

ASSEMBLY, No. 4531

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 3, 2024

Sponsored by:

Assemblyman DAN HUTCHISON
District 4 (Atlantic, Camden and Gloucester)
Assemblywoman SHANIQUE SPEIGHT
District 29 (Essex and Hudson)
Assemblyman REGINALD W. ATKINS
District 20 (Union)

Co-Sponsored by:

Assemblymen Wimberly, Sampson, Karabinchak, Scharfenberger,
Assemblywomen Flynn, Murphy, Collazos-Gill, Bagolie and Park

SYNOPSIS

Limits negotiated plea agreements for crime of burglary when firearm involved.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/28/2024)

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2

1 AN ACT concerning burglary and amending N.J.S.2C:18-2.

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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:18-2 is amended to read as follows:

7 2C:18-2. Burglary. a. Burglary defined. A person is guilty of
8 burglary if, with purpose to commit an offense therein or thereon
9 he:

10 (1) Enters a research facility, structure, or a separately secured
11 or occupied portion thereof unless the structure was at the time
12 open to the public or the actor is licensed or privileged to enter;

13 (2) Surreptitiously remains in a research facility, structure, or a
14 separately secured or occupied portion thereof knowing that he is
15 not licensed or privileged to do so; or

16 (3) Trespasses in or upon utility company property where public
17 notice prohibiting trespass is given by conspicuous posting, or
18 fencing or other enclosure manifestly designed to exclude intruders.

19 b. Grading. Burglary is a crime of the second degree if in the
20 course of committing the offense, the actor:

21 (1) Purposely, knowingly or recklessly inflicts, attempts to
22 inflict or threatens to inflict bodily injury on anyone; or

23 (2) Is armed with or displays what appear to be explosives or a
24 deadly weapon.

25 Otherwise burglary is a crime of the third degree. An act shall
26 be deemed "in the course of committing" an offense if it occurs in
27 an attempt to commit an offense or in immediate flight after the
28 attempt or commission.

29 c. A prosecution for a violation of a crime pursuant to
30 paragraph (2) of subsection b. of this section shall not be subject to
31 a negotiated plea agreement for a lesser term of imprisonment or
32 fine than as prescribed in N.J.S.2C:43-3 and N.J.S.2C:43-6 if the
33 actor, in the course of committing the offense, used a firearm.
34 "Firearm" shall mean the same as that term is defined in subsection
35 f. of 2C:39-1.

36 (cf: P.L.2009, c.283, s.2)

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38 2. This act shall take effect immediately.

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STATEMENT

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43 This bill prohibits the prosecution from entering into a plea
44 agreement for a lesser term of imprisonment or fine for the crime of
45 burglary when a firearm is involved.

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.

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1 Under current law, it is a crime of the second degree if, in the
2 course of committing the offense of burglary, the actor: (1)
3 purposely, knowingly or recklessly inflicts, attempts to inflict, or
4 threatens to inflict bodily injury on anyone; or (2) is armed with or
5 displays what appears to be explosives or a deadly weapon.

6 Under the bill, a person convicted of burglary while armed with a
7 firearm would be ineligible to enter into a negotiated plea
8 agreement to receive a lesser term of imprisonment or a fine.

9 "Firearm" is defined as any handgun, rifle, shotgun, machine
10 gun, automatic or semi-automatic rifle, or any gun, device or
11 instrument in the nature of a weapon from which may be fired or
12 ejected any solid projectable ball, slug, pellet, missile or bullet, or
13 any gas, vapor or other noxious thing, by means of a cartridge or
14 shell or by the action of an explosive or the igniting of flammable
15 or explosive substances. "Firearm" also includes, without
16 limitation, any firearm which is in the nature of an air gun, spring
17 gun or pistol or other weapon of a similar nature in which the
18 propelling force is a spring, elastic band, carbon dioxide,
19 compressed or other gas or vapor, air or compressed air, or is
20 ignited by compressed air, and ejecting a bullet or missile smaller
21 than three-eighths of an inch in diameter, with sufficient force to
22 injure a person.