

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 724

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2020

The Assembly Judiciary Committee reports favorably Assembly Bill No. 724.

This bill expands the list of crimes that are a form of bias intimidation to include the crime of creating a false public alarm. Pursuant to N.J.S.2C:16-1, a person is guilty of the crime of bias intimidation if he commits, attempts to commit, conspires with another to commit, or threatens the immediate commission of certain offenses found in chapters 11 through 18 of Title 2C and N.J.S.2C:33-4; N.J.S.2C:39-3; N.J.S.2C:39-4 or N.J.S.2C:39-5 with, among other things, a purpose to intimidate an individual or group of individuals because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity. The offenses found in chapters 11 through 18 of Title 2C include, but are not limited to, terroristic threats, assault, murder, and arson. The crimes specifically listed are N.J.S.2C:33-4 harassment; N.J.S.2C:39-3 prohibited weapons and devices; N.J.S.2C:39-4 possession of weapons for unlawful purpose; and N.J.S.2C:39-5 unlawful possession of weapons.

Bias intimidation is a crime of the fourth degree if the underlying offense is a disorderly persons offense or petty disorderly persons offense. A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine up to \$10,000, or both. Otherwise, bias intimidation is a crime graded one degree higher than the most serious underlying crime, except in cases in which the underlying crime is of the first degree, bias intimidation is a first-degree crime and the defendant upon conviction may, notwithstanding the provisions of paragraph (1) of subsection a. of N.J.S.2C:43-6, be sentenced to an ordinary term of imprisonment between 15 years and 30 years, with a presumptive term of 20 years.

This bill would expand the list of underlying offenses for bias intimidation to include creating a false public alarm (N.J.S.2C:33-3). Under this offense, a person is guilty of a third degree crime if he initiates or circulates a report or warning of an impending fire, explosion, crime, catastrophe, emergency or any other incident knowing that the report or warning is false or baseless and that is likely to cause an evacuation of a building, place of assembly, or facility of public transport, or to cause public inconvenience or alarm. A crime of the third degree carries a penalty of three to five

years imprisonment, a fine of up to \$15,000, or both. Depending upon the circumstances, the crime of creating a false public alarm can range from a fourth degree to a first degree crime.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.