

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2173

STATE OF NEW JERSEY
211th LEGISLATURE

ADOPTED SEPTEMBER 13, 2004

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblyman JOSEPH VAS

District 19 (Middlesex)

Co-Sponsored by:

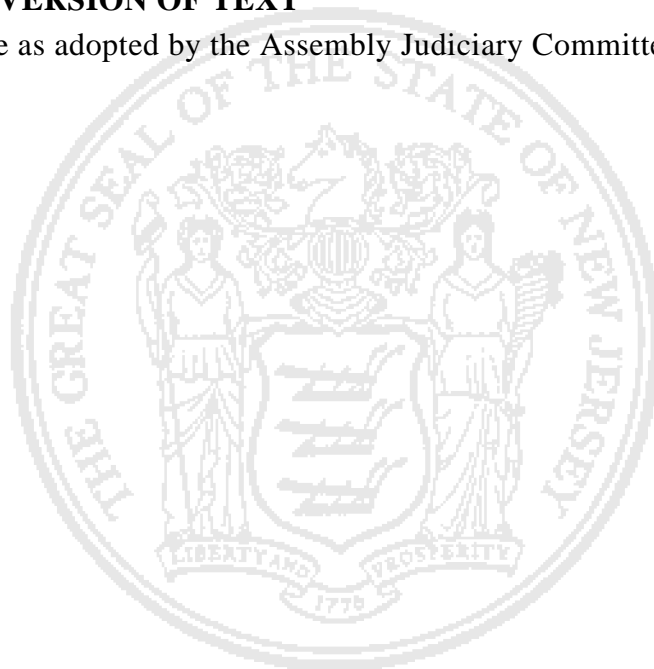
**Assemblymen Connors, Chivukula, Mayer, Senators Sweeney and
Madden**

SYNOPSIS

Upgrades criminal trespass under certain circumstances.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Judiciary Committee.



(Sponsorship Updated As Of: 5/13/2005)

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

2

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:18-3 is amended to read as follows:

7 2C:18-3. a. Unlicensed entry of structures. A person commits an
8 offense if, knowing that he is not licensed or privileged to do so, he
9 enters or surreptitiously remains in any research facility, structure, or
10 separately secured or occupied portion thereof. An offense under this
11 subsection is a crime of the fourth degree if it is committed in a school
12 or on school property. The offense is a crime of the fourth degree if
13 it is committed in a dwelling. An offense under this section is a crime
14 of the fourth degree if it is committed in a research facility, power
15 generation facility, waste treatment facility, public sewage facility,
16 water treatment facility, public water facility, nuclear electric
17 generating plant or any facility which stores, generates or handles any
18 hazarduous chemical or chemical compounds. Otherwise it is a
19 disorderly persons offense.

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

24 (1) Actual communication to the actor; or

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

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

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

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

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

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

43 (3) The actor reasonably believed that the owner of the structure,

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 or other person empowered to license access thereto, would have
2 licensed him to enter or remain, or, in the case of subsection c. of this
3 section, to peer.

4 (cf: P.L. 1997, c.15, s.1)

5

6 2. This act shall take effect immediately.