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LAW/RWH

P.L.2013, CHAPTER 138, *approved August 14, 2013*
Assembly, No. 606 (*First Reprint*)

1 AN ACT concerning trespass on restricted airport property and
2 amending N.J.S.2C:18-1 and N.J.S.2C:18-3.

3

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

6

7 1. N.J.S.2C:18-1 is amended to read as follow:

8 2C:18-1. In this chapter, unless a different meaning plainly is
9 required:

10 **[a. "structure"]** “Structure” means any building, room, ship,
11 vessel, car, vehicle or airplane, and also means any place adapted
12 for overnight accommodation of persons, or for carrying on
13 business therein, whether or not a person is actually present **;**.

14 **[b. “utility company property”]** “Utility Company Property”
15 means property; (1) owned by a public utility, as defined in
16 R.S.48:2-13, or by a municipality, county, water district, authority
17 or other public agency, and (2) which is used for the purpose of
18 providing electric, gas or water utility service.

19 “Operational area” means any portion of a public airport, from
20 which access by the public is prohibited by fences or appropriate
21 signs, and includes runways, taxiways, all ramps, cargo ramps and
22 apron areas, aircraft parking and storage areas, fuel storage areas,
23 maintenance areas, and any other area of a public airport used or
24 intended to be used for landing, takeoff or surface maneuvering of
25 aircraft.

26 “Sterile area” means a portion of an airport, as set forth in an
27 airport security program approved by the Transportation Security
28 Administration, that provides passengers access to boarding aircraft
29 and to which the access generally is controlled by the
30 Transportation Security Administration, an aircraft operator
31 pursuant to 49 C.F.R. part 1544, or an air carrier pursuant to 49
32 C.F.R. part 1546, through the screening of persons and property.

33 (cf: P.L.2009, c.283, s.1)

34

35 2. N.J.S.2C:18-3 is amended to read as follows:

36 2C:18-3. a. Unlicensed entry of structures. A person commits
37 an offense if, knowing that he is not licensed or privileged to do so,
38 he enters or surreptitiously remains in any research facility,
39 structure, or separately secured or occupied portion thereof, or in or
40 upon utility company property, or in the sterile area or operational
41 area of an airport ¹**[in violation of federal security requirements]**¹.
42 An offense under this subsection is a crime of the fourth degree if it
43 is committed in a school or on school property. The offense is a

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:

¹Assembly AHS committee amendments adopted October 15, 2012.

1 crime of the fourth degree if it is committed in a dwelling. An
2 offense under this section is a crime of the fourth degree if it is
3 committed in a research facility, power generation facility, waste
4 treatment facility, public sewage facility, water treatment facility,
5 public water facility, nuclear electric generating plant or any facility
6 which stores, generates or handles any hazardous chemical or
7 chemical compounds. An offense under this subsection is a crime
8 of the fourth degree if it is committed in or upon utility company
9 property. An offense under this subsection is a crime of the fourth
10 degree if it is committed in the sterile area or operational area of an
11 airport ¹[in violation of federal security requirements]¹. Otherwise
12 it is a disorderly persons offense.

13 b. Defiant trespasser. A person commits a petty disorderly
14 persons offense if, knowing that he is not licensed or privileged to
15 do so, he enters or remains in any place as to which notice against
16 trespass is given by:

- 17 (1) Actual communication to the actor; or
18 (2) Posting in a manner prescribed by law or reasonably likely
19 to come to the attention of intruders; or
20 (3) Fencing or other enclosure manifestly designed to exclude
21 intruders.

22 c. Peering into windows or other openings of dwelling places.
23 A person commits a crime of the fourth degree if, knowing that he
24 is not licensed or privileged to do so, he peers into a window or
25 other opening of a dwelling or other structure adapted for overnight
26 accommodation for the purpose of invading the privacy of another
27 person and under circumstances in which a reasonable person in the
28 dwelling or other structure would not expect to be observed.

29 d. Defenses. It is an affirmative defense to prosecution under
30 this section that:

- 31 (1) A structure involved in an offense under subsection a. was
32 abandoned;
33 (2) The structure was at the time open to members of the public
34 and the actor complied with all lawful conditions imposed on access
35 to or remaining in the structure; or
36 (3) The actor reasonably believed that the owner of the
37 structure, or other person empowered to license access thereto,
38 would have licensed him to enter or remain, or, in the case of
39 subsection c. of this section, to peer.

40 (cf: P.L.2009, c.283, s.3)

41

42 3. This act shall take effect immediately.

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Establishes crime of entering into certain restricted airport areas.

ASSEMBLY, No. 606

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblywoman L. GRACE SPENCER

District 29 (Essex)

Assemblyman ALBERT COUTINHO

District 29 (Essex)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Establishes crime of entering into certain restricted airport areas.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning trespass on restricted airport property and
2 amending N.J.S.2C:18-1 and N.J.S.2C:18-3.

3

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

6

7 1. N.J.S.2C:18-1 is amended to read as follow:

8 2C:18-1. In this chapter, unless a different meaning plainly is
9 required:

10 **[a. "structure"]** "Structure" means any building, room, ship,
11 vessel, car, vehicle or airplane, and also means any place adapted
12 for overnight accommodation of persons, or for carrying on
13 business therein, whether or not a person is actually present **【;】**.

14 **[b. "utility company property"]** "Utility Company Property"
15 means property; (1) owned by a public utility, as defined in
16 R.S.48:2-13, or by a municipality, county, water district, authority
17 or other public agency, and (2) which is used for the purpose of
18 providing electric, gas or water utility service.

19 "Operational area" means any portion of a public airport, from
20 which access by the public is prohibited by fences or appropriate
21 signs, and includes runways, taxiways, all ramps, cargo ramps and
22 apron areas, aircraft parking and storage areas, fuel storage areas,
23 maintenance areas, and any other area of a public airport used or
24 intended to be used for landing, takeoff or surface maneuvering of
25 aircraft.

26 "Sterile area" means a portion of an airport, as set forth in an
27 airport security program approved by the Transportation Security
28 Administration, that provides passengers access to boarding aircraft
29 and to which the access generally is controlled by the
30 Transportation Security Administration, an aircraft operator
31 pursuant to 49 C.F.R. part 1544, or an air carrier pursuant to 49
32 C.F.R. part 1546, through the screening of persons and property.

33 (cf: P.L.2009, c.283, s.1)

34

35 2. N.J.S.2C:18-3 is amended to read as follows:

36 2C:18-3. a. Unlicensed entry of structures. A person commits
37 an offense if, knowing that he is not licensed or privileged to do so,
38 he enters or surreptitiously remains in any research facility,
39 structure, or separately secured or occupied portion thereof, or in or
40 upon utility company property, or in the sterile area or operational
41 area of an airport in violation of federal security requirements. An
42 offense under this subsection is a crime of the fourth degree if it is
43 committed in a school or on school property. The offense is a crime
44 of the fourth degree if it is committed in a dwelling. An offense
45 under this section is a crime of the fourth degree if it is committed

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 in a research facility, power generation facility, waste treatment
2 facility, public sewage facility, water treatment facility, public
3 water facility, nuclear electric generating plant or any facility which
4 stores, generates or handles any hazardous chemical or chemical
5 compounds. An offense under this subsection is a crime of the
6 fourth degree if it is committed in or upon utility company property.
7 An offense under this subsection is a crime of the fourth degree if it
8 is committed in the sterile area or operational area of an airport in
9 violation of federal security requirements. Otherwise it is a
10 disorderly persons offense.

11 b. Defiant trespasser. A person commits a petty disorderly
12 persons offense if, knowing that he is not licensed or privileged to
13 do so, he enters or remains in any place as to which notice against
14 trespass is given by:

15 (1) Actual communication to the actor; or

16 (2) Posting in a manner prescribed by law or reasonably likely
17 to come to the attention of intruders; or

18 (3) Fencing or other enclosure manifestly designed to exclude
19 intruders.

20 c. Peering into windows or other openings of dwelling places.
21 A person commits a crime of the fourth degree if, knowing that he
22 is not licensed or privileged to do so, he peers into a window or
23 other opening of a dwelling or other structure adapted for overnight
24 accommodation for the purpose of invading the privacy of another
25 person and under circumstances in which a reasonable person in the
26 dwelling or other structure would not expect to be observed.

27 d. Defenses. It is an affirmative defense to prosecution under
28 this section that:

29 (1) A structure involved in an offense under subsection a. was
30 abandoned;

31 (2) The structure was at the time open to members of the public
32 and the actor complied with all lawful conditions imposed on access
33 to or remaining in the structure; or

34 (3) The actor reasonably believed that the owner of the
35 structure, or other person empowered to license access thereto,
36 would have licensed him to enter or remain, or, in the case of
37 subsection c. of this section, to peer.

38 (cf: P.L.2009, c.283, s.3)

39

40 3. This act shall take effect immediately.

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STATEMENT

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45 This bill establishes the crime of entering into restricted airport
46 property in violation of federal security requirements. The bill sets
47 forth two restricted areas on public airports. The first area, a

A606 SPENCER, COUTINHO

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1 “sterile area,” is defined as any portion of an airport that provides
2 passengers access to boarding aircraft and to which the access
3 generally is controlled by the Transportation Security
4 Administration, an aircraft operator or an air carrier, through the
5 screening of persons and property. The second area, an
6 “operational area,” is defined as any portion of a public airport,
7 from which access by the public is prohibited by fences or
8 appropriate signs. The provisions of the bill list specific areas that
9 would include an operational area.

10 The bill provides that any person who knowingly trespasses in
11 these areas in violation of federal security requirements is guilty of
12 a fourth degree crime. A crime of the fourth degree is punishable by
13 a fine of up to \$10,000, imprisonment for a term of up to 18
14 months, or both.

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 606

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 15, 2012

The Assembly Homeland Security and State Preparedness Committee reports favorably and with committee amendments Assembly Bill No. 606.

As amended and reported by the committee, Assembly Bill No. 606 establishes the crime of entering into restricted airport property. The amended bill sets forth two restricted areas on public airports. The first area, a "sterile area," is defined as any portion of an airport that provides passengers access to boarding aircraft and to which the access generally is controlled by the federal Transportation Security Administration, an aircraft operator, or an air carrier, through the screening of persons and property. The second area, an "operational area," is defined as any portion of a public airport, from which access by the public is prohibited by fences or appropriate signs. The provisions of the bill list specific areas that would include an operational area.

The bill provides that any person who knowingly trespasses in these areas is guilty of a fourth degree crime. A crime of the fourth degree is punishable by a fine of up to \$10,000, imprisonment for a term of up to 18 months, or both.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that a person is not required to have knowledge that he or she is in violation of federal security requirements to be found guilty under the bill's provisions.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 606

STATE OF NEW JERSEY

DATED: FEBRUARY 21, 2013

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 606 (1R).

This bill establishes the crime of entering into restricted airport property.

The provisions of this bill set forth two restricted areas in public airports. The first area, a “sterile area” is defined as any portion of an airport that provides passengers access to boarding aircraft and to which the access is generally controlled by the federal Transportation Security Administration, an aircraft operator, or an air carrier, through the screening of persons and property. The second area, an “operational area,” is defined as any portion of a public airport from which access by the public is prohibited by fences or appropriate signs. The provisions of the bill list specific areas that would include an operational area.

The bill provides that any person who knowingly trespasses in these areas is guilty of a fourth degree crime. A crime of the fourth degree is punishable by a fine of up to \$10,000; imprisonment for a term of up to 18 months; or both.

This bill is identical to Senate Bill No. 1709, which was amended and reported by the committee on this same date.

SENATE, No. 1709

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED FEBRUARY 27, 2012

Sponsored by:
Senator RONALD L. RICE
District 28 (Essex)

SYNOPSIS

Establishes crime of entering into certain restricted airport areas.

CURRENT VERSION OF TEXT

As introduced.



S1709 RICE

2

1 AN ACT concerning trespass on restricted airport property and
2 amending N.J.S.2C:18-1 and N.J.S.2C:18-3.

3

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

6

7 1. N.J.S.2C:18-1 is amended to read as follow:

8 2C:18-1. In this chapter, unless a different meaning plainly is
9 required:

10 [a. "structure"] “Structure” means any building, room, ship,
11 vessel, car, vehicle or airplane, and also means any place adapted
12 for overnight accommodation of persons, or for carrying on
13 business therein, whether or not a person is actually present;

14 [b. “utility company property”] “Utility Company Property”
15 means property; (1) owned by a public utility, as defined in
16 R.S.48:2-13, or by a municipality, county, water district, authority
17 or other public agency, and (2) which is used for the purpose of
18 providing electric, gas or water utility service.

19 “Operational area” means any portion of a public airport, from
20 which access by the public is prohibited by fences or appropriate
21 signs, and includes runways, taxiways, all ramps, cargo ramps and
22 apron areas, aircraft parking and storage areas, fuel storage areas,
23 maintenance areas, and any other area of a public airport used or
24 intended to be used for landing, takeoff or surface maneuvering of
25 aircraft; and

26 “Sterile passenger holding area” means any portion of a public
27 airport designated by appropriate signs as an area into which access
28 is conditioned upon the prior inspection of persons and property in
29 accordance with the approved Federal Aviation Administration
30 security requirements.

31 (cf: P.L.2009, c.283 s.1)

32

33 2. N.J.S.2C:18-3 is amended to read as follows:

34 2C:18-3. a. Unlicensed entry of structures. A person commits
35 an offense if, knowing that he is not licensed or privileged to do so,
36 he enters or surreptitiously remains in any research facility,
37 structure, or separately secured or occupied portion thereof, or in or
38 upon utility company property, or in the sterile passenger holding
39 area or operational area of an airport in violation of federal security
40 requirements. An offense under this subsection is a crime of the
41 fourth degree if it is committed in a school or on school property.
42 The offense is a crime of the fourth degree if it is committed in a
43 dwelling. An offense under this section is a crime of the fourth
44 degree if it is committed in a research facility, power generation
45 facility, waste treatment facility, public sewage facility, water

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 treatment facility, public water facility, nuclear electric generating
2 plant or any facility which stores, generates or handles any
3 hazardous chemical or chemical compounds. An offense under this
4 subsection is a crime of the fourth degree if it is committed in or
5 upon utility company property. An offense under this subsection is
6 a crime of the fourth degree if it is committed in the sterile
7 passenger holding area or operational area of an airport in violation
8 of federal security requirements. Otherwise it is a disorderly
9 persons offense.

10 b. Defiant trespasser. A person commits a petty disorderly
11 persons offense if, knowing that he is not licensed or privileged to
12 do so, he enters or remains in any place as to which notice against
13 trespass is given by:

- 14 (1) Actual communication to the actor; or
- 15 (2) Posting in a manner prescribed by law or reasonably likely
16 to come to the attention of intruders; or
- 17 (3) Fencing or other enclosure manifestly designed to exclude
18 intruders.

19 c. Peering into windows or other openings of dwelling places.
20 A person commits a crime of the fourth degree if, knowing that he
21 is not licensed or privileged to do so, he peers into a window or
22 other opening of a dwelling or other structure adapted for overnight
23 accommodation for the purpose of invading the privacy of another
24 person and under circumstances in which a reasonable person in the
25 dwelling or other structure would not expect to be observed.

26 d. Defenses. It is an affirmative defense to prosecution under
27 this section that:

- 28 (1) A structure involved in an offense under subsection a. was
29 abandoned;
- 30 (2) The structure was at the time open to members of the public
31 and the actor complied with all lawful conditions imposed on access
32 to or remaining in the structure; or
- 33 (3) The actor reasonably believed that the owner of the
34 structure, or other person empowered to license access thereto,
35 would have licensed him to enter or remain, or, in the case of
36 subsection c. of this section, to peer.

37 (cf: P.L.2009, c.283 s.3)

38

39 3. This act shall take effect immediately.

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42

STATEMENT

43

44 This bill establishes the crime of entering into restricted airport
45 property in violation of federal security requirements. The bill sets
46 forth two restricted areas on public airports. The first area, a
47 “sterile passenger holding area” is defined as any portion of a
48 public airport designated by appropriate signs as an area into which

S1709 RICE

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1 access is conditioned upon the prior inspection of persons and
2 property. The second area, an “operational area” is defined as any
3 portion of a public airport, from which access by the public is
4 prohibited by fences or appropriate signs. The provisions of the bill
5 list specific areas that would include an operational area.

6 The bill provides that any person who knowingly trespasses in
7 these areas in violation of federal security requirements is guilty of
8 a fourth degree crime. A crime of the fourth degree is punishable by
9 a fine of up to \$10,000; imprisonment for a term of up to 18
10 months; or both.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1709

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 21, 2013

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1709.

As amended, this bill establishes the crime of entering into restricted airport property.

The amended bill sets forth two restricted areas in public airports. The first area, a “sterile area” is defined as any portion of an airport that provides passengers access to boarding aircraft and to which the access is generally controlled by the federal Transportation Security Administration, an aircraft operator, or an air carrier, through the screening of persons and property. The second area, an “operational area,” is defined as any portion of a public airport from which access by the public is prohibited by fences or appropriate signs. The provisions of the bill list specific areas that would include an operational area.

The bill provides that any person who knowingly trespasses in these areas is guilty of a fourth degree crime. A crime of the fourth degree is punishable by a fine of up to \$10,000; imprisonment for a term of up to 18 months; or both.

The committee amended the bill to replace the term “sterile passenger holding area” with the term “sterile area” and to clarify that a person is not required to have knowledge that he or she is in violation of federal security requirements to be found guilty under the bill’s provisions. In addition, the committee made technical amendments.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 606 (1R) which was reported by the committee on this same date.