

ASSEMBLY, No. 1246

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

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District 37 (Bergen)

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Co-Sponsored by:

Assemblywomen Timberlake and McKnight

SYNOPSIS

Expands crime of terrorism.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 1/13/2021)

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:*

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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; or

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

13 (3) to influence the policy or affect the conduct of government by
14 terror; or

15 (4) to cause by an act of terror the impairment or interruption of
16 public communications, public transportation, public or private
17 buildings, common carriers, public utilities or other public services ; or

18 (5) to influence or incite an act of terror against an individual or
19 group of individuals based on their race, religion, sexual orientation,
20 gender, or creed, if the underlying crime is a crime of the first or
21 second degree.

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

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

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

32 c. The crimes encompassed by this section are: murder pursuant
33 to N.J.S.2C:11-3; aggravated manslaughter or manslaughter pursuant
34 to N.J.S.2C:11-4; vehicular homicide pursuant to N.J.S.2C:11-5;
35 aggravated assault pursuant to subsection b. of N.J.S.2C:12-1;
36 disarming a law enforcement officer pursuant to section 1 of P.L.1996,
37 c.14 (C.2C:12-11); kidnapping pursuant to N.J.S.2C:13-1; criminal
38 restraint pursuant to N.J.S.2C:13-2; robbery pursuant to N.J.S.2C:15-
39 1; carjacking pursuant to section 1 of P.L.1993, c.221 (C.2C:15-2);
40 aggravated arson or arson pursuant to N.J.S.2C:17-1; causing or
41 risking widespread injury or damage pursuant to N.J.S.2C:17-2;
42 damage to nuclear plant with the purpose to cause or threat to cause
43 release of radiation pursuant to section 1 of P.L.1983, c.480 (C.2C:17-
44 7); damage to nuclear plant resulting in death by radiation pursuant to
45 section 2 of P.L.1983, c.480 (C.2C:17-8); damage to nuclear plant

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

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

13 "Government" means the United States, any state, county,
14 municipality, or other political unit, or any department, agency or
15 subdivision of any of the foregoing, or any corporation or other
16 association carrying out the functions of government.

17 "Serious bodily injury" means bodily injury which creates a
18 substantial risk of death or which causes serious, permanent
19 disfigurement, or protracted loss or impairment of the function of any
20 bodily member or organ.

21 "Terror" means the menace or fear of death or serious bodily
22 injury.

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

25 e. A prosecution pursuant to this section may be brought by the
26 Attorney General, his assistants and deputies within the Division of
27 Criminal Justice, or by a county prosecutor or a designated assistant
28 prosecutor if the county prosecutor is expressly authorized in writing
29 by the Attorney General to prosecute a violation of this section.

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

36 g. Nothing contained in this section shall be deemed to preclude,
37 if the evidence so warrants, an indictment and conviction for murder
38 under the provisions of N.J.S.2C:11-3 or any other offense.
39 (cf: P.L.2002, c.26, s.2)

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41 2. This act shall take effect immediately.

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STATEMENT

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46 This bill expands the crime of terrorism to include persons who
47 commit certain crimes with the purpose to influence or incite an act

1 of terror against an individual based on the individual's race,
2 religion, sexual orientation, gender, or creed.

3 Under current law, a person is guilty of terrorism if he or she
4 commits, attempts, conspires, or threatens to commit certain crimes
5 with the purpose to: 1) promote an act of terror; 2) terrorize five or
6 more persons; 3) influence the policy or affect the conduct of
7 government by terror; or 4) cause, by an act of terror, the
8 impairment or interruption of public communications, public
9 transportation, public or private buildings, common carriers, public
10 utilities, or other public services.

11 The bill provides that a person also would be guilty of terrorism
12 if he or she commits certain crimes of the first or second degree
13 with the purpose to influence or incite an act of terror against an
14 individual or a group of individuals based upon the individual's
15 race, religion, sexual orientation, gender, or creed.