

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1429

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 2004

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1429.

This bill as introduced made it a crime of the third degree for a person to attempt, via electronic or any other means, to lure or entice another person to meet or appear at any place, with a purpose to commit a criminal offense against any person.

This bill was prompted by a case in Wood-Ridge where prosecutors say that a woman was menaced by a stranger who parked his van near her home, leered at her and frightened her into calling the police. The man had allegedly intended to commit a sexual assault against her after being enticed into coming to her home by a message he thought she had posted in an Internet chat room. In actuality the message had not been posted by the woman, who knew nothing about it, but according to prosecutors, had been posted by Jonathan Gilberti, who had posed as the woman in the chat room. Mr. Gilberti had allegedly posted the woman's name, address, physical description and the hours she would likely be home alone, saying that "she" was inviting men to come to her home to rape her.

As originally introduced, section 2 of the bill had provided that, in determining sentencing for any criminal offense, the court would consider as an additional aggravating factor whether the defendant used the Internet to commit the offense. This provision was deleted by the committee amendments.

The committee also amended the bill to add language similar to that in N.J.S.A.2C:13-6, which concerns luring or enticing a child. Because this bill would apply to persons who lure or entice an adult in order to commit a crime against that adult, as well as to persons who lure or entice an adult in order to have that adult carry out the commission of a crime against a third person, the amendments add language clarifying the provisions of the bill concerning the location where the luring takes place. As amended by the committee, the bill applies to persons who attempt to lure or entice a person "into a motor vehicle, structure or isolated area," as well as any other place. The amendments clarify that the criminal purpose contemplated by the bill is "to commit a criminal offense with or against the person lured or

enticed or against any other person."

The amendments also provide that the word "structure" has the meaning set out in N.J.S.A.2C:13-6 (any building, room, ship, vessel or airplane and any place adapted for overnight accommodation of persons).

Finally, the amendments clarify that the bill shall not be deemed to preclude, if the evidence so warrants, an indictment or conviction for attempted kidnapping or for any other crime or offense. As originally introduced, the bill had provided that it shall not be deemed to preclude "an indictment and conviction for any other offense defined by the laws of this State" but the amended language again parallels N.J.S.A. 2C:13-6.