

[First Reprint]

ASSEMBLY, No. 3087

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 8, 2018

Sponsored by:

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District 36 (Bergen and Passaic)

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District 37 (Bergen)

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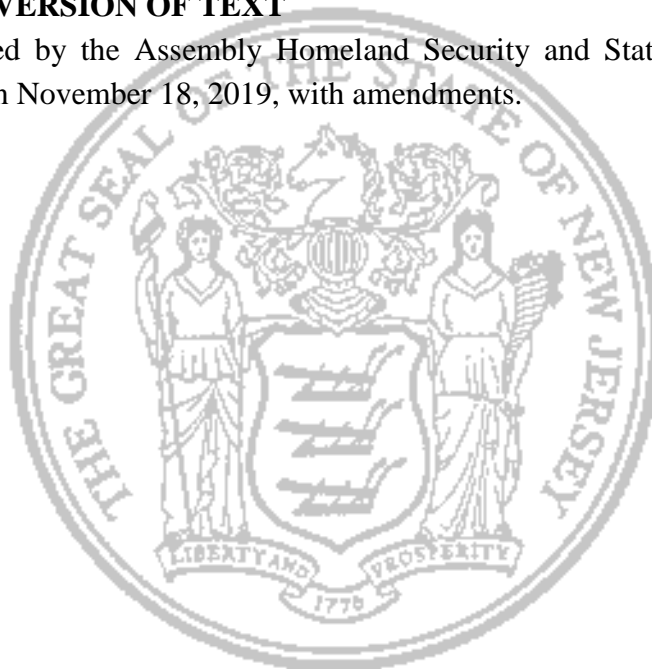
Assemblywoman Timberlake, Assemblymen McKeon and Rooney

SYNOPSIS

Expands crime of terrorism.

CURRENT VERSION OF TEXT

As reported by the Assembly Homeland Security and State Preparedness Committee on November 18, 2019, with amendments.



(Sponsorship Updated As Of: 1/10/2020)

1 AN ACT concerning terrorism and amending P.L.2002, c.26.

2

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

5

6 1. Section 2 of P.L.2002, c.26 (C.2C:38-2) is amended to read as
7 follows:

8 2. a. A person is guilty of the crime of terrorism if he commits or
9 attempts, conspires or threatens to commit any crime enumerated in
10 subsection c. of this section with the purpose:

11 (1) to promote an act of terror ¹**[including, but not limited to,**
12 **influencing or inciting an act of terror against an individual or group of**
13 **individuals based on their race, religion, sexual orientation, gender, or**
14 **creed]**¹; or

15 (2) to terrorize five or more persons; or

16 (3) to influence the policy or affect the conduct of government by
17 terror; or

18 (4) to cause by an act of terror the impairment or interruption of
19 public communications, public transportation, public or private
20 buildings, common carriers, public utilities or other public services ¹;

21 or

22 (5) to influence or incite an act of terror against an individual or
23 group of individuals based on their race, religion, sexual orientation,
24 gender, or creed, if the underlying crime is a crime of the first or
25 second degree¹.

26 b. Terrorism is a crime of the first degree.

27 (1) Notwithstanding any other provision of law to the contrary, any
28 person convicted under this section shall be sentenced to a term of 30
29 years, during which the person shall not be eligible for parole, or to a
30 specific term of years which shall be between 30 years and life
31 imprisonment, of which the person shall serve not less than 30 years
32 before being eligible for parole.

33 (2) If a violation of this section results in death, the person shall be
34 sentenced to a term of life imprisonment, during which time the person
35 shall not be eligible for parole.

36 c. The crimes encompassed by this section are: murder pursuant
37 to N.J.S.2C:11-3; aggravated manslaughter or manslaughter pursuant
38 to N.J.S.2C:11-4; vehicular homicide pursuant to N.J.S.2C:11-5;
39 aggravated assault pursuant to subsection b. of N.J.S.2C:12-1;
40 disarming a law enforcement officer pursuant to section 1 of P.L.1996,
41 c.14 (C.2C:12-11); kidnapping pursuant to N.J.S.2C:13-1; criminal
42 restraint pursuant to N.J.S.2C:13-2; robbery pursuant to N.J.S.2C:15-
43 1; carjacking pursuant to section 1 of P.L.1993, c.221 (C.2C:15-2);
44 aggravated arson or arson pursuant to N.J.S.2C:17-1; causing or

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:

¹Assembly AHS committee amendments adopted November 18, 2019.

1 risking widespread injury or damage pursuant to N.J.S.2C:17-2;
2 damage to nuclear plant with the purpose to cause or threat to cause
3 release of radiation pursuant to section 1 of P.L.1983, c.480 (C.2C:17-
4 7); damage to nuclear plant resulting in death by radiation pursuant to
5 section 2 of P.L.1983, c.480 (C.2C:17-8); damage to nuclear plant
6 resulting in injury by radiation pursuant to section 3 of P.L.1983, c.480
7 (C.2C:17-9); ¹burglary pursuant to N.J.S.2C:18-2;¹ producing or
8 possessing chemical weapons, biological agents or nuclear or
9 radiological devices pursuant to section 3 of P.L.2002, c.26 (C.2C:38-
10 3); ¹**burglary pursuant to N.J.S.2C:18-2;**¹ possession of prohibited
11 weapons and devices pursuant to N.J.S.2C:39-3; possession of
12 weapons for unlawful purposes pursuant to N.J.S.2C:39-4; unlawful
13 possession of weapons pursuant to N.J.S.2C:39-5; weapons training
14 for illegal activities pursuant to section 1 of P.L.1983, c.229 (C.2C:39-
15 14); racketeering pursuant to N.J.S.2C:41-1 et seq.; and any other
16 crime involving a risk of death or serious bodily injury to any person.

17 d. Definitions. For the purposes of this section:

18 "Government" means the United States, any state, county,
19 municipality, or other political unit, or any department, agency or
20 subdivision of any of the foregoing, or any corporation or other
21 association carrying out the functions of government.

22 "Serious bodily injury" means bodily injury which creates a
23 substantial risk of death or which causes serious, permanent
24 disfigurement, or protracted loss or impairment of the function of any
25 bodily member or organ.

26 "Terror" means the menace or fear of death or serious bodily
27 injury.

28 "Terrorize" means to convey the menace or fear of death or serious
29 bodily injury by words or actions.

30 e. A prosecution pursuant to this section may be brought by the
31 Attorney General, his assistants and deputies within the Division of
32 Criminal Justice, or by a county prosecutor or a designated assistant
33 prosecutor if the county prosecutor is expressly authorized in writing
34 by the Attorney General to prosecute a violation of this section.

35 f. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
36 provision of law, a conviction of terrorism under this section shall not
37 merge with a conviction of any other offense, nor shall such other
38 conviction merge with a conviction under this section, and the court
39 shall impose separate sentences upon each violation of this section and
40 any other offense.

41 g. Nothing contained in this section shall be deemed to preclude,
42 if the evidence so warrants, an indictment and conviction for murder
43 under the provisions of N.J.S.2C:11-3 or any other offense.

44 (cf: P.L.2002, c.26, s.2)

45

46 2. This act shall take effect immediately.