

# 2C:13-6

## LEGISLATIVE HISTORY CHECK Compiled by the NJ State Law Library

**LAWS OF:** 1999            **CHAPTER:** 277  
**NJSA:** 2C:13-6        (Luring child—imprisonment)  
**BILL NO:** A2281        (Substituted for S76)

**SPONSOR(S):** Holzapfel and Heck

**DATE INTRODUCED:** June 29, 1998

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

**SENATE:** Judiciary

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**            **ASSEMBLY:** March 29, 1999

**SENATE:** October 25, 1999

**DATE OF APPROVAL:** December 3, 1999

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL:** First Reprint  
(Amendments during passage denoted by superscript numbers)

### A2281

**SPONSORS STATEMENT:** (Begins on page 2 of original bill) [Yes](#)

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

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** [Yes](#)

### S76

**SPONSORS STATEMENT:** (Begins on page 2 of original bill) [Yes](#)  
Bill and Sponsors statement identical to A2281

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** [Yes](#)  
Identical to Senate Statement for A2281

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** [Yes](#)  
Identical to Legislative Fiscal Estimate for A2281

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

P.L.1999, CHAPTER 277, *approved December 3, 1999*

Assembly, No. 2281 (*First Reprint*)

1 **AN ACT** concerning the offense of enticing or luring a child and  
2 amending P.L.1993, c.291.

3

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

6

7 1. Section 1 of P.L.1993,c.291 (C.2C:13-6) is amended to read as  
8 follows:

9 1. A person commits a crime of the third degree if he attempts to  
10 lure or entice a child into a motor vehicle, structure or isolated area  
11 with a purpose to commit a criminal offense with or against the child.

12 "Child" as used in this act means a person less than 18 years old.

13 "Structure" as used in this act means any building, room, ship,  
14 vessel or airplane and also means any place adapted for overnight  
15 accommodation of persons, or for carrying on business therein,  
16 whether or not a person is actually present.

17 Nothing herein shall be deemed to preclude, if the evidence so  
18 warrants, an indictment and conviction for attempted kidnapping under  
19 the provisions of N.J.S.2C:13-1.

20 A person convicted of a second or subsequent offense under this  
21 section shall be sentenced to a term of imprisonment.  
22 Notwithstanding the provisions of paragraph (3) of subsection a. of  
23 N.J.S.2C:43-6, the term of imprisonment shall include<sup>1</sup>, unless the  
24 person is sentenced pursuant to the provisions of N.J.S. 2C:43-7,<sup>1</sup> a  
25 mandatory minimum term of<sup>1</sup> one-third to one-half of the sentence  
26 imposed, or<sup>1</sup> two years<sup>1</sup>, whichever is greater<sup>1</sup>, during which time the  
27 defendant shall not be eligible for parole. <sup>1</sup>If the person is sentenced  
28 pursuant to N.J.S.2C:43-7, the court shall impose a minimum term of  
29 one-third to one-half of the sentence imposed, or three years,  
30 whichever is greater. The court may not suspend or make any other  
31 non-custodial disposition of any person sentenced as a second or  
32 subsequent offender pursuant to this section. For the purposes of this  
33 section an offense is considered a second or subsequent offense if the  
34 actor has at any time been convicted pursuant to this section, or under  
35 any similar statute of the United States, this State or any other state  
36 for an offense that is substantially equivalent to this section.<sup>1</sup>

37 (cf: P.L.1994, c.91)

38

39 2. This act shall take effect immediately.

**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:

<sup>1</sup> Assembly AJU committee amendments adopted November 16, 1998.

1

\_\_\_\_\_

2

3 Imposes a mandatory minimum term of imprisonment for a second or  
4 subsequent offense of enticing or luring a child.

# ASSEMBLY, No. 2281

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JUNE 29, 1998

**Sponsored by:**

**Assemblyman JAMES W. HOLZAPFEL**

**District 10 (Monmouth and Ocean)**

**Assemblywoman ROSE MARIE HECK**

**District 38 (Bergen)**

**Co-Sponsored by:**

**Assemblyman LeFevre**

**SYNOPSIS**

Imposes a mandatory minimum term of imprisonment for a second or subsequent offense of enticing or luring a child.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 10/30/1998)

1 AN ACT concerning the offense of enticing or luring a child and  
2 amending P.L.1993, c.291.

3

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

6

7 1. Section 1 of P.L.1993,c.291 (C.2C:13-6) is amended to read as  
8 follows:

9 1. A person commits a crime of the third degree if he attempts to  
10 lure or entice a child into a motor vehicle, structure or isolated area  
11 with a purpose to commit a criminal offense with or against the child.

12 "Child" as used in this act means a person less than 18 years old.

13 "Structure" as used in this act means any building, room, ship,  
14 vessel or airplane and also means any place adapted for overnight  
15 accommodation of persons, or for carrying on business therein,  
16 whether or not a person is actually present.

17 Nothing herein shall be deemed to preclude, if the evidence so  
18 warrants, an indictment and conviction for attempted kidnapping under  
19 the provisions of N.J.S.2C:13-1.

20 A person convicted of a second or subsequent offense under this  
21 section shall be sentenced to a term of imprisonment.  
22 Notwithstanding the provisions of paragraph (3) of subsection a. of  
23 N.J.S.2C:43-6, the term of imprisonment shall include a mandatory  
24 minimum term of two years, during which time the defendant shall not  
25 be eligible for parole.

26 (cf: P.L.1994, c.91)

27

28 2. This act shall take effect immediately.

29

30

31

#### STATEMENT

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33 This bill would impose a minimum mandatory term of imprisonment  
34 of two years, during which time the defendant would not be eligible  
35 for parole, for a second or subsequent offense of enticing or luring a  
36 child into a motor vehicle, structure or isolated area with a purpose to  
37 commit a criminal offense with or against the child.

**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.**

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2281**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 16, 1998

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2281.

This bill as introduced would impose a minimum mandatory term of imprisonment of two years, during which time the defendant would not be eligible for parole, for a second or subsequent offense of enticing or luring a child into a motor vehicle, structure or isolated area with a purpose to commit a criminal offense with or against the child. The committee amended the bill to provide that the mandatory minimum term shall be one-third to one-half the sentence imposed, or the two years as originally provided, whichever is greater, except if the person is sentenced to an extended term pursuant to the provisions of N.J.S.2C:43-7. Luring or enticing a child is a crime of the third degree under the provisions of section 1 of P.L.1993, c.291 (C.2C:13-6).

The committee amendments provide that if the person is sentenced pursuant to N.J.S.2C:43-7, the court shall impose a minimum term of one-third to one-half of the sentence imposed, or three years, whichever is greater.

The amendments also provide that the court may not suspend or make any other non-custodial disposition of any person sentenced as a second or subsequent offender. An offense is considered a second or subsequent offense if the actor has at any time been convicted pursuant to this section, or under any similar statute of the United States, this State or any other state for an offense that is substantially equivalent to this section.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 2281**

**STATE OF NEW JERSEY**

DATED: JUNE 7, 1999

The Senate Judiciary Committee reports favorably Assembly Bill No. 2281 (1R).

Under the provisions of N.J.S.2C:13-6, luring or enticing a child into a motor vehicle, structure or isolated area with the purpose to commit a criminal offense with or against the child is classified as a crime of the third degree. This bill would provide that the sentence imposed on any offender convicted of violating 2C:13-6 as a repeat offender include a mandatory minimum term of imprisonment of between one-third and one-half the sentence imposed or two years, whichever is greater, during which the person would be ineligible for parole.



## FISCAL NOTE

[First Reprint]

### **ASSEMBLY, No. 2281**

# **STATE OF NEW JERSEY**

## **208th LEGISLATURE**

DATED: MAY 3, 1999

Assembly Bill No. 2281 (1R) of 1998 would impose a minimum mandatory term of imprisonment of two years, during which time the defendant would not be eligible for parole, for a second or subsequent offense of enticing or luring a child into a motor vehicle, structure or isolated area with a purpose to commit a criminal offense with or against the child. Luring or enticing a child is a crime of the third degree.

The Administrative Office of the Courts (AOC) states that in calendar year 1998 there were five persons sentenced under N.J.S.A.2C:13-6, luring or enticing a child into a motor vehicle. The AOC states that it does not collect data on whether a defendant is convicted on a second or subsequent offense.

The Department of Corrections states that based on the small number of reported convictions and the likelihood that only a small percentage of those would have previous convictions for this crime, it is likely that this bill would have only a negligible impact on the Department of Corrections.

The Office of Legislative Services concurs and adds that cost of housing a State sentenced prison inmate in a State institution is \$26,000 per year for the duration of that offender's incarceration.

This fiscal note has been prepared pursuant to P.L.1980, c.67.

**SENATE, No. 76**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Senator ANDREW R. CIESLA**

**District 10 (Monmouth and Ocean)**

**SYNOPSIS**

Imposes a mandatory minimum term of imprisonment for a second or subsequent offense of enticing or luring a child.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the offense of enticing luring a child and  
2 amending P.L.1993, c.291.

3

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

6

7 1. Section 1 of P.L.1993,c.291 (C.2C:13-6) is amended to read as  
8 follows:

9 1. A person commits a crime of the third degree if he attempts to  
10 lure or entice a child into a motor vehicle, structure or isolated area  
11 with a purpose to commit a criminal offense with or against the child.

12 "Child" as used in this act means a person less than 18 years old.

13 "Structure" as used in this act means any building, room, ship,  
14 vessel or airplane and also means any place adapted for overnight  
15 accommodation of persons, or for carrying on business therein,  
16 whether or not a person is actually present.

17 Nothing herein shall be deemed to preclude, if the evidence so  
18 warrants, an indictment and conviction for attempted kidnapping under  
19 the provisions of N.J.S.2C:13-1.

20 A person convicted of a second or subsequent offense under this  
21 section shall be sentenced to a term of imprisonment.  
22 Notwithstanding the provisions of paragraph (3) of subsection a. of  
23 N.J.S.2C:43-6, the term of imprisonment shall include a mandatory  
24 minimum term of two years, during which time the defendant shall not  
25 be eligible for parole.

26 (cf: P.L.1994, c.91)

27

28 2. This act shall take effect immediately.

29

30

31

#### STATEMENT

32

33 This bill would impose a minimum mandatory term of imprisonment  
34 of two years, during which time the defendant would not be eligible  
35 for parole, for a second or subsequent offense of enticing or luring a  
36 child into a motor vehicle, structure or isolated area with a purpose to  
37 commit a criminal offense with or against the child.

**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.**

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 76**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 7, 1999

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 76.

Under the provisions of N.J.S.2C:13-6, luring or enticing a child into a motor vehicle, structure or isolated area with the purpose to commit a criminal offense with or against the child is classified as a crime of the third degree. As amended by the committee, this bill would provide that the sentence imposed on any offender convicted of violating 2C:13-6 as a repeat offender include a mandatory minimum term of imprisonment of between one-third to one-half the sentence imposed or two years whichever is greater during which the person would be ineligible for parole.

## FISCAL NOTE

### SENATE, No. 76

# STATE OF NEW JERSEY

## 208th LEGISLATURE

DATED: APRIL 15, 1999

Senate Bill No. 76 of 1998 would impose a minimum mandatory term of imprisonment of two years, during which time the defendant would not be eligible for parole, for a second or subsequent offense of enticing or luring a child into a motor vehicle, structure or isolated area with a purpose to commit a criminal offense with or against the child. Luring or enticing a child is a crime of the third degree.

The Administrative Office of the Courts (AOC) states that in calendar year 1998 there were five persons sentenced under N.J.S.A.2C:13-6, luring or enticing a child into a motor vehicle. The AOC states that it does not collect data on whether a defendant is convicted on a second or subsequent offense.

The Department of Corrections states that based on the small number of reported convictions and the likelihood that only a small percentage of those would have previous convictions for this crime, it is likely that this bill would have only a negligible impact on the Department of Corrections.

The Office of Legislative Services concurs and adds that the cost of housing a State sentenced prison inmate in a State institution is \$26,000 per year for the duration of that offender's incarceration.

This fiscal note has been prepared pursuant to P.L.1980, c.67.