

SENATE, No. 1470

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED FEBRUARY 22, 2010

Sponsored by:
Senator RONALD L. RICE
District 28 (Essex)

SYNOPSIS

Establishes crime of entering into certain restricted airport areas.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning trespass on restricted airport property and
2 amending N.J.S.2C:18-1 and N.J.S.2C:18-3.

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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:18-1 is amended to read as follow:

8 2C:18-1. In this chapter, unless a different meaning plainly is
9 required:

10 **[a. "structure"]** “Structure” means any building, room, ship,
11 vessel, car, vehicle or airplane, and also means any place adapted
12 for overnight accommodation of persons, or for carrying on
13 business therein, whether or not a person is actually present;

14 **[b. “utility company property”]** “Utility Company Property”
15 means property; (1) owned by a public utility, as defined in
16 R.S.48:2-13, or by a municipality, county, water district, authority
17 or other public agency, and (2) which is used for the purpose of
18 providing electric, gas or water utility service.

19 “Operational area” means any portion of a public airport, from
20 which access by the public is prohibited by fences or appropriate
21 signs, and includes runways, taxiways, all ramps, cargo ramps and
22 apron areas, aircraft parking and storage areas, fuel storage areas,
23 maintenance areas, and any other area of a public airport used or
24 intended to be used for landing, takeoff or surface maneuvering of
25 aircraft; and

26 “Sterile passenger holding area” means any portion of a public
27 airport designated by appropriate signs as an area into which access
28 is conditioned upon the prior inspection of persons and property in
29 accordance with the approved Federal Aviation Administration
30 security requirements.

31 (cf: P.L.2009, c.283)

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33 2. N.J.S.2C:18-3 is amended to read as follows:

34 2C:18-3. a. Unlicensed entry of structures. A person commits
35 an offense if, knowing that he is not licensed or privileged to do so,
36 he enters or surreptitiously remains in any research facility,
37 structure, or separately secured or occupied portion thereof, or in or
38 upon utility company property, or in the sterile passenger holding
39 area or operational area of an airport in violation of federal security
40 requirements. An offense under this subsection is a crime of the
41 fourth degree if it is committed in a school or on school property.
42 The offense is a crime of the fourth degree if it is committed in a
43 dwelling. An offense under this section is a crime of the fourth
44 degree if it is committed in a research facility, power generation

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.

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1 facility, waste treatment facility, public sewage facility, water
2 treatment facility, public water facility, nuclear electric generating
3 plant or any facility which stores, generates or handles any
4 hazardous chemical or chemical compounds. An offense under this
5 subsection is a crime of the fourth degree if it is committed in or
6 upon utility company property. An offense under this subsection is
7 a crime of the fourth degree if it is committed in the sterile
8 passenger holding area or operational area of an airport in violation
9 of federal security requirements. Otherwise it is a disorderly
10 persons offense.

11 b. Defiant trespasser. A person commits a petty disorderly
12 persons offense if, knowing that he is not licensed or privileged to
13 do so, he enters or remains in any place as to which notice against
14 trespass is given by:

15 (1) Actual communication to the actor; or

16 (2) Posting in a manner prescribed by law or reasonably likely
17 to come to the attention of intruders; or

18 (3) Fencing or other enclosure manifestly designed to exclude
19 intruders.

20 c. Peering into windows or other openings of dwelling places.
21 A person commits a crime of the fourth degree if, knowing that he
22 is not licensed or privileged to do so, he peers into a window or
23 other opening of a dwelling or other structure adapted for overnight
24 accommodation for the purpose of invading the privacy of another
25 person and under circumstances in which a reasonable person in the
26 dwelling or other structure would not expect to be observed.

27 d. Defenses. It is an affirmative defense to prosecution under
28 this section that:

29 (1) A structure involved in an offense under subsection a. was
30 abandoned;

31 (2) The structure was at the time open to members of the public
32 and the actor complied with all lawful conditions imposed on access
33 to or remaining in the structure; or

34 (3) The actor reasonably believed that the owner of the
35 structure, or other person empowered to license access thereto,
36 would have licensed him to enter or remain, or, in the case of
37 subsection c. of this section, to peer.

38 (cf: P.L.2009, c.283)

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40 3. This act shall take effect immediately.

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STATEMENT

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45 This bill establishes the crime of entering into restricted airport
46 property in violation of federal security requirements. The bill sets
47 forth two restricted areas on public airports. The first area, a
48 “sterile passenger holding area” is defined as any portion of a

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1 public airport designated by appropriate signs as an area into which
2 access is conditioned upon the prior inspection of persons and
3 property. The second area, an “operational area” is defined as any
4 portion of a public airport, from which access by the public is
5 prohibited by fences or appropriate signs. The provisions of the bill
6 list specific areas that would include an operational area.

7 The bill provides that any person who knowingly trespasses in
8 these areas in violation of federal security requirements is guilty of
9 a fourth degree crime. A crime of the fourth degree is punishable by
10 a fine of up to \$10,000; imprisonment for a term of up to 18
11 months; or both.