

20:11-1

LEGISLATIVE HISTORY CHECKLIST

NJSA 20:11-1 (Weapons--facsimiles--same penalties as imposed for use of real weapons)

LAWS 1981 CHAPTER 384

Bill No. S1511

Sponsor(s) Gregorio

Date Introduced October 6, 1980

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Judiciary

Amended during passage Yes ~~XX~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Nov. 22, 1981

Senate Feb. 2, 1981

Date of approval Jan. 4, 1982

Following statements are attached if available:

Sponsor statement Yes ~~XX~~

Committee Statement: Assembly Yes ~~XX~~

Senate Yes ~~XX~~

Fiscal Note ~~Yes~~ XXX ~~No~~

Veto Message ~~Yes~~ XXX ~~No~~

Message on signing Yes ~~Yes~~ ~~No~~

Following were printed:

Reports Yes ~~Yes~~ ~~No~~

Hearings ~~Yes~~ XXX ~~No~~

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ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 1511

STATE OF NEW JERSEY

DATED: APRIL 27, 1981

Under the criminal code, certain offenses (assault, sexual assault, burglary, robbery) carry higher penalties if committed with a "deadly weapon." Senate Bill No. 1511 would broaden the definition of the term "deadly weapon" to include objects such as toy guns which, because of the way in which they are fashioned, would lead a victim reasonably to believe that the object is capable of producing death or serious bodily injury.

A technical amendment improving the bill grammatically was adopted by the committee.

Senate Bill No. 1511 is supported by the Division of Criminal Justice.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1511

STATE OF NEW JERSEY

DATED: DECEMBER 11, 1980

Under the criminal code, certain offenses (assault, sexual assault, burglary, robbery) carry higher penalties if committed with a "deadly weapon". S-1511 would broaden the definition of the term "deadly weapon" to include objects such as toy guns which, because of the way in which they are fashioned, would lead a victim reasonably to believe that the object is capable of producing death or serious bodily injury.

A technical amendment improving the bill grammatically was adopted by the committee.

S-1511 is supported by the Division of Criminal Justice.

SENATE, No. 1511

STATE OF NEW JERSEY

INTRODUCED OCTOBER 6, 1980

By Senator GREGORIO

Referred to Committee on Judiciary

AN ACT concerning certain weapons and amending N. J. S. 2C:11-1.

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

1 1. N. J. S. 2C:11-1 is amended to read as follows:

2 2C:11-1. Definitions. In chapters 11 through 15, unless a different
3 meaning plainly is required:

4 a. "Bodily injury" means physical pain, illness or any impair-
5 ment of physical conditions;

6 b. "Serious bodily injury" means bodily injury which creates
7 a substantial risk of death or which causes serious, permanent
8 disfigurement, or protracted loss or impairment of the function
9 of any bodily member or organ;

10 c. "Deadly weapon" means any firearm or other weapon, device,
11 instrument, material or substance, whether animate or inanimate,
12 which in the manner it is used or is intended to be used, is known,
13 *or in the manner it is fashioned would lead the victim to reasonably*
14 *believe it*, to be capable of producing death or serious bodily injury.

1 2. This act shall take effect immediately.

STATEMENT

Under the former criminal law, a person who committed an assault, robbery, larceny, burglary or breaking and entering with the use of a weapon was subject to an additional sentence of imprisonment. This was so even though the weapon was toy or imitation or could have been mistaken for a weapon.

The New Jersey Code of Criminal Justice, effective September 1, 1979, provided, generally, increased penalties for certain crimes committed with a "deadly weapon." "Deadly weapon" is defined as a weapon which is known to be capable of producing death or serious bodily injury.

This bill would broaden that definition to include weapons, because of the way in which they are fashioned, which the victim believes to be capable of producing death or serious bodily injury.

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JANUARY 4, 1982

KATHRYN FORSYTH

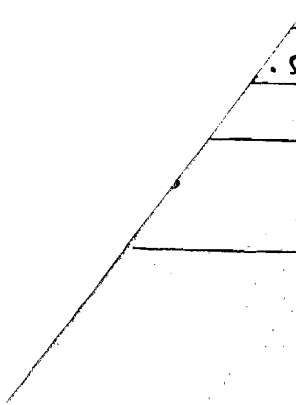
Governor Brendan Byrne today signed the following bills:

A-3426, sponsored by Assemblywoman Barbara Kalik (D-Burlington), permits all state employees to direct the State Treasury Department to desposit their bi-weekly paychecks directly in a designated banking institution. Direct deposit is now used by the Federal Government for retirement, salary and Social Security checks and by the State for pension checks. The bill provides that for institutions anticipating multiple deposits of State employee's checks, the deposits could be made electronically, by computer, or by one check for the total amount of the salary deposits.

S-1061, sponsored by Senator Donald DiFrancesco (R-Union), permits municipalities to provide tenure to "municipal superintendents of public works" after five consecutive years. This bill would primarily affect smaller municipalities that have not adopted Civil Service.

S-1511, sponsored by Senator John Gregorio (D-Union), clarifies that "deadly weapons" used in the commission of certain crimes will include such items as toy guns and other objects which can be reasonably mistaken as a "deadly weapon". The bill would, in effect, increase the severity of a criminal act committed with toy guns, or such items, under the new Penal Code.

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[OFFICIAL COPY REPRINT]
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9 of any bodily member or organ;

10 c. "Deadly weapon" means any firearm or other weapon, device,
11 instrument, material or substance, whether animate or inanimate,
12 which in the manner it is used or is intended to be used, is known,
13 ***[or in the manner it is fashioned would lead the victim to reason-**
14 **ably believe it,]*** to be capable of producing death or serious bodily
15 injury **or which in the manner it is fashioned would lead the*
16 *victim reasonably to believe it to be capable of producing death*
17 *or serious bodily injury*.*

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.**