

2C:33-10 + 2C:33-11

LEGISLATIVE HISTORY CHECKLIST

NJSA 2C:33-10 & 2C:33-11 (Swastikas & burning crosses - prohibit placement on any property)

LAWS 1981 CHAPTER 282

Bill No. A3549

Sponsor(s) Baer and others

Date Introduced June 22, 1981

Committee: Assembly --

Senate --

Amended during passage Yes No Substituted for S3341 (not attached since identical to A3549)

Date of Passage: Assembly June 25, 1981

Senate June 29, 1981

Date of approval September 10, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~ (Below)

Committee Statement: Assembly ~~Yes~~ No

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Sponsors' statement:

This bill criminalizes putting another in fear of bodily violence by acts such as placing a Nazi swastika or burning cross on public or private property,

This bill also criminalizes the defacement of private property or premises by such acts.

Bill, conditionally vetoed by Governor (as mentioned in press release): A334(1980)

6/22/81

ASSEMBLY, No. 3549

STATE OF NEW JERSEY

INTRODUCED JUNE 22, 1981

By Assemblymen BAER, RAND, FLYNN, SCHWARTZ, Assemblywoman KALIK, Assemblymen COWAN, JANISZEWSKI, MATTHEWS, W. BROWN, VAN WAGNER, THOMPSON, ZANGARL, McENROE, RILEY, DALTON, BURSTEIN, Assemblywoman GARVIN, Assemblymen CODEY, BATE, HOLLENBECK, BENNETT, BASSANO, CARDINALE, and KOSCO

(Without Reference)

AN ACT concerning crimes and supplementing Title 2C of the New Jersey Statutes.

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

1 1. A person is guilty of crime of the third degree if he purposely,
2 knowingly or recklessly puts or attempts to put another in fear of
3 bodily violence by placing on public or private property a symbol,
4 an object, a characterization, an appellation or graffiti that exposes
5 another to threats of violence, contempt or hatred on the basis of
6 race, color, creed or religion, including, but not limited to a burning
7 cross or Nazi swastika. A person shall not be guilty of an attempt
8 unless his actions cause a serious and imminent likelihood of caus-
9 ing fear of unlawful bodily violence.

1 2. A person is guilty of a crime of the fourth degree if he pur-
2 posely defaces or damages, without authorization of the owner
3 or tenant, any private premises or property primarily used for
4 religious, educational, residential, memorial, charitable, or cemetery
5 purposes, or for assembly by persons of a particular race, color,
6 creed or religion by placing thereon a symbol, an object, a character-
7 ization, an appellation, or graffiti that exposes another to threat of
8 violence, contempt or hatred on the basis of race, color, creed or
9 religion, including, but not limited to, a burning cross or Nazi
10 swastika.

1 3. This act shall take effect immediately.

STATEMENT

This bill criminalizes putting another in fear of bodily violence by acts such as placing a Nazi swastika or burning cross on public or private property.

This bill also criminalizes the defacement of private property or premises by such acts.

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

SEPTEMBER 10, 1981

DAVID DE MAIO (609) 292-8956

Governor Brendan Byrne today signed into law A-3549, sponsored by Assemblyman Byron M. Baer (D-Bergen) and commonly known as the "cross burning" or "anti-terrorism" bill, in a public ceremony at Congregation B'nai Yeshurun in Teaneck.

The bill outlaws on public or private property the burning of crosses, placing of swastikas and other religious or racially motivated acts generally used to terrorize minority groups.

Under the bill, defamatory acts which expose persons to threats of violence, contempt or hatred, and which deliberately or recklessly place them in fear of bodily harm are crimes of the third degree.

Similar acts defacing or damaging private property or property used primarily for religious, educational or charitable purposes are crimes of the fourth degree.

The bill, which was substituted for S-3341 on June 29, 1981, takes effect immediately. Governor Byrne had conditionally vetoed an earlier version of the bill for technical reasons.

Also sponsoring the legislation were: Senator Matthew Feldman (D-Bergen); Assemblymen Walter Rand (D-Camden), William E. Flynn (D-Monmouth), David C. Schwartz (D-Middlesex), Thomas F. Cowan (D-Hudson), Joseph V. Doria (D-Hudson), Robert C. Janiszewski (D-Hudson), Willie Brown (D-Essex), Eugene H. Thompson (D-Essex), Jimmy Zangari (D-Essex), Harry A. McEnroe (D-Essex), Richard Van Wagner (D-Monmouth), Dennis L. Riley (D-Camden), Daniel J. Dalton (D-Gloucester), Albert Burstein (D-Bergen), Richard J. Codey (D-Essex), William J. Bate (D-Passaic), Robert P. Hollenbeck (D-Bergen), John O. Bennett (R-Monmouth), C. Louis Bassano (R-Union), Gerald Cardinale (R-Bergen), Louis F. Kosco (R-Bergen), Michael J. Matthews (D-Atlantic). Also Assemblywomen Hazel S. Gluck (R-Ocean), Barbara F. Kalik (D-Burlington), Mildred Barry Garvin (D-Essex).

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