

2C:18-3

LEGISLATIVE HISTORY CHECKLIST
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(Peeping Toms)

NJSA: 2C:18-3
LAWS OF: 1997 CHAPTER: 15
BILL NO: A778
SPONSOR(S): Farragher
DATE INTRODUCED: Pre-filed
COMMITTEE: ASSEMBLY: Judiciary
SENATE: ---
AMENDED DURING PASSAGE: No
DATE OF PASSAGE: ASSEMBLY: December 12, 1996
SENATE: December 19, 1996
DATE OF APPROVAL: January 31, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes
COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: No
FISCAL NOTE: No
VETO MESSAGE: No
MESSAGE ON SIGNING: Yes
FOLLOWING WERE PRINTED:
REPORTS: No
HEARINGS: No

See newspaper clippings--attached:

"Amanda's legacy peeping in windows now a felony," 2-1-97, Asbury Park Press.
"Whitman signs measure getting tougher on Peeping Toms," 2-1-97, Philadelphia Inquirer.
"New law increase penalty treatment for 'Peeping Toms'," 2-1-97, Trenton Times.

KBP:pp

P.L. 1997, CHAPTER 15, *approved January 31, 1997*
Assembly, No. 778

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:

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

7 2C:18-3.

8 a. Unlicensed entry of structures. A person commits an offense if,
9 knowing that he is not licensed or privileged to do so, he enters or
10 surreptitiously remains in any research facility structure, or separately
11 secured or occupied portion thereof. An offense under this subsection
12 is a crime of the fourth degree if it is committed in a school or on
13 school property. The offense is a crime of the fourth degree if it is
14 committed in a dwelling. An offense under this section is a crime of
15 the fourth degree if it is committed in a research facility. Otherwise
16 it is a disorderly persons offense.

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

21 (1) Actual communication to the actor; or

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

24 (3) Fencing or other enclosure manifestly designed to exclude
25 intruders.

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

33 d. Defenses. It is an affirmative defense to prosecution under this
34 section that:

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

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

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

10 (cf: P.L.1995, c.20, s.4)

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12 2. This act shall take effect immediately.

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17 _____
18 Classifies peering into a window or other opening of a dwelling for the
19 purpose of invading the privacy of another as a crime of the fourth
degree.

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3 and the actor complied with all lawful conditions imposed on access
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6 or other person empowered to license access thereto, would have
7 licensed him to enter or remain, or, in the case of subsection c. of this
8 section, to peer.

9 (cf: P.L.1980, c.112, s.3)

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STATEMENT

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16 In State v. Zarin, 220 N.J. Super. 99 (Law Div. 1987), the court
17 ruled that a defendant charged with peering into an apartment did not
18 commit an offense of harassment under N.J.S.A.2C:33-4 because it
19 was not shown that the defendant acted for the purpose of harassing
20 those in the apartment. The court further ruled the defendant could
21 not be convicted of criminal trespass under N.J.S.A.2C:18-3 because
22 the defendant did not intrude into the structure.

23 In order to provide criminal penalties in fact situations like those in
24 the Zarin case and other related situations, this bill would amend the
25 statute on criminal trespass to make it a crime of the fourth degree if
26 a person, not licensed or privileged to do so, peers into a window or
27 other opening of a dwelling or other structure for the purpose of
28 invading the privacy of another. A crime of the fourth degree is
29 punishable by a term of imprisonment not to exceed 18 months, a fine
30 not to exceed \$7,500 or both.

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35 _____
36 Classifies peering into a window or other opening of a dwelling for the
37 purpose of invading the privacy of another as a crime of the fourth
degree.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 778

STATE OF NEW JERSEY

DATED: NOVEMBER 7, 1996

The Assembly Judiciary Committee reports favorably Assembly Bill No. 778.

In State v. Zarin, 220 N.J. Super. 99 (Law Div. 1987), the court ruled that a defendant charged with peering into an apartment did not commit an offense of harassment under N.J.S.A.2C:33-4 because it was not shown that the defendant acted for the purpose of harassing those in the apartment. The court further ruled the defendant could not be convicted of criminal trespass under N.J.S.A.2C:18-3 because the defendant did not intrude into the structure.

In order to provide criminal penalties in fact situations like those in the Zarin case and other related situations, this bill would amend the statute on criminal trespass to make it a crime of the fourth degree if a person, not licensed or privileged to do so, peers into a window or other opening of a dwelling or other structure adapted for overnight accommodation for the purpose of invading the privacy of another under circumstances in which a reasonable person in the structure would not expect to be observed. A crime of the fourth degree is punishable by a term of imprisonment not to exceed 18 months, a fine not to exceed \$7,500 or both.

This bill was prefiled for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-004

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TRENTON, NJ 08625

RELEASE: Fri., Jan. 31, 1997

Gov. Christie Whitman today signed legislation enhancing the personal privacy and safety of individuals by tightening laws pertaining to "peeping toms" -- persons who invade the privacy of others by peering into windows of private homes.

The legislation -- an expansion of "Amanda's Law" -- amends the state's statute on criminal trespass to make it a crime of the fourth degree to peer into the window or other opening of a dwelling for the purpose of invading the privacy of another person. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months and fines of up to \$7,500 or both.

"Today, we are standing up for personal privacy and safety," Whitman said. "We are tightening the laws against peering into a window for the purpose of invading someone else's privacy -- the perpetrators of which are commonly known as peeping toms. By enacting this law, we'll make sure that this kind of behavior shows up on someone's record."

The legislation is the expansion of the law that came to the forefront as a result of the sexual assault and murder of six-year-old Amanda Wengert in March of 1994. The assailant who pled guilty to the crime was caught beforehand peering into a girls' bathroom at a local school.

Laws at the time did not address such an invasion of privacy and consequently there was no penalty.

A-778 was sponsored by Assembly Members Clare Farragher (R-Monmouth); Kevin J. O'Toole (R-Essex/Union) and Louis D. Greenwald (D-Camden).

From the beginning of her administration, Gov. Whitman has made public safety a top priority. She has toughened laws against criminal activity, created new crime-

fighting prevention programs and eliminated parole for defendants convicted of murdering a law enforcement officer in the line of duty.

She also has strengthened the rights of victims and dealt with one of the fastest growing public safety concerns -- juvenile justice. She signed legislation to keep three-time violent offenders behind bars for life, and signed Megan's Law to help protect the state's children from sexual predators.

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