

2C:24-4

LEGISLATIVE HISTORY CHECKLIST
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(Pornography--videos)

NJSA: 2C:24-4

LAWS OF: 1995 CHAPTER: 109

BILL NO: A38

SPONSOR(S): Vandervalk

DATE INTRODUCED: June 9, 1994

COMMITTEE: ASSEMBLY: Judiciary
SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: June 20, 1994
SENATE: May 11, 1995

DATE OF APPROVAL: June 1, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:
"State's child pornography laws strengthened," 6-2-95, Star Ledger.
KBG:pp

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P.L.1995, CHAPTER 109, approved June 1, 1995
1994 Assembly No. 38

1 AN ACT concerning child pornography and amending
2 N.J.S.2C:24-4.

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

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

7 2C:24-4. Endangering Welfare of Children. a. Any person
8 having a legal duty for the care of a child or who has assumed
9 responsibility for the care of a child who engages in sexual
10 conduct which would impair or debauch the morals of the child,
11 or who causes the child harm that would make the child an abused
12 or neglected child as defined in R.S.9:6-1, R.S.9:6-3 and
13 P.L.1974, c.119, s.1 (C.9:6-8.21) is guilty of a crime of the second
14 degree. Any other person who engages in conduct or who causes
15 harm as described in this subsection to a child under the age of 16
16 is guilty of a crime of the third degree.

17 b. As used in this subsection:

18 (1) "Child" shall mean any person under 16 years of age.

19 (2) "Prohibited sexual act" means

20 (a) Sexual intercourse; or

21 (b) Anal intercourse; or

22 (c) Masturbation; or

23 (d) Bestiality; or

24 (e) Sadism; or

25 (f) Masochism; or

26 (g) Fellatio; or

27 (h) Cunnilingus; or

28 (i) Nudity, if depicted for the purpose of sexual stimulation or
29 gratification of any person who may view such depiction.

30 (3) Any person, including any parent, guardian, or other person
31 legally charged with the care or custody of a child, who causes or
32 permits a child to engage in a prohibited sexual act or in the
33 simulation of such an act if the person knows, has reason to know
34 or intends that the prohibited act may be photographed, filmed,
35 reproduced, or reconstructed in any manner or may be part of an
36 exhibition or performance is guilty of a crime of the second
37 degree.

38 (4) Any person who photographs or films a child in a prohibited
39 sexual act or in the simulation of such an act or who uses any
40 device to reproduce or reconstruct the image of a child in a
41 prohibited sexual act or in the simulation of such an act is guilty
42 of a crime of the second degree.

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 (5) (a) Any person who knowingly receives for the purpose of
2 selling or who knowingly sells, procures, manufactures, gives,
3 provides, lends, trades, mails, delivers, transfers, publishes,
4 distributes, circulates, disseminates, presents, exhibits,
5 advertises, offers or agrees to offer any photograph, film,
6 videotape, computer program, video game or any other
7 reproduction or reconstruction which depicts a child engaging in a
8 prohibited sexual act or in the simulation of such an act, is guilty
9 of a crime of the second degree.

10 (b) Any person who knowingly possesses or knowingly views any
11 photograph, film, videotape, computer program, video game or
12 any other reproduction or reconstruction which depicts a child
13 engaging in a prohibited sexual act or in the simulation of such an
14 act, is guilty of a crime of the fourth degree.

15 (c) For purposes of this subsection, a person who is depicted as
16 or presents the appearance of being under the age of 16 in any
17 photograph or film shall be rebuttably presumed to be under the
18 age of 16.

19 (cf: P.L. 1992, c.6)

20 2. This act shall take effect immediately.

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23 STATEMENT
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25 Currently, N.J.S.A.2C:24-4 provides that a person who
26 manufactures, sells or possesses "any photograph, film, videotape
27 or any other reproduction or reconstruction" containing child
28 pornography is guilty of a crime. This bill would clarify that
29 computer programs and video games containing child pornography
30 are also prohibited under the statute.

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35 Clarifies that the manufacture, sale and possession of computer
36 programs or video games containing child pornography are crimes
37 under the child pornography statute.

1 (5) (a) Any person who knowingly receives for the purpose of
2 selling or who knowingly sells, procures, manufactures, gives,
3 provides, lends, trades, mails, delivers, transfers, publishes,
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7 reproduction or reconstruction which depicts a child engaging in a
8 prohibited sexual act or in the simulation of such an act, is guilty
9 of a crime of the second degree.

10 (b) Any person who knowingly possesses or knowingly views any
11 photograph, film, videotape, computer program, video game or
12 any other reproduction or reconstruction which depicts a child
13 engaging in a prohibited sexual act or in the simulation of such an
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15 (6) For purposes of this subsection, a person who is depicted as
16 or presents the appearance of being under the age of 16 in any
17 photograph or film shall be rebuttably presumed to be under the
18 age of 16.

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ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 38

STATE OF NEW JERSEY

DATED: JUNE 13, 1994

The Assembly Judiciary, Law and Public Safety Committee reports favorably Assembly Bill No. 38.

Currently, N.J.S.A.2C:24-4 provides that a person who knowingly manufactures, sells or possesses "any photograph, film, videotape or any other reproduction or reconstruction" containing child pornography is guilty of a crime. This bill would clarify that computer programs and video games containing child pornography are also prohibited under the statute.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 38

STATE OF NEW JERSEY

DATED: NOVEMBER 3, 1994

The Senate Judiciary Committee reports favorably Assembly Bill No. 38.

Currently, N.J.S.A.2C:24-4 provides that a person who knowingly manufactures, sells or possesses "any photograph, film, videotape or any other reproduction or reconstruction" containing child pornography is guilty of a criminal offense. This bill would clarify that computer programs and video games containing child pornography are also prohibited under that statute.

7/14/01
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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
Contact:

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TRENTON, N.J. 08625
Release:

Wednesday
April 1, 1992

GOVERNOR SIGNS LAW MAKING CHILD PORNOGRAPHY POSSESSION A CRIME

PRINCETON -- Law enforcement officials will have another tool in efforts to crack down on the exploitive child pornography business as Governor Jim Florio today signed a law making it a crime in the state to possess pornographic materials using children.

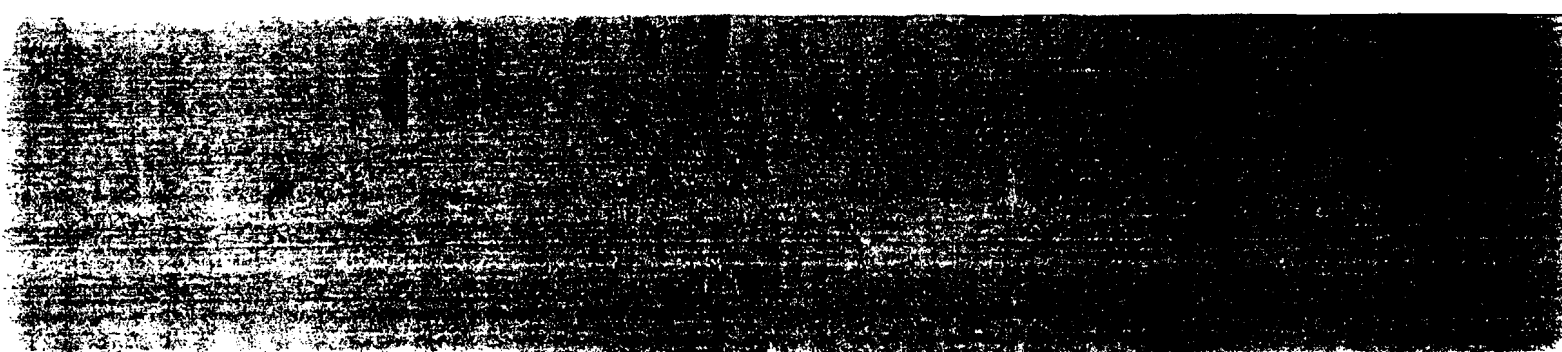
"Child pornography is soul-killing sickness. The scars it leaves on its victims may be invisible, but they are deep and crippling and sometimes, they are permanent," said Governor Florio, attending the Child Assault Prevention Conference. "There is no place for such behavior in a civilized society. And we will not tolerate it in New Jersey."

"New Jersey law already prohibits the sale and production of child pornography. But just choking off the supply side isn't enough. Our new child pornography prevention law will destroy the market for the exploitive use of children by making possession of child pornography a crime. From now on, we'll treat anyone who would rob our children of their innocence the same way we treat people who rob banks -- as criminals," he said. "Our new law is among the toughest in the nation."

The bill, A 263, sponsored by Assemblymen Gary Stuhltrager/Frank LoBiondo and Senator Joseph Palaia, makes it a fourth degree crime to possess child pornography materials, with a prison term of up to 18 months and fines up to \$7,500. Currently, New Jersey law makes it a second degree crime to sell child pornography with a prison term of between five and ten years.

In 1990, the U.S. Supreme Court ruled that states could ban possession of child pornography materials without violating the federal Constitution. The Court based its ruling on its finding that a state was justified in protecting children by banning possession as a way to cut off the market.

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"Childhood ought to be a time of wonder and discovery, a time to be safe, strong and free. Every child needs and deserves such a time but not every child gets it. Some are robbed of it by people who prey on the trust and innocence -- producers and collectors of child pornography," Governor Florio said. "We have a responsibility to protect our children from these moral vultures. And we have a responsibility in government to use the law to protect the rights of the innocent. Today, we're taking another step toward fulfilling that mandate."

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