

ASSEMBLY, No. 786

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman BRIAN E. RUMPF

District 9 (Atlantic, Burlington and Ocean)

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District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Provides that trespassing in nuclear power plant is third degree crime.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning unlicensed entry and amending N.J.S.2C:18-3.

2

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

5

6 1. N.J.S.2C:18-3 is amended to read as follows:

7 2C:18-3. a. Unlicensed entry of structures. A person commits an
8 offense if, knowing that he is not licensed or privileged to do so, he
9 enters or surreptitiously remains in any research facility, structure,
10 or separately secured or occupied portion thereof, or in or upon
11 utility company property, or in the sterile area or operational area of
12 an airport. An offense under this subsection is a crime of the fourth
13 degree if it is committed in **[a school or on school property. The**
14 offense is a crime of the fourth degree if it is committed in a
15 dwelling. An offense under this section is a crime of the fourth
16 degree if it is committed in a research facility, power generation
17 facility, waste treatment facility, public sewage facility, water
18 treatment facility, public water facility, nuclear electric generating
19 plant or any facility which stores, generates or handles any
20 hazardous chemical or chemical compounds. An offense under this
21 subsection is a crime of the fourth degree if it is committed in or
22 upon utility company property. An offense under this subsection is
23 a crime of the fourth degree if it is committed in the sterile area or
24 operational area of an airport.**]** :

25 (1) a school or on school property;

26 (2) a dwelling;

27 (3) a research facility;

28 (4) a power generation facility;

29 (5) a waste treatment facility,

30 (6) a public sewage facility;

31 (7) a water treatment facility;

32 (8) a public water facility;

33 (9) or upon utility company property;

34 (10)the sterile area or operational area of an airport; or

35 (11)any facility which stores, generates or handles any hazardous
36 chemical or chemical compounds.

37 An offense under this subsection is a crime of the third degree if
38 it is committed in a nuclear electric generating plant. Otherwise it is
39 a disorderly persons offense.

40 b. Defiant trespasser. A person commits a petty disorderly
41 persons offense if, knowing that he is not licensed or privileged to
42 do so, he enters or remains in any place as to which notice against
43 trespass is given by:

44 (1) Actual communication to the actor; 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.

1 (2) Posting in a manner prescribed by law or reasonably likely
2 to come to the attention of intruders; or

3 (3) Fencing or other enclosure manifestly designed to exclude
4 intruders.

5 c. Peering into windows or other openings of dwelling places.
6 A person commits a crime of the fourth degree if, knowing that he
7 is not licensed or privileged to do so, he peers into a window or
8 other opening of a dwelling or other structure adapted for overnight
9 accommodation for the purpose of invading the privacy of another
10 person and under circumstances in which a reasonable person in the
11 dwelling or other structure would not expect to be observed.

12 d. Defenses. It is an affirmative defense to prosecution under
13 this section that:

14 (1) A structure involved in an offense under subsection a. was
15 abandoned;

16 (2) The structure was at the time open to members of the public
17 and the actor complied with all lawful conditions imposed on access
18 to or remaining in the structure; or

19 (3) The actor reasonably believed that the owner of the
20 structure, or other person empowered to license access thereto,
21 would have licensed him to enter or remain, or, in the case of
22 subsection c. of this section, to peer.

23 (cf: P.L.2013, c.138, s.2)

24

25 2. This act shall take effect immediately.

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28 STATEMENT

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30 This bill increases the penalty for trespassing offenses that are
31 committed in a nuclear electric generating plant.

32 Under current law, trespassing in a nuclear electric generating
33 plant is a crime of the fourth degree, which is punishable by a fine
34 of up to \$10,000, imprisonment for up to 18 months, or both.
35 Under this bill, trespassing in a nuclear electric generating facility
36 would be a crime of the third degree, punishable by a fine of up to
37 \$15,000, imprisonment for three to five years, or both.