

ASSEMBLY, No. 3750

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Increases penalties for crime of false public alarm when false alarm impacts school operations; adds response costs incurred by school to total costs imposed upon responsible person under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain school operations impacted by false
2 public alarms, and amending N.J.S.2C:33-3 and P.L.1999, c.195.

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

6
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 or lockdown of a
14 building, place of assembly, or facility of public transport, or to
15 cause public 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 the
42 evacuation or lockdown of a school, as defined by N.J.S.2C:1-14,
43 while the school is in session and children are present. A person is
44 guilty of a crime of the second degree if a violation of subsection a.
45 of this section in fact results in serious bodily injury to another

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 person or occurs during a declared period of national, State or
2 county emergency. A person is guilty of a crime of the first degree
3 if a violation of subsection a. of 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 the death or serious bodily
7 injury was not a foreseeable consequence of the person's acts or that
8 the death or serious bodily injury was caused by the actions of
9 another person or by circumstances beyond the control of the actor.

10 (2) The actor shall be strictly liable upon proof that the crime
11 occurred while a school is in session and children are present, or
12 during a declared period of national, State or county emergency. It
13 shall not be a defense that the actor did not know that the school
14 was in session and children present, or that there was a declared
15 period of emergency at the time the crime occurred.

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

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

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

33
34 2. Section 3 of P.L.1999, c.195 (C.2C:33-3.2) is amended to
35 read as follows:

36 3. Any person who violates the provisions of N.J.S.2C:33-3
37 shall be liable for a civil penalty of not less than \$2,000 or actual
38 costs incurred by or resulting from the law enforcement and
39 emergency services response to the false alarm, whichever is
40 higher; if actual costs are imposed, and the response to the false
41 alarm involved the evacuation or lockdown of a school as described
42 in N.J.S.2C:33-3, the calculation of costs shall also include the
43 actual costs incurred by or resulting from the school response to the
44 false alarm. Any monies collected pursuant to this section shall be
45 made payable to the municipality or other entity providing the law
46 enforcement or emergency services response to the false alarm , and
47 to the school district or other entity operating the affected school, if
48 applicable. "Emergency services" includes, but is not limited to,

1 paid or volunteer fire fighters, paramedics, members of an
2 ambulance team, rescue squad or mobile intensive care unit.
3 (cf: P.L.2002, c.26, s.17)
4

5 3. This act shall take effect immediately.
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8 STATEMENT
9

10 This bill would increase the available criminal and civil penalties
11 for the crime of false public alarm when the false alarm resulted in
12 the evacuation or lockdown of an elementary or secondary school
13 (schools serving grades K through 12, or any combination thereof).
14 The increased penalties would apply if the school response occurred
15 while the school was in session and children were present. The law
16 presently imposes liability for the costs incurred by law
17 enforcement and emergency response; this bill would add the costs
18 incurred by the school to the total costs.

19 Under current law a false public alarm is ordinarily a third
20 degree crime. Under the bill, a false public alarm involving a
21 school evacuation or lockdown would be upgraded to a second
22 degree crime if the false alarm in fact results in the evacuation or
23 lockdown of a school while the school was in session and children
24 were present, thereby increasing the possible criminal penalties to: a
25 term of imprisonment to five to 10 years; a fine of up to \$150,000;
26 or both. By comparison, a third degree false public alarm can
27 currently be punishable by: a term of imprisonment of three to five
28 years; a fine of up to \$15,000; or both.

29 As to the increased civil penalty, the law states that a person is
30 liable for a penalty of \$2,000 or the actual costs incurred by or
31 resulting from the law enforcement and emergency services
32 response to a false alarm. This bill provides that in those cases
33 involving an evacuation or lockdown of a school, the calculation of
34 total actual costs, should they be imposed, would include the costs
35 incurred by or resulting from the school response to the false alarm
36 in addition to the law enforcement and emergency services costs.