ASSEMBLY, No. 2484

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
Assemblywoman ANNETTE QUIJANO
District 20 (Union)

SYNOPSIS

Upgrades crime of false public alarm when act done knowing it will result in law enforcement response against certain persons.

CURRENT VERSION OF TEXT

As introduced.

AN ACT upgrading false public alarms under certain circumstances and amending N.J.S.2C:33-3.

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

1. N.J.S.2C:33-3 is amended to read as follows:

2C:33-3. False Public Alarms. a. (1) (a) Except as otherwise provided in this section, a person is guilty of a crime of the third degree 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 it is likely to cause evacuation of a building, place of assembly, or facility of public transport, or to cause public inconvenience or alarm.

(b) A person is guilty of a crime of the second degree if the false alarm involves a report or warning of an impending bombing, hostage situation, person armed with a deadly weapon as defined by subsection c. of N.J.S.2C:11-1, or any other incident that elicits an immediate or heightened response by law enforcement or emergency services.

(c) A person is guilty of a crime of the second degree if the false alarm involves a report or warning about any critical infrastructure located in this State. For purposes of this subparagraph, "critical infrastructure" means any building, place of assembly, or facility that is indispensably necessary for national security, economic stability, or public safety.

(d) A person is guilty of a crime of the second degree if the false alarm is done knowing that it will result in a law enforcement response against an elected official, any justice of the Supreme Court, judge of the Superior Court, judge of the Tax Court or municipal judge, or a law enforcement officer.

(2) A person is guilty of a crime of the third degree if he knowingly causes the false alarm to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property.

b. A person is guilty of a crime of the second degree if in addition to the report or warning initiated, circulated or transmitted under subsection a. of this section, he places or causes to be placed any false or facsimile bomb in a building, place of assembly, or facility of public transport or in a place likely to cause public inconvenience or alarm. A violation of this subsection is a crime of the first degree if it occurs during a declared period of national, State or county emergency.

c. A person is guilty of a crime of the second degree if a violation of subsection a. of this section in fact results in serious

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.

bodily injury to another person or occurs during a declared period of national, State or county emergency. A person is guilty of a crime of the first degree if a violation of subsection a. of this section in fact results in death.

d. For the purposes of this section, "in fact" means that strict liability is imposed. It shall not be a defense that the death or serious bodily injury was not a foreseeable consequence of the person's acts or that the death or serious bodily injury was caused by the actions of another person or by circumstances beyond the control of the actor. The actor shall be strictly liable upon proof that the crime occurred during a declared period of national, State or county emergency. It shall not be a defense that the actor did not know that there was a declared period of emergency at the time the crime occurred.

e. A person is guilty of a crime of the fourth degree if the person knowingly places a call to a 9-1-1 emergency telephone system without purpose of reporting the need for 9-1-1 service.

All local and county law enforcement authorities shall submit an annual report, on a form prescribed by the Attorney General, to the Uniform Crime Reporting Unit, within the Division of State Police in the Department of Law and Public Safety, or to another designated recipient determined by the Attorney General, containing the number and nature of offenses under this section committed within their respective jurisdictions and the disposition of these offenses. Every two years, the Uniform Crime Reporting Unit or other designated recipient of the annual reports shall forward a summary of all reports received during the preceding two-year period, along with a summary of offenses investigated by the Division of State Police for the same period, to the State's Office of Emergency Management.

(cf: P.L.2015, c.156, s.1)

2. This act shall take effect immediately.

STATEMENT

This bill would upgrade the crime of false public alarm whenever such false alarm targeted certain persons. Specifically, the bill would upgrade the crime of false public alarm to a crime of the second degree whenever the act was done knowing that it would result in a law enforcement response against an elected official, any justice of the Supreme Court, judge of the Superior Court, judge of the Tax Court or municipal judge, or a law enforcement officer.

The crime as upgraded would be punishable by a term of imprisonment of five to 10 years, a fine of up to $150,000, or both. Under current law, such an act may be graded as a crime of the third

degree, punishable by a term of imprisonment of three to five years, a fine of up to $15,000, or both.

The responsible party would also be liable, based on current law, for a civil penalty of $2,000 or the actual costs incurred by or resulting from the law enforcement and emergency services response to the false alarm. See P.L.1999, c.195, s.3 (C.2C:33-3.2).

According to the sponsor, a false public alarm that is done knowing it would result in a law enforcement response against an elected official, justice or judge, or law enforcement officer represents a deliberate targeting of the makers, interpreters, and enforcers of our laws. As such, these acts, sometimes referred to as "swatting" due to the immediate and often aggressive deployment or use of law enforcement, should be discouraged by upgrading the crime of false public alarm when those persons are targeted.