

ASSEMBLY, No. 2864

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 17, 2004

Sponsored by:

Assemblyman FREDERICK SCALERA

District 36 (Bergen, Essex and Passaic)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman JOSEPH VAS

District 19 (Middlesex)

Co-Sponsored by:

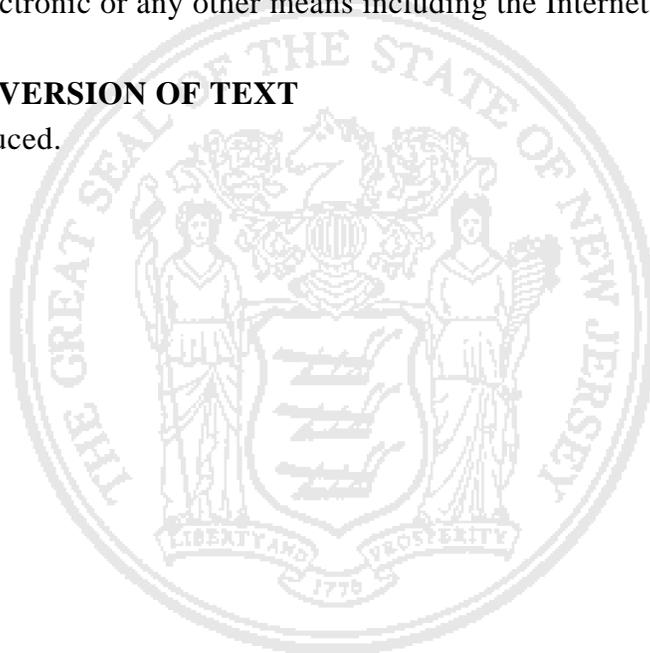
Assemblyman Conners, Senators Sarlo, Adler and Madden

SYNOPSIS

Makes it a crime to lure or entice another for the purpose of committing a crime via electronic or any other means including the Internet.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/7/2004)

1 AN ACT concerning luring or enticing another and supplementing Title
2 2C of the New Jersey Statutes.

3

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

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7 1. (New section) A person commits a crime of the third degree if
8 he attempts, via electronic or any other means, to lure or entice a
9 person into a motor vehicle, structure or isolated area, or to meet or
10 appear at any place, with a purpose to commit a criminal offense with
11 or against the person lured or enticed or against any other person.

12 "Electronic means" as used in this section includes, but is not
13 limited to, the Internet. "Internet" means the international computer
14 network of both federal and non-federal interoperable packet switched
15 data networks. "Structure" shall have the meaning set forth in
16 P.L.1993, c.291 (C.2C:13-6).

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 or for any other crime or offense.

20 Notwithstanding the provisions of N.J.S.2C:1-8 or any other law,
21 a conviction under this section shall not merge with a conviction of
22 any other criminal offense, nor shall such other conviction merge with
23 a conviction under this section, and the court shall impose separate
24 sentences upon each violation of this section and any other criminal
25 offense. The court may not suspend or make any other non-custodial
26 disposition of any person sentenced pursuant to this section.

27

28 2. This act shall take effect immediately .

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STATEMENT

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33 This bill would make it a crime of the third degree for a person to
34 attempt, via electronic or any other means, to lure or entice a person
35 into a motor vehicle, structure or isolated area, or to meet or appear
36 at any place, with a purpose to commit a criminal offense with or
37 against the person who was lured or enticed or against any other
38 person.

39 This bill was prompted by a case in Wood-Ridge where prosecutors
40 say that a woman was menaced by a stranger who parked his van near
41 her home, leered at her and frightened her into calling the police. The
42 man had allegedly intended to commit a sexual assault against her after
43 being enticed into coming to her home by a message he thought she
44 had posted in an Internet chat room. In actuality the message had not
45 been posted by the woman, who knew nothing about it, but according

1 to prosecutors, had been posted by Jonathan Gilberti, who had posed
2 as the woman in the chat room. Mr. Gilberti had allegedly posted the
3 woman's name, address, physical description and the hours she would
4 likely be home alone, saying that "she" was inviting men to come to
5 her home to rape her.

6 The bill, which contains language similar to that in N.J.S.A.2C:13-6
7 concerning luring or enticing a child, would apply to persons who lure
8 or entice an adult in order to commit a crime against that adult, as well
9 as to persons who lure or entice an adult in order to have that adult
10 carry out the commission of a crime against a third person.

11 The bill provides that it shall not be deemed to preclude, if the
12 evidence so warrants, an indictment or conviction for attempted
13 kidnapping or for any other crime or offense.