

ASSEMBLY, No. 2896

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblymen Wirths and Scharfenberger

SYNOPSIS

The “School Safety and Security Act”; establishes penalties for certain criminal acts committed on school property.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/26/2020)

1 **AN ACT** concerning school safety and supplementing Title 2C of
2 the New Jersey Statutes.

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

6
7 1. This act shall be known and may be cited as the “School
8 Safety and Security Act.”

9
10 2. For the purposes of this section:

11 “School district” means any local or regional school district
12 established pursuant to chapter 8 or chapter 13 of Title 18A of the
13 New Jersey Statutes;

14 “School safety and security plan” means the comprehensive
15 plans, procedures, and mechanisms developed by each school
16 district that provide for safety and security in the school district's
17 public elementary and secondary schools and which provide for, at
18 a minimum, the protection of the health, safety, security and
19 welfare of the school population; and the prevention of, intervention
20 in, response to and recovery from emergency and crisis situations.

21
22 3. It shall be a crime of the fourth degree if an actor:

23 a. Purposely or knowingly:

24 (1) Enters or remains on school property after having been
25 advised by written or verbal communication, a posting, or other
26 reasonable efforts by the school district or non-public school or any
27 other authorized person to notify the actor that he is not licensed or
28 privileged to do so; or

29 (2) Having entered school property, provides false information,
30 name, or identification to any authorized person requesting such
31 information; or

32 (3) Assists another to enter school property by ignoring,
33 circumventing, or bypassing any direction, policy, or device
34 specifically designed to identify, authorize, or otherwise screen
35 visitors entering the school property after having been advised by
36 written or verbal communication, posting, or other reasonable
37 efforts to advise the actor of such direction, policy, or device; or

38 (4) Assists another to enter school property by defeating any
39 security measure or device specifically designed to prevent
40 unauthorized access; or

41 b. Purposely or knowingly activates, uses, or tampers with any
42 device utilized, designed, or intended to announce or communicate
43 a crime or emergency, or to initiate a school safety and security
44 plan, non-fire evacuation, lockdown, lock-in, or other security-
45 related response knowing that there is no such crime or emergency
46 and that it is likely to initiate a school safety and security plan, a
47 lockdown, lock-in, or other security-related plan or emergency
48 response; or

1 c. Purposely or knowingly damages or tampers with any
2 device, instrument, sign, or system used to monitor or manage the
3 security of a school; or

4 d. Purposely or knowingly interferes with, obstructs, or
5 impedes implementation of an activated school safety and security
6 plan or any security protocol, function, or drill, intended to provide
7 an emergency response from the school district or non-public
8 school, employee, administrator, or any other authorized person, or
9 to notify and elicit a response from security personnel or law
10 enforcement; or

11 e. With purpose to cause inconvenience, annoyance or alarm,
12 or recklessly creating a risk thereof:

13 (1) Engages in criminal, alarming or threatening behavior; and

14 (2) Causes any school district or non-public school, employee,
15 administrator, law enforcement officer, or any other authorized
16 person to initiate, activate, communicate, or otherwise begin
17 protocol pursuant to a school safety and security plan, non-fire
18 evacuation, drill, lockdown, lock-in, or other security-related plan
19 or emergency response, or to notify and elicit a response from
20 security personnel or law enforcement.

21 f. Nothing in this section shall preclude an indictment and
22 conviction for any other offense defined by the laws of this State.

23

24 4. a. All information related to plans, locations, diagrams,
25 procedures, drills, or other activity that is part of an established
26 school safety and security plan or other security-related plan or
27 emergency response intended to be used to ensure the safety and
28 security of a school shall not be made available to any individual or
29 institution except:

30 (1) Law enforcement officials;

31 (2) School board members;

32 (3) Employees of the school district or non-public school; and

33 (4) Any other person or entity otherwise provided by law.

34 b. A person is guilty of a crime of the fourth degree if he
35 purposely or knowingly, without the express written permission of
36 the superintendent of schools of the school district or the chief
37 school administrator of the non-public school, or the chief law
38 enforcement officer of the municipality in which the school is
39 located or, if the municipality does not have a local police force, the
40 Superintendent of State Police:

41 (1) Films, records, or otherwise documents procedures, drills, or
42 activity that is part of an established school safety and security plan,
43 or other security-related plan or emergency response; or

44 (2) Posts any information, video, or procedures on the Internet,
45 social media, or makes public any plans, locations, diagrams, or
46 procedures pursuant to an established school safety and security
47 plan, or other security-related plan or emergency response, intended
48 to be used to ensure the safety and security of the school.

- 1 (3) This subsection shall not apply to law enforcement activities
2 associated with the operation of, or planning or training for, school
3 safety and security or emergency response.
- 4 (4) This subsection shall not apply to news coverage of an
5 emergency.
- 6 c. The chief law enforcement officer or Superintendent of State
7 Police shall notify the appropriate superintendent of schools of the
8 school district or the chief school administrator of the non-public
9 school if written permission is granted.
- 10 d. Nothing in this section shall preclude an indictment and
11 conviction for any other offense defined by the laws of this State.
- 12
- 13 5. A person is guilty of a crime of the fourth degree if he:
- 14 a. (1) Purposely or knowingly stops, impedes, redirects, or
15 otherwise interferes with an established route, operation, or function
16 of a school bus, van, or transportation vehicle engaged in the
17 transportation of children to or from school or a school-sponsored
18 event; or
- 19 (2) Knowing he is not licensed or privileged to do so, enters an
20 occupied school bus without the consent of the school bus driver or
21 authorized school representative.
- 22 b. This section shall not apply to the actions of law
23 enforcement or other established emergency road or utility repair
24 crews in response to emergency traffic conditions.
- 25 c. Nothing in this section shall preclude an indictment and
26 conviction for any other offense defined by the laws of this State.
- 27
- 28 6. This act shall take effect immediately.
- 29

30
31 STATEMENT

32

33 This bill, the “School Safety and Security Act,” would establish
34 penalties for certain criminal activity related to school safety and
35 security.

36 Under current law, certain criminal acts committed on school
37 property, or committed against a school official or employee are
38 penalized and in some cases are subject to enhanced penalties.
39 However, there is presently no provision in Title 2C, the Criminal
40 Code, which establishes penalties solely for criminal activity related
41 to school safety and security. The bill would establish certain acts
42 related to school safety and security as crimes of the fourth degree.

43 Under subsection a. of section 3 of the bill, an actor would be
44 guilty of a crime of the fourth degree if he purposely or knowingly
45 enters or remains on school property after having been advised by
46 written or verbal communication, a posting, or other reasonable

1 efforts have been made by the school district or non-public school
2 or any other authorized person to notify the actor that he is not
3 licensed or privileged to do so; or having entered school property,
4 provides false information, name, or identification to any authorized
5 person requesting such information; or assists another to enter
6 school property by ignoring, circumventing, or bypassing any
7 direction, policy, or device specifically designed to identify,
8 authorize or otherwise screen visitors entering the school property
9 after having been advised by written or verbal communication,
10 posting, or other reasonable efforts to advise the actor of such
11 direction, policy, or device; or assists another to enter school
12 property by defeating any security measure or device specifically
13 designed to prevent unauthorized access.

14 A person would be guilty of a crime of the fourth degree under
15 subsection b. of section 3 of the bill if he purposely or knowingly
16 activates, uses, or tampers with any device utilized, designed, or
17 intended to announce or communicate a crime or emergency, or to
18 initiate a school safety and security plan, non-fire evacuation,
19 lockdown, lock-in, or other security-related response knowing that
20 there is no such crime or emergency and that it is likely to initiate a
21 school safety and security plan, a lockdown, lock-in, or other
22 security-related plan or emergency response.

23 Under subsection c. of section 3 of the bill, a person would be
24 guilty of a crime of the fourth degree if he purposely or knowingly
25 damages or tampers with any device, instrument, sign, or system
26 used to monitor or manage the security of a school.

27 Under subsection d. of section 3 of the bill, a person would be
28 guilty of a crime of the fourth degree if he purposely or knowingly
29 interferes with, obstructs, or impedes implementation of an
30 activated school safety and security plan or any security protocol,
31 function or drill, intended to provide an emergency response from
32 the school district or non-public school, employee, administrator, or
33 any other authorized person, or to notify and elicit a response from
34 security personnel or law enforcement.

35 A person would be guilty of a crime of the fourth degree under
36 subsection e. of section 3 of the bill if, with purpose to cause
37 inconvenience, annoyance or alarm, or recklessly creating a risk
38 thereof, he engages in criminal, alarming or threatening behavior;
39 and causes any school district or non-public school, employee,
40 administrator, law enforcement officer, or any other authorized
41 person to initiate, activate, communicate, or otherwise begin
42 protocol pursuant to a school safety and security plan, non-fire
43 evacuation, drill, lockdown, lock-in, or other security-related plan
44 or emergency response, or to notify and elicit a response from
45 security personnel or law enforcement.

46 Pursuant to section 4 of the bill, all information related to plans,
47 locations, diagrams, procedures, drills, or other activity that is part

1 of an established school safety and security plan or other security-
2 related plan or emergency response intended to be used to ensure
3 the safety and security of a school would not be made available to
4 any individual or institution except law enforcement officials;
5 school board members; employees of the school district or non-
6 public school; and any other person or entity otherwise provided by
7 law.

8 A person would be guilty of a crime of the fourth degree if he
9 purposely or knowingly, without the express written permission of
10 the superintendent of schools of the school district or the chief
11 school administrator of the non-public school, or the chief law
12 enforcement officer of the municipality in which the school is
13 located or, if the municipality does not have a local police force, the
14 Superintendent of State Police, films, records, or otherwise
15 documents procedures, drills, or activity that is part of an
16 established school safety and security plan, or other security-related
17 plan or emergency response; or posts any information, video, or
18 procedures on the Internet, social media, or makes public any plans,
19 locations, diagrams, or procedures pursuant to an established school
20 safety and security plan, or other security-related plan or emergency
21 response, intended to be used to ensure the safety and security of
22 the school. The chief law enforcement officer or Superintendent of
23 State Police would be required to notify the appropriate
24 superintendent of schools of the school district or the chief school
25 administrator of the non-public school if written permission is
26 granted. This subsection would not apply to law enforcement
27 activities associated with the operation of, or planning or training
28 for, school safety and security or emergency responsiveness, or to
29 news coverage of an emergency.

30 Under subsection a. of section 5 of the bill, a person would be
31 guilty of a crime of the fourth degree if he purposely or knowingly
32 stops, impedes, redirects, or otherwise interferes with an established
33 route, operation, or function of a school bus, van, or transportation
34 vehicle engaged in the transportation of children to or from school
35 or a school-sponsored event.

36 Pursuant to subsection a. of section 5 of the bill, a person who,
37 knowing he is not licensed or privileged to do so, enters an
38 occupied school bus without the consent of the school bus driver or
39 authorized school representative would be guilty of a crime of the
40 fourth degree. This section would not apply to the actions of law
41 enforcement or other established emergency road or utility repair
42 crews in response to emergency traffic conditions.

43 The bill provides that nothing in the bill would preclude an
44 indictment and conviction for any other offense defined by the laws
45 of this State.

46 For the purposes of the bill "school district" would mean any
47 local or regional school district established pursuant to chapter 8 or

1 chapter 13 of Title 18A of the New Jersey Statutes. “School safety
2 and security plan” would mean the comprehensive plans,
3 procedures, and mechanisms developed by each school district that
4 provide for safety and security in the school district's public
5 elementary and secondary schools and which provide for, at a
6 minimum, the protection of the health, safety, security and welfare
7 of the school population; the prevention of, intervention in,
8 response to and recovery from emergency and crisis situations.

9 The bill would take effect immediately.