

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2956

# STATE OF NEW JERSEY

DATED: JUNE 9, 1997

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2956.

Assembly Bill No. 2956 supplements Title 2C of the New Jersey Statutes to establish as a crime the use of booby traps or fortifications on property which is used for the manufacturing, storing, dispensing or distributing of controlled dangerous substances.

Under the provisions of the bill, it is a crime of the second degree for a person to knowingly assemble, maintain, place or cause to be placed a booby trap on property used for the manufacture, distribution, dispensing or possession of controlled dangerous substances. If the booby trap causes bodily injury to any person, the defendant is guilty of a crime of the first degree. A booby trap is defined as any concealed or camouflaged device designed or reasonably likely to cause bodily injury when triggered by the action of a person entering a property or building, or moving on that property or in that building, or by the action of another person. The term includes, but is not limited to, firearms, ammunition, or destructive devices activated by a trip wire or other triggering mechanism, sharpened stakes, traps, and lines or wires with hooks, weights or other objects attached. A crime of the second degree is punishable by a fine of not more than \$100,000, a term of imprisonment between five and ten years, or both. A crime of the first degree is punishable by a fine of not more than \$100,00, a term of imprisonment between 10 and 20 years, or both.

A person who fortifies, or maintains in a fortified condition, a structure for the manufacture, distribution, dispensing or possession of controlled dangerous substances is guilty of a crime of the third degree. A structure is deemed "fortified" if steel doors, wooden planking, cross bars, alarm systems, dogs, lookouts or any other means are employed to prevent, impede, delay or provide warning of the entry into the structure by law enforcement officers. A crime of the third degree is punishable by a fine of not more \$7,500, a term of imprisonment between three and five years, or both.

Finally, the bill provides that a sentence imposed for a violation of its provisions is to be served consecutively to any sentence imposed for violating any other provision of the "Comprehensive Drug Reform Act of 1987" (P.L.1987, c.106; C.2C:35-1 et seq.), unless the court,

in consideration of the character and circumstances of the defendant, finds that the imposition of consecutive sentences would be a serious injustice which overrides the need to deter such conduct by others.

The provisions of this bill embody the proposals set forth in Recommendation No. 3 of the "Report to the Governor by the Attorney General on the Need to Update The Comprehensive Drug Reform Act of 1987," issued December 9, 1996.