

ASSEMBLY, No. 939

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman KRAMER

1 AN ACT concerning warrantless arrest and fingerprinting, and
2 amending P.L.1930, c.65, R.S.53:1-15, N.J.S.2C:14-4 and
3 N.J.S.2C:33-4.

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

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8 1. Section 2 of P.L.1930, c.65 (C.53:1-13) is amended to read as
9 follows:

10 2. The supervisor of the state bureau of identification shall procure
11 and file for record, fingerprints, plates, photographs, pictures,
12 descriptions, measurements and such other information as may be
13 pertinent, of all persons who have been or may hereafter be convicted
14 of an indictable offense within the state, of a person arrested for a
15 violation of N.J.S.2C:14-4 or arrested for a violation of N.J.S.2C:33-4
16 that is of a sexual nature or purpose, and also of all well known and
17 habitual criminals wheresoever the same may be procured.

18 The person in charge of any state institution shall furnish any such
19 information to the supervisor of the state bureau of identification upon
20 request of the superintendent of state police.

21 (cf: P.L.1930, c.65, s.2)

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23 2. R.S.53:1-15 is amended to read as follows:

24 53:1-15. The sheriffs, chiefs of police, members of the State Police
25 and any other law enforcement agencies and officers shall, immediately
26 upon the arrest of any person for an indictable offense, or of any
27 person believed to be wanted for an indictable offense, or believed to
28 be an habitual criminal, or within a reasonable time after the filing of
29 a complaint by a law enforcement officer charging any person with an
30 indictable offense, or upon the arrest of any person for shoplifting,
31 pursuant to N.J.S.2C:20-11, lewdness, pursuant to N.J.S.2C:14-4 or
32 harrassment of a sexual nature or purpose, pursuant to N.J.S.2C:33-4,

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 or the conviction of any other person charged with a nonindictable
2 offense, where the identity of the person charged is in question, take
3 the fingerprints of such person, according to the fingerprint system of
4 identification established by the Superintendent of State Police and on
5 the forms prescribed, and forward without delay two copies or more
6 of the same, together with photographs and such other descriptions as
7 may be required and with a history of the offense committed, to the
8 State Bureau of Identification.

9 Such sheriffs, chiefs of police, members of the State Police and any
10 other law enforcement agencies and officers shall also take the
11 fingerprints, descriptions and such other information as may be
12 required of unknown dead persons and as required by section 2 of
13 P.L.1982, c.79 (C.2A:4A-61) of juveniles adjudicated delinquent and
14 shall forward same to the State Bureau of Identification.

15 Any person charged in a complaint filed by a law enforcement
16 officer with an indictable offense, who has not been arrested, or any
17 person charged in an indictment, who has not been arrested, shall
18 submit himself to the identification procedures provided herein either
19 on the date of any court appearance or upon written request of the
20 appropriate law enforcement agency within a reasonable time after the
21 filing of the complaint. Any person who refuses to submit to such
22 identification procedures shall be a disorderly person.

23 (cf: P.L.1994, c.56, s.4)

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25 3. N.J.S.2C:14-4 is amended to read as follows:

26 2C:14-4. a. A person commits a disorderly persons offense if he
27 does any flagrantly lewd and offensive act which he knows or
28 reasonably expects is likely to be observed by other nonconsenting
29 persons who would be affronted or alarmed.

30 b. A person commits a crime of the fourth degree if:

31 (1) He exposes his intimate parts for the purpose of arousing or
32 gratifying the sexual desire of the actor or of any other person under
33 circumstances where the actor knows or reasonably expects he is likely
34 to be observed by a child who is less than 13 years of age where the
35 actor is at least four years older than the child.

36 (2) He exposes his intimate parts for the purpose of arousing or
37 gratifying the sexual desire of the actor or of any other person under
38 circumstances where the actor knows or reasonably expects he is likely
39 to be observed by a person who because of mental disease or defect is
40 unable to understand the sexual nature of the actor's conduct.

41 c. As used in this section:

42 "lewd acts" shall include the exposing of the genitals for the
43 purpose of arousing or gratifying the sexual desire of the actor or of
44 any other person.

45 d. A law enforcement officer may arrest without warrant a person
46 he has probable cause for believing has committed the offense of

1 lewdness as defined in this act.

2 (cf: P.L.1992, c.8, s.1)

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4 4. N.J.S.2C:33-4 is amended to read as follows:

5 2C:33-4. Except as provided in subsection d., a person commits a
6 petty disorderly persons offense if, with purpose to harass another, he:

7 a. Makes, or causes to be made, a communication or
8 communications anonymously or at extremely inconvenient hours, or
9 in offensively coarse language, or any other manner likely to cause
10 annoyance or alarm;

11 b. Subjects another to striking, kicking, shoving, or other offensive
12 touching, or threatens to do so; or

13 c. Engages in any other course of alarming conduct or of
14 repeatedly committed acts with purpose to alarm or seriously annoy
15 such other person.

16 A communication under subsection a. may be deemed to have been
17 made either at the place where it originated or at the place where it
18 was received.

19 d. A person commits a crime of the fourth degree if in committing
20 an offense under this section, he acted with a purpose to intimidate an
21 individual or group of individuals because of race, color, religion,
22 gender, handicap, sexual orientation or ethnicity.

23 e. A law enforcement officer may arrest without warrant any
24 person he has probable cause for believing has committed the offense
25 of harrassment as defined in this act, which is of a sexual nature or
26 purpose.

27 (cf: P.L.1995, c.211, s.2)

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29 5. This act shall take effect immediately.

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STATEMENT

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34 This bill would allow law enforcement officers to fingerprint and
35 photograph sex offenders upon arrest, including those arrested for
36 lewdness, a disorderly persons offense. It would also allow law
37 enforcement officers to fingerprint and arrest those disorderly persons
38 who commit harrassment of a sexual nature, such as certain offensive
39 touching. Current law does not authorize police to fingerprint and
40 photograph those arrested for disorderly persons offenses for
41 committing acts of lewdness under N.J.S.2C:14-4, or acts of
42 harrassment of a sexual nature under N.J.S.2C:33-4. This bill would
43 give police the same authority to fingerprint, photograph and arrest a
44 sex offender as they currently have for a shoplifter or drug offender.

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3 Allows warrantless arrest and fingerprinting of persons arrested for

4 certain sexual offenses.