

2C:33-21

LEGISLATIVE HISTORY CHECKLIST  
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(Interception of  
messages)

NJSA: 2C:33-21

LAWS OF: 1991 CHAPTER: 432

BILL NO: S305

SPONSOR(S) Lynch

DATE INTRODUCED: Pre-Filed

COMMITTEE: ASSEMBLY: Judiciary  
SENATE: Law, Public Safety & Defense

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: January 8, 1992  
SENATE: June 11, 1991

DATE OF APPROVAL: January 18, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG/pp

§§1-3  
C.2C:33-21  
to  
2C:33-23  
§4  
Repealer

P.L.1991, CHAPTER 432, approved January 18, 1992  
1990 Senate No. 305 (First Reprint)

1 AN ACT concerning interception of certain messages,  
2 supplementing Title 2C of the New Jersey Statutes and  
3 repealing P.L.1977, c.426.

4  
5 BE IT ENACTED by the Senate and General Assembly of the  
6 State of New Jersey:

7 1. Any person who intercepts any message or transmission  
8 made on or over any police, fire or emergency medical  
9 communications system, or any person who is the recipient of  
10 information so intercepted, and <sup>1</sup>who<sup>1</sup> uses the information  
11 obtained thereby to <sup>1</sup>[aid, abet or assist in committing] facilitate  
12 the commission of or the attempt to commit<sup>1</sup> a crime<sup>1</sup>,<sup>1</sup> or <sup>1</sup>[in  
13 violating] a violation of<sup>1</sup> any law of this State, or uses the same  
14 in a manner which interferes with the discharge of police  
15 operations, shall be guilty of a crime of the fourth degree.

16 <sup>1</sup>[Any person who, in the course of committing a crime or at  
17 the time of arrest for any crime, possesses or controls a radio  
18 capable of receiving any police, fire or emergency message or  
19 transmission, shall be prima facie presumed to have used that  
20 radio in a manner that interferes with the discharge of police  
21 operations.]<sup>1</sup>

22 12. Any person who, while in the course of committing or  
23 attempting to commit a crime, including the immediate flight  
24 therefrom, possesses or controls a radio capable of receiving any  
25 message or transmission made on or over any police, fire or  
26 emergency medical communications system, shall be guilty of a  
27 crime of the fourth degree.<sup>1</sup>

28 13. For purposes of P.L. , c (C. )(now pending before the  
29 Legislature as this bill), the term "police, fire or emergency  
30 medical communications system" shall not include radar devices  
31 used to monitor vehicular speed.<sup>1</sup>

32 <sup>1</sup>[2.] 4.<sup>1</sup> P.L.1977, c.426 (C.2A:127-4) is repealed.

33 <sup>1</sup>[3.] 5.<sup>1</sup> This act shall take effect immediately.

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PUBLIC SAFETY

38 Establishes standards regarding interception of police, fire or  
39 emergency medical messages and repeals P.L.1977, c.426.

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:  
Assembly floor amendments adopted January 6, 1992.

SENATE, No. 305

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator LYNCH

1 AN ACT concerning interception of certain messages,  
2 supplementing Title 2C of the New Jersey Statutes and  
3 repealing P.L.1977, c.426.  
4

5 BE IT ENACTED by the Senate and General Assembly of the  
6 State of New Jersey:

7 1. Any person who intercepts any message or transmission  
8 made on or over any police, fire or emergency medical  
9 communications system, or any person who is the recipient of  
10 information so intercepted, and uses the information obtained  
11 thereby to aid, abet or assist in committing a crime, or in  
12 violating any law of this State, or uses the same in a manner  
13 which interferes with the discharge of police operations, shall be  
14 guilty of a crime of the fourth degree.

15 Any person who, in the course of committing a crime or at the  
16 time of arrest for any crime, possesses or controls a radio  
17 capable of receiving any police, fire or emergency message or  
18 transmission, shall be prima facie presumed to have used that  
19 radio in a manner that interferes with the discharge of police  
20 operations.

21 2. P.L.1977, c.426 (C.2A:127-4) is repealed.

22 3. This act shall take effect immediately.  
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25 STATEMENT  
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27 This bill provides that any person who intercepts any message  
28 or transmission made on or over a police, fire or emergency  
29 medical communications system and uses that information to  
30 assist in committing a crime or in violating any law in New  
31 Jersey or uses the information in a manner which interferes with  
32 the discharge of police operations, is guilty of a crime of the  
33 fourth degree.

34 The bill also provides that a person shall be prima facie  
35 presumed to have used a radio in a manner that interferes with  
36 the discharge of police operations if the person is in possession of  
37 a radio capable of receiving police, fire or emergency messages  
38 when committing a crime or at the time of arrest.

39 The bill also repeals P.L.1977, c.426. This existing law makes  
40 it a misdemeanor to have in an automobile a radio receiver  
41 operating on frequencies assigned for fire, police, municipal or

1 other governmental uses, with certain exceptions provided.

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**PUBLIC SAFETY**

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6 Establishes standards regarding interception of police, fire or  
7 emergency medical messages and repeals P.L.1977, c.426.

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator LYNCH and Assemblywoman FORD

1 AN ACT concerning interception of certain messages,  
2 supplementing Title 2C of the New Jersey Statutes and  
3 repealing P.L.1977, c.426.

4  
5 BE IT ENACTED by the Senate and General Assembly of the  
6 State of New Jersey:

7 1. Any person who intercepts any message or transmission  
8 made on or over any police, fire or emergency medical  
9 communications system, or any person who is the recipient of  
10 information so intercepted, and <sup>1</sup>who<sup>1</sup> uses the information  
11 obtained thereby to <sup>1</sup>[aid, abet or assist in committing] facilitate  
12 the commission of or the attempt to commit<sup>1</sup> a crime<sup>1</sup>[,]<sup>1</sup> or <sup>1</sup>[in  
13 violating] a violation of<sup>1</sup> any law of this State, or uses the same  
14 in a manner which interferes with the discharge of police  
15 operations, shall be guilty of a crime of the fourth degree.

16 <sup>1</sup>[Any person who, in the course of committing a crime or at  
17 the time of arrest for any crime, possesses or controls a radio  
18 capable of receiving any police, fire or emergency message or  
19 transmission, shall be prima facie presumed to have used that  
20 radio in a manner that interferes with the discharge of police  
21 operations.]<sup>1</sup>

22 2. Any person who, while in the course of committing or  
23 attempting to commit a crime, including the immediate flight  
24 therefrom, possesses or controls a radio capable of receiving any  
25 message or transmission made on or over any police, fire or  
26 emergency medical communications system, shall be guilty of a  
27 crime of the fourth degree.<sup>1</sup>

28 3. For purposes of P.L. , c (C. )(now pending before the  
29 Legislature as this bill), the term "police, fire or emergency  
30 medical communications system" shall not include radar devices  
31 used to monitor vehicular speed.<sup>1</sup>

32 <sup>1</sup>[2.] 4.<sup>1</sup> P.L.1977, c.426 (C.2A:127-4) is repealed.

33 <sup>1</sup>[3.] 5.<sup>1</sup> This act shall take effect immediately.

34  
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36 PUBLIC SAFETY  
37  
38 Establishes standards regarding interception of police, fire or  
39 emergency medical messages and repeals P.L.1977, c.426.

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 underlined thus is new matter.  
Matter enclosed in superscript numerals has been adopted as follows:  
Assembly floor amendments adopted January 6, 1992.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

SENATE, No. 305

STATE OF NEW JERSEY

DATED: SEPTEMBER 30, 1991

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 305.

The bill repeals N.J.S.A.2A:127-4. This statute made it a crime of the fourth degree, with certain exceptions, to have in an automobile a radio receiver operating on frequencies assigned for fire, police, municipal or other governmental uses.

The bill provides that any person who intercepts any message or transmission made on or over a police, fire, or emergency medical communications system and uses that information to assist in committing a crime or in violating any law in New Jersey, or uses the information in a manner which interferes with the discharge of police operations, is guilty of a crime of the fourth degree.

The bill also provides that a person is presumed to have used a radio in a manner that interferes with the discharge of police operations if the person is in possession of a radio capable of receiving police, fire or emergency messages when committing a crime or at the time of arrest.

The old statute prohibited mere possession. There are legitimate radio users who would face prosecution upon a literal reading of the old statute. For example, members of the American Radio Relay League, ham operators, provide assistance in times of emergency. The mere possession of their equipment in their car while driving to an Office of Emergency Management would have made them liable for prosecution under the terms of the old statute.

This bill is identical to Assembly Bill No. 3044.

ADOPTED  
JAN 6 1992  
DATE

ASSEMBLY Amendments  
(Proposed by Assemblywoman Ford)

to

SENATE, No. 305  
(Sponsored by Senator Lynch)

REPLACE SECTION 1 TO READ:

1. Any person who intercepts any message or transmission made on or over any police, fire or emergency medical communications system, or any person who is the recipient of information so intercepted, and <sup>1</sup>who<sup>1</sup> uses the information obtained thereby to <sup>1</sup>[aid, abet or assist in committing] facilitate the commission of or the attempt to commit<sup>1</sup> a crime<sup>1</sup>],<sup>1</sup> or <sup>1</sup>[in violating] a violation of<sup>1</sup> any law of this State, or uses the same in a manner which interferes with the discharge of police operations, shall be guilty of a crime of the fourth degree.

<sup>1</sup>[Any person who, in the course of committing a crime or at the time of arrest for any crime, possesses or controls a radio capable of receiving any police, fire or emergency message or transmission, shall be prima facie presumed to have used that radio in a manner that interferes with the discharge of police operations.]<sup>1</sup>

INSERT NEW SECTION 2 TO READ:

12. Any person who, while in the course of committing or attempting to commit a crime, including the immediate flight therefrom, possesses or controls a radio capable of receiving any message or transmission made on or over any police, fire or emergency medical communications system, shall be guilty of a crime of the fourth degree.<sup>1</sup>

INSERT NEW SECTION 3 TO READ:

13. For purposes of P.L. , c (C. )(now pending before the Legislature as this bill), the term "police, fire or emergency medical communications system" shall not include radar devices used to monitor vehicular speed.<sup>1</sup>

RENUMBER SECTIONS 2 AND 3 AS 4 AND 5

STATEMENT

This bill establishes standards concerning interception of police, fire, or emergency medical messages. These floor amendments clarify that possession of a radio capable of receiving any police, fire or emergency message or transmission, while in the course of committing or attempting to commit a crime, shall be a crime of the fourth degree.

The bill prior to the floor amendments made such possession prima facie evidence that the radio was used illegally. The amendments would set out two offenses separately: (1) intercepting a transmission and using the information unlawfully, as well as (2) possession of a radio which can intercept such messages, when such possession is in the course of committing or attempting a crime.

These floor amendments also provide that the term "communications system" as used in the bill does not include radar detectors. The bill is intended to apply to those communications systems which normally are used for the purpose of intercepting police, fire or emergency messages.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 305

STATE OF NEW JERSEY

DATED: JANUARY 18, 1990

The Senate Law, Public Safety and Defense Committee reports favorably Senate Bill No. 305.

The bill repeals P.L.1977, c.426 which was originally enacted in 1933. This law makes it a crime of the fourth degree, with certain exceptions to have in an automobile a radio receiver operating on frequencies assigned for fire, police, municipal or other governmental uses.

To replace this repealed statute, the bill provides that any person who intercepts any message or transmission made on or over a police, fire, or emergency medical communications system and uses that information to assist in committing a crime or in violating any law in New Jersey, or uses the information in a manner which interferes with the discharge of police operations, is guilty of a crime of the fourth degree.

The bill also provides that a person is presumed to have used a radio in a manner that interferes with the discharge of police operations if the person is in possession of a radio capable of receiving police, fire or emergency messages when committing a crime or at the time of arrest.

This bill was pre-filed for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.