

2C:18-3

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 100

NJSA: 2C:18-3 (Upgrades criminal trespass under certain circumstances)

BILL NO: A2173 (Substituted for S1956)

SPONSOR(S): Burzichelli and others

DATE INTRODUCED: February 9, 2004

COMMITTEE: **ASSEMBLY:** Judiciary
SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** November 15, 2004

SENATE: May 12, 2005

DATE OF APPROVAL: June 15, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Assembly Committee Substitute for A2173 enacted)

A2173

[SPONSOR'S STATEMENT:](#) (Begins on page 7 of original bill) [Yes](#)

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

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S1956

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

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

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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HEARINGS:

No

NEWSPAPER ARTICLES:

No

IS 6/4/07

P.L. 2005, CHAPTER 100, *approved June 15, 2005*

Assembly Committee Substitute for
Assembly, No. 2173

1 AN ACT concerning criminal trespass and amending N.J.S.2C:18-3.

2

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

5

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

7 2C:18-3. a. Unlicensed entry of structures. A person commits an
8 offense if, knowing that he is not licensed or privileged to do so, he
9 enters or surreptitiously remains in any research facility, structure, or
10 separately secured or occupied portion thereof. An offense under this
11 subsection is a crime of the fourth degree if it is committed in a school
12 or on school property. The offense is a crime of the fourth degree if
13 it is committed in a dwelling. An offense under this section is a crime
14 of the fourth degree if it is committed in a research facility, power
15 generation facility, waste treatment facility, public sewage facility,
16 water treatment facility, public water facility, nuclear electric
17 generating plant or any facility which stores, generates or handles any
18 hazarduous chemical or chemical compounds. Otherwise it is a
19 disorderly persons offense.

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

24 (1) Actual communication to the actor; or

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

27 (3) Fencing or other enclosure manifestly designed to exclude
28 intruders.

29 c. Peering into windows or other openings of dwelling places. A
30 person commits a crime of the fourth degree if, knowing that he is not
31 licensed or privileged to do so, he peers into a window or other
32 opening of a dwelling or other structure adapted for overnight
33 accommodation for the purpose of invading the privacy of another
34 person and under circumstances in which a reasonable person in the
35 dwelling or other structure would not expect to be observed.

36 d. Defenses. It is an affirmative defense to prosecution under this
37 section that:

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

40 (2) The structure was at the time open to members of the public

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 and the actor complied with all lawful conditions imposed on access
2 to or remaining in the structure; or

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

7 (cf: P.L. 1997, c.15, s.1)

8

9 2. This act shall take effect immediately.

10

11

12

13

14 Upgrades criminal trespass under certain circumstances.

ASSEMBLY, No. 2173

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED FEBRUARY 9, 2004

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

Assemblyman Connors

SYNOPSIS

Gives State Police authority to classify facilities with materials posing a threat to public health and upgrades penalties for crimes committed at them.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/14/2004)

1 AN ACT concerning crimes committed at certain facilities and revising
2 various parts of statutory law.

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:1-14 is amended to read as follows:

8 2C:1-14. In this code, unless a different meaning plainly is required:

9 a. "Statute" includes the Constitution and a local law or ordinance
10 of a political subdivision of the State;

11 b. "Act" or "action" means a bodily movement whether voluntary
12 or involuntary;

13 c. "Omission" means a failure to act;

14 d. "Conduct" means an action or omission and its accompanying
15 state of mind, or, where relevant, a series of acts and omissions;

16 e. "Actor" includes, where relevant, a person guilty of an omission;

17 f. "Acted" includes, where relevant, "omitted to act";

18 g. "Person," "he," and "actor" include any natural person and,
19 where relevant, a corporation or an unincorporated association;

20 h. "Element of an offense" means (1) such conduct or (2) such
21 attendant circumstances or (3) such a result of conduct as

22 (a) Is included in the description of the forbidden conduct in the
23 definition of the offense;

24 (b) Establishes the required kind of culpability;

25 (c) Negatives an excuse or justification for such conduct;

26 (d) Negatives a defense under the statute of limitations; or

27 (e) Establishes jurisdiction or venue;

28 i. "Material element of an offense" means an element that does not
29 relate exclusively to the statute of limitations, jurisdiction, venue or to
30 any other matter similarly unconnected with (1) the harm or evil,
31 incident to conduct, sought to be prevented by the law defining the
32 offense, or (2) the existence of a justification or excuse for such
33 conduct;

34 j. "Reasonably believes" or "reasonable belief" designates a belief
35 the holding of which does not make the actor reckless or criminally
36 negligent;

37 k. "Offense" means a crime, a disorderly persons offense or a petty
38 disorderly persons offense unless a particular section in this code is
39 intended to apply to less than all three;

40 l. (Deleted by amendment, P.L.1991, c.91).

41 m. "Amount involved," "benefit," and other terms of value. Where
42 it is necessary in this act to determine value, for purposes of fixing the
43 degree of an offense, that value shall be the fair market value at the

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 time and place of the operative act.

2 n. "Motor vehicle" shall have the meaning provided in R.S.39:1-1.

3 o. "Unlawful taking of a motor vehicle" means conduct prohibited
4 under N.J.S.2C:20-10 when the means of conveyance taken, operated
5 or controlled is a motor vehicle.

6 p. "Research facility" means any building, laboratory, institution,
7 organization, school, or person engaged in research, testing,
8 educational or experimental activities, or any commercial or academic
9 enterprise that uses warm-blooded or cold-blooded animals for food
10 or fiber production, agriculture, research, testing, experimentation or
11 education. A research facility includes, but is not limited to, any
12 enclosure, separately secured yard, pad, pond, vehicle, building
13 structure or premises or separately secured portion thereof.

14 q. "Communication" means any form of communication made by
15 any means, including, but not limited to, any verbal or written
16 communication, communications conveyed by any electronic
17 communication device, which includes but is not limited to, a wire,
18 radio, electromagnetic, photoelectric or photo-optical system,
19 telephone, including a cordless, cellular or digital telephone, computer,
20 video recorder, fax machine, pager, or any other means of transmitting
21 voice or data and communications made by sign or gesture.

22 r. "Designated facility" means any facility determined by the
23 Superintendent of the New Jersey State Police or his designee to
24 possess materials that may pose a threat to public health. A
25 designated facility includes, but is not limited to, power generation
26 facilities, waste treatment facilities, public sewerage facilities and
27 chemical manufacturing facilities.

28 (cf: P.L.2001, c.220, s.1)

29

30 2. N.J.S.2C:17-3 is amended to read as follows:

31 2C:17-3. A person is guilty of criminal mischief if he:

32 (1) Purposely or knowingly damages tangible property of another
33 or damages tangible property of another recklessly or negligently in
34 the employment of fire, explosives or other dangerous means listed in
35 subsection a. of N.J.S.2C:17-2; or

36 (2) Purposely, knowingly or recklessly tampers with tangible
37 property of another so as to endanger person or property.

38 b. Grading. (1) Criminal mischief is a crime of the third degree if
39 the actor purposely or knowingly causes pecuniary loss of \$2,000.00
40 or more, or a substantial interruption or impairment of public
41 communication, transportation, supply of water, gas or power, or
42 other public service.

43 (2) Criminal mischief is a crime of the fourth degree if the actor
44 causes pecuniary loss in excess of \$500.00. It is a disorderly persons
45 offense if the actor causes pecuniary loss of \$500.00 or less.

46 (3) Criminal mischief is a crime of the third degree if the actor

1 damages, defaces, eradicates, alters, receives, releases or causes the
2 loss of any research property used by [the] a research facility or
3 property used by a designated facility as defined by subsection r. of
4 N.J.S.2C:1-14, or otherwise causes physical disruption to the
5 functioning of the research facility or designated facility. The term
6 "physical disruption" does not include any lawful activity that results
7 from public, governmental, [or] research facility, or designated facility
8 employee reaction to the disclosure of information about the
9 [research] facility.

10 (4) Criminal mischief is a crime of the fourth degree if the actor
11 damages, removes or impairs the operation of any device, including,
12 but not limited to, a sign, signal, light or other equipment, which
13 serves to regulate or ensure the safety of air traffic at any airport,
14 landing field, landing strip, heliport, helistop or any other aviation
15 facility; however, if the damage, removal or impediment of the device
16 recklessly causes bodily injury or damage to property, the actor is
17 guilty of a crime of the third degree, or if it recklessly causes a death,
18 the actor is guilty of a crime of the second degree.

19 (5) Criminal mischief is a crime of the fourth degree if the actor
20 interferes or tampers with any airport, landing field, landing strip,
21 heliport, helistop or any other aviation facility; however if the
22 interference or tampering with the airport, landing field, landing strip,
23 heliport, helistop or other aviation facility recklessly causes bodily
24 injury or damage to property, the actor is guilty of a crime of the third
25 degree, or if it recklessly causes a death, the actor is guilty of a crime
26 of the second degree.

27 (6) Criminal mischief is a crime of the third degree if the actor
28 tampers with a grave, crypt, mausoleum or other site where human
29 remains are stored or interred, with the purpose to desecrate, destroy
30 or steal such human remains or any part thereof.

31 c. A person convicted of an offense of criminal mischief that
32 involves an act of graffiti may, in addition to any other penalty
33 imposed by the court, be required to pay to the owner of the damaged
34 property monetary restitution in the amount of the pecuniary damage
35 caused by the act of graffiti and to perform community service, which
36 shall include removing the graffiti from the property, if appropriate.
37 If community service is ordered, it shall be for either not less than 20
38 days or not less than the number of days necessary to remove the
39 graffiti from the property.

40 d. As used in this section:

41 (1) "Act of graffiti" means the drawing, painting or making of any
42 mark or inscription on public or private real or personal property
43 without the permission of the owner.

44 (2) "Spray paint" means any paint or pigmented substance that is
45 in an aerosol or similar spray container.

46 (cf: P.L.1999, c.95, s.1)

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

2 2C:18-2. a. Burglary defined. A person is guilty of burglary if,
3 with purpose to commit an offense therein he:

4 (1) Enters a research facility, designated facility as defined by
5 subsection r. of N.J.S.2C:1-14, structure, or a separately secured or
6 occupied portion thereof unless the structure was at the time open to
7 the public or the actor is licensed or privileged to enter; or

8 (2) Surreptitiously remains in a research facility, designated facility as
9 defined by subsection r. of N.J.S.2C:1-14, structure, or a separately
10 secured or occupied portion thereof knowing that he is not licensed or
11 privileged to do so.

12 b. Grading. Burglary is a crime of the second degree if in the course
13 of committing the offense, the actor:

14 (1) Purposely, knowingly or recklessly inflicts, attempts to inflict or
15 threatens to inflict bodily injury on anyone; or

16 (2) Is armed with or displays what appear to be explosives or a deadly
17 weapon.

18 Otherwise burglary is a crime of the third degree. An act shall be
19 deemed "in the course of committing" an offense if it occurs in an
20 attempt to commit an offense or in immediate flight after the attempt
21 or commission.

22 (cf: P.L.1995, c.20, s.3)

23

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

25 2C:18-3. a. A person commits an offense if, knowing that he is not
26 licensed or privileged to do so, he enters or surreptitiously remains in
27 any research facility, designated facility as defined by subsection r. of
28 N.J.S.2C:1-14, structure, or separately secured or occupied portion
29 thereof. An offense under this subsection is a crime of the fourth
30 degree if it is committed in a school or on school property. The
31 offense is a crime of the fourth degree if it is committed in a dwelling.
32 An offense under this section is a crime of the fourth degree if it is
33 committed in a research facility or designated facility. Otherwise it is
34 a disorderly persons offense.

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

39 (1) Actual communication to the actor; or

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

42 (3) Fencing or other enclosure manifestly designed to exclude
43 intruders.

44 c. Peering into windows or other openings of dwelling places. A
45 person commits a crime of the fourth degree if, knowing that he is not
46 licensed or privileged to do so, he peers into a window or other

1 opening of a dwelling or other structure adapted for overnight
2 accommodation for the purpose of invading the privacy of another
3 person and under circumstances in which a reasonable person in the
4 dwelling or other structure would not expect to be observed.

5 d. Defenses. It is an affirmative defense to prosecution under this
6 section that:

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

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

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

16 (cf: P.L.1997, c.15, s.1)

17

18 5. N.J.S.2C:43-3 is amended to read as follows:

19 2C:43-3. A person who has been convicted of an offense may be
20 sentenced to pay a fine, to make restitution, or both, such fine not to
21 exceed:

22 a. (1) \$200,000.00 when the conviction is of a crime of the first
23 degree;

24 (2) \$150,000.00 when the conviction is of a crime of the second
25 degree;

26 b. (1) \$15,000.00 when the conviction is of a crime of the third
27 degree;

28 (2) \$10,000.00 when the conviction is of a crime of the fourth
29 degree;

30 c. \$1,000.00, when the conviction is of a disorderly persons
31 offense;

32 d. \$500.00, when the conviction is of a petty disorderly persons
33 offense;

34 e. Any higher amount equal to double the pecuniary gain to the
35 offender or loss to the victim caused by the conduct constituting the
36 offense by the offender. In such case the court shall make a finding as
37 to the amount of the gain or loss, and if the record does not contain
38 sufficient evidence to support such a finding the court may conduct a
39 hearing upon the issue. For purposes of this section the term "gain"
40 means the amount of money or the value of property derived by the
41 offender and "loss" means the amount of value separated from the
42 victim or the amount of any payment owed to the victim and avoided
43 or evaded and includes any reasonable and necessary expense incurred
44 by the owner in recovering or replacing lost, stolen or damaged
45 property, or recovering any payment avoided or evaded, and, with
46 respect to property of a research facility, includes the cost of repeating

1 an interrupted or invalidated experiment or loss of profits. With
2 respect to the property of a designated facility as defined by subsection
3 r. of N.J.S.2C:1-14, this includes costs resulting from damaged or
4 destroyed materials or equipment, an interruption in services normally
5 provided or a loss of profits. The term "victim" shall mean a person
6 who suffers a personal physical or psychological injury or death or
7 incurs loss of or injury to personal or real property as a result of a
8 crime committed against that person, or in the case of a homicide, the
9 nearest relative of the victim. The terms "gain" and "loss" shall also
10 mean, where appropriate, the amount of any tax, fee, penalty and
11 interest avoided, evaded, or otherwise unpaid or improperly retained
12 or disposed of;

13 f. Any higher amount specifically authorized by another section of
14 this code or any other statute;

15 g. Up to twice the amounts authorized in subsection a., b., c. or d.
16 of this section, in the case of a second or subsequent conviction of any
17 tax offense defined in Title 54 of the Revised Statutes or Title 54A of
18 the New Jersey Statutes, as amended and supplemented, or of any
19 offense defined in chapter 20 or 21 of this code;

20 h. In the case of violations of chapter 35, any higher amount equal
21 to three times the street value of the controlled dangerous substance
22 or controlled substance analog. The street value for purposes of this
23 section shall be determined pursuant to subsection e. of N.J.S.2C:44-2.

24 The restitution ordered paid to the victim shall not exceed the
25 victim's loss, except that in any case involving the failure to pay any
26 State tax, the amount of restitution to the State shall be the full
27 amount of the tax avoided or evaded, including full civil penalties and
28 interest as provided by law. In any case where the victim of the
29 offense is any department or division of State government, the court
30 shall order restitution to the victim. Any restitution imposed on a
31 person shall be in addition to any fine which may be imposed pursuant
32 to this section.

33 (cf: P.L.1997, c.181, s.12)

34

35 6. (New section) The Superintendent of the New Jersey State
36 Police or his designee shall once every five years compile a list of
37 designated facilities, as defined by subsection r. of N.J.S.2C:1-14,
38 which exist throughout the State.

39

40 7. This act shall take effect immediately.

41

42

43

STATEMENT

44

45 This bill gives the Superintendent of the New Jersey State Police
46 the authority to classify certain facilities as designated facilities. As

1 defined by the bill, designated facilities are sites determined by the
2 State Police to possess materials that may pose a threat to public
3 health. Such sites include, but are not limited to, power generation
4 facilities, waste treatment facilities, public sewerage facilities and
5 chemical manufacturing facilities. In addition to establishing
6 designated facilities, the bill amends statutes concerning crimes
7 committed at research facilities to include designated facilities and thus
8 upgrades the penalties for crimes committed at designated facilities.

9 The bill provides that a person is guilty of a third degree crime of
10 criminal mischief if he interferes with property at a designated facility
11 or causes a physical disruption to the facility.

12 The bill also amends the definition of burglary to specifically
13 include crimes committed at designated facilities. Under the bill's
14 provisions, a person is guilty of a third degree crime of burglary if he
15 enters or surreptitiously remains at a designated facility. A person is
16 guilty of a second degree crime if in the course of committing the
17 offense he inflicts bodily injury on another or possesses a weapon.

18 Additionally, the bill makes it a fourth degree crime to trespass at
19 a designated facility. Under current law, a person who trespasses
20 faces a disorderly persons offense unless the offense occurs in a
21 dwelling, research facility, school or on school property.

22 Finally, the bill imposes additional fines for criminal offenses
23 committed at designated facilities that are equal to double the
24 pecuniary gain the perpetrator receives or the loss incurred by the
25 victim. This includes costs resulting from damaged or destroyed
26 materials or equipment, an interruption in services normally provided
27 or a loss of profits.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2173

STATE OF NEW JERSEY

DATED: SEPTEMBER 13, 2004

The Assembly Judiciary Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2173.

This committee substitute would amend the criminal trespass statute, N.J.S.2C:18-3, to upgrade from a disorderly persons offense to a crime of the fourth degree trespassing on any power generating facility, waste treatment facility, public sewage facility, water treatment facility, public water facility or nuclear electric generating facility or any facility which stores, generates or handles any hazardous chemical or chemical compounds. This committee substitute would then provide the same penalties for trespassing on these facilities that are currently provided for trespassing on school property, a research facility or a dwelling.

A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000 or both.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2173

STATE OF NEW JERSEY

DATED: MAY 5, 2005

The Senate Judiciary Committee reports favorably the Assembly Committee Substitute for Assembly Bill No. 2173.

This Assembly committee substitute would amend the criminal trespass statute, N.J.S.2C:18-3, to upgrade from a disorderly persons offense to a crime of the fourth degree trespassing on any power generating facility, waste treatment facility, public sewage facility, water treatment facility, public water facility or nuclear electric generating facility or any facility which stores, generates or handles any hazardous chemical or chemical compounds. This Assembly committee substitute would then provide the same penalties for trespassing on these facilities that are currently provided for trespassing on school property, a research facility or a dwelling.

A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000 or both.

This Assembly committee substitute is identical to Senate, No. 1956.

SENATE, No. 1956

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED OCTOBER 14, 2004

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator FRED MADDEN

District 4 (Camden and Gloucester)

SYNOPSIS

Upgrades criminal trespass under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/26/2004)

1 AN ACT concerning criminal trespass and amending N.J.S.2C:18-3.

2

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

5

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

7 2C:18-3. a. Unlicensed entry of structures. A person commits an
8 offense if, knowing that he is not licensed or privileged to do so, he
9 enters or surreptitiously remains in any research facility, structure, or
10 separately secured or occupied portion thereof. An offense under this
11 subsection is a crime of the fourth degree if it is committed in a school
12 or on school property. The offense is a crime of the fourth degree if
13 it is committed in a dwelling. An offense under this section is a crime
14 of the fourth degree if it is committed in a research facility, power
15 generation facility, waste treatment facility, public sewage facility,
16 water treatment facility, public water facility, nuclear electric
17 generating plant or any facility which stores, generates or handles any
18 hazarduous chemical or chemical compounds. Otherwise it is a
19 disorderly persons offense.

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

24 (1) Actual communication to the actor; or

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

27 (3) Fencing or other enclosure manifestly designed to exclude
28 intruders.

29 c. Peering into windows or other openings of dwelling places. A
30 person commits a crime of the fourth degree if, knowing that he is not
31 licensed or privileged to do so, he peers into a window or other
32 opening of a dwelling or other structure adapted for overnight
33 accommodation for the purpose of invading the privacy of another
34 person and under circumstances in which a reasonable person in the
35 dwelling or other structure would not expect to be observed.

36 d. Defenses. It is an affirmative defense to prosecution under this
37 section that:

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

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

43 (3) The actor reasonably believed that the owner of the structure,

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 or other person empowered to license access thereto, would have
2 licensed him to enter or remain, or, in the case of subsection c. of this
3 section, to peer.

4 (cf: P.L.1997, c.15, s.1)

5

6 2. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 This bill would amend the criminal trespass statute, N.J.S.2C:18-3,
12 to upgrade from a disorderly persons offense to a crime of the fourth
13 degree trespassing in any power generation facility, waste treatment
14 facility, public sewage facility, water treatment facility, public water
15 facility, nuclear electric generating plant or any facility which stores,
16 generates or handles any hazardous chemical or chemical compounds.
17 This bill would then provide the same penalties for trespassing on
18 these facilities that are currently provided for trespassing on school
19 property, a research facility or a dwelling.

20 A crime of the fourth degree is punishable by a term of
21 imprisonment of up to 18 months, a fine of up to \$10,000 or both.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1956

STATE OF NEW JERSEY

DATED: MAY 5, 2005

The Senate Judiciary Committee reports favorably Senate Bill No. 1956.

This bill would amend the criminal trespass statute, N.J.S.2C:18-3, to upgrade from a disorderly persons offense to a crime of the fourth degree trespassing in any power generation facility, waste treatment facility, public sewage facility, water treatment facility, public water facility, nuclear electric generating plant or any facility which stores, generates or handles any hazardous chemical or chemical compounds. This bill would then provide the same penalties for trespassing on these facilities that are currently provided for trespassing on school property, a research facility or a dwelling.

A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000 or both.

This bill is identical to Assembly, No. 2173 (ACS).