hejke, Maloney, McAleer, McLaughlin, Pesin, Vavrence and Walker—10.

Ordered, that the Speaker sign the said bill, and that the Clerk carry it to the Senate and inform the Senate that the House of Assembly has passed the same, and requests its concurrence therein.

Mr. Naughtright moved that the call of the House be lifted.

Which motion was adopted.

The Secretary was directed by the President to carry said bill to the House of Assembly and inform that body that the Senate has passed the same, without amendment.

A message was received from the Governor by the hands of his Secretary Miss Frances V. Smith, two communications marked "nominations."

Mr. Albright, by unanimous consent, on leave, introduced

Senate Bill No. 308, entitled "An act to amend an act entitled 'An act for the punishment of crime' (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight,"

Which was read for the first time by its title and ordered to have a second reading.

Mr. Albright moved that the rules be suspended and that Senate Bill No. 308 be advanced to second reading without reference.

Which motion was adopted.

Senate Bill No. 308, entitled "An act to amend an act entitled 'An act for the punishment of crime' (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight,"

Was taken up, read a second time, considered by sections, agreed to and ordered to have a third reading.

Mr. Albright, by unanimous consent, on leave, introduced

Senate Bill No. 309, entitled "A supplement to an act entitled 'An act for the punishment of crimes' (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight,"

Which was read for the first time by its title and ordered to have a second reading.

Mr. Albright moved that the rules be suspended and that Senate Bill No. 309 be advanced to second reading without reference.

Which motion was adopted.

Senate Bill No. 309, entitled "A supplement to an act entitled 'An act for the punishment of crimes' (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight,"

Was taken up, read a second time, considered by sections, agreed to, ordered to be printed, and to have a third reading.

Mr. Albright, Chairman of the Committee on Judiciary, reported

Assembly Bill No. 252,

Favorably, without amendment.

Signed—William H. Albright; Emerson L. Richards, Horace G. Prall.

Mr. Leap, Chairman of the Committee on Revision and Amendment of Laws, reported

Assembly Bill No. 207,

By Senate Committee Substitute.

Signed—S. Rusling Leap, John C. Barbour, Joseph G. Wolber, Edward P. Stout.

Mr. Leap moved the adoption of Senate Committee Substitute for Assembly Bill No. 207.

Which motion was adopted.

Assembly Bill No. 252, entitled "An act to authorize the operation by any traction company or company operating a street railway, or railroad operated as a street railway, of trackless trolleys, trolley buses or motor vehicles which are operated in part by electricity furnished by an overhead trolley system and in part by other motive power in substitution or partial substitution for street railway operation,"

Was taken up, read a second time, considered by sections, agreed to, ordered to be printed, and to have a third reading.

Committee Substitute for Assembly Bill No. 207, entitled "An act to amend an act entitled 'A supplement to an act entitled "An act concerning disorderly persons" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight,' which supplement was approved June twenty-first, one thousand nine hundred and thirty-three,"

Was taken up, read a second time, considered by sections, agreed to, ordered to be printed, and to have a third reading.

In the affirmative were—

Messrs. Albright, Barbour, Camp, Cole, Durand, Leap, Loizeaux, Prall, Read, Reeves, Richards, Toolan, Wolber, Woodruff—14.

In the negative—None.

The Secretary was directed by the President to carry said bill to the House of Assembly and inform that body that the Senate has passed the same, and requests its concurrence therein.

Senate Bill No. 309, entitled "A supplement to an act entitled 'An act for the punishment of crimes' (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight,"

Was taken up on third reading.

Mr. Albright asked unanimous consent to amend said bill on third reading.

Which was agreed to.

Proposed Senate amendments to Senate Bill No. 309:

On page 1, line 7, after the word "times" strike out the word "for" and insert the word "of"

On page 1, line 8, before the word "commission" strike out the words "for the" and insert in lieu thereof the words "who has been heretofore convicted of the"

Mr. Albright moved the adoption of proposed amendments to Senate Bill No. 309.

Which motion was adopted.

Mr. Richards asked unanimous consent to further amend said bill on third reading.

Which was agreed to.

Proposed amendment to Senate Bill No. 309:

After end of line 8, strike out the period and substitute a semicolon and add the following: "*provided*, that nothing herein shall be taken to relate to any labor dispute or any act or thing done by any employees on strike during any labor dispute."

Mr. Richards moved the adoption of proposed amendment to Senate Bill No. 309, which was decided by the following vote:

In the affirmative were—

Messrs. Albright, Durand, Richards, Wolber Woodruff—5.

In the negative were—

Messrs. Camp, Loizeaux, Toolan—3.

A message was received from the Governor by the hands of his Secretary Miss Frances V. Smith, six communications marked “nominations.”

Mr. Durand assumed the chair.

Senate Bill No. 309, entitled “A supplement to an act entitled ‘An act for the punishment of crimes’ (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight,”

As amended.

Was taken up and read a third time.

Mr. Albright moved that Senate Bill No. 309 be laid over.

Which motion was adopted.

Mr. Richards moved that the vote by which Senate Committee Substitute for Assembly Concurrent Resolution No. 5 was passed be reconsidered.

Which was decided by the following vote:

In the affirmative were—

Messrs. Albright, Barbour, Camp, Cole, Durand, Kuser, Loizeaux, Prall, Richards, Stout, Toolan, Woodruff—12.

In the negative—None.

Mr. Richards moved that Senate Committee Substitute for Assembly Concurrent Resolution No. 5 be referred back to second reading.

Which motion was adopted.

Mr. Richards offered the following Senate Substitute for Senate Committee Substitute for Assembly Concurrent Resolution No. 5:

Mr. Albright moved that Senate Bill No. 309 be placed back on second reading for the purpose of introducing a Senate Substitute therefor.

Which motion was adopted.

Committee Substitute for Senate Bill No. 309, entitled "A further supplement to an act entitled 'An act for the punishment of crimes (Revision of 1898),' approved June fourteenth, one thousand eight hundred and ninety-eight,"

Was taken up, read a second time, considered by sections, agreed to, and ordered to have a third reading.

Mr. Albright moved that the rules be suspended and that Committee Substitute for Senate Bill No. 309 be advanced to third reading and final passage.

Which motion was adopted.

Committee Substitute for Senate Bill No. 309, entitled "A further supplement to an act entitled 'An act for the punishment of crimes (Revision of 1898),' approved June fourteenth, one thousand eight hundred and ninety-eight,"

Was taken up and read a third time.

Upon the question "Shall this Senate bill pass?" it was decided as follows:

In the affirmative were—

Messrs. Albright, Barbour, Camp, Durand, Ely, Kuser, Leap, Loizeaux, Powell (President), Read, Reeves, Richards, Stout, Toolan, Wolber, Woodruff—16.

In the negative—None.

Mr. Albright moved that the rules be suspended and that Committee Substitute for Senate Bill No. 309 be transmitted forthwith to the House of Assembly.

Which motion was adopted.

The Secretary was directed by the President to carry said bill to the House of Assembly and inform that body that the Senate has passed the same, without amendment.

The following message was received from the House of Assembly by the hands of its Clerk:

STATE OF NEW JERSEY,
ASSEMBLY CHAMBER,
May 2, 1934. }

Mr. President:

I am directed by the House of Assembly to inform the Senate that the House of Assembly has passed the following bills:

Senate Bill No. 237, entitled "An act to validate certain budgets and tax ordinances and tax resolutions heretofore adopted,"

Senate Bill No. 239, entitled "An act authorizing independent pension groups in counties of the first class of the State of New Jersey to join in, consolidate and merge with the county employees' pension commission in the county in which the respective independent pension groups are located,"

Senate Bill No. 250, entitled "An act for the release of land and real estate required for public improvements from the lien of any judgment obtained by the State of New Jersey,"

And

Committee Substitute for Senate Bill No. 309, entitled "A further supplement to an act entitled 'An act for the punishment of crimes' (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight,"

All without amendments.

FREDERICK A. BRODESSER,
Clerk of the House of Assembly.

A message was received from the Governor by the hands of his Secretary, Miss Frances V. Smith. One communication marked "nomination".

NEW JERSEY STATUTES ANNOTATED

Title 2A ADMINISTRATION OF CIVIL AND CRIMINAL JUSTICE

2A:1 to 2A:12

WEST®

A Thomson Reuters business

© 2011 Thomson Reuters

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice, and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

NEW JERSEY STATUTES ANNOTATED and NJSA
are trademarks of West Publishing Corporation

West's and Westlaw are registered in the U.S. Patent and Trademark Office.

CIVIL AND CRIMINAL JUSTICE

R.S.1937

N.J.S.A.

Subsequent Laws

Title 2A

2:135-9 Repealed L.1940, c. 207, L.1940, c.
207, repealed L.1941, c. 398, § 1,
am. L.1941, c. 398, § 6 Not enacted

Chapter 136. Gangsters.

2:136-1
to
2:136-5 Not enacted

Chapter 137. Gold, Silver, Platinum and Alloys Thereof.

See Chapter 5 (§ 51:5-1 et seq.) and Chapter 6 (§ 51:6-1 et seq.) of Title 51.

Chapter 138. Homicide.

2:138-1
to
2:138-9 2A:113-1 to 2A:113-9

Chapter 139. Incest.

2:139-1 2A:114-1
2:139-2 2A:114-2

Chapter 140. Indecency and Obscenity.

2:140-1
to
2:140-5 2A:115-1 to 2A:115-5

Chapter 141. Insignia—Fraternal and Military.

2:141-1
to
2:141-3 2A:116-1 to 2A:116-3

Chapter 142. Insurance.

2:142-1 2A:117-1
2:142-2 2A:117-2
2:142-3 L.1948, c. 298, § 1 2A:117-3
2:142-4 L.1948, c. 298, § 2 2A:117-4
2:142-5 L.1948, c. 298, § 3 Not enacted

Chapter 143. Kidnaping.

2:143-1 2A:118-1
2:143-2 2A:118-2

Chapter 144. Landlord and Tenant.

2:144-1 2A:170-93
2:144-2 2A:170-92