

2C:21-35

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2007 **CHAPTER:** 232

NJSA: 2C:21-35 (Upgrades penalty for misusing public utility employee identification badge; establishes penalties for making, selling or possessing simulated public utility employee identification badge)

BILL NO: A1940 (Substituted for S2680)

SPONSOR(S) Wisniewski and Others

DATE INTRODUCED: January 10, 2006

COMMITTEE: **ASSEMBLY:** Law and Public Safety
SENATE: Law and Public Safety and Veterans' Affairs

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** March 2, 2006
SENATE: December 17, 2007

DATE OF APPROVAL: January 3, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Technical review version of bill enacted)

A1940

[SPONSOR'S STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)

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

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

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: No

S2680

[SPONSOR'S STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

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

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

RWH 5/23/08

P.L. 2007, CHAPTER 232, *approved January 3, 2008*
Assembly, No. 1940

1 AN ACT concerning certain identification badges and amending
2 P.L.1977, c.35 and supplementing Title 2C of the New Jersey
3 Statutes .
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 4 of P.L.1977, c.35 (C.48:3-45) is amended to read as
9 follows:

10 4. No employee of a public utility who is in possession of any
11 identification badge, as provided for by **[this act]** P.L.1977, c.35
12 (C.48:3-42 et seq.), shall loan, allow or permit any other person to
13 use or display such identification badge; in case of the loss of any
14 such identification badge, the employee shall forthwith notify the
15 public utility of such loss and the circumstances surrounding the
16 same. Any person violating the provisions of this section or any
17 person who shall display or use the identification badge of another,
18 for the purpose of deceiving any person as to his identity shall be
19 guilty of a **[misdemeanor]** crime of the fourth degree.
20 (cf: P.L.1977, c.35, s.4)
21

22 2. (New section) a. A person who knowingly sells, offers or
23 exposes for sale, or otherwise transfers, or possesses with the intent
24 to sell, offer or expose for sale, or otherwise transfer, a document,
25 printed form or other writing which falsely purports to be a public
26 utility employee identification badge as required under the
27 provisions of P.L.1977, c.35 (C.48:3-42 et seq.) which could be
28 used as a means of verifying a person's identity as a public utility
29 employee is guilty of a crime of the second degree.

30 b. A person who knowingly makes, or possesses devices or
31 materials to make, a document or other writing which falsely
32 purports to be a public utility employee identification badge as
33 required under the provisions of P.L.1977, c.35 (C.48:3-42 et seq.)
34 which could be used as a means of verifying a person's identity as a
35 public utility employee is guilty of a crime of the second degree.

36 c. A person who knowingly exhibits, displays or utters a
37 document or other writing which falsely purports to be a public
38 utility employee identification badge as required under the
39 provisions of P.L.1977, c.35 (C.48:3-42 et seq.) which could be
40 used as a means of verifying a person's identity as a public utility
41 employee is guilty of a crime of the third degree.

42 d. A person who knowingly possesses a document or other
43 writing which falsely purports to be a public utility employee

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 identification badge as required under the provisions of P.L.1977,
2 c.35 (C.48:3-42 et seq.) which could be used as a means of
3 verifying a person's identity as a public utility employee is guilty of
4 a crime of the fourth degree.

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6 3. This act shall take effect immediately.

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11 Upgrades penalty for misusing public utility employee
12 identification badge; establishes penalties for making, selling or
13 possessing simulated public utility employee identification badge.

ASSEMBLY, No. 1940

STATE OF NEW JERSEY

212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Co-Sponsored by:

Assemblymen Barnes, Diegnan and Fisher

SYNOPSIS

Upgrades penalty for misusing public utility employee identification badge; establishes penalties for making, selling or possessing simulated public utility employee identification badge.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning certain identification badges and amending
2 P.L.1977, c.35 and supplementing Title 2C of the New Jersey
3 Statutes .
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 4 of P.L.1977, c.35 (C.48:3-45) is amended to read as
9 follows:

10 4. No employee of a public utility who is in possession of any
11 identification badge, as provided for by this act, shall loan, allow or
12 permit any other person to use or display such identification badge;
13 in case of the loss of any such identification badge, the employee
14 shall forthwith notify the public utility of such loss and the
15 circumstances surrounding the same. Any person violating the
16 provisions of this section or any person who shall display or use
17 the identification badge of another, for the purpose of deceiving any
18 person as to his identity shall be guilty of a [misdemeanor] crime
19 of the fourth degree.

20 (cf: P.L.1977, c.35, s.4)
21

22 2. (New section) a. A person who knowingly sells, offers or
23 exposes for sale, or otherwise transfers, or possesses with the intent
24 to sell, offer or expose for sale, or otherwise transfer, a document,
25 printed form or other writing which falsely purports to be a public
26 utility employee identification badge as required under the
27 provisions of P.L.1977, c.35 (C.48:3-42 et seq.) which could be
28 used as a means of verifying a person's identity as a public utility
29 employee is guilty of a crime of the second degree.

30 b. A person who knowingly makes, or possesses devices or
31 materials to make, a document or other writing which falsely
32 purports to be a public utility employee identification badge as
33 required under the provisions of P.L.1977, c.35 (C.48:3-42 et seq.)
34 which could be used as a means of verifying a person's identity as a
35 public utility employee is guilty of a crime of the second degree.

36 c. A person who knowingly exhibits, displays or utters a
37 document or other writing which falsely purports to be a public
38 utility employee identification badge as required under the
39 provisions of P.L.1977, c.35 (C.48:3-42 et seq.) which could be
40 used as a means of verifying a person's identity as a public utility
41 employee is guilty of a crime of the third degree.

42 d. A person who knowingly possesses a document or other
43 writing which falsely purports to be a public utility employee
44 identification badge as required under the provisions of P.L.1977,
45 c.35 (C.48:3-42 et seq.) which could be used as a means of

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 verifying a person's identity as a public utility employee is guilty of
2 a crime of the fourth degree.

3

4 3. This act shall take effect immediately.

5

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STATEMENT

8

9 This bill modernizes the classification of the crime of a public
10 utility employee who loans, allows or permits another person to use
11 or display the employee's identification badge. Currently, this
12 crime is referred to as a misdemeanor, and because the statute does
13 not specify the penalty provisions, the crime is considered to be a
14 fourth degree crime under the criminal code for the purpose of
15 sentencing (see N.J.S.A. 2C:1-4 and N.J.S.A. 2C:43-1). Since New
16 Jersey's criminal code created a new classification of crimes, which
17 does not include "misdemeanors," this bill clarifies the applicable
18 sentencing guidelines by relabeling the crime as a "fourth degree
19 crime." The criminal code specifies that a crime of the fourth
20 degree is punishable by imprisonment for up to 18 months, a fine of
21 \$10,000, or both.

22 This bill also establishes the criminal penalties for persons who
23 knowingly sell or otherwise transfer or who knowingly attempt to
24 sell or otherwise transfer a forged public utility employee
25 identification badge; who knowingly make or possess devices or
26 materials to create such a false badge; who knowingly exhibit or
27 display such a forged badge; or who knowingly possess such a
28 forged badge.

29 The bill makes it a crime of the second degree to knowingly sell
30 or otherwise transfer a forged badge, to knowingly attempt to sell or
31 otherwise transfer a forged badge, or to make or possess devices or
32 materials to create a forged badge. The criminal code specifies that
33 a crime of the second degree is punishable by imprisonment for
34 between five and 10 years, a fine of \$150,000, or both.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1940

STATE OF NEW JERSEY

DATED: JANUARY 30, 2006

Assembly Bill No. 1940 modernizes the classification of the crime of a public utility employee who loans, allows or permits another person to use or display the employee's identification badge. Currently, this crime is referred to as a misdemeanor, and because the statute does not specify the penalty provisions, the crime is considered to be a fourth degree crime under the criminal code for the purpose of sentencing (see N.J.S.2C:1-4 and N.J.S.2C:43-1). Since New Jersey's criminal code created a new classification of crimes, which does not include "misdemeanors," this bill clarifies the applicable sentencing guidelines by relabeling the crime as a "fourth degree crime." A crime of the fourth degree is punishable by imprisonment for up to 18 months, a fine of \$10,000, or both.

The bill also makes it a crime of the second degree to knowingly sell or attempt to sell a forged public utility employee identification badge and to knowingly make a false badge or possess materials to create a false badge. A crime of the second degree is punishable by imprisonment of five-to-ten years, a fine of up to \$150,000, or both.

A person who knowingly exhibits or displays a forged badge would be guilty of a crime of the third degree under the bill. A crime of the third degree is punishable by imprisonment of three-to-five years, a fine of up to \$15,000, or both. A person who knowingly possesses a forged badge would be guilty of a crime of the fourth degree. Fourth degree crimes are punishable by imprisonment of up to 18 months, a fine up to \$10,000, or both.

This bill was pre-filed for introduction in the 2006 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1940

STATE OF NEW JERSEY

DATED: JUNE 7, 2007

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Assembly Bill No. 1940.

This bill modernizes the classification of the crime of a public utility employee who loans, allows or permits another person to use or display the employee's identification badge. Currently, this crime is referred to as a misdemeanor, and because the statute does not specify the penalty provisions, the crime is considered to be a fourth degree crime under the criminal code for the purpose of sentencing (see N.J.S.2C:1-4 and N.J.S.2C:43-1). Since New Jersey's criminal code created a new classification of crimes, which does not include "misdemeanors," this bill clarifies the applicable sentencing guidelines by relabeling the crime as a "fourth degree crime." A crime of the fourth degree is punishable by imprisonment for up to 18 months, a fine of \$10,000, or both.

The bill also makes it a crime of the second degree to knowingly sell or attempt to sell a forged public utility employee identification badge and to knowingly make a false badge or possess materials to create a false badge. A crime of the second degree is punishable by imprisonment of five-to-ten years, a fine of up to \$150,000, or both.

A person who knowingly exhibits or displays a forged badge would be guilty of a crime of the third degree under the bill. A crime of the third degree is punishable by imprisonment of three-to-five years, a fine of up to \$15,000, or both. A person who knowingly possesses a forged badge would be guilty of a crime of the fourth degree. Fourth degree crimes are punishable by imprisonment of up to 18 months, a fine up to \$10,000, or both.

As reported by the committee, this bill is identical to Senate Bill No. 2680, which also was reported by the committee on this same date.

SENATE, No. 2680

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED MAY 14, 2007

Sponsored by:

Senator JOHN A. GIRGENTI

District 35 (Bergen and Passaic)

Senator ANTHONY R. BUCCO

District 25 (Morris)

SYNOPSIS

Upgrades penalty for misusing public utility employee identification badge; establishes penalties for making, selling or possessing simulated public utility employee identification badge.

CURRENT VERSION OF TEXT

As introduced.



S2680 GIRGENTI, BUCCO

2

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2 P.L.1977, c.35 and supplementing Title 2C of the New Jersey
3 Statutes .

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

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8 1. Section 4 of P.L.1977, c.35 (C.48:3-45) is amended to read as
9 follows:

10 4. No employee of a public utility who is in possession of any
11 identification badge, as provided for by **[this act]** P.L.1977, c.35
12 (C.48:3-42 et seq.), shall loan, allow or permit any other person to
13 use or display such identification badge; in case of the loss of any
14 such identification badge, the employee shall forthwith notify the
15 public utility of such loss and the circumstances surrounding the
16 same. Any person violating the provisions of this section or any
17 person who shall display or use the identification badge of another,
18 for the purpose of deceiving any person as to his identity shall be
19 guilty of a **[misdemeanor]** crime of the fourth degree.

20 (cf: P.L.1977, c.35, s.4)

21

22 2. (New section) a. A person who knowingly sells, offers or
23 exposes for sale, or otherwise transfers, or possesses with the intent
24 to sell, offer or expose for sale, or otherwise transfer, a document,
25 printed form or other writing which falsely purports to be a public
26 utility employee identification badge as required under the
27 provisions of P.L.1977, c.35 (C.48:3-42 et seq.) which could be
28 used as a means of verifying a person's identity as a public utility
29 employee is guilty of a crime of the second degree.

30 b. A person who knowingly makes, or possesses devices or
31 materials to make, a document or other writing which falsely
32 purports to be a public utility employee identification badge as
33 required under the provisions of P.L.1977, c.35 (C.48:3-42 et seq.)
34 which could be used as a means of verifying a person's identity as a
35 public utility employee is guilty of a crime of the second degree.

36 c. A person who knowingly exhibits, displays or utters a
37 document or other writing which falsely purports to be a public
38 utility employee identification badge as required under the
39 provisions of P.L.1977, c.35 (C.48:3-42 et seq.) which could be
40 used as a means of verifying a person's identity as a public utility
41 employee is guilty of a crime of the third degree.

42 d. A person who knowingly possesses a document or other
43 writing which falsely purports to be a public utility employee
44 identification badge as required under the provisions of P.L.1977,
45 c.35 (C.48:3-42 et seq.) which could be used as a means of

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

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1 verifying a person's identity as a public utility employee is guilty of
2 a crime of the fourth degree.

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4 3. This act shall take effect immediately.

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STATEMENT

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10 Assembly Bill No. 1940 modernizes the classification of the
11 crime of a public utility employee who loans, allows or permits
12 another person to use or display the employee's identification
13 badge. Currently, this crime is referred to as a misdemeanor, and
14 because the statute does not specify the penalty provisions, the
15 crime is considered to be a fourth degree crime under the criminal
16 code for the purpose of sentencing (see N.J.S.2C:1-4 and
17 N.J.S.2C:43-1). Since New Jersey's criminal code created a new
18 classification of crimes, which does not include "misdemeanors,"
19 this bill clarifies the applicable sentencing guidelines by relabeling
20 the crime as a "fourth degree crime." A crime of the fourth degree
21 is punishable by imprisonment for up to 18 months, a fine of
22 \$10,000, or both.

23 The bill also makes it a crime of the second degree to knowingly
24 sell or attempt to sell a forged public utility employee identification
25 badge and to knowingly make a false badge or possess materials to
26 create a false badge. A crime of the second degree is punishable by
27 imprisonment of five-to-ten years, a fine of up to \$150,000, or both.

28 A person who knowingly exhibits or displays a forged badge
29 would be guilty of a crime of the third degree under the bill. A
30 crime of the third degree is punishable by imprisonment of three-to-
31 five years, a fine of up to \$15,000, or both. A person who
32 knowingly possesses a forged badge would be guilty of a crime of
33 the fourth degree. Fourth degree crimes are punishable by
34 imprisonment of up to 18 months, a fine up to \$10,000, or both.

35 This bill was pre-filed for introduction in the 2006 legislative
36 session pending technical review. As reported, the bill includes the
37 changes required by technical review, which has been performed.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2680

STATE OF NEW JERSEY

DATED: JUNE 7, 2007

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 2680.

This bill modernizes the classification of the crime of a public utility employee who loans, allows or permits another person to use or display the employee's identification badge. Currently, this crime is referred to as a misdemeanor, and because the statute does not specify the penalty provisions, the crime is considered to be a fourth degree crime under the criminal code for the purpose of sentencing (see N.J.S.2C:1-4 and N.J.S.2C:43-1). Since New Jersey's criminal code created a new classification of crimes, which does not include "misdemeanors," this bill clarifies the applicable sentencing guidelines by relabeling the crime as a "fourth degree crime." A crime of the fourth degree is punishable by imprisonment for up to 18 months, a fine of \$10,000, or both.

The bill also makes it a crime of the second degree to knowingly sell or attempt to sell a forged public utility employee identification badge and to knowingly make a false badge or possess materials to create a false badge. A crime of the second degree is punishable by imprisonment of five-to-ten years, a fine of up to \$150,000, or both.

A person who knowingly exhibits or displays a forged badge would be guilty of a crime of the third degree under the bill. A crime of the third degree is punishable by imprisonment of three-to-five years, a fine of up to \$15,000, or both. A person who knowingly possesses a forged badge would be guilty of a crime of the fourth degree. Fourth degree crimes are punishable by imprisonment of up to 18 months, a fine up to \$10,000, or both.

As reported by the committee, this bill is identical to Assembly Bill No. 1940, which also was reported by the committee on this same date.