

ASSEMBLY, No. 3748

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Upgrades crime of false public alarm whenever response to alarm results in law enforcement's use of forcible entry into any place, or use of force or threat of use of force on another person.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT upgrading the crime of false public alarm under certain
2 circumstances and amending N.J.S.2C:33-3.

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

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

8 2C:33-3. False Public Alarms. a. (1) (a) Except as otherwise
9 provided in this section, a person is guilty of a crime of the third
10 degree if he initiates or circulates a report or warning of an
11 impending fire, explosion, crime, catastrophe, emergency, or any
12 other incident knowing that the report or warning is false or
13 baseless and that it is likely to cause evacuation of a building, place
14 of assembly, or facility of public transport, or to cause public
15 inconvenience or alarm.

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

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

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

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

40 c. A person is guilty of a crime of the second degree if a
41 violation of subsection a. of this section in fact results in law
42 enforcement's use of forcible entry into any place, or use of force or
43 threat of use of force on another person as required or authorized
44 pursuant to chapter 3 of Title 2C of the New Jersey Statutes, or
45 results in serious bodily injury to another person, or occurs during a

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 declared period of national, State or county emergency. A person is
2 guilty of a crime of the first degree if a violation of subsection a. of
3 this section in fact results in death.

4 d. For the purposes of subsections b. and c. of this section, "in
5 fact" means that strict liability is imposed.

6 (1) It shall not be a defense that law enforcement's use of
7 forcible entry, or use of force or threat of use of force, or the death
8 or serious bodily injury was not a foreseeable consequence of the
9 person's acts, or that the death or serious bodily injury was caused
10 by the actions of another person or by circumstances beyond the
11 control of the actor.

12 (2) The actor shall be strictly liable upon proof that the crime
13 occurred during a declared period of national, State or county
14 emergency. It shall not be a defense that the actor did not know
15 that there was a declared period of emergency at the time the crime
16 occurred.

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

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

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

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35 2. This act shall take effect immediately.

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STATEMENT

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40 This bill would upgrade the crime of false public alarm to a
41 crime of the second degree whenever the act resulted in law
42 enforcement's use of forcible entry into any place, or use of force or
43 threat of use of force on another person as required or authorized
44 pursuant to chapter 3 of Title 2C of the New Jersey Statutes. The
45 intent of the sponsor is to address the particular form of false public
46 alarm sometimes referred to as "swatting," in which a false report
47 or warning makes claims of such an especially dangerous or
48 unusual scenario that it results in such a law enforcement response.

1 Under current law a false public alarm is ordinarily a third
2 degree crime, and can be punishable by a term of imprisonment of
3 three to five years, a fine of up to \$15,000, or both. The responsible
4 party is also liable for a civil penalty of \$2,000 or the actual costs
5 incurred by or resulting from the law enforcement and emergency
6 services response to the false alarm. P.L.1999, c.195, s.3 (C.2C:33-
7 3.2).

8 The crime as upgraded by the bill would be punishable by a term
9 of imprisonment of five to 10 years, a fine of up to \$150,000, or
10 both, and the responsible party would remain liable for the above
11 described civil penalty.