

2C:18-3

LEGISLATIVE HISTORY CHECKLIST
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(Trespassing--school property--
crime-penalty)

NJSA: 2C:18-3

LAWS OF: 1994 **CHAPTER:** 90

BILL NO: S868

SPONSOR(S): Bennett and others

DATE INTRODUCED: March 21, 1994

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

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** June 20, 1994
SENATE: May 23, 1994

DATE OF APPROVAL: August 9, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached
KBG:pp

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1994

By Senators BENNETT, PALAIA
and Ciesla

1 AN ACT concerning trespassing on school property and amending
2 N.J.S.2C:18-3.

3

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

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
8 an offense if, knowing that he is not licensed or privileged to do
9 so, he enters or surreptitiously remains in any structure, or
10 separately secured or occupied portion thereof. An offense under
11 this subsection is a crime of the ¹[third] fourth¹ degree if it is
12 committed in a school or on school property ¹[during school hours
13 when children are present]¹. The offense is a crime of the fourth
14 degree if it is committed in a dwelling. Otherwise it is a
15 disorderly persons offense.

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

20 (1) Actual communication to the actor; or

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

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

25 c. Defenses. It is an affirmative defense to prosecution under
26 this section that:

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

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

32 (3) The actor reasonably believed that the owner of the
33 structure, or other person empowered to license access thereto,
34 would have licensed him to enter or remain.

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

36 2. This act shall take effect immediately.

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41 Upgrades the offense of criminal trespass to a crime of the
42 fourth degree when it is committed in schools or on school
43 property.

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 AJL committee amendments adopted June 13, 1994.

SENATE, No. 868

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1994

By Senators BENNETT, PALAIA
and Ciesla

1 AN ACT concerning trespassing on school property and amending
2 N.J.S.2C:18-3.

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

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
8 an offense if, knowing that he is not licensed or privileged to do
9 so, he enters or surreptitiously remains in any structure, or
10 separately secured or occupied portion thereof. An offense under
11 this subsection is a crime of the third degree if it is committed in
12 a school or on school property during school hours when children
13 are present. The offense is a crime of the fourth degree if it is
14 committed in a dwelling. Otherwise it is a disorderly persons
15 offense.

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

20 (1) Actual communication to the actor; or

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

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

25 c. Defenses. It is an affirmative defense to prosecution under
26 this section that:

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

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

32 (3) The actor reasonably believed that the owner of the
33 structure, or other person empowered to license access thereto,
34 would have licensed him to enter or remain.

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

36 2. This act shall take effect immediately.

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38

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STATEMENT

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41 Under current law, a person who commits criminal trespass in a

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 school when children are present is guilty only of a disorderly
2 persons offense. A disorderly persons offense is punishable by a
3 term of imprisonment of up to six months or a fine of up to
4 \$1,000, or both. This bill would upgrade the offense of criminal
5 trespass to make it a crime of the third degree when it is
6 committed in a school or on schoolproperty during school hours
7 when children are present. A crime of the third degree is
8 punishable by a term of imprisonment of three to five years or a
9 fine of up to \$7,500, or both.

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15 Upgrades the offense of criminal trespass to a crime of the third
16 degree when it is committed in schools or on school property
17 when children are present.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

SENATE, No. 868

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 13, 1994

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 868.

Under present N.J.S.2C:18-3, a person who commits criminal trespass in a dwelling is guilty of a crime of the fourth degree punishable by a term of up to 18 months imprisonment, a fine of \$7,500.00, or both. In other circumstances, criminal trespass is graded as a disorderly persons offense punishable by up to 6 months imprisonment, a fine of up to \$1,000.00, or both. This bill, in its original form, upgraded criminal trespass to a crime of the third degree if the offense is committed in a school or on school property during school hours when children are present. The committee amended the bill to make criminal trespass a crime of the fourth degree if the crime was committed on school property. The committee eliminated the requirement that the crime be committed during school hours and when children were present. A crime of the fourth degree is punishable by a term of imprisonment not to exceed 18 months, a fine of \$7,500 or both.

This bill is identical to Assembly Bill No. 1584(1R).

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 868

STATE OF NEW JERSEY

DATED: MAY 16, 1994

The Senate Judiciary Committee reports favorably Senate Bill No. 868.

Under present N.J.S.2C:18-3, a person who commits criminal trespass in a dwelling is guilty of a crime of the fourth degree (up to 18 months imprisonment; a fine of \$7,500.00). In other circumstances, criminal trespass is graded as a disorderly persons offense (up to 6 months imprisonment; a fine of up to \$1,000.00). This bill would upgrade criminal trespass to a crime of the third degree (between 3 and 5 years imprisonment; a fine of up to \$7,500.00) if the offense is committed in a school or on school property during school hours when children are present.

SENT BY:

10- 5-94 ; 8:16 ;

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CHRISTINE TODD WHITMAN
 GOVERNOR

Contact: Bob McHugh
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Aug. 8, 1994

Gov. Christie Whitman today signed into law three bills expanding New Jersey's protection of children from criminals.

One measure signed by the Governor toughens sentencing procedures for criminals who prey on children. Another law increases the penalties for criminal trespass at a school. The final bill makes it a crime to lure a child into a building or isolated area.

"These bills will make our neighborhoods and schools safer for children. We will not allow criminals to prey on children and we will continue to take specific action to make sure they can't," Whitman said during a bill signing ceremony in her office.

Whitman signed S-870, which expands the provisions of the existing statute requiring pre-sentencing reports for criminal defendants. Under the new law, reports on defendants convicted of crimes against children must include a detailed report of that defendant's mental condition, subject only to the discretion of the court.

The Governor also signed S-868, which elevates criminal trespass in a school or on school property. Crimes of the fourth degree are punishable by imprisonment of up to 18 months, a fine of up to \$1,000 or both.

Finally, Whitman approved S-869, which makes it a crime of the third degree to lure or entice a child into a building or secluded place with the intention of committing a criminal offense involving the child. The bill expands existing law which makes it a crime to lure a child into a motor vehicle for similar purposes.

Crimes of the third degree are punishable by imprisonment of up to three to five years, a fine of up to \$7,500 or both.

All three bills were sponsored by Sens. John Bennett and Joseph Palaia, both R-Monmouth.