

SENATE, No. 1521

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

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.



1 AN ACT upgrading false public alarms under certain circumstances
2 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 (d) A person is guilty of a crime of the second degree if the false
29 alarm is done knowing that it will result in a law enforcement
30 response against an elected official, any justice of the Supreme
31 Court, judge of the Superior Court, judge of the Tax Court or
32 municipal judge, or a law enforcement officer.

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

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

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

7 d. For the purposes of this section, "in fact" means that strict
8 liability is imposed. It shall not be a defense that the death or
9 serious bodily injury was not a foreseeable consequence of the
10 person's acts or that the death or serious bodily injury was caused
11 by the actions of another person or by circumstances beyond the
12 control of the actor. The actor shall be strictly liable upon proof
13 that the crime occurred during a declared period of national, State
14 or county emergency. It shall not be a defense that the actor did not
15 know that there was a declared period of emergency at the time the
16 crime 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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38 STATEMENT 39

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

47 The crime as upgraded would be punishable by a term of
48 imprisonment of five to 10 years, a fine of up to \$150,000, or both.

1 Under current law, such an act may be graded as a crime of the third
2 degree, punishable by a term of imprisonment of three to five years,
3 a fine of up to \$15,000, or both.

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

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