ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1749

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 12, 2021

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1749.

This bill as introduced would criminalize the display of a noose, burning cross, or Nazi swastika under certain circumstances.

Under section 1 of P.L.1981, c.282 (C.2C:33-10), it is a crime of the third degree to purposely, knowingly or recklessly put or attempt to put another in fear of bodily violence by placing on private property of another a symbol, an object, a characterization, an appellation or graffiti that exposes another to threats of violence. Under section 2 of P.L.1981, c.282 (C.2C:33-11), it is a crime of the fourth degree to purposely deface or damage, without authorization of the owner or tenant, any private premises or property primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes, or for assembly by persons for purpose of exercising any right guaranteed by law or by the Constitution by placing thereon a symbol, an object, a characterization, an appellation, or graffiti that exposes another to threat of violence.

As amended, this bill would amend both statutes to provide that "a symbol, object, characterization, appellation or graffiti that exposes another to threats of violence" specifically includes, but is not limited to a noose, burning cross, or other symbol of hate, including but not limited to a symbol of white supremacy or Nazi ideology.

A crime of the third degree is punishable by a term of imprisonment of three to five years or a fine up to $15,000, or both. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months or a fine up to $10,000, or both.

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.

COMMITTEE AMENDMENTS:

(1) Provide that "a symbol, object, characterization, appellation or graffiti that exposes another to threats of violence" specifically includes, but is not limited to a noose, burning cross, or other

symbol of hate, including but not limited to a symbol of white supremacy or Nazi ideology, instead of a noose, burning cross, or Nazi swastika.

(2) Delete the term “swastika.”