

ASSEMBLY, No. 3742

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 22, 2018

Sponsored by:

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District 7 (Burlington)

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District 14 (Mercer and Middlesex)

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District 7 (Burlington)

SYNOPSIS

Requires 9-1-1 service facilities be equipped with Next Generation 9-1-1 system and provides funding for that purpose; makes texting the 9-1-1 emergency system without purpose of reporting need for 9-1-1 service a fourth degree crime.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/6/2018)

1 AN ACT concerning 9-1-1 service, amending P.L.1989, c.3 and
2 N.J.S.2C:33-3, and supplementing Title 52 of the Revised
3 Statutes.

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

7
8 1. Section 8 of P.L.1989, c.3 (C.52:17C-8) is amended to read
9 as follows:

10 8. a. Each public safety answering point shall be capable of
11 dispatching or forwarding requests for law enforcement, fire
12 fighting, emergency medical services, or other emergency services
13 to a public or private safety agency that provides the requested
14 services.

15 b. Each public safety answering point shall be equipped with a
16 system approved by the office for the processing of requests for
17 emergency services for the physically disabled. **[No]** A person
18 shall not connect to a telephone company's network any automatic
19 alarm or other automatic alerting device which causes the number
20 "9-1-1" to be automatically dialed and which provides a
21 prerecorded message in order to directly access emergency services,
22 except for devices which may be approved by the office. Devices
23 approved by the office shall be registered with the office on forms
24 provided by the office.

25 c. Each entity operating a public safety answering point shall
26 be responsible for obtaining, operating, and maintaining enhanced
27 9-1-1 termination equipment. The operations and maintenance of
28 this equipment shall be in accordance with standards set forth by
29 the office pursuant to section 3 of **[this act]** P.L.1989, c.3
30 (C.52:17C-3).

31 d. No later than the third year following the enactment of
32 P.L. , c. (C.) (pending before the Legislature as this bill),
33 each public safety answering point shall be equipped with a Next
34 Generation 9-1-1 system approved by the office in a manner that is
35 consistent with federal law, for the processing of requests for
36 emergency services sent via an electronic message. For the
37 purposes of this section, "Next Generation 9-1-1 system" means an
38 emergency 9-1-1 system that allows for the processing of electronic
39 messages, including, but not limited to, electronic messages
40 containing text, images, video, or data.
41 (cf: P.L.1989, c.3, s.8)

42
43 2. N.J.S.2C:33-3 is amended to read as follows:

44 2C:33-3. False Public Alarms. a. (1) (a) Except as otherwise

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 provided in this section, a person is guilty of a crime of the third
2 degree if he initiates or circulates a report or warning of an
3 impending fire, explosion, crime, catastrophe, emergency, or any
4 other incident knowing that the report or warning is false or
5 baseless and that it is likely to cause evacuation of a building, place
6 of assembly, or facility of public transport, or to cause public
7 inconvenience or alarm.

8 (b) A person is guilty of a crime of the second degree if the false
9 alarm involves a report or warning of an impending bombing,
10 hostage situation, person armed with a deadly weapon as defined by
11 subsection c. of N.J.S.2C:11-1, or any other incident that elicits an
12 immediate or heightened response by law enforcement or
13 emergency services.

14 (c) A person is guilty of a crime of the second degree if the false
15 alarm involves a report or warning about any critical infrastructure
16 located in this State. For purposes of this subparagraph, "critical
17 infrastructure" means any building, place of assembly, or facility
18 that is indispensably necessary for national security, economic
19 stability, or public safety.

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

24 b. A person is guilty of a crime of the second degree if in
25 addition to the report or warning initiated, circulated or transmitted
26 under subsection a. of this section, he places or causes to be placed
27 any false or facsimile bomb in a building, place of assembly, or
28 facility of public transport or in a place likely to cause public
29 inconvenience or alarm. A violation of this subsection is a crime of
30 the first degree if it occurs during a declared period of national,
31 State or county emergency.

32 c. A person is guilty of a crime of the second degree if a
33 violation of subsection a. of this section in fact results in serious
34 bodily injury to another person or occurs during a declared period
35 of national, State or county emergency. A person is guilty of a
36 crime of the first degree if a violation of subsection a. of this
37 section in fact results in death.

38 d. For the purposes of this section, "in fact" means that strict
39 liability is imposed. It shall not be a defense that the death or
40 serious bodily injury was not a foreseeable consequence of the
41 person's acts or that the death or serious bodily injury was caused
42 by the actions of another person or by circumstances beyond the
43 control of the actor. The actor shall be strictly liable upon proof
44 that the crime occurred during a declared period of national, State
45 or county emergency. It shall not be a defense that the actor did not
46 know that there was a declared period of emergency at the time the
47 crime occurred.

1 e. A person is guilty of a crime of the fourth degree if the
2 person knowingly places a call or sends an electronic message via a
3 wireless telephone or electronic communication device to a 9-1-1
4 emergency telephone system without purpose of reporting the need
5 for 9-1-1 service.

6 All local and county law enforcement authorities shall submit an
7 annual report, on a form prescribed by the Attorney General, to the
8 Uniform Crime Reporting Unit, within the Division of State Police
9 in the Department of Law and Public Safety, or to another
10 designated recipient determined by the Attorney General,
11 containing the number and nature of offenses under this section
12 committed within their respective jurisdictions and the disposition
13 of these offenses. Every two years, the Uniform Crime Reporting
14 Unit or other designated recipient of the annual reports shall
15 forward a summary of all reports received during the preceding
16 two-year period, along with a summary of offenses investigated by
17 the Division of State Police for the same period, to the State's
18 Office of Emergency Management.

19 (cf: P.L.2015, c.156, s.1)

20

21 3. (New section) a. The fees imposed pursuant to section 2 of
22 P.L.2004, c.48 (C.52:17C-18) shall be increased by 10 percent for
23 bills issued for billing periods ending on or after the operative date
24 of P.L. , c. (C.) (pending before the Legislature as this bill)
25 and only for a period of 36 calendar months following the operative
26 date of P.L. , c. (C.) (pending before the Legislature as this
27 bill).

28 b. The increase in funds collected pursuant to this section shall
29 only be used to equip public safety answering points with Next
30 Generation 9-1-1 systems for the processing of requests for
31 emergency services sent via an electronic message, pursuant to
32 subsection d. of section 8 of P.L.1989, c.3 (C.52:17C-8).

33 c. The increase in funds collected pursuant to this section shall
34 be distributed on a prioritized basis, first to county, regionalized, or
35 other large centralized public safety answering points, followed by
36 other public safety answering points.

37 d. For the purposes of this section, "Next Generation 9-1-1
38 system" means the same as defined in subsection d. of section 8 of
39 P.L.1989, c.3 (C.52:17C-8).

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41 4. This act shall take effect immediately, but remain
42 inoperative for 60 days following the date of enactment.

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STATEMENT

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47 This bill requires 9-1-1 service facilities, within three years
48 following the bill's enactment, to be equipped with a Next

1 Generation 9-1-1 system approved by the Office of Emergency
2 Telecommunications Services for the processing of requests for
3 emergency services sent via electronic or text message. The bill
4 temporarily increases the 9-1-1 System and Emergency Response
5 Fee by 10 percent, and requires that it only be used to fund the
6 9-1-1 service facilities with the enhanced Next Generation 9-1-1
7 systems.

8 The bill sets forth a funding prioritization for equipping public
9 safety answering points with Next Generation 9-1-1 systems, by
10 requiring funding to be distributed to county, regionalized, or other
11 large centralized public safety answering points before funding
12 other public safety answering points.

13 Currently, the 9-1-1 System and Emergency Response Fee,
14 which is used to fund the 9-1-1 system, is a \$0.90 monthly fee
15 imposed on mobile service customers and telephone company
16 customers in this State. The bill increases the monthly fee to \$0.99.
17 The temporary fee increase will be imposed for billing periods
18 ending on or after this bill's operative date and only for a period of
19 36 calendar months following the operative date.

20 The bill provides that a person is guilty of a crime of the fourth
21 degree if the person knowingly sends an electronic message to a 9-
22 1-1 emergency telephone system without purpose of reporting the
23 need for 9-1-1 service.