

2C:34-2

LEGISLATIVE HISTORY CHECKLIST

NJSA 2C:34-2 (Obscene material sale to under 18-
crime of 4th degree)

LAWS 1982 CHAPTER 211

Bill No. A393

Sponsor(s) Gormley and Herman

Date Introduced Pre-filed

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Judiciary

Amended during passage ~~Yes~~ No

Date of Passage: Assembly March 1, 1982

Senate November 8, 1982

Date of approval December 23, 1982

Following statements are attached if available:

Sponsor statement Yes ~~NOX~~ (Below)

Committee Statement: Assembly Yes ~~NOX~~

Senate Yes ~~NOX~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing *YES* ~~Yes~~ ~~NO~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Sponsor's statement:

The purpose of this bill is to remove the requirement that a person 18 years of age or older is entitled to a trial by jury at the municipal court level.

Bill, proposed during 1981 session, as mentioned in Assembly statement: A3356

6/22/81

SEP 1983

ASSEMBLY, No. 393

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Assemblymen GORMLEY and HERMAN

AN ACT concerning the sale of obscene material and amending
N. J. S. 2C:34-2.

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

1 1. N. J. S. 2C:34-2 is amended to read as follows:

2 2C:34-2. Obscenity for Persons 18 Years of Age or Older. a.
3 Definitions for purpose of this section:

4 (1) "Obscene material" means any description, narrative ac-
5 count, display, or deception of sexual activity or anatomical area
6 contained in, or consisting of, a picture or other representation,
7 publication, sound recording, live performance, or film, which by
8 means of posing, composition, format or animated sensual details:

9 (a) Depicts or describes in a patently offensive way, ultimate
10 sexual acts, normal or perverted, actual or simulated, masturba-
11 tion, excretory functions, or lewd exhibition of the genitals,

12 (b) Lacks serious literary, artistic, political, or scientific value,
13 when taken as a whole, and

14 (c) Is a part of a work, which to the average person applying
15 contemporary community standards, has a dominant theme taken
16 as a whole, which appeals to the prurient interest.

17 b. A person who sells obscene material to a person 18 years of
18 age or older **[is a disorderly person and any person charged pur-**
19 **suant to this section shall have the right to a trial by jury]** *commits*
20 *a crime of the fourth degree.*

21 Nothing contained herein shall be construed to prohibit a munici-
22 pality from adopting as a part of its zoning ordinances an ordinance
23 permitting the sale of obscene material, in which event such sale
24 shall be deemed legal.

1 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.**

STATEMENT

The purpose of this bill is to remove the requirement that a person 18 years of age or older is entitled to a trial by jury at the municipal court level.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 393

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 1982

This bill changes the level of the offense of selling obscene material to adults from a disorderly persons' offense to a crime of the fourth degree. Disorderly persons' offenses are punishable by a fine of up to \$1,000 and up to 6 months imprisonment. Crimes of the fourth degree are punishable by a fine of up to \$7,500 and up to 18 months imprisonment.

During the 1981 session, this bill was passed by the Assembly but was not voted on in the Senate.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 393

STATE OF NEW JERSEY

DATED: OCTOBER 13, 1982

Presently, the sale of obscene materials to adults is classified as a disorderly persons offense. Disorderly persons offenses are punishable by up to six months imprisonment and/or a fine of up to \$1,000.00. Assembly Bill No. 393 would classify the sale of obscene materials to adults as a crime of the fourth degree. Crimes of the fourth degree are punishable by up to 18 months imprisonment and/or a fine of up to \$7,500.00.

NOVEMBER 30, 1982

A-1804, sponsored by Assemblyman Robert J. Meyer, R-Burlington, which validates bond referenda which did not use the most current form for absentee ballots because of recent changes in the Absentee Voting Law, providing that no action, suit or proceeding has been brought to protest their validity.

A-393, sponsored by Assemblyman (now Senator) William L. Gormley, R-Atlantic, which upgrades the offense of selling obscene material to a person 18 years old or older from a disorderly persons offense to a fourth degree crime.

A-834, sponsored by Assemblyman Walter M.D. Kern, R-Bergen, which allows fingerprinting of persons charged with shoplifting or convicted of any other indictable offense where identity is in question. Proper identification of shoplifters is needed because the law provides for graduated sentences for subsequent offenses.

A-878, sponsored by Assemblywoman Maureen B. Ogden, R-Essex, which increases the fines levied against owners and operators of trucks registered in another state but used in intrastate commerce in New Jersey. The fine for illegally registered trucks is \$100. This bill increases the fine to an amount equal to the cost of registering the truck in New Jersey, thus removing incentives for registering a truck in another state with lower registration fees.

S-1410, sponsored by Senator Walter E. Foran, R-Hunterdon, which establishes a registration system for reusable milk cases and sets a \$500 fine for violation of the law. Milk processors contend that loss of reusable plastic milk cases, which cost about \$5 each, add about 2.25 cents to the price of a gallon of milk. This bill establishes a registration system whereby processors can file their name and identifying mark with the Department of Agriculture. The bill makes possession of the cases without the written consent of the owner prima facie evidence of a violation of this law. Milk industry analysis estimate the loss of plastic cases costs the industry more than \$90 million per year nationally. The cases are used for everything from record holders to flower pot holders. By those who acquire them.