

ASSEMBLY, No. 2410

STATE OF NEW JERSEY

INTRODUCED OCTOBER 7, 1996

By Assemblymen BUCCO, GEIST, Carroll, Lance, Weingarten,
Romano, Assemblywoman Quigley, Assemblymen Wisniewski,
Caraballo, Assemblywoman Buono, Assemblymen Barnes,
O'Toole, Green, Augustine, Blee, LeFevre, Zecker and Doria

1 AN ACT creating the offenses of solicitation of material support or
2 resources in support of international terrorism and providing
3 material support or resources for international terrorism and
4 supplementing chapter 40 of Title 2C of the New Jersey Statutes.

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

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9 1. As used in this act:

10 "Charitable organization" means (1) any person determined by the
11 federal Internal Revenue Service to be a tax exempt organization
12 pursuant to section 501(c)(3) of the Internal Revenue Code of 1986,
13 26 U.S.C. s.501(c)(3); or (2) any person who is, or holds himself out
14 to be, established for any benevolent, philanthropic, humane, social
15 welfare, public health, or other eleemosynary purpose, or for the
16 benefit of law enforcement personnel, firefighters or other persons
17 who protect the public safety, or any person who in any manner
18 employs a charitable appeal as the basis of any solicitation, or an
19 appeal which has a tendency to suggest there is a charitable purpose
20 to any such solicitation;

21 "Contribution" means material support or resources;

22 "International terrorism" means activities that involve a violent act,
23 perpetrated by a private person or non-governmental entity, dangerous
24 to human life that would be a crime of the second degree under the
25 laws of the State if committed within the jurisdiction of the State, and
26 occur outside the jurisdiction of the United States, and are intended to
27 intimidate or coerce a civilian population, influence the policy of a
28 government by intimidation or coercion, or affect the conduct of
29 government by assassination or kidnaping;

30 "Independent paid fund raiser" means any person who for
31 compensation performs for a charitable organization any service in
32 connection with which contributions are, or will be solicited in this
33 State by that compensated person or by any compensated person he
34 employs, procures, or engages, directly or indirectly to solicit

1 contributions. A bona fide salaried officer, employee, or volunteer of
2 a charitable organization shall not be deemed to be an independent
3 paid fund raiser. No attorney, accountant or banker who advises a
4 person to make a charitable contribution during the course of
5 rendering professional services to that person shall be deemed, as a
6 result of that advice, to be an independent paid fund raiser.

7 "Material support or resources" means currency or other financial
8 securities, financial services, lodging, training, safehouses, false
9 documentation or identification, communications equipment, facilities,
10 weapons, lethal substances, explosives, personnel, transportation, and
11 other physical assets;

12 "Solicitation" or "solicit" means the request, directly or indirectly,
13 for money, credit, property, financial assistance, or other thing of any
14 kind or value which will be used for a charitable purpose or benefit a
15 charitable organization. Solicitation shall include, but not be limited
16 to, the following methods of requesting or securing money, credit,
17 property, financial assistance or other thing of value:

18 (1) Any oral or written request;

19 (2) The making of any announcement in the press, over the radio
20 or television, by telephone, through the mail or any other media
21 concerning an appeal or campaign by or for any charitable organization
22 or purpose;

23 (3) The distribution, circulation, posting or publishing of any
24 handbill, written advertisement or other publication which directly or
25 by implication seeks to obtain a contribution;

26 (4) The offer of, attempt to sell, or sale of any advertising space,
27 book, card, tag, coupon, device, magazine, membership, merchandise,
28 subscription, flower, ticket, candy, cookies or other tangible item in
29 connection with which any appeal is made for any charitable
30 organization or purpose, or where the name of any charitable
31 organization is used or referred to in any appeal as an inducement or
32 reason for making any sale, or where any statement is made that the
33 whole or any part of the proceeds from the sale will be used for any
34 charitable purpose or benefit any charitable organization;

35 (5) The use or employment of canisters, cards, receptacles or
36 similar devices for the collection of money or other thing of value in
37 connection with which any appeal is made for any charitable
38 organization or purpose.

39 A solicitation shall take place whether or not the person making the
40 solicitation receives any contribution, except that a charitable
41 organization's use of its own name in any communication shall not
42 alone be sufficient to constitute a solicitation.

43 "Solicitor" means any individual who attempts to solicit or solicits
44 contributions, for compensation, and who is subject to the control of
45 an independent paid fund raiser. The term "control" means the direct
46 management, direction and supervision of performance of a solicitor's

1 activities in connection with the solicitation of contributions by the
2 independent fund raiser.

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4 2. a. A person, charitable organization, independent paid fund
5 raiser, or solicitor who raises, solicits, or collects material support or
6 resources intending that such material support or resources will be
7 used, in whole or in part, to plan, prepare, carry out, or escape from
8 an act of international terrorism is guilty of committing solicitation of
9 material support or resources, a crime of the second degree, except
10 that nothing shall be deemed to preclude a charge for a greater crime
11 under any other provision of Title 2C of the New Jersey Statutes.

12 b. A person who provides material support or resources to a
13 person or an organization, intending that the material support or
14 resources will be used, in whole or in part, to plan, prepare, carry out,
15 or escape from an act of international terrorism is guilty of committing
16 providing material support or resources for international terrorism, a
17 crime of the second degree, except that nothing shall be deemed to
18 preclude a charge for a greater crime under any other provision of
19 Title 2C of the New Jersey Statutes.

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21 3. a. An investigation of a person believed to have committed a
22 crime as defined in section 2 of this act shall be initiated or continued
23 under this act only when the facts reasonably indicate that the person
24 knowingly or intentionally engages or has engaged in the violation of
25 this or any other criminal law of this State.

26 b. An investigation shall not be initiated or continued under this
27 section based on activities protected by the First Amendment to the
28 Constitution of the United States of America, including expressions of
29 support for the nonviolent political, religious, philosophical, or
30 ideological goals or beliefs of any person or group.

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32 4. The Attorney General shall revoke any registration granted
33 under the "Charitable Registration and Investigation Act," P.L. 1994,
34 c. 16 (C. 45:17A-18 et seq.), to any person found guilty of violating
35 the provisions of this act.

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37 5. This act shall take effect immediately.

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STATEMENT

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42 The bill would create the offenses of solicitation of material support
43 or resources in support of international terrorism and providing
44 material support or resources for international terrorism. This bill, if
45 enacted into law, would make New Jersey the second state in the
46 nation to enact legislation that outlaws the provision or solicitation of

1 material support or resources to any group that is linked to
2 international terrorism.

3 This bill would prohibit a person from raising, soliciting or
4 collecting material support or resources or providing material support
5 or resources to a person or organization intending that the material
6 support or resources shall be used to plan, prepare, carry out, or
7 escape from acts of international terrorism. Under the provisions of
8 the bill, a person found guilty of either offense would be guilty of a
9 crime of the second degree.

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14 Creates new offenses of solicitation of material support or resources
15 in support of international terrorism and providing material support or
16 resources for international terrorism.