

2C:29-6

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:29-6 (Weapons—prohibits smuggling into mental health centers)

LAWS OF: 1983

CHAPTER: 87

Bill No: A469

Sponsor(s): Zangari and others

Date Introduced: Pre-filed

Committee: Assembly: Judiciary, Law, Public Safety & Defense

Senate: Judiciary

Amended during passage: Yes // Amendments denoted by asterisks

according to Governor's recommendations:

Date of Passage: Assembly: June 28, 1982 Re-enacted 1-27-83

Senate: Sept. 23, 1982 Re-enacted 2-24-83

Date of Approval: March 3, 1983

Following statements are attached if available:

Sponsor statement: Yes // (Below)

Committee statement: Assembly Yes //

Senate Yes //

Fiscal Note: /// No

Veto Message: Yes //

Message on Signing: /// *Yes* ~~No~~

Following were printed:

Reports: /// No

Hearings: /// No

Sponsors' statement:

The purpose of this bill is to prescribe a mandatory life sentence of imprisonment for smuggling weapons into jails. The recent case of the riot and hostage-taking at the Essex County Jail in Newark and the break out of Joanne Chesimard/Assata Shakur from the Clinton Correctional Institution demonstrate the gravity of this problem.

DO NOT WRITE IN THESE SPACES

3-3-83

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 469

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Assemblymen ZANGARI, GIRGENTI, PELLECCIA
and McENROE

AN ACT concerning the unlawful entry of weapons into institutions
or detention facilities and amending N. J. S. 2C:29-6.

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

1 1. N. J. S. 2C:29-6 is amended to read as follows:

2 2C:29-6. Implements for Escape; Other Contraband. a. Escape
3 implements. (1) A person commits an offense if he knowingly and
4 unlawfully introduces within *an institution *for commitment of*
5 *persons under N. J. S. 2C:4-8** or a detention facility, or knowingly
6 and unlawfully provides an inmate with any weapon, tool*, *instru-*
7 *ment, document** or other thing which may be useful for escape.
8 *The offense is a crime of the ***[first]*** ****[*second*]**** **third***
9 *degree and shall be punished by *a minimum term of* imprisonment*
9A ****[for life]*** *which shall be fixed at no less than 3 years* if the*
9B *item is a ***[weapon]*** ****[*firearm]**** **weapon** as defined by*
9C *N. J. S. 2C:39-1 ****[(f)]***** ****(r)****.* *Otherwise it is a crime of*
9D *the fourth degree.*

10 (2) An inmate commits an offense if he knowingly and unlawfully
11 procures, makes, or otherwise provides himself with, or has in his
12 possession, any such implement of escape. **[“Unlawfully” means**
13 **surreptitiously or contrary to law, regulation or order of the**
14 **detaining authority.]** The offense is a crime of the ******[second]******
15 ****third**** degree **and shall be punished by a minimum term of im-*
15A *prisonment which shall be fixed at no less than 3 years** if the item
15B is a ****[weapon]*** ****[*firearm]**** **weapon** as defined by N. J. S.*

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:

*—Assembly committee amendments adopted March 8, 1982.

**—Senate committee amendments adopted July 22, 1982.

15c 2C:39-1 ****[f]**** *(r)**. Otherwise it is a crime of the ***[third]***
15d *fourth* degree.

16 “*Unlawfully*” means *surreptitiously or contrary to law, regula-*
17 *tion or order of the detaining authority.*

18 b. Other contraband. A person commits a petty disorderly per-
19 sons offense if he provides an inmate with any other thing which
20 the actor knows or should know it is unlawful for the inmate to
21 possess.

1 2. This act shall take effect immediately.

71 United States pursuant to the Retired Serviceman's Family Pro-
72 tection Plan or the Survivor Benefit Plan to a beneficiary or bene-
73 ficiaries other than the estate or the executor or administrator of a
74 decedent.

75 j. The value, *up to \$35,000.00*, of any pension, annuity, retire-
76 ment allowance or return of contributions, regardless of the source,
77 which is a direct result of the decedent's employment under a
78 qualified plan as defined by section 401 (a), (b) and (c) or 2039 (c)
79 of the Internal Revenue Code, payable to a surviving spouse *or*
80 *children*, and not otherwise exempted pursuant to this section or
81 other law of the State of New Jersey.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to exempt the value, up to \$35,000.00,
of any pension, annuity, retirement allowance, or benefit payable
from whatever source to the spouse or children of a decedent,
from transfer inheritance taxation.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 469

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MARCH 8, 1982

This bill, as amended, would make the smuggling of a firearm into a mental health facility or detention facility a crime of the second degree with a minimum jail term of 3 years, and the smuggling of all other items, including instruments and documents which may be used for escape, a crime of the fourth degree.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 469

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JULY 22, 1982

Presently, under N. J. S. 2C:29-6, a person who introduces any weapon into an institution or detention facility or any inmate who procures a weapon commits a crime of the second degree. The introduction or procurement of an implement for escape, other than a weapon is a crime of the third degree.

Assembly Bill No. 469 as amended specifies that in order for an offense to occur in an institution, the institution into which the escape implement is brought must be an institution housing persons committed after being found not guilty by reason of insanity. Expands the definition of contraband to include "instrument" and "document" among the specific items useful for escape which are prohibited from being brought into an institution or detention facility. In addition it establishes that if a weapon is the implement introduced or procured in the institution or detention facility, an offense under 2C:29-6 would be punishable by a minimum term of not less than three years.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

December 27, 1982

ASSEMBLY BILL NO. 469 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 469 with my objections and recommendations for amendment.

The purpose of this bill is to make it a crime for a person to smuggle any weapon, tool, instrument, document or other thing which may be useful for escape into a mental health facility or detention facility. If a weapon is smuggled into the facility, the crime is defined as a crime of the third degree punishable by a minimum term of imprisonment of three years, and if the crime is that of involving anything but a weapon, then the crime is of the fourth degree.

Presently, under N.J.S. 2C:29-6, a person who introduces any weapon into an institution or detention facility or any inmate who procures a weapon commits a crime of the second degree. The introduction or procurement of an implement for escape, other than a weapon is a crime of the third degree.

If enacted as written, this bill will reduce the severity of this offense. Smuggling a weapon into a prison to facilitate an attempted escape is a serious offense. I cannot, and I will not, sign legislation which will reduce the severity of this offense. The smuggling of a weapon into an institution is a direct threat to the safety of the correction officers and other inmates. If weapons are smuggled into institutions many lives could be placed in danger during an attempted escape or if hostages are taken.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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Therefore, I herewith return Assembly Bill No. 469 and recommend that it be amended as follows:

Page 1, Section 1, Line 8: Omit "third" insert "second"

Page 1, Section 1, Line 9D: Omit "fourth" insert "third"

Page 1, Section 1, Line 10: After "inmate" insert "of an institution or facility defined by paragraph (1) of subsection (a) of this section"

Page 1, Section 1, Line 15: Omit "third" insert "second"

Page 2, Section 1, Line 15D: Omit "fourth" insert "third"

Respectfully,

/s/ Thomas H. Kean
GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards

Chief Counsel

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATELY

CONTACT: PAUL WOLCOTT

THURSDAY, MARCH 3, 1983

Governor Thomas H. Kean has signed the following bills:

A-452, sponsored by Assemblyman John A. Girgenti, (D-Passaic), which authorizes the Violent Crimes Compensation Board to compensate a crime victim when the offender is the victim's relative or a member of the victim's household.

A-469, sponsored by Assemblyman James Zangari, (D-Essex), which would make the smuggling of a weapon into a mental health facility or detention facility a crime.

A-2085, sponsored by Assemblyman William Bishop, (R-Morris), which validates bond proceedings for the Township of Rockaway.

S-3062, sponsored by State Senator John F. Russo, (D-Ocean), which allows the appointment of one additional municipal court judge in the county seat having a population of 40,000 or more in a county of the fifth class.

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