

SENATE, No. 3352

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 3, 2024

Sponsored by:

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Establishes third degree crime for certain trespasses involving victim of domestic violence.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning domestic violence related criminal trespass and
2 amending N.J.S.2C:18-3.

3

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

6

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

8 2C:18-3. a. Unlicensed entry of structures. (1) A person
9 commits an offense if, knowing that he is not licensed or privileged
10 to do so, he enters or surreptitiously remains in any research
11 facility, structure, or separately secured or occupied portion thereof,
12 or in or upon utility company property, or in the sterile area or
13 operational area of an airport. An offense under this subsection is a
14 crime of the fourth degree if it is committed in a school or on school
15 property. **[The]** Except as provided in paragraph (2) of this
16 subsection, the offense is a crime of the fourth degree if it is
17 committed in a dwelling. An offense under this **[section]**
18 subsection is a crime of the fourth degree if it is committed in a
19 research facility, power generation facility, waste treatment facility,
20 public sewage facility, water treatment facility, public water
21 facility, nuclear electric generating plant or any facility which
22 stores, generates or handles any hazardous chemical or chemical
23 compounds. An offense under this subsection is a crime of the
24 fourth degree if it is committed in or upon utility company property.
25 An offense under this subsection is a crime of the fourth degree if it
26 is committed in the sterile area or operational area of an airport.
27 Otherwise it is a disorderly persons offense.

28 (2) A person commits a crime of the third degree if, intending to
29 cause annoyance or injury or intending to commit a crime, the
30 person enters the dwelling of a victim of domestic violence
31 protected by a domestic violence restraining order against the actor.
32 If a domestic violence restraining order is in place, or if the actor
33 has been convicted of or charged with a crime or offense arising
34 from a domestic violence incident involving the victim, there shall
35 be a rebuttable presumption that the person entered the dwelling
36 intending to cause annoyance or injury or intending to commit a
37 crime. The presumption of nonimprisonment set forth in
38 N.J.S.2C:44-1 shall not apply to persons convicted under the
39 provisions of this paragraph.

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

44 (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.

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

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

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

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

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

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

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

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

24

25 2. This act shall take effect immediately.

26

27

28

STATEMENT

29

30 This bill provides that a person commits a crime of the third
31 degree if, intending to cause annoyance or injury or intending to
32 commit a crime, the person enters the dwelling of a victim of
33 domestic violence protected by a domestic violence restraining
34 order against the actor. Moreover, the bill creates a presumption
35 that the actor did intend to cause annoyance or injury or to commit
36 a crime if a domestic violence restraining order is in place, or if the
37 actor has been convicted of or charged with a crime or offense
38 arising from a domestic violence incident involving the victim.
39 Finally, the bill provides that no presumption of nonincarceration
40 shall apply to persons convicted of such crime.

41 A crime of the third degree is punishable by three to five years
42 imprisonment, a fine of up to \$15,000, or both.