

ASSEMBLY, No. 778

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman FARRAGHER

1 AN ACT concerning criminal trespass and amending N.J.S.2C:18-3.

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

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6 1. N.J.S.2C:18-3 is amended to read as follows:
7 2C:18-3.

8 a. Unlicensed entry of structures. A person commits an offense if,
9 knowing that he is not licensed or privileged to do so, he enters or
10 surreptitiously remains in any research facility structure, or separately
11 secured or occupied portion thereof. An offense under this subsection
12 is a crime of the fourth degree if it is committed in a school or on
13 school property. The offense is a crime of the fourth degree if it is
14 committed in a dwelling. An offense under this section is a crime of
15 the fourth degree if it is committed in a research facility. Otherwise
16 it is a disorderly persons offense.

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

21 (1) Actual communication to the actor; or

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

24 (3) Fencing or other enclosure manifestly designed to exclude
25 intruders.

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

33 d. Defenses. It is an affirmative defense to prosecution under this
34 section that:

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

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

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

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

10 (cf: P.L.1995, c.20, s.4)

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12 2. This act shall take effect immediately.

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18 Classifies peering into a window or other opening of a dwelling for the
19 purpose of invading the privacy of another as a crime of the fourth
degree.