

# ASSEMBLY, No. 2943

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

**Sponsored by:**  
**Assemblyman PARKER SPACE**  
**District 24 (Morris, Sussex and Warren)**

### **SYNOPSIS**

Imposes enhanced penalties for threat that is transmitted to kill or do harm on school property.

### **CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning published threats of violence involving schools  
2 and amending N.J.S.2C:12-3 and N.J.S.2C:33-3.

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 convicted of a violation of this section that  
27 involves a threat, transmitted in writing or other record including an  
28 electronic record, to kill or do serious bodily harm on any property  
29 used for school purposes, shall be sentenced to a term of  
30 imprisonment. The term of imprisonment shall include a mandatory  
31 minimum term of one-third to one-half of the sentence imposed, or  
32 one year, whichever is greater, during which time the defendant  
33 shall not be eligible for parole.

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

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

37 2C:33-3. False Public Alarms. a. (1) (a) Except as  
38 otherwise provided in this section, a person is guilty of a crime of  
39 the third degree if he initiates or circulates a report or warning of an  
40 impending fire, explosion, crime, catastrophe, emergency, or any  
41 other incident knowing that the report or warning is false or  
42 baseless and that it is likely to cause evacuation of a building, place  
43 of assembly, or facility of public transport, or to cause public  
44 inconvenience or alarm. If the report or warning, transmitted in  
45 writing or other record including an electronic record, involves any

**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 property used for school purposes the person shall be sentenced to a  
2 term of imprisonment. The term of imprisonment shall include a  
3 mandatory minimum term of one-third to one-half of the sentence  
4 imposed, or one year, whichever is greater, during which time the  
5 defendant shall not be eligible for parole.

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

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

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

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

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

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

46 e. A person is guilty of a crime of the fourth degree if the  
47 person knowingly places a call to a 9-1-1 emergency telephone  
48 system without purpose of reporting the need for 9-1-1 service.

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

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

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16 3. This act shall take effect immediately.

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STATEMENT

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21 This bill would enhance the penalties for the crimes of making a  
22 terroristic threat, and false public alarms.

23 Terroristic threat. At present, a person is guilty of the third  
24 degree crime of terroristic threat if the actor threatens to commit  
25 any crime of violence with the purpose to terrorize another or to  
26 cause evacuation of a building, place of assembly, or facility of  
27 public transportation, or otherwise to cause serious public  
28 inconvenience, or in reckless disregard of the risk of causing such  
29 terror or inconvenience. The crime is one of the second degree if it  
30 occurs during a declared period of national, State or county  
31 emergency. A crime of the third degree is punishable by a term of  
32 three to five years' imprisonment, a fine of up to \$15,000, or both.  
33 Upon conviction, a third degree crime has a presumption of  
34 nonincarceration.

35 This bill eliminates the presumption in cases where the  
36 conviction is based on a targeted threat, transmitted in writing or  
37 other record including an electronic record, to kill or do serious  
38 bodily harm on any property used for school purposes. Under those  
39 circumstances, the person shall be sentenced to a term of  
40 imprisonment which shall include a mandatory minimum term of  
41 one-third to one-half of the sentence imposed, or one year,  
42 whichever is greater, during which time the defendant shall not be  
43 eligible for parole.

44 False public alarm. At present, false public alarm is graded as a  
45 crime of the third degree, although numerous circumstances can  
46 elevate the offense to a crime of the second or first degree. The  
47 basic offense occurs if a person initiates or circulates a report or  
48 warning of an impending fire, explosion, crime, catastrophe,

1 emergency, or any other incident knowing that the report or  
2 warning is false or baseless and that it is likely to cause evacuation  
3 of a building, place of assembly, or facility of public transport, or to  
4 cause public inconvenience or alarm. This bill provides that if the  
5 report or warning, transmitted in writing, or other record including  
6 an electronic record, involves any property used for school purposes  
7 the person shall be sentenced to a term of imprisonment. The term  
8 of imprisonment shall include a mandatory minimum term of one-  
9 third to one-half of the sentence imposed, or one year, whichever is  
10 greater, during which time the defendant shall not be eligible for  
11 parole.

12 This bill is modeled after a bill pending in the Florida legislature  
13 introduced following the mass shooting at a high school in  
14 Parkland. That bill penalizes making a threat in writing or other  
15 record, including an electronic record, to kill or do great bodily  
16 injury and posting or transmitting the threat in a manner that would  
17 allow another person to view the threat.