

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

Identical to Assembly Statement for A2397

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

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ASSEMBLY, No. 2397

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MAY 8, 2000

Sponsored by:

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Assemblyman JOHN E. ROONEY

District 39 (Bergen)

SYNOPSIS

Clarifies provisions concerning luring or enticing a child.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/26/2000)

1 AN ACT concerning luring and enticing a child and amending
2 P.L.1993, c.291.

3

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

6

7 1. Section 1 of P.L.1993, c.291 (C.2C:13-6) is amended to read as
8 follows:

9 1. A person commits a crime of the third degree if he attempts to
10 lure or entice a child or one who he reasonably believes to be a child,
11 via electronic or other means into a motor vehicle, structure or
12 isolated area with a purpose to commit a criminal offense with or
13 against the child.

14 "Child" as used in this act means a person less than 18 years old.

15 "Structure" as used in this act means any building, room, ship,
16 vessel or airplane and also means any place adapted for overnight
17 accommodation of persons, or for carrying on business therein,
18 whether or not a person is actually present.

19 Nothing herein shall be deemed to preclude, if the evidence so
20 warrants, an indictment and conviction for attempted kidnapping under
21 the provisions of N.J.S.2C:13-1.

22 A person convicted of a second or subsequent offense under this
23 section shall be sentenced to a term of imprisonment. Notwithstanding
24 the provisions of paragraph (3) of subsection a. of N.J.S.2C:43-6, the
25 term of imprisonment shall include, unless the person is sentenced
26 pursuant to the provisions of N.J.S.2C:43-7, a mandatory minimum
27 term of one-third to one-half of the sentence imposed, or two years,
28 whichever is greater, during which time the defendant shall not be
29 eligible for parole. If the person is sentenced pursuant to
30 N.J.S.2C:43-7, the court shall impose a minimum term of one-third to
31 one-half of the sentence imposed, or three years, whichever is greater.
32 The court may not suspend or make any other non-custodial
33 disposition of any person sentenced as a second or subsequent
34 offender pursuant to this section. For the purposes of this section an
35 offense is considered a second or subsequent offense if the actor has
36 at any time been convicted pursuant to this section, or under any
37 similar statute of the United States, this State or any other state for an
38 offense that is substantially equivalent to this section.

39 (cf: P.L.1999, c.277)

40

41 2. This act shall take effect immediately.

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.

STATEMENT

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N.J.S.A.2C:13-6 establishes the offense of luring or enticing a child. Under N.J.S.A.2C:13-6 a person commits a crime of the third degree if he attempts to lure or entice a child into a motor vehicle, structure or isolated area with a purpose to commit a criminal offense with or against the child. This bill proposes two clarifications to N.J.S.A.2C:13-6. First, this bill would clarify that this section shall apply in sting operation type situations, where there is no actual child victim, as long as the person reasonably believes that a child is involved. Secondly, the bill clarifies that the provisions of N.J.S.A.2C:13-6 shall apply if the person attempts to lure or entice the child via electronic means such as the internet.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2397

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 13, 2000

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2397.

N.J.S.A.2C:13-6 establishes the offense of luring or enticing a child. This bill proposes two clarifications to N.J.S.A.2C:13-6. Under N.J.S.A.2C:13-6 a person commits a crime of the third degree if he attempts to lure or entice a child into a motor vehicle, structure or isolated area with a purpose to commit a criminal offense with or against the child. This bill would clarify that this section shall apply in sting operation type situations, where there is no actual child victim, as long as the person reasonably believes that a child is involved. Secondly, the bill clarifies that the provisions of N.J.S.A.2C:13-6 shall apply if the person attempts to lure or entice the child via electronic means such as the Internet.

The committee amended the bill to add a definition of "electronic means" which would include, but not be limited to, the Internet as set forth in N.J.S.A. 2C:24-4. The amendments also include attempts to lure or entice a child "to meet or appear at any other place." For example, an attempt to lure a child to a busy park could be included under the statute with these amendments. A busy park would not have fallen into the present language which refers to a "motor vehicle, structure or isolated area."

[First Reprint]

ASSEMBLY, No. 2397

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 8, 2000

Sponsored by:

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Assemblyman JOHN E. ROONEY

District 39 (Bergen)

Co-Sponsored by:

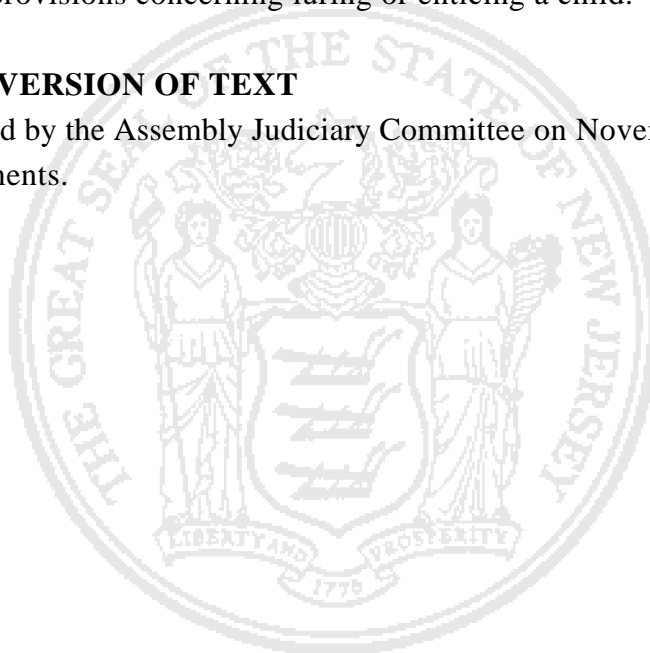
**Assemblymen Talarico, Greenwald, Assemblywoman Heck, Assemblyman
Holzapfel, Senators Allen, DiFrancesco, Matheussen, Inverso, Sinagra,
Bucco, Singer, Robertson and Kosco**

SYNOPSIS

Clarifies provisions concerning luring or enticing a child.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on November 13, 2000,
with amendments.



(Sponsorship Updated As Of: 6/29/2001)

1 AN ACT concerning luring and enticing a child and amending
2 P.L.1993, c.291.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1993, c.291 (C.2C:13-6) is amended to read as
8 follows:

9 1. A person commits a crime of the third degree if he attempts ¹,
10 via electronic or any other means,¹ to lure or entice a child or one who
11 he reasonably believes to be a child ¹[, via electronic or other
12 means]¹ into a motor vehicle, structure or isolated area ¹,or to meet
13 or appear at any other place,¹ with a purpose to commit a criminal
14 offense with or against the child.

15 "Child" as used in this act means a person less than 18 years old.

16 ¹"Electronic means" as used in this section includes, but is not
17 limited to, the Internet, which shall have the meaning set forth in
18 N.J.S. 2C:24-4.¹

19 "Structure" as used in this act means any building, room, ship,
20 vessel or airplane and also means any place adapted for overnight
21 accommodation of persons, or for carrying on business therein,
22 whether or not a person is actually present.

23 Nothing herein shall be deemed to preclude, if the evidence so
24 warrants, an indictment and conviction for attempted kidnapping under
25 the provisions of N.J.S.2C:13-1.

26 A person convicted of a second or subsequent offense under this
27 section shall be sentenced to a term of imprisonment. Notwithstanding
28 the provisions of paragraph (3) of subsection a. of N.J.S.2C:43-6, the
29 term of imprisonment shall include, unless the person is sentenced
30 pursuant to the provisions of N.J.S.2C:43-7, a mandatory minimum
31 term of one-third to one-half of the sentence imposed, or two years,
32 whichever is greater, during which time the defendant shall not be
33 eligible for parole. If the person is sentenced pursuant to
34 N.J.S.2C:43-7, the court shall impose a minimum term of one-third to
35 one-half of the sentence imposed, or three years, whichever is greater.
36 The court may not suspend or make any other non-custodial
37 disposition of any person sentenced as a second or subsequent
38 offender pursuant to this section. For the purposes of this section an
39 offense is considered a second or subsequent offense if the actor has
40 at any time been convicted pursuant to this section, or under

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:

¹ Assembly AJU committee amendments adopted November 13, 2000.

- 1 any similar statute of the United States, this State or any other state
- 2 for an offense that is substantially equivalent to this section.
- 3 (cf: P.L.1999, c.277).
- 4
- 5 2. This act shall take effect immediately.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2397

STATE OF NEW JERSEY

DATED: JUNE 11, 2001

The Senate Judiciary Committee reports favorably Assembly Bill No. 2397 (1R).

N.J.S.A.2C:13-6 establishes the offenses of luring or enticing a child. This bill proposes three clarifications to N.J.S.A.2C:13-6. Under N.J.S.A.2C:13-6 a person commits a crime of the third degree if he attempts, via electronic or any other means, to lure or entice a child or one who he reasonably believes to be a child into a motor vehicle, structure or isolated area, or to meet or appear at any other place, with a purpose to commit a criminal offense with or against the child. This bill would clarify that this section would apply in sting-type situations, where there is no actual child victim, as long as the person reasonably believes that a child is involved. Secondly, the bill would clarify that the provisions of N.J.S.A.2C:13-6 would apply if the person attempts to lure or entice the child via electronic means such as the Internet. And, finally, the bill would provide that N.J.S.A. 2C:13-6 would apply when a person attempts to lure or entice a child "to meet or appear at any other place." For example, an attempt to lure a child to a busy park would be included under the bill. A busy park would not be encompassed by the current language, which refers to a "motor vehicle, structure or isolated area." Under the provisions of this bill, "electronic means" is defined to include, but not be limited to, the Internet as set forth in N.J.S.A.2C:24-4.

SENATE, No. 2005

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED DECEMBER 18, 2000

Sponsored by:

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Senator DONALD T. DIFRANCESCO

District 22 (Middlesex, Morris, Somerset and Union)

Co-Sponsored by:

Senators Matheussen, Inverso, Sinagra, Bucco, Singer, Robertson and Kosco

SYNOPSIS

Clarifies provisions concerning luring or enticing a child.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/19/2000)

1 AN ACT concerning luring and enticing a child and amending
2 P.L.1993, c.291.

3

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

6

7 1. Section 1 of P.L.1993, c.291 (C.2C:13-6) is amended to read as
8 follows:

9 1. A person commits a crime of the third degree if he attempts , via
10 electronic or any other means, to lure or entice a child or one who he
11 reasonably believes to be a child into a motor vehicle, structure or
12 isolated area ,or to meet or appear at any other place, with a purpose
13 to commit a criminal offense with or against the child.

14 "Child" as used in this act means a person less than 18 years old.

15 "Electronic means" as used in this section includes, but is not
16 limited to, the Internet, which shall have the meaning set forth in
17 N.J.S. 2C:24-4.

18 "Structure" as used in this act means any building, room, ship,
19 vessel or airplane and also means any place adapted for overnight
20 accommodation of persons, or for carrying on business therein,
21 whether or not a person is actually present.

22 Nothing herein shall be deemed to preclude, if the evidence so
23 warrants, an indictment and conviction for attempted kidnapping under
24 the provisions of N.J.S.2C:13-1.

25 A person convicted of a second or subsequent offense under this
26 section shall be sentenced to a term of imprisonment. Notwithstanding
27 the provisions of paragraph (3) of subsection a. of N.J.S.2C:43-6, the
28 term of imprisonment shall include, unless the person is sentenced
29 pursuant to the provisions of N.J.S.2C:43-7, a mandatory minimum
30 term of one-third to one-half of the sentence imposed, or two years,
31 whichever is greater, during which time the defendant shall not be
32 eligible for parole. If the person is sentenced pursuant to
33 N.J.S.2C:43-7, the court shall impose a minimum term of one-third to
34 one-half of the sentence imposed, or three years, whichever is greater.
35 The court may not suspend or make any other non-custodial
36 disposition of any person sentenced as a second or subsequent
37 offender pursuant to this section. For the purposes of this section an
38 offense is considered a second or subsequent offense if the actor has
39 at any time been convicted pursuant to this section, or under
40 any similar statute of the United States, this State or any other state
41 for an offense that is substantially equivalent to this section.
42 (cf: P.L.1999, c.277).

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.

1 2. This act shall take effect immediately.

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STATEMENT

5

6 N.J.S.A.2C:13-6 establishes the offense of luring or enticing a
7 child. This bill proposes three clarifications to N.J.S.A.2C:13-6.
8 Under N.J.S.A.2C:13-6 a person commits a crime of the third degree
9 if he attempts, via electronic or any other means, to lure or entice a
10 child or one who he reasonably believes to be a child into a motor
11 vehicle, structure or isolated area, or to meet or appear at any other
12 place, with a purpose to commit a criminal offense with or against the
13 child. This bill would clarify that this section shall apply in sting
14 operation type situations, where there is no actual child victim, as long
15 as the person reasonably believes that a child is involved. Secondly,
16 the bill would clarify that the provisions of N.J.S.A.2C:13-6 would
17 apply if the person attempts to lure or entice the child via electronic
18 means such as the Internet. And, finally, the bill would apply when a
19 person attempts to lure or entice a child "to meet or appear at any
20 other place." For example, an attempt to lure a child to a busy park
21 could be included. A busy park would not have fallen into the current
22 language which refers to a "motor vehicle, structure or isolated area."

23 Under the provisions of the bill "electronic means" is defined as to
24 include, but not be limited to, the Internet as set forth in N.J.S.A.
25 2C:24-4.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2005

STATE OF NEW JERSEY

DATED: JUNE 11, 2001

The Senate Judiciary Committee reports favorably Senate Bill No. 2005.

N.J.S.A.2C:13-6 establishes the offenses of luring or enticing a child. This bill proposes three clarifications to N.J.S.A.2C:13-6. Under N.J.S.A.2C:13-6 a person commits a crime of the third degree if he attempts, via electronic or any other means, to lure or entice a child or one who he reasonably believes to be a child into a motor vehicle, structure or isolated area, or to meet or appear at any other place, with a purpose to commit a criminal offense with or against the child. The bill would clarify that this section would apply in sting-type situations, where there is no actual child victim, as long as the person reasonably believes that a child is involved. Secondly, the bill would clarify that the provisions of N.J.S.A.2C:13-6 would apply if the person attempts to lure or entice the child via electronic means such as the Internet. And, finally, the bill would provide that N.J.S.A.2C:13-6 would apply when a person attempts to lure or entice a child "to meet or appear at any other place." For example, an attempt to lure a child to a busy park would be included under the bill. A busy park would not be encompassed by the current language, which refers to a "motor vehicle, structure or isolated area." Under the provisions of this bill, "electronic means" is defined to include, but not be limited to, the Internet as set forth in N.J.S.A.2C:24-4.

P.L. 2001, CHAPTER 233, *approved August 27, 2001*

Assembly, No. 2397 (*First Reprint*)

1 AN ACT concerning luring and enticing a child and amending
2 P.L.1993, c.291.

3

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

6

7 1. Section 1 of P.L.1993, c.291 (C.2C:13-6) is amended to read as
8 follows:

9 1. A person commits a crime of the third degree if he attempts ¹,
10 via electronic or any other means,¹ to lure or entice a child or one who
11 he reasonably believes to be a child ¹[, via electronic or other
12 means]¹ into a motor vehicle, structure or isolated area ¹,or to meet
13 or appear at any other place,¹ with a purpose to commit a criminal
14 offense with or against the child.

15 "Child" as used in this act means a person less than 18 years old.

16 ¹"Electronic means" as used in this section includes, but is not
17 limited to, the Internet, which shall have the meaning set forth in
18 N.J.S. 2C:24-4.¹

19 "Structure" as used in this act means any building, room, ship,
20 vessel or airplane and also means any place adapted for overnight
21 accommodation of persons, or for carrying on business therein,
22 whether or not a person is actually present.

23 Nothing herein shall be deemed to preclude, if the evidence so
24 warrants, an indictment and conviction for attempted kidnapping under
25 the provisions of N.J.S.2C:13-1.

26 A person convicted of a second or subsequent offense under this
27 section shall be sentenced to a term of imprisonment. Notwithstanding
28 the provisions of paragraph (3) of subsection a. of N.J.S.2C:43-6, the
29 term of imprisonment shall include, unless the person is sentenced
30 pursuant to the provisions of N.J.S.2C:43-7, a mandatory minimum
31 term of one-third to one-half of the sentence imposed, or two years,
32 whichever is greater, during which time the defendant shall not be
33 eligible for parole. If the person is sentenced pursuant to
34 N.J.S.2C:43-7, the court shall impose a minimum term of one-third to
35 one-half of the sentence imposed, or three years, whichever is greater.
36 The court may not suspend or make any other non-custodial
37 disposition of any person sentenced as a second or subsequent
38 offender pursuant to this section. For the purposes of this section an
39 offense is considered a second or subsequent offense if the actor has
40 at any time been convicted pursuant to this section, or under

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:

¹ Assembly AJU committee amendments adopted November 13, 2000.

1 any similar statute of the United States, this State or any other state
2 for an offense that is substantially equivalent to this section.
3 (cf: P.L.1999, c.277).

4

5 2. This act shall take effect immediately.

6

7

8

9

10 Clarifies provisions concerning luring or enticing a child.

CHAPTER 233

AN ACT concerning luring and enticing a child and amending P.L.1993, c.291.

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

1. Section 1 of P.L.1993, c.291 (C.2C:13-6) is amended to read as follows:

C.2C:13-6 Luring, enticing child by various means, attempts; crime of third degree; subsequent offense, mandatory imprisonment.

1. A person commits a crime of the third degree if he attempts, via electronic or any other means, to lure or entice a child or one who he reasonably believes to be a child into a motor vehicle, structure or isolated area, or to meet or appear at any other place, with a purpose to commit a criminal offense with or against the child.

"Child" as used in this act means a person less than 18 years old.

"Electronic means" as used in this section includes, but is not limited to, the Internet, which shall have the meaning set forth in N.J.S. 2C:24-4.

"Structure" as used in this act means any building, room, ship, vessel or airplane and also means any place adapted for overnight accommodation of persons, or for carrying on business therein, whether or not a person is actually present.

Nothing herein shall be deemed to preclude, if the evidence so warrants, an indictment and conviction for attempted kidnapping under the provisions of N.J.S.2C:13-1.

A person convicted of a second or subsequent offense under this section shall be sentenced to a term of imprisonment. Notwithstanding the provisions of paragraph (3) of subsection a. of N.J.S.2C:43-6, the term of imprisonment shall include, unless the person is sentenced pursuant to the provisions of N.J.S.2C:43-7, a mandatory minimum term of one-third to one-half of the sentence imposed, or two years, whichever is greater, during which time the defendant shall not be eligible for parole. If the person is sentenced pursuant to N.J.S.2C:43-7, the court shall impose a minimum term of one-third to one-half of the sentence imposed, or three years, whichever is greater. The court may not suspend or make any other non-custodial disposition of any person sentenced as a second or subsequent offender pursuant to this section. For the purposes of this section an offense is considered a second or subsequent offense if the actor has at any time been convicted pursuant to this section, or under

any similar statute of the United States, this State or any other state for an offense that is substantially equivalent to this section.

2. This act shall take effect immediately.

Approved August 27, 2001.