

2C:12-2

LEGISLATIVE HISTORY CHECKLIST

NJSA 2C:12-2 (Candy and gifts of food - poisonous or harmful - establish minimum penalties)

LAWS 1982 CHAPTER 160

Bill No. S1874

Sponsor(s) Graves and others

Date Introduced Oct. 25, 1982

Committee: Assembly -----

Senate -----

Amended during passage Yes Nox Substituted for A2068 (not attached since identical to S1874)

Date of Passage: Assembly Oct. 25, 1982

Senate Oct. 25, 1982

Date of approval Oct. 28, 1982

Following statements are attached if available:

Sponsor statement Yes No (Below)

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

Sponsors' statement:

The purpose of this bill is to fix a minimum sentence of not less than six months during which the defendant shall not be eligible for parole, for any person who is convicted of purposely or knowingly offering, giving or enticing a person to take or accept any treat, candy, gift of food which is poisonous, deleterious or harmful.

6/22/81 AUG 1983

CHAPTER 160 LAWS OF N. J. 1982
APPROVED 10-28-82

SENATE, No. 1874

STATE OF NEW JERSEY

INTRODUCED OCTOBER 25, 1982

By Senators GRAVES, ORECHIO, HIRKALA, FELDMAN,
RODGERS, O'CONNOR, CAUFIELD, McMANIMON, RAND,
PAOLELLA, VREELAND, CODEY, BASSANO and DUMONT

(Without Reference)

AN ACT concerning reckless endangerment and amending N. J. S.
2C:12-2.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. N. J. S. 2C:12-2 is amended as follows:

2 2C:12-2. Recklessly Endangering Another Person. a. A person
3 who purposely or knowingly does any act, including putting up a
4 false light, which results in the loss or destruction of a vessel
5 commits a crime of the third degree.

6 b. A person commits a crime of the fourth degree if he:

7 (1) Manufactures or sells a golf ball containing acid or corrosive
8 fluid substance; or

9 (2) Purposely or knowingly offers, gives or entices any person
10 to take or accept any treat, candy, gift or food which is poisonous,
11 deleterious or harmful to the health or welfare of such person.
12 *Notwithstanding the term of imprisonment provided under N. J. S.*
13 *2C:43-6, if a person is convicted of an offense under (2) of this*
14 *subsection the sentence imposed shall include a fixed minimum*
15 *sentence of not less than six months during which the defendant*
16 *shall not be eligible for parole. The court may not suspend or make*
17 *any other noncustodial disposition of that person.*

1 2. This act shall take effect immediately.

Matter printed in italics thus is new matter.

STATEMENT

The purpose of this bill is to fix a minimum sentence of not less than six months, during which the defendant shall not be eligible for parole, for any person who is convicted of purposely or knowingly offering, giving, or enticing a person to take or accept any treat, candy, gift or food which is poisonous, deleterious or harmful.

OFFICE OF THE GOVERNOR

FOR RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

OCTOBER 28, 1982

Governor Thomas H. Kean today signed into law legislation that sets a mandatory six-month jail sentence for anyone convicted of offering or giving treats, candy or gifts which are poisonous or harmful.

S-1874

The bill, sponsored by State Senator Frank X. Graves and Assemblyman John A. Girgenti, both D-Passaic, would eliminate the possibility of early parole or a suspended sentence for anyone so convicted.

"It is a tragedy that there are those in our society whose personalities are so twisted that they could even consider such a vicious act as poisoning a stranger, particularly a child," Kean said.

"I don't know if this penalty will deter someone who is already irrational, but they must know that if they will do these horrible things, they will face the wrath of society," the Governor added.

The new penalty does not alter existing laws which already call for a sentence of three to five years upon conviction. In addition a person who gives poisoned food to another could also face charges ranging from conspiracy and assault to murder. The penalties for those crimes would also still apply.

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