

2C:13-6

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 229
NJSA: 2C:13-6 (Upgrades crime of luring child)
BILL NO: A2679 (Substituted for S2559)

SPONSOR(S): Holzapfel and others

DATE INTRODUCED: September 12, 2002

COMMITTEE: **ASSEMBLY:** Judiciary

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** February 24, 2003

SENATE December 11, 2003

DATE OF APPROVAL: January 9, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)
(Amendments during passage denoted by superscript numbers)

A2679

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2559

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)
Identical to Assembly Statement for A2679

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2003, CHAPTER 229, *approved January 9, 2004*
Assembly, No. 2679 (*First Reprint*)

1 AN ACT upgrading crime of luring or enticing a child and amending
2 P.L.1993, c.291.

3

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

6

7 1. Section 1 of P.L.1993, c.291 (C.2C:13-6) is amended to read as
8 follows:

9 1. Luring, enticing child by various means, attempts; crime of
10 ¹[third] second¹ degree; subsequent offense, mandatory
11 imprisonment.

12 A person commits a crime of the [third] second degree if he
13 attempts, via electronic or any other means, to lure or entice a child or
14 one who he reasonably believes to be a child into a motor vehicle,
15 structure or isolated area, or to meet or appear at any other place, with
16 a purpose to commit a criminal offense with or against the child.

17 "Child" as used in this act means a person less than 18 years old.

18 "Electronic means" as used in this section includes, but is not
19 limited to, the Internet, which shall have the meaning set forth in
20 N.J.S.2C:24-4.

21 "Structure" as used in this act means any building, room, ship,
22 vessel or airplane and also means any place adapted for overnight
23 accommodation of persons, or for carrying on business therein,
24 whether or not a person is actually present.

25 Nothing herein shall be deemed to preclude, if the evidence so
26 warrants, an indictment and conviction for attempted kidnapping under
27 the provisions of N.J.S.2C:13-1.

28 A person convicted of a second or subsequent offense under this
29 section ¹or a person convicted under this section who has previously
30 been convicted of a violation of N.J.S.2C:14-2, subsection a. of
31 N.J.S.2C:14-3 or N.J.S.2C:24-4¹ shall be sentenced to a term of
32 imprisonment. Notwithstanding the provisions of paragraph ¹[(3)]
33 (2)¹ of subsection a. of N.J.S.2C:43-6, the term of imprisonment shall
34 include, unless the person is sentenced pursuant to the provisions of
35 N.J.S.2C:43-7, a mandatory minimum term of one-third to one-half of
36 the sentence imposed, or [two] three years, whichever is greater,
37 during which time the defendant shall not be eligible for parole. If the
38 person is sentenced pursuant to N.J.S.2C:43-7, the court shall impose
39 a minimum term of one-third to one-half of the sentence imposed, or
40 [three] ¹[~~six~~] five¹ years, whichever is greater. The court may not

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:

¹ Assembly AJU committee amendments adopted February 13, 2003.

1 suspend or make any other non-custodial disposition of any person
2 sentenced as a second or subsequent offender pursuant to this section.

3 For the purposes of this section ¹,¹ an offense is considered a second
4 or subsequent offense ¹or a previous conviction of N.J.S.2C:14-2,
5 subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4, as the case may be,¹
6 if the actor has at any time been convicted pursuant to this section, or
7 under any similar statute of the United States, this State or any other
8 state for an offense that is substantially equivalent to this section ¹or
9 substantially equivalent to N.J.S.2C:14-2, subsection a. of
10 N.J.S.2C:14-3 or N.J.S.2C:24-4¹.

11 (cf: P.L.2001, c.233, s.1)

12

13 2. This act shall take effect immediately.

14

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16

17

18 Upgrades crime of luring or enticing a child into motor vehicle,
19 structure or isolated area to a crime of the second degree.

ASSEMBLY, No. 2679

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED SEPTEMBER 12, 2002

Sponsored by:

Assemblyman JAMES W. HOLZAPFEL

District 10 (Monmouth and Ocean)

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

Assemblyman NEIL M. COHEN

District 20 (Union)

SYNOPSIS

Upgrades crime of luring or enticing a child into motor vehicle, structure or isolated area to a crime of the second degree.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/11/2003)

1 AN ACT upgrading crime of luring or enticing a child and amending
2 P.L.1993, c.291.

3

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

6

7 1. Section 1 of P.L.1993, c.291 (C.2C:13-6) is amended to read
8 as follows:

9 1. A person commits a crime of the **[third]** second degree if he
10 attempts, via electronic or any other means, to lure or entice a child or
11 one who he reasonably believes to be a child into a motor vehicle,
12 structure or isolated area, or to meet or appear at any other place, with
13 a purpose to commit a criminal offense with or against the child.

14 "Child" as used in this act means a person less than 18 years old.

15 "Electronic means" as used in this section includes, but is not
16 limited to, the Internet, which shall have the meaning set forth in
17 N.J.S.2C:24-4.

18 "Structure" as used in this act means any building, room, ship,
19 vessel or airplane and also means any place adapted for overnight
20 accommodation of persons, or for carrying on business therein,
21 whether or not a person is actually present.

22 Nothing herein shall be deemed to preclude, if the evidence so
23 warrants, an indictment and conviction for attempted kidnapping under
24 the provisions of N.J.S.2C:13-1.

25 A person convicted of a second or subsequent offense under this
26 section shall be sentenced to a term of imprisonment. Notwithstanding
27 the provisions of paragraph (3) of subsection a. of N.J.S.2C:43-6, the
28 term of imprisonment shall include, unless the person is sentenced
29 pursuant to the provisions of N.J.S.2C:43-7, a mandatory minimum
30 term of one-third to one-half of the sentence imposed, or **[two]** three
31 years, whichever is greater, during which time the defendant shall not
32 be eligible for parole. If the person is sentenced pursuant to
33 N.J.S.2C:43-7, the court shall impose a minimum term of one-third to
34 one-half of the sentence imposed, or **[three]** six years, whichever is
35 greater. The court may not suspend or make any other non-custodial
36 disposition of any person sentenced as a second or subsequent
37 offender pursuant to this section. For the purposes of this section an
38 offense is considered a second or subsequent offense if the actor has
39 at any time been convicted pursuant to this section, or under any
40 similar statute of the United States, this State or any other state for an
41 offense that is substantially equivalent to this section.

42 (cf: P.L.2001, c.233, s.1)

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 2. This act shall take effect immediately.

2

3

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STATEMENT

5

6 This bill would upgrade the crime of luring or enticing a child from
7 a crime of the third degree to a crime of the second degree.

8 Under the current provisions of N.J.S.A.2C:13-6, it is currently a
9 crime of the third degree for an individual to attempt, via electronic or
10 any other means, to lure or entice a child, defined as a person less than
11 18 years old, into a motor vehicle, structure or isolated area, or to
12 meet or appear at any other place, with the purpose to commit a
13 criminal offense with or against the child. This bill would make such
14 an act a crime of the second degree, punishable by a term of
15 imprisonment of five to ten years, a fine of up to \$150,000, or both.

16 The bill also amends the statute as it applies to individuals
17 convicted of a second or subsequent offense. Such individuals are
18 subject to mandatory or extended terms of imprisonment, and the
19 calculation of these terms would result in longer sentences due to the
20 upgrading of the crime. See N.J.S.A.2C:43-6; 2C:43-7.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2679

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2003

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2679.

Under the current provisions of N.J.S.A.2C:13-6, it is a crime of the third degree for an individual to attempt, via electronic or any other means, to lure or entice a child, defined as a person less than 18 years old, into a motor vehicle, structure or isolated area, or to meet or appear at any other place, with the purpose to commit a criminal offense with or against the child. This bill would make such an act a crime of the second degree, punishable by a term of imprisonment of five to ten years, a fine of up to \$150,000, or both.

Under current law defendants convicted of a second or subsequent offense of luring receive a mandatory minimum term of one-third to one-half of the sentence imposed or two years, whichever is greater, unless they are sentenced to an extended term. If the defendant receives an extended term, the term of imprisonment would be one-third to one-half of the sentence imposed or three years, whichever is greater.

The committee amended this section of the bill to provide that if the defendant being sentenced for a luring conviction has previously been convicted of a violation of N.J.S.A.2C:14-2 (sexual assault), subsection a. of N.J.S.A.2C:14-3 (aggravated criminal sexual contact) or N.J.S.A.2C:24-4 (endangering the welfare of a child), would receive the same sentence as a second or subsequent luring offender.

The amendments change the mandatory term from two years to three years and the extended term from three years to five years. (As originally introduced the bill had provided for an extended term of six years). The amendments change the mandatory minimum term for second or subsequent offenders from six to five years to make this consistent with the current extended term provisions specified in N.J.S.A.2C:14-6.

The amendments also provide that an offense would be considered a previous conviction if the actor had been convicted of any similar statute of this State, any other state or the United States that is substantially equivalent to N.J.S.A.2C:13-6 (lewdness), N.J.S.A.2C:14-2 (sexual assault), subsection a. of N.J.S.A.2C:14-3

(aggravated criminal sexual contact) and N.J.S.A.2C:24-4 (endangering the welfare of a child).

COMMITTEE AMENDMENTS

1. The amendments change the mandatory term from two years to three years and the extended term from three years to five years. The amendments change the mandatory minimum term for second or subsequent offenders from six to five years.

2. The amendments add previous convictions of violations of N.J.S.A.2C:14-2, subsection a. of N.J.S.A.2C:14-3 and N.J.S.A.2C:24-4 with regard to determining sentencing.

3. The amendments provide that an offense would be considered a previous conviction if the actor has been convicted of any similar statute of this State, any other state or the United States that is substantially equivalent to N.J.S.A.2C:13-6, N.J.S.A.2C:14-2, subsection a. of N.J.S.A.2C:14-3 and N.J.S.A.2C:24-4.

4. The remaining amendments were technical in nature.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2679

STATE OF NEW JERSEY

DATED: NOVEMBER 24, 2003

The Senate Judiciary Committee reports favorably Assembly Bill No. 2679 (1R).

Under the current provisions of N.J.S.A.2C:13-6, it is a crime of the third degree for an individual to attempt, via electronic or any other means, to lure or entice a child, defined as a person less than 18 years old, into a motor vehicle, structure or isolated area, or to meet or appear at any other place, with the purpose to commit a criminal offense with or against the child. This bill would make such an act a crime of the second degree, punishable by a term of imprisonment of five to ten years, a fine of up to \$150,000, or both.

Under current law defendants convicted of a second or subsequent offense of luring receive a mandatory minimum term of one-third to one-half of the sentence imposed or two years, whichever is greater, unless they are sentenced to an extended term. If the defendant receives an extended term, the term of imprisonment would be one-third to one-half of the sentence imposed or three years, whichever is greater. The bill would change the mandatory term from two years to three years and the extended term from three years to five years.

This bill would provide that if the defendant being sentenced for a luring conviction has previously been convicted of a violation of N.J.S.A.2C:14-2 (sexual assault), subsection a. of N.J.S.A.2C:14-3 (aggravated criminal sexual contact) or N.J.S.A.2C:24-4 (endangering the welfare of a child), would receive the same sentence as a second or subsequent luring offender.

The bill also provides that an offense would be considered a previous conviction if the actor had been convicted of any similar statute of this State, any other state or the United States that is substantially equivalent to N.J.S.A.2C:13-6 (lewdness), N.J.S.A.2C:14-2 (sexual assault), subsection a. of N.J.S.A.2C:14-3 (aggravated criminal sexual contact) and N.J.S.A.2C:24-4 (endangering the welfare of a child).

This bill is identical to Senate, No. 2559.

SENATE, No. 2559

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MAY 19, 2003

Sponsored by:

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Co-Sponsored by:

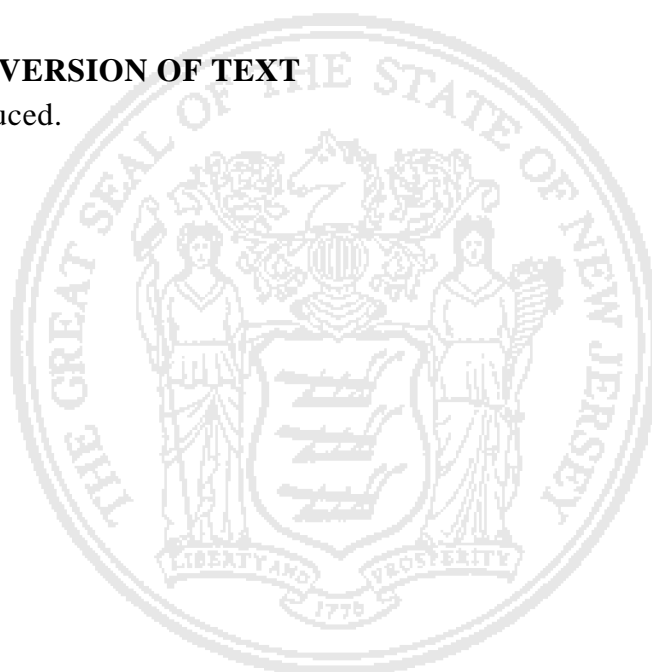
Senator Sacco

SYNOPSIS

Upgrades crime of luring or enticing a child into motor vehicle, structure or isolated area to a crime of the second degree.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/12/2003)

S2559 CIESLA, GILL

2

1 AN ACT upgrading crime of luring or enticing a child and amending
2 P.L.1993, c.291.

3

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

6

7 1. Section 1 of P.L.1993, c.291 (C.2C:13-6) is amended to read as
8 follows:

9 1. Luring, enticing child by various means, attempts; crime of
10 **[third]** second degree; subsequent offense, mandatory imprisonment.

11 A person commits a crime of the **[third]** second degree if he
12 attempts, via electronic or any other means, to lure or entice a child or
13 one who he reasonably believes to be a child into a motor vehicle,
14 structure or isolated area, or to meet or appear at any other place, with
15 a purpose to commit a criminal offense with or against the child.

16 "Child" as used in this act means a person less than 18 years old.

17 "Electronic means" as used in this section includes, but is not
18 limited to, the Internet, which shall have the meaning set forth in
19 N.J.S.2C:24-4.

20 "Structure" as used in this act means any building, room, ship,
21 vessel or airplane and also means any place adapted for overnight
22 accommodation of persons, or for carrying on business therein,
23 whether or not a person is actually present.

24 Nothing herein shall be deemed to preclude, if the evidence so
25 warrants, an indictment and conviction for attempted kidnapping under
26 the provisions of N.J.S.2C:13-1.

27 A person convicted of a second or subsequent offense under this
28 section or a person convicted under this section who has previously
29 been convicted of a violation of N.J.S.2C:14-2, subsection a. of
30 N.J.S.2C:14-3 or N.J.S.2C:24-4 shall be sentenced to a term of
31 imprisonment. Notwithstanding the provisions of paragraph **[(3)]** **(2)**
32 of subsection a. of N.J.S.2C:43-6, the term of imprisonment shall
33 include, unless the person is sentenced pursuant to the provisions of
34 N.J.S.2C:43-7, a mandatory minimum term of one-third to one-half of
35 the sentence imposed, or **[two]** three years, whichever is greater,
36 during which time the defendant shall not be eligible for parole. If the
37 person is sentenced pursuant to N.J.S.2C:43-7, the court shall impose
38 a minimum term of one-third to one-half of the sentence imposed, or
39 **[three]** five years, whichever is greater. The court may not suspend
40 or make any other non-custodial disposition of any person sentenced
41 as a second or subsequent offender pursuant to this section.

42 For the purposes of this section, an offense is considered a second or

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 subsequent offense or a previous conviction of N.J.S.2C:14-2,
2 subsection a. of N.J.S.2C:14-3 or N.J.S.2C:24-4, as the case may be,
3 if the actor has at any time been convicted pursuant to this section, or
4 under any similar statute of the United States, this State or any other
5 state for an offense that is substantially equivalent to this section or
6 substantially equivalent to N.J.S.2C:14-2, subsection a. of
7 N.J.S.2C:14-3 or N.J.S.2C:24-4.

8 (cf: P.L.2001, c.233, s.1)

9

10 2. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 Under the current provisions of N.J.S.A.2C:13-6, it is a crime of
16 the third degree for an individual to attempt, via electronic or any
17 other means, to lure or entice a child, defined as a person less than 18
18 years old, into a motor vehicle, structure or isolated area, or to meet
19 or appear at any other place, with the purpose to commit a criminal
20 offense with or against the child. This bill would make such an act a
21 crime of the second degree, punishable by a term of imprisonment of
22 five to ten years, a fine of up to \$150,000, or both.

23 Under current law defendants convicted of a second or subsequent
24 offense of luring receive a mandatory minimum term of one-third to
25 one-half of the sentence imposed or two years, whichever is greater,
26 unless they are sentenced to an extended term. If the defendant
27 receives an extended term, the term of imprisonment would be one-
28 third to one-half of the sentence imposed or three years, whichever is
29 greater.

30 This bill would provide that if the defendant being sentenced for a
31 luring conviction has previously been convicted of a violation of
32 N.J.S.A.2C:14-2 (sexual assault), subsection a. of N.J.S.A.2C:14-3
33 (aggravated criminal sexual contact) or N.J.S.A.2C:24-4 (endangering
34 the welfare of a child), would receive the same sentence as a second
35 or subsequent luring offender.

36 The bill would change the mandatory term from two years to three
37 years. The bill would change the extended term from three to five
38 years.

39 The bill also provides that an offense would be considered a
40 previous conviction if the actor had been convicted of any similar
41 statute of this State, any other state or the United States that is
42 substantially equivalent to N.J.S.A.2C:13-6 (lewdness),
43 N.J.S.A.2C:14-2 (sexual assault), subsection a. of N.J.S.A.2C:14-3
44 (aggravated criminal sexual contact) and N.J.S.A.2C:24-4
45 (endangering the welfare of a child).

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2559

STATE OF NEW JERSEY

DATED: NOVEMBER 24, 2003

The Senate Judiciary Committee reports favorably Senate Bill No. 2559.

Under the current provisions of N.J.S.A.2C:13-6, it is a crime of the third degree for an individual to attempt, via electronic or any other means, to lure or entice a child, defined as a person less than 18 years old, into a motor vehicle, structure or isolated area, or to meet or appear at any other place, with the purpose to commit a criminal offense with or against the child. This bill would make such an act a crime of the second degree, punishable by a term of imprisonment of five to ten years, a fine of up to \$150,000, or both.

Under current law defendants convicted of a second or subsequent offense of luring receive a mandatory minimum term of one-third to one-half of the sentence imposed or two years, whichever is greater, unless they are sentenced to an extended term. If the defendant receives an extended term, the term of imprisonment would be one-third to one-half of the sentence imposed or three years, whichever is greater. The bill would change the mandatory term from two years to three years and the extended term from three years to five years.

This bill would provide that if the defendant being sentenced for a luring conviction has previously been convicted of a violation of N.J.S.A.2C:14-2 (sexual assault), subsection a. of N.J.S.A.2C:14-3 (aggravated criminal sexual contact) or N.J.S.A.2C:24-4 (endangering the welfare of a child), would receive the same sentence as a second or subsequent luring offender.

The bill also provides that an offense would be considered a previous conviction if the actor had been convicted of any similar statute of this State, any other state or the United States that is substantially equivalent to N.J.S.A.2C:13-6 (lewdness), N.J.S.A.2C:14-2 (sexual assault), subsection a. of N.J.S.A.2C:14-3 (aggravated criminal sexual contact) and N.J.S.A.2C:24-4 (endangering the welfare of a child).

This bill is identical to Assembly, No. 2679 (1R).