

SENATE, No. 2361

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED APRIL 13, 2020

Sponsored by:

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Senator O'Scanlon

SYNOPSIS

Establishes second degree crime of making credible threat to infect another with COVID-19 or similar infectious disease that triggered public emergency.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/14/2020)

S2361 CORRADO

2

1 AN ACT concerning making terroristic threats concerning infectious
2 disease and amending N.J.S.2C:12-3.

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:12-3 is amended to read as follows:

8 2C:12-3. Terroristic threats.

9 a. A person is guilty of a crime of the third degree if he
10 threatens to commit any crime of violence with the purpose to
11 terrorize another or to cause evacuation of a building, place of
12 assembly, or facility of public transportation, or otherwise to cause
13 serious public inconvenience, or in reckless disregard of the risk of
14 causing such terror or inconvenience. A violation of this subsection
15 is a crime of the second degree if it occurs during a declared period
16 of national, State or county emergency. The actor shall be strictly
17 liable upon proof that the crime occurred, in fact, during a declared
18 period of national, State or county emergency. It shall not be a
19 defense that the actor did not know that there was a declared period
20 of emergency at the time the crime occurred.

21 b. A person is guilty of a crime of the third degree if he
22 threatens to kill another with the purpose to put him in imminent
23 fear of death under circumstances reasonably causing the victim to
24 believe the immediacy of the threat and the likelihood that it will be
25 carried out.

26 c. A person is guilty of a crime of the second degree if he
27 threatens to infect another with COVID-19, or any other infectious
28 disease for which a national, State or county emergency has been
29 declared as of the date of the threat, with the purpose to put him in
30 imminent fear of serious bodily injury or death under circumstances
31 reasonably causing the victim to believe the immediacy of the threat
32 and the likelihood that it will be carried out.

33 (cf: P.L.2002, c.26, s.11)

34

35 2. This act shall take effect immediately.

36

37

38

STATEMENT

39

40 Presently, N.J.S.2C:12-3 establishes the crime of terroristic
41 threats which, depending on the circumstances and the intended
42 effect of the threat, is graded as a crime of the third degree or a
43 crime of the second degree.

44 This bill provides that a person commits a crime of the second
45 degree if he threatens to infect another person with COVID-19, or

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 any other infectious disease for which a national, State or county
2 emergency has been declared as of the date of the threat, with the
3 purpose to put him in imminent fear of bodily injury or death under
4 circumstances reasonably causing the victim to believe the
5 immediacy of the threat and the likelihood that it will be carried
6 out.

7 COVID-19, a novel virus strain discovered in December, 2019,
8 has reached worldwide pandemic level. COVID-19 has triggered
9 the declaration of a national emergency and a State Emergency and
10 a Public Health Emergency in New Jersey. A crime of the second
11 degree is punishable by up to 10 years imprisonment, a fine of up to
12 \$150,000, or both.

13 It is the sponsor's view that a threat to infect another with
14 COVID-19 or any other disease outbreak significant enough to be
15 the cause of a declaration of a public emergency warrants a severe
16 punishment if the circumstances of the threat reasonably cause the
17 victim to believe in the immediacy of the threat and the likelihood
18 that it will be carried out.