

ASSEMBLY, No. 1082

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman JOSEPH CRYAN

District 20 (Union)

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

Assemblywoman Voss, Assemblymen Vas, Diegnan and Wolfe

SYNOPSIS

Requires the reporting of criminal offenses occurring on school property to law enforcement authorities.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the reporting of suspected criminal activities on
2 school property and supplementing chapter 17 of Title 18A of
3 the New Jersey Statutes.

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

7
8 1. a. When the principal or other person responsible for the
9 administration of an elementary or secondary school receives
10 information concerning the commission of a criminal offense in the
11 school or on school property and has reasonable cause to believe
12 that a crime has been committed in the school or on school
13 property, that person shall immediately report such information to
14 the superintendent of schools of the school district and to the police
15 department of the municipality where the school is located or to the
16 State Police if there is no police department in that municipality.

17 b. A person who violates the provisions of subsection a. of this
18 section shall be subject to a penalty of \$500. For a second
19 violation, a person shall be subject to a penalty of \$1,000. For a
20 third or subsequent violation, a person shall be subject to a fine of
21 \$3,000. An action for the recovery of a penalty for violation of this
22 section shall be within the jurisdiction of the municipal court where
23 the violation is committed. The penalty shall be payable to the
24 municipal clerk for deposit in the municipal treasury. The penalty
25 may be collected by summary proceedings in accordance with the
26 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
27 et seq.).

28 c. Any principal or other person responsible for the
29 administration of an elementary or secondary school who in good
30 faith reports information concerning a pupil pursuant to the
31 provisions of this section shall not be liable in a civil action for
32 damages as the result of making such a report.

33 d. If a proceeding brought pursuant to the provisions of this
34 section against a principal or other person responsible for the
35 administration of an elementary or secondary school is dismissed or
36 results in a final disposition in favor of the person against whom the
37 proceeding was brought, that person shall be entitled to
38 indemnification pursuant to the provisions of N.J.S.18A:16-6.1.

39 e. A conviction under this section shall not be deemed an
40 offense involving dishonesty for purposes of N.J.S.2C:51-2.

41 f. As used in this section, "criminal offense" includes but is not
42 limited to any offense defined in Title 2C of the New Jersey
43 Statutes.

44

45 2. This act shall take effect immediately.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

This bill requires the principal or other person responsible for the administration of an elementary or secondary school who receives information concerning the commission of a criminal offense in the school or on school property and has reasonable cause to believe that a crime has been committed in the school or on school property to report that information to the superintendent of schools of the school district and to the police department in the municipality in which the school is located or, in the absence of a police department in the municipality, to the State Police. The bill specifies that a "criminal offense" includes, but is not limited to, any offense defined in Title 2C of the New Jersey Statutes. A person who violates the bill's provisions will be penalized \$500 for a first offense, \$1,000 for a second offense, and \$3,000 for a third or subsequent offense. The municipal court of the municipality in which the violation occurred will have jurisdiction over an action to recover the penalties. All penalties will be payable to the municipal clerk who is required to deposit them in the municipal treasury. The penalties may be collected in accordance with the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

Under the bill, a principal or administrator who, in good-faith, reports criminal offense information regarding a pupil cannot be held liable for damages in any civil suit resulting from the reporting of this information. If a proceeding brought against a principal or administrator under the bill's provisions is subsequently dismissed or results in a final disposition in favor of the principal or administrator, the principal or administrator is to be indemnified for costs incurred in defending the proceeding, such as counsel fees and expenses incurred during the course of the hearing or trial.

A conviction under the bill may not be deemed to be an offense involving dishonesty under N.J.S.2C:51-2, which provides for the forfeiture of public employment if the holder of the position is convicted of an offense involving dishonesty or a third-degree crime or above.