ASSEMBLY, No. 974

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

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SYNOPSIS

Provides that trespassing in nuclear power plant is third degree crime.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning unlicensed entry and amending N.J.S.2C:18-3.

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

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

2C:18-3. a. Unlicensed entry of structures. A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or surreptitiously remains in any research facility, structure, or separately secured or occupied portion thereof, or in or upon utility company property, or in the sterile area or operational area of an airport. An offense under this subsection is a crime of the fourth degree if it is committed in **[**a school or on school property. The offense is a crime of the fourth degree if it is committed in a dwelling. An offense under this section is a crime of the fourth degree if it is committed in a research facility, power generation facility, waste treatment facility, public sewage facility, water treatment facility, public water facility, nuclear electric generating plant or any facility which stores, generates or handles any hazardous chemical or chemical compounds. An offense under this subsection is a crime of the fourth degree if it is committed in or upon utility company property. An offense under this subsection is a crime of the fourth degree if it is committed in the sterile area or operational area of an airport.**]** :

(1) a school or on school property;

(2) a dwelling;

(3) a research facility;

(4) a power generation facility;

(5) a waste treatment facility,

(6) a public sewage facility;

(7) a water treatment facility;

(8) a public water facility;

(9) or upon utility company property;

(10) the sterile area or operational area of an airport; or

(11) any facility which stores, generates or handles any hazardous chemical or chemical compounds.

An offense under this subsection is a crime of the third degree if it is committed in a nuclear electric generating plant. Otherwise it is a disorderly persons offense.

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

(1) Actual communication to the actor; or

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.

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

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

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

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

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

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

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

(cf: P.L.2013, c.138, s.2)

2. This act shall take effect immediately.

STATEMENT

This bill increases the penalty for trespassing offenses that are committed in a nuclear electric generating plant.

Under current law, trespassing in a nuclear electric generating plant is a crime of the fourth degree, which is punishable by a fine of up to $10,000, imprisonment for up to 18 months, or both. Under this bill, trespassing in a nuclear electric generating facility would be a crime of the third degree, punishable by a fine of up to $15,000, imprisonment for three to five years, or both.