

2C:33-3

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 1999 **CHAPTER:** 195
NJSA: 2C:33-3 (False alarms—crime)
BILL NO: S1436 (Substituted for A2503)
SPONSOR(S): Ciesla and Adler
DATE INTRODUCED: October 19, 1998
COMMITTEE: **ASSEMBLY:** ---
SENATE: Judiciary
AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** May 24, 1999
SENATE: February 25, 1999

DATE OF APPROVAL: August 31, 1999

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Senate Substitute for S1436
(Amendments during passage denoted by superscript numbers)

Senate Substitute for S1436

SPONSORS STATEMENT: No
COMMITTEE STATEMENT: **ASSEMBLY:** No
SENATE: No
FLOOR AMENDMENT STATEMENTS: No
LEGISLATIVE FISCAL ESTIMATE: Yes

S1436

SPONSORS STATEMENT: (Begins on page 3 of original bill) Yes
COMMITTEE STATEMENT: **ASSEMBLY:** No
SENATE: Yes
FLOOR AMENDMENT STATEMENTS: No
LEGISLATIVE FISCAL ESTIMATE: No

Assembly Substitute for A2503

SPONSORS STATEMENT: No
COMMITTEE STATEMENT: **ASSEMBLY:** No
SENATE: No
FLOOR AMENDMENT STATEMENTS: No
LEGISLATIVE FISCAL ESTIMATE: Yes

Identical to Legislative Fiscal Estimate to S1436 (SS)

A2503

SPONSORS STATEMENT: (Begins on page 3 of original bill) Yes
COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: No
FLOOR AMENDMENT STATEMENTS: No
LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or refdesk@njstatelib.org

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

P.L. 1999, CHAPTER 195, *approved August 31, 1999*

Senate Substitute for
Senate, No. 1436

1 **AN ACT** concerning false alarms and amending N.J.S.2C:33-3 and
2 supplementing Title 2C of the New Jersey Statutes.

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:33-3 is amended to read as follows:

8 2C:33-3. False Public Alarms. a. Except as provided in subsection
9 b. or c., a person is guilty of a crime of the **[fourth]** third degree if he
10 initiates or circulates a report or warning of an impending fire,
11 explosion, bombing, crime, catastrophe or emergency knowing that the
12 report or warning is false or baseless and that it is likely to cause
13 evacuation of a building, place of assembly, or facility of public
14 transport, or to cause public inconveniences or alarm. A person is
15 guilty of a crime of the **[fourth]** third degree if he knowingly causes
16 such false alarm to be transmitted to or within any organization,
17 official or volunteer, for dealing with emergencies involving danger to
18 life or property.

19 b. A person is guilty of a crime of the third degree if in addition to
20 the report or warning initiated, circulated or transmitted under
21 subsection a., he places or causes to be placed any false or facsimile
22 bomb in a building, place of assembly, or facility of public transport or
23 in a place likely to cause public inconvenience or alarm.

24 c. A person is guilty of a crime of the **[third]** second degree if a
25 violation of subsection a. of this section in fact results in serious bodily
26 injury to another person. A person is guilty of a crime of the second
27 degree if a violation of subsection a. of this section in fact results in
28 death.

29 d. For the purposes of this section, "in fact" means that strict
30 liability is imposed.

31 e. A person is guilty of a disorderly persons offense if the person
32 knowingly places a call to a 9-1-1 emergency telephone system
33 without purpose of reporting the need for 9-1-1 service.

34 (cf: P.L.1996, c.63, s.1)

35

36 2. (New section) a. In the case of a juvenile adjudicated
37 delinquent for a violation of N.J.S. 2C:33-3 the court shall suspend or
38 postpone the juvenile's right to operate a motor vehicle including a

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 motorized bicycle for a period of six months, in addition to any other
2 disposition ordered by the court under section 24 of P.L.1982, c.77
3 (C.2A:4A-43). In the case of a person who at the time of the
4 disposition is less than 17 years of age, the period of the suspension of
5 driving privileges authorized herein, including a suspension of the
6 privilege of operating a motorized bicycle, shall commence on the day
7 the disposition is imposed and shall run for a period of six months after
8 the day the person reaches the age of 17 years.

9 b. In addition to any other sentence imposed by the court under
10 this code, the court shall suspend or postpone a person's right to
11 operate a motor vehicle including a motorized bicycle for any person
12 who is convicted under N.J.S.2C:33-3 and is less than 21 years of age
13 at the time of the conviction. The period of the suspension of driving
14 privileges authorized herein, including a suspension of the privilege of
15 operating a motorized bicycle, shall commence on the day the sentence
16 is imposed and shall run for a period of six months.

17 c. If the driving privilege of any person is under revocation,
18 suspension, or postponement for a violation of any provision of this
19 Title or Title 39 of the Revised Statutes at the time of any adjudication
20 of delinquency for a violation of N.J.S.2C:33-3 or a conviction under
21 N.J.S.2C:33-3, the revocation, suspension, or postponement period
22 imposed herein shall commence as of the date of termination of the
23 existing revocation, suspension, or postponement.

24 d. The court before whom any person is convicted or adjudicated
25 delinquent for a violation of N.J.S.2C:33-3 shall collect forthwith the
26 New Jersey driver's license or licenses of the person and forward such
27 license or licenses to the Director of the Division of Motor Vehicles
28 along with a report indicating the first and last day of the suspension
29 or postponement period imposed by the court pursuant to this section.
30 If the court is for any reason unable to collect the license or licenses
31 of the person, the court shall cause a report of the conviction or
32 adjudication of delinquency to be filed with the director. That report
33 shall include the complete name, address, date of birth, eye color, and
34 sex of the person and shall indicate the first and last day of the
35 suspension or postponement period imposed by the court pursuant to
36 this section. The court shall inform the person orally and in writing
37 that if the person is convicted of personally operating a motor vehicle
38 during the period of license suspension or postponement imposed
39 pursuant to this section the person shall, upon conviction, be subject
40 to the penalties set forth in R.S.39:3-40. A person shall be required
41 to acknowledge receipt of the written notice in writing. Failure to
42 receive a written notice or failure to acknowledge in writing the
43 receipt of a written notice shall not be a defense to a subsequent
44 charge of violation of R.S.39:3-40. If the person is the holder of a
45 driver's license from another jurisdiction, the court shall not collect the
46 license but shall notify the director who shall notify the appropriate

1 officials in the licensing jurisdiction. The court shall, however, in
2 accordance with the provisions of this section, revoke the person's
3 non-resident driving privileges in this State.

4
5 3. (New section) Any person who violates the provisions of
6 N.J.S.2C:33-3 shall be liable for a civil penalty of not less than
7 \$1,000.00 or actual costs incurred by or resulting from the law
8 enforcement and emergency services response to the false alarm,
9 whichever is higher. Any monies collected pursuant to this section
10 shall be made payable to the municipality or other entity providing the
11 law enforcement or emergency services response to the false alarm.
12 "Emergency services" includes, but is not limited to, paid or volunteer
13 fire fighters, paramedics, members of an ambulance team, rescue squad
14 or mobile intensive care unit.

15
16 4. This act shall take effect immediately.

17
18
19 STATEMENT

20
21 This floor substitute upgrades the crime of initiating or circulating
22 a report or warning of an impending fire, explosion, bombing, crime
23 catastrophe or emergency knowing that the report or warning is false
24 or baseless and that the report or warning is likely to cause evacuation
25 of a public area or other public inconvenience from a crime of the
26 fourth degree to a crime of the third degree. Third degree crimes are
27 punishable by a term of imprisonment of three to five years, a fine of
28 up to \$15,000, or both. The bill also upgrades the crime of knowingly
29 transmitting such a false alarm to an organization, official or volunteer
30 that deals with emergencies involving danger to life or property from
31 a crime of the fourth degree to a crime of the third degree. If a person
32 suffers serious bodily injury as a result of either of these crimes, the
33 bill upgrades the crime from a crime of the third degree to a crime of
34 the second degree. Second degree crimes are punishable by a term of
35 imprisonment of five to ten years, a fine of up to \$150,000, or both.

36 Also, a person who initiates a false public alarm is liable for a civil
37 penalty of \$1,000 or the actual cost incurred by a law enforcement or
38 emergency services organization which responds to the false alarm,
39 whichever is higher. The substitute defines "emergency services" to
40 include paid or volunteer firefighters, paramedics and members of
41 ambulance teams, rescue squads or mobile intensive care units. The
42 civil penalty is to be made payable to the municipality or other entity
43 providing the law enforcement or emergency services response to the
44 false alarm.

45 The floor substitute provides in section 2 that a court shall suspend
46 or postpone the right to operate a motor vehicle including a motorized

1 bicycle for any person under the age of 21 years who is convicted of
2 or adjudicated delinquent for a violation of N.J.S.2C:33-3 concerning
3 false public alarms for a period of six months. In the case of a person
4 who at the time of the disposition is less than 17 years of age, the
5 period of the suspension of driving privileges shall commence on the
6 day the disposition is imposed and shall run for a period of six months
7 after the day the person reaches the age of 17 years. If the driving
8 privilege of any person is already under revocation, suspension, or
9 postponement, the revocation, suspension, or postponement period
10 imposed by this bill shall commence as of the date of termination of
11 the existing revocation, suspension, or postponement.

12

13

14

15

16 Upgrades initiating false alarms under certain circumstances.

FISCAL NOTE

SENATE SUBSTITUTE FOR **SENATE, No. 1436**

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: APRIL 23, 1999

Senate Substitute for Senate Bill No. 1436 of 1999 would upgrade the offense of initiating or circulating a report or warning of an impending fire, explosion, bombing, crime, catastrophe or emergency knowing that the report is false and that it is likely to cause evacuation of a building, place or facility or to cause public inconvenience from a crime of the fourth degree to a crime of the third degree. The bill would also make it a crime of the third degree for a person to knowingly cause such false alarm to be transmitted to any emergency personnel causing the emergency personnel to respond to the false alarm and thereby making the emergency personnel unavailable to deal with real emergencies. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000 or both.

In addition, the bill would make it a crime of the second degree if a person initiates a false alarm and that act results in serious bodily injury to another. A crime of the second degree is punishable by a term of imprisonment of 5-10 years, a fine of up to \$150,000 or both.

This bill would also provide that any person who is convicted of initiating a false alarm under these circumstances would be liable for a civil penalty of not less than \$1,000 or actual costs incurred by the law enforcement or emergency services personnel in responding to a false alarm, whichever is higher.

The Administrative Office of the Courts (AOC) states that during 1997 there were nine persons sentenced for initiating or circulating a false alarm knowing that the report is false and that it was likely to cause evacuation of a building, place or facility or to cause public inconvenience. The AOC further states that in 1997 one person was sentenced for initiating a false alarm which resulted in serious bodily injury. If the maximum fine were imposed on these offenders, the State would generate about \$285,000.

The Office of Legislative Services concurs and notes that convictions for third degree offenses carry with them the presumption of non-incarceration for first time offenders.

The OLS adds that if it becomes necessary to incarcerate offenders under this bill Department of Corrections data indicate that the cost of constructing one additional prison bed space is about \$80,000. The ongoing operations expenses of housing a State sentenced prison inmate is \$26,000 per year for the duration of that offender's incarceration.

This fiscal note has been prepared pursuant to P.L.1980, c.67.

SENATE, No. 1436

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED OCTOBER 19, 1998

Sponsored by:

Senator ANDREW R. CIESLA
District 10 (Monmouth and Ocean)
Senator JOHN H. ADLER
District 6 (Camden)

Co-Sponsored by:

Senators Singer, Inverso, Sinagra, Matheussen, Bucco and Allen

SYNOPSIS

Upgrades initiating false alarms under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/29/1999)

1 AN ACT concerning false alarms and amending N.J.S.2C:33-3 and
2 supplementing Chapter 33 of Title 2C of the New Jersey Statutes.

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:33-3 is amended to read as follows:

8 2C:33-3. False Public Alarms. a. Except as provided in subsection
9 b. or c., a person is guilty of a crime of the **[fourth]** third degree if he
10 initiates or circulates a report or warning of an impending fire,
11 explosion, bombing, crime, catastrophe or emergency knowing that the
12 report or warning is false or baseless and that it is likely to cause
13 evacuation of a building, place of assembly, or facility of public
14 transport, or to cause public inconveniences or alarm. A person is
15 guilty of a crime of the **[fourth]** third degree if he knowingly causes
16 such false alarm to be transmitted to or within any organization,
17 official or volunteer, for dealing with emergencies involving danger to
18 life or property.

19 b. A person is guilty of a crime of the third degree if in addition to
20 the report or warning initiated, circulated or transmitted under
21 subsection a., he places or causes to be placed any false or facsimile
22 bomb in a building, place of assembly, or facility of public transport or
23 in a place likely to cause public inconvenience or alarm.

24 c. A person is guilty of a crime of the **[third]** second degree if a
25 violation of subsection a. of this section in fact results in serious bodily
26 injury to another person. A person is guilty of a crime of the second
27 degree if a violation of subsection a. of this section in fact results in
28 death.

29 d. For the purposes of this section, "in fact" means that strict
30 liability is imposed.

31 e. A person is guilty of a disorderly persons offense if the person
32 knowingly places a call to a 9-1-1 emergency telephone system
33 without purpose of reporting the need for 9-1-1 service.

34 (cf: P.L.1996, c.63, s.1)

35

36 2. (New section) Any person who violates the provisions of
37 N.J.S.2C:33-3 shall be liable for a civil penalty of not less than
38 \$1,000.00 or actual costs incurred by or resulting from the law
39 enforcement and emergency services response to the false alarm,
40 whichever is higher. "Emergency services" includes, but is not limited
41 to, paid or volunteer fire fighters, paramedics, members of an
42 ambulance team, rescue squad or mobile intensive care unit.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 3. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 Under present law, a person would be guilty of a crime of the
7 fourth degree if that person initiates or circulates a report or warning
8 of an impending fire, explosion, bombing, crime, catastrophe or
9 emergency knowing that the report is false and it is likely to cause
10 evacuation of a building, place or facility or to cause public
11 inconvenience. This bill would upgrade this offense to a crime of the
12 third degree. This bill would also make it a crime of the third degree
13 for a person to knowingly cause such false alarm to be transmitted to
14 any emergency personnel causing the emergency personnel to respond
15 to the false alarm and thereby making the emergency personnel
16 unavailable to deal with real emergencies. A crime of the third degree
17 is punishable by a term of imprisonment of three to five years, a fine
18 of up to \$15,000.00 or both.

19 In addition, the bill would make it a crime of the second degree if
20 a person who initiates a false alarm and that act results in serious
21 bodily injury to another. A crime of the second degree is punishable
22 by a term of imprisonment of 5-10 years , a fine of up to \$150,000.00
23 or both.

24 The bill would also provide that any person who is convicted of
25 initiating a false alarm under these circumstances would be liable for
26 a civil penalty of not less than \$1,000.00 or actual costs incurred by
27 the law enforcement or emergency services personnel in responding to
28 a false alarm, whichever is higher.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1436

STATE OF NEW JERSEY

DATED: JANUARY 21, 1999

The Senate Judiciary Committee reports favorably Senate Bill No. 1436.

Under present law, a person would be guilty of a crime of the fourth degree if that person initiates or circulates a report or warning of an impending fire, explosion, bombing, crime, catastrophe or emergency knowing that the report is false and that it is likely to cause evacuation of a building, place or facility or to cause public inconvenience. This bill would upgrade this offense to a crime of the third degree. The bill would also make it a crime of the third degree for a person to knowingly cause such false alarm to be transmitted to any emergency personnel causing the emergency personnel to respond to the false alarm and thereby making the emergency personnel unavailable to deal with real emergencies. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000.00 or both.

In addition, the bill would make it a crime of the second degree if a person initiates a false alarm and that act results in serious bodily injury to another. A crime of the second degree is punishable by a term of imprisonment of 5-10 years, a fine of up to \$150,000.00 or both.

This bill would also provide that any person who is convicted of initiating a false alarm under these circumstances would be liable for a civil penalty of not less than \$1,000.00 or actual costs incurred by the law enforcement or emergency services personnel in responding to a false alarm, whichever is higher.

FISCAL NOTE

ASSEMBLY SUBSTITUTE FOR **ASSEMBLY, No. 2503**

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JUNE 23, 1999

Assembly Substitute for Assembly Bill No. 2503 of 1999 would upgrade the offense of initiating or circulating a report or warning of an impending fire, explosion, bombing, crime, catastrophe or emergency knowing that the report is false and that it is likely to cause evacuation of a building, place or facility or to cause public inconvenience from a crime of the fourth degree to a crime of the third degree. The bill would also make it a crime of the third degree for a person to knowingly cause such false alarm to be transmitted to any emergency personnel causing the emergency personnel to respond to the false alarm and thereby making the emergency personnel unavailable to deal with real emergencies. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000.00 or both.

In addition, the bill would make it a crime of the second degree if a person initiates a false alarm and that act results in serious bodily injury to another. A crime of the second degree is punishable by a term of imprisonment of 5-10 years, a fine of up to \$150,000.00 or both.

This bill would also provide that any person who is convicted of initiating a false alarm under these circumstances would be liable for a civil penalty of not less than \$1,000.00 or actual costs incurred by the law enforcement or emergency services personnel in responding to a false alarm, whichever is higher.

The Administrative Office of the Courts (AOC) states that during 1997 there were nine persons sentenced for initiating or circulating a false alarm knowing that the report is false and that it was likely to cause evacuation of a building, place or facility or to cause public inconvenience. The AOC further states that in 1997 one person was sentenced for initiating a false alarm which resulted in serious bodily injury. If the maximum fine were imposed on these offenders, the State would generate about \$285,000.

The Office of Legislative Services concurs and notes that convictions for third degree offenses carry with them the presumption

of non-incarceration for first time offenders.

The OLS adds that if it becomes necessary to incarcerate offenders under this bill Department of Corrections data indicate that the cost of constructing one additional prison bed space is about \$80,000. The ongoing operations expenses of housing a State sentenced prison inmate is \$26,000 per year for the duration of that offender's incarceration.

This fiscal note has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 2503

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED OCTOBER 5, 1998

Sponsored by:

Assemblyman JAMES W. HOLZAPFEL
District 10 (Monmouth and Ocean)

Co-Sponsored by:

Assemblyman Barnes

SYNOPSIS

Upgrades initiating false alarms under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/4/1998)

A2503 HOLZAPFEL

2

1 AN ACT concerning false alarms and amending N.J.S.2C:33-3 and
2 supplementing Title 2C of the New Jersey Statutes.

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:33-3 is amended to read as follows:

8 2C:33-3. False Public Alarms. a. Except as provided in subsection
9 b. or c., a person is guilty of a crime of the **[fourth]** third degree if he
10 initiates or circulates a report or warning of an impending fire,
11 explosion, bombing, crime, catastrophe or emergency knowing that the
12 report or warning is false or baseless and that it is likely to cause
13 evacuation of a building, place of assembly, or facility of public
14 transport, or to cause public inconveniences or alarm. A person is
15 guilty of a crime of the **[fourth]** third degree if he knowingly causes
16 such false alarm to be transmitted to or within any organization,
17 official or volunteer, for dealing with emergencies involving danger to
18 life or property.

19 b. A person is guilty of a crime of the third degree if in addition to
20 the report or warning initiated, circulated or transmitted under
21 subsection a., he places or causes to be placed any false or facsimile
22 bomb in a building, place of assembly, or facility of public transport or
23 in a place likely to cause public inconvenience or alarm.

24 c. A person is guilty of a crime of the **[third]** second degree if a
25 violation of subsection a. of this section in fact results in serious bodily
26 injury to another person. A person is guilty of a crime of the second
27 degree if a violation of subsection a. of this section in fact results in
28 death.

29 d. For the purposes of this section, "in fact" means that strict
30 liability is imposed.

31 e. A person is guilty of a disorderly persons offense if the person
32 knowingly places a call to a 9-1-1 emergency telephone system
33 without purpose of reporting the need for 9-1-1 service.

34 (cf: P.L.1996, c.63, s.1)

35

36 2. (New section) Any person who violates the provisions of
37 N.J.S.2C:33-3 shall be liable for a civil penalty of not less than
38 \$1,000.00 or actual costs incurred by or resulting from the law
39 enforcement and emergency services response to the false alarm,
40 whichever is higher. "Emergency services" includes, but is not limited
41 to, paid or volunteer fire fighters, paramedics, members of an
42 ambulance team, rescue squad or mobile intensive care unit.

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 3. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 Under present law, a person would be guilty of a crime of the
7 fourth degree if that person initiates or circulates a report or warning
8 of an impending fire, explosion, bombing, crime, catastrophe or
9 emergency knowing that the report is false and it is likely to cause
10 evacuation of a building, place or facility or to cause public
11 inconvenience. This bill would upgrade this offense to a crime of the
12 third degree. This bill would also make it a crime of the third degree
13 for a person to knowingly cause such false alarm to be transmitted to
14 any emergency personnel causing the emergency personnel to respond
15 to the false alarm and thereby making the emergency personnel
16 unavailable to deal with real emergencies. A crime of the third degree
17 is punishable by a term of imprisonment of three to five years, a fine
18 of up to \$15,000.00 or both.

19 In addition, the bill would make it a crime of the second degree if
20 a person who initiates a false alarm and that act results in serious
21 bodily injury to another. A crime of the second degree is punishable
22 by a term of imprisonment of 5-10 years , a fine of up to \$150,000.00
23 or both.

24 The bill would also provide that any person who is convicted of
25 initiating a false alarm under these circumstances would be liable for
26 a civil penalty of not less than \$1,000.00 or actual costs incurred by
27 the law enforcement or emergency services personnel in responding
28 to a false alarm, whichever is higher.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2503

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1998

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2503.

Assembly Bill No. 2503 upgrades the crime of initiating or circulating a report or warning of an impending fire, explosion, bombing, crime catastrophe or emergency knowing that the report or warning is false or baseless and that the report or warning is likely to cause evacuation of a public area or other public inconvenience from a crime of the fourth degree to a crime of the third degree. Third degree crimes are punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. The bill also upgrades the crime of knowingly transmitting such a false alarm to an organization, official or volunteer that deals with emergencies involving danger to life or property from a crime of the fourth degree to a crime of the third degree. If a person suffers serious bodily injury as a result of either of these crimes, the bill upgrades the crime from a crime of the third degree to a crime of the second degree. Second degree crimes are punishable by a term of imprisonment of five to ten years, a fine of up to \$150,000, or both.

Also under the bill, a person who initiates a false public alarm is liable for a civil penalty of \$1,000 or the actual cost incurred by a law enforcement or emergency services organization which responds to the false alarm, whichever is higher. The bill defines "emergency services" to include paid or volunteer firefighters, paramedics and members of ambulance teams, rescue squads or mobile intensive care units.

The committee amended the bill to clarify that the civil penalty is to be made payable to the municipality or other entity providing the law enforcement or emergency services response to the false alarm.

ASSEMBLY SUBSTITUTE FOR
ASSEMBLY, No. 2503

STATE OF NEW JERSEY
208th LEGISLATURE

ADOPTED FEBRUARY 18, 1999

Sponsored by:

Assemblyman JAMES W. HOLZAPFEL

District 10 (Monmouth and Ocean)

Assemblyman LOUIS D. GREENWALD

District 6 (Camden)

Assemblyman GUY F. TALARICO

District 38 (Bergen)

Assemblyman KEVIN J. O'TOOLE

District 21 (Essex and Union)

Co-Sponsored by:

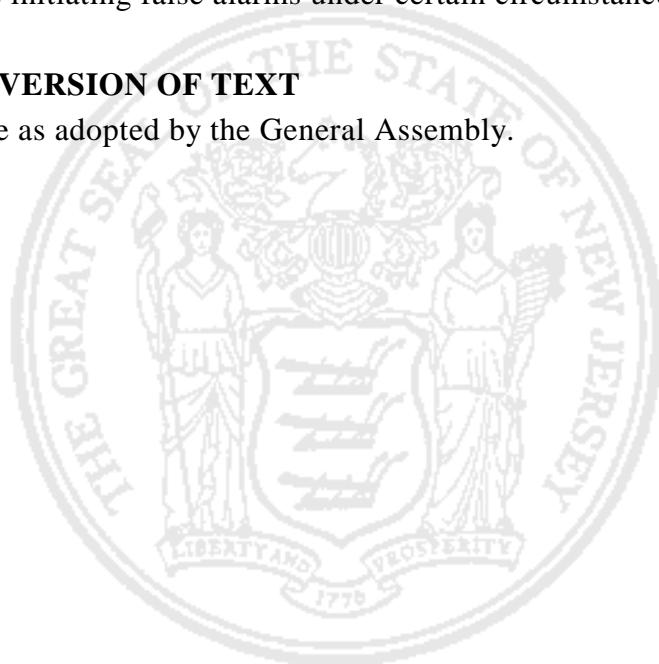
**Assemblymen Barnes, Zecker, Assemblywoman Previte, Assemblymen
Roberts, Luongo and LeFevre**

SYNOPSIS

Upgrades initiating false alarms under certain circumstances.

CURRENT VERSION OF TEXT

Substitute as adopted by the General Assembly.



(Sponsorship Updated As Of: 5/11/1999)

1 **AN ACT** concerning false alarms and amending N.J.S.2C:33-3 and
2 supplementing Title 2C of the New Jersey Statutes.

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:33-3 is amended to read as follows:

8 2C:33-3. False Public Alarms. a. Except as provided in subsection
9 b. or c., a person is guilty of a crime of the **[fourth]** third degree if he
10 initiates or circulates a report or warning of an impending fire,
11 explosion, bombing, crime, catastrophe or emergency knowing that the
12 report or warning is false or baseless and that it is likely to cause
13 evacuation of a building, place of assembly, or facility of public
14 transport, or to cause public inconveniences or alarm. A person is
15 guilty of a crime of the **[fourth]** third degree if he knowingly causes
16 such false alarm to be transmitted to or within any organization,
17 official or volunteer, for dealing with emergencies involving danger to
18 life or property.

19 b. A person is guilty of a crime of the third degree if in addition to
20 the report or warning initiated, circulated or transmitted under
21 subsection a., he places or causes to be placed any false or facsimile
22 bomb in a building, place of assembly, or facility of public transport or
23 in a place likely to cause public inconvenience or alarm.

24 c. A person is guilty of a crime of the **[third]** second degree if a
25 violation of subsection a. of this section in fact results in serious bodily
26 injury to another person. A person is guilty of a crime of the second
27 degree if a violation of subsection a. of this section in fact results in
28 death.

29 d. For the purposes of this section, "in fact" means that strict
30 liability is imposed.

31 e. A person is guilty of a disorderly persons offense if the person
32 knowingly places a call to a 9-1-1 emergency telephone system
33 without purpose of reporting the need for 9-1-1 service.

34 (cf: P.L.1996, c.63, s.1)

35
36 2. (New section) a. In the case of a juvenile adjudicated
37 delinquent for a violation of N.J.S.2C:33-3 the court shall suspend or
38 postpone the juvenile's right to operate a motor vehicle including a
39 motorized bicycle for a period of six months, in addition to any other
40 disposition ordered by the court under section 24 of P.L.1982, c.77
41 (C.2A:4A-43). In the case of a person who at the time of the
42 disposition is less than 17 years of age, the period of the suspension of
43 driving privileges authorized herein, including a suspension of the

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 privilege of operating a motorized bicycle, shall commence on the day
2 the disposition is imposed and shall run for a period of six months after
3 the day the person reaches the age of 17 years.

4 b. In addition to any other sentence imposed by the court under
5 this code, the court shall suspend or postpone a person's right to
6 operate a motor vehicle including a motorized bicycle for any person
7 who is convicted under N.J.S.2C:33-3 and is less than 21 years of age
8 at the time of the conviction. The period of the suspension of driving
9 privileges authorized herein, including a suspension of the privilege of
10 operating a motorized bicycle, shall commence on the day the sentence
11 is imposed and shall run for a period of six months.

12 c. If the driving privilege of any person is under revocation,
13 suspension, or postponement for a violation of any provision of this
14 Title or Title 39 of the Revised Statutes at the time of any adjudication
15 of delinquency for a violation of N.J.S.2C:33-3 or a conviction under
16 N.J.S.2C:33-3, the revocation, suspension, or postponement period
17 imposed herein shall commence as of the date of termination of the
18 existing revocation, suspension, or postponement.

19 d. The court before whom any person is convicted or adjudicated
20 delinquent for a violation of N.J.S.2C:33-3 shall collect forthwith the
21 New Jersey driver's license or licenses of the person and forward such
22 license or licenses to the Director of the Division of Motor Vehicles
23 along with a report indicating the first and last day of the suspension
24 or postponement period imposed by the court pursuant to this section.
25 If the court is for any reason unable to collect the license or licenses
26 of the person, the court shall cause a report of the conviction or
27 adjudication of delinquency to be filed with the director. That report
28 shall include the complete name, address, date of birth, eye color, and
29 sex of the person and shall indicate the first and last day of the
30 suspension or postponement period imposed by the court pursuant to
31 this section. The court shall inform the person orally and in writing
32 that if the person is convicted of personally operating a motor vehicle
33 during the period of license suspension or postponement imposed
34 pursuant to this section the person shall, upon conviction, be subject
35 to the penalties set forth in R.S.39:3-40. A person shall be required
36 to acknowledge receipt of the written notice in writing. Failure to
37 receive a written notice or failure to acknowledge in writing the
38 receipt of a written notice shall not be a defense to a subsequent
39 charge of violation of R.S.39:3-40. If the person is the holder of a
40 driver's license from another jurisdiction, the court shall not collect the
41 license but shall notify the director who shall notify the appropriate
42 officials in the licensing jurisdiction. The court shall, however, in
43 accordance with the provisions of this section, revoke the person's
44 non-resident driving privileges in this State.

45
46 3. (New section) Any person who violates the provisions of

1 N.J.S.2C:33-3 shall be liable for a civil penalty of not less than
2 \$1,000.00 or actual costs incurred by or resulting from the law
3 enforcement and emergency services response to the false alarm,
4 whichever is higher. Any monies collected pursuant to this section
5 shall be made payable to the municipality or other entity providing the
6 law enforcement or emergency services response to the false alarm.
7 "Emergency services" includes, but is not limited to, paid or volunteer
8 fire fighters, paramedics, members of an ambulance team, rescue squad
9 or mobile intensive care unit.

10
11 4. This act shall take effect immediately.
12
13

14 STATEMENT
15

16 This floor substitute upgrades the crime of initiating or circulating
17 a report or warning of an impending fire, explosion, bombing, crime,
18 catastrophe or emergency knowing that the report or warning is false
19 or baseless and that the report or warning is likely to cause evacuation
20 of a public area or other public inconvenience, from a crime of the
21 fourth degree to a crime of the third degree. Third degree crimes are
22 punishable by a term of imprisonment of three to five years, a fine of
23 up to \$15,000, or both. The bill also upgrades the crime of knowingly
24 transmitting such a false alarm to an organization, official or volunteer,
25 that deals with emergencies involving danger to life or property, from
26 a crime of the fourth degree to a crime of the third degree. If a person
27 suffers serious bodily injury as a result of either of these crimes, the
28 bill upgrades the crime from a crime of the third degree to a crime of
29 the second degree. Second degree crimes are punishable by a term of
30 imprisonment of five to ten years, a fine of up to \$150,000, or both.

31 Also, the substitute provides that a person who initiates a false
32 public alarm is liable for a civil penalty of \$1,000 or the actual cost
33 incurred by a law enforcement or emergency services organization
34 which responds to the false alarm, whichever is higher. The substitute
35 defines "emergency services" to include paid or volunteer firefighters,
36 paramedics and members of ambulance teams, rescue squads or mobile
37 intensive care units. The civil penalty is to be made payable to the
38 municipality or other entity providing the law enforcement or
39 emergency services response to the false alarm.

40 The floor substitute provides in section 2 that a court shall suspend
41 or postpone the right to operate a motor vehicle including a motorized
42 bicycle for any person under the age of 21 years who is convicted of
43 or adjudicated delinquent for a violation of N.J.S.2C:33-3 concerning
44 false public alarms for a period of six months. In the case of a person
45 who at the time of the disposition is less than 17 years of age, the
46 period of the suspension of driving privileges shall commence on the

1 day the disposition is imposed and shall run for a period of six months
2 after the day the person reaches the age of 17 years. If the driving
3 privilege of any person is already under revocation, suspension, or
4 postponement, the revocation, suspension, or postponement period
5 imposed by this bill shall commence as of the date of termination of
6 the existing revocation, suspension, or postponement.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Gene Herman
609-777-2600

RELEASE: August 31, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

S-446, sponsored by Senators John A. Girgenti (D-Passaic) and William L. Gormley (R-Atlantic) and Assembly Members Nellie Pou (D- Passaic) and David C. Russo (R-Bergen/Passaic), clarifies the kidnapping statute by providing that the crime of kidnapping specifically includes the taking of a child in order to permanently deprive a parent, guardian or other lawful custodian of custody of that child. This offense, like other kidnapping offenses, is a first-degree crime that is punishable by a term of imprisonment between ten and 20 years, a \$200,000 fine, or both.

S-697, sponsored by Senator Robert W. Singer (R- Burlington/Monmouth/Ocean) and Assembly Members Melvin Cottrell (R- Burlington/Monmouth/Ocean) and Joseph R. Malone, 3d (R- Burlington/Monmouth/Ocean), allows municipalities, by ordinance, to designate speed limits on municipal streets under their jurisdiction that are not self-contained within the municipality. An ordinance designating such speed limits may only be adopted by the municipality if the municipal engineer first certifies that the new speed limit designation: (1) has been approved by the engineer after investigation; (2) appears to be in the interest of safety and expedition of traffic; and (3) conforms to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways. Within 30 days of adoption of the ordinance, the municipality would be required to send the ordinance and engineer's designation to the Department of Transportation. The Commissioner of the Transportation Department has the discretion to invalidate the ordinance within 90 days of its receipt if he finds that the ordinance is inconsistent with accepted engineering standards, places an undue traffic burden on adjoining municipalities or otherwise creates an unsafe or hazardous condition.

S-1223, sponsored by Senator Joseph M. Kyrillos, Jr. (R- Middlesex/Monmouth) and Assembly Members Leonard Lance (R- Warren/Hunterdon/Mercer) and Francis J. Blee (R-Atlantic), requires moneys remaining in certain prepaid funeral agreements to be paid to the state. The bill amends current law regarding prepaid funeral arrangements to prevent those receiving certain state assistance from improperly sheltering assets. Many individuals who obtain state assistance, such as Medicaid or Supplemental Security Income (SSI), have either established prepaid funeral trusts or purchased funeral insurance policies which provide for that person's funeral expenses. These trusts and insurance policies are excluded from determining eligibility for state assistance.

A-1162, sponsored by Assembly Members Tom Smith, Sr. (R-Monmouth) and Jerry Green (D-Middlesex/Somerset/Union) and Senator Joseph A. Palaia (R-Monmouth), requires that counties accept bonds in lieu of cash from an applicant for a road opening permit. The purpose of the legislation is to remove the burden of paying a large amount of cash which, the Utility and transportation Contractors Association indicates, often times has prevented smaller contractors from bidding for jobs involving road opening permits.

S-1436, sponsored by Senators Andrew R. Ciesla (R-Monmouth/Ocean) and John H. Adler (D-Camden) and Assembly Members James W. Holzapfel (R- Monmouth/Ocean), Louis D. Greenwald (D-Camden), Guy F. Talarico (R- Bergen) and Kevin J. O'Toole (R-Essex/Union), upgrades the degree of crime of initiating false alarms under certain circumstances. The bill upgrades from a third-degree crime to a second-degree crime the offense of knowingly initiating or circulating a false alarm that results in serious bodily injury to another. The offense of knowingly initiating or circulating a false alarm that is likely to cause evacuation of a place or facility, or to cause public inconvenience, was upgraded from a fourth-degree crime to a third-degree crime. The offense of knowingly causing a false alarm to be transmitted to any emergency personnel was upgraded from a fourth degree crime to a third-degree crime.

The legislation also makes a person who violates any of the three provisions liable for a civil penalty of not less than \$1,000, or the actual costs incurred by law enforcement or emergency services personnel in responding to a false alarm, or whichever is higher. Another new penalty created by the bill provides that a court must suspend or postpone the right to operate a motor vehicle for any person under the age of 21 who is convicted or adjudicated delinquent for causing a false alarm.

S-1249, sponsored by Senators Robert E. Littell (R- Sussex/Hunterdon/Morris) and John O. Bennett (R-Monmouth) and Assembly Members Francis J. Blee (R-Atlantic) and John C. Gibson (R-Cape May/Atlantic/Cumberland), permits the Department of the Treasury to distribute computers, computer equipment and software designed as surplus by any state department, institution, commission, board, body or other state agency to local units, boards of education, nonpublic schools, or nonprofit charitable organizations.

S-906, sponsored by Senator Raymond J. Zane (D- Salem/Cumberland/Gloucester) and Assembly Members Joseph Azzolina (R-Middlesex/Monmouth), Kenneth C. LeFevre (R-Atlantic) and Gerald J. Luongo (R-Camden/Gloucester), allows an individual who leases a motor vehicle and obtains personalized courtesy or special license plates to transfer those license plates to another vehicle after the lease agreement ends. The standard \$4.50 transfer fee would be charged for the transfer, which is the fee charged for the transfer of plates from an owned vehicle. Previously, a person who wanted to transfer plates from a leased vehicle was required to surrender the plates and then reapply for them by paying a standard application fee. Depending upon the type of license plates, application fees are in the range of \$15 to \$50.

S-397, sponsored by Senator John O. Bennett (R-Monmouth) and Assembly Members Clare M. Farragher (R-Monmouth) and Michael J. Arnone (R-Monmouth), allows a municipality to use the annual population estimates issued by the U. S. Bureau of the Census and reported by the New Jersey Department of Labor in determining how many liquor licenses to issue. Under previous law, municipalities used the decennial federal census reports for this purpose. A municipality may issue only one retail liquor license for every 3,000 residents, and one distributor's license for every 7,500 residents. This bill does not change those ratios, but instead allows a municipality to update its population annually instead of every ten years when determining how many liquor licenses to issue.

The Governor also has signed **AJR-74**, which permanently designates September as "New Jersey Cares about Children with Cancer Month." The purpose of the resolution is to promote the progress

made in combating this disease in children, and to highlight the need to do more in New Jersey to help cancer treatment specialists, health care providers, health care planners and researchers provide children with the services necessary to prevent these cancers in the future. The joint resolution was sponsored by Assembly Members Carol J. Murphy (R- Essex/Morris/Passaic) and Gerald J. Luongo (R-Camden/Gloucester).