

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 2635 and 2578**

STATE OF NEW JERSEY

DATED: JULY 28, 2020

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 2635 and 2578.

As reported by the committee, this committee substitute adds the crimes of false incrimination and filing a fictitious police report as predicate crimes under the State's bias intimidation law.

The bill also expands the crime of initiating a false public alarm to include calling the 9-1-1 emergency telephone system with the purpose to intimidate an individual or group of individuals because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity.

Under current law, a person is guilty of the crime of bias intimidation pursuant to N.J.S.2C:16-1 if he or she commits, attempts to commit, conspires with another to commit, or threatens the immediate commission of certain enumerated predicate criminal offenses with any of the following states of mind:

(1) with a purpose to intimidate an individual or group of individuals because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity;

(2) knowing that the conduct constituting the offense would cause an individual or group of individuals to be intimidated because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity; or

(3) under circumstances that caused any victim of the underlying offense to be intimidated and the victim, considering the manner in which the offense was committed, reasonably believed either that (a) the offense was committed with a purpose to intimidate the victim or any person or entity in whose welfare the victim is interested because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity, or (b) the victim or the victim's property was selected to be the target of the offense because of the victim's race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity.

These enumerated predicate criminal offenses include criminal homicide, assault, recklessly endangering another person, terroristic threats, stalking, disarming a law enforcement officer, kidnapping and related offenses, sexual offenses, robbery, carjacking, arson and other

property destruction, burglary, trespass, harassment, prohibited weapons and devices, unlawful possession of a weapon, and possession of a weapon for an unlawful purpose. The bill adds to this list the crimes of falsely incriminating someone and filing a false police report under N.J.S.2C:28-4.

Under N.J.S.2C:33-3, which establishes the crime of initiating a false public alarm, it is a fourth degree crime to call 9-1-1 without the purpose of reporting the need for 9-1-1 service. The bill adds to this law the third degree crime of knowingly placing a 9-1-1 call with purpose to intimidate or harass an individual or group of individuals because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity.

As reported by the committee, Senate Bill No. 2635 is identical to the Assembly Committee Substitute for Assembly Bill Nos. 1906 and 4230, which also was reported by the committee on this same date.