

# ASSEMBLY, No. 2864

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 17, 2004

**Sponsored by:**

**Assemblyman FREDERICK SCALERA**

**District 36 (Bergen, Essex and Passaic)**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Assemblyman JOSEPH VAS**

**District 19 (Middlesex)**

**Co-Sponsored by:**

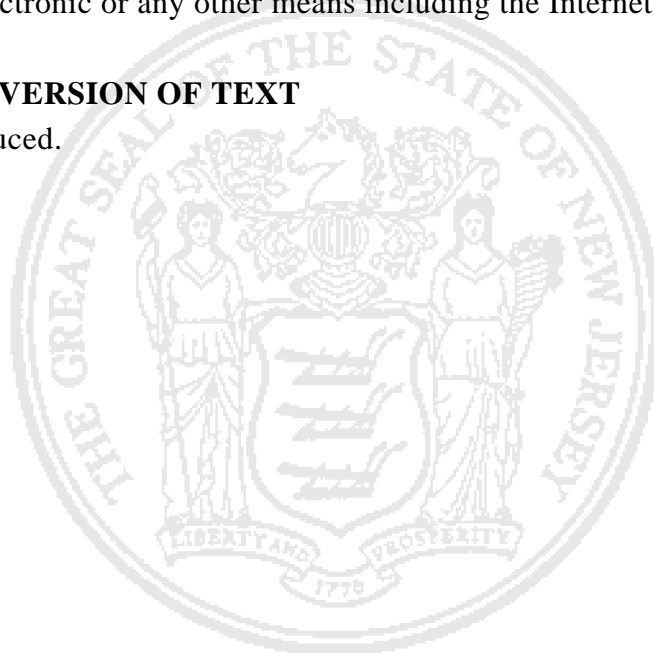
**Assemblyman Conners, Senators Sarlo, Adler and Madden**

**SYNOPSIS**

Makes it a crime to lure or entice another for the purpose of committing a crime via electronic or any other means including the Internet.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/7/2004)**

1 AN ACT concerning luring or enticing another and supplementing Title  
2 2C of the New Jersey Statutes.

3

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

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7 1. (New section) A person commits a crime of the third degree if  
8 he attempts, via electronic or any other means, to lure or entice a  
9 person into a motor vehicle, structure or isolated area, or to meet or  
10 appear at any place, with a purpose to commit a criminal offense with  
11 or against the person lured or enticed or against any other person.

12 "Electronic means" as used in this section includes, but is not  
13 limited to, the Internet. "Internet" means the international computer  
14 network of both federal and non-federal interoperable packet switched  
15 data networks. "Structure" shall have the meaning set forth in  
16 P.L.1993, c.291 (C.2C:13-6).

17 Nothing herein shall be deemed to preclude, if the evidence so  
18 warrants, an indictment and conviction for attempted kidnapping under  
19 the provisions of N.J.S.2C:13-1 or for any other crime or offense.

20 Notwithstanding the provisions of N.J.S.2C:1-8 or any other law,  
21 a conviction under this section shall not merge with a conviction of  
22 any other criminal offense, nor shall such other conviction merge with  
23 a conviction under this section, and the court shall impose separate  
24 sentences upon each violation of this section and any other criminal  
25 offense. The court may not suspend or make any other non-custodial  
26 disposition of any person sentenced pursuant to this section.

27

28 2. This act shall take effect immediately .

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#### STATEMENT

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33 This bill would make it a crime of the third degree for a person to  
34 attempt, via electronic or any other means, to lure or entice a person  
35 into a motor vehicle, structure or isolated area, or to meet or appear  
36 at any place, with a purpose to commit a criminal offense with or  
37 against the person who was lured or enticed or against any other  
38 person.

39 This bill was prompted by a case in Wood-Ridge where prosecutors  
40 say that a woman was menaced by a stranger who parked his van near  
41 her home, leered at her and frightened her into calling the police. The  
42 man had allegedly intended to commit a sexual assault against her after  
43 being enticed into coming to her home by a message he thought she  
44 had posted in an Internet chat room. In actuality the message had not  
45 been posted by the woman, who knew nothing about it, but according

1 to prosecutors, had been posted by Jonathan Gilberti, who had posed  
2 as the woman in the chat room. Mr. Gilberti had allegedly posted the  
3 woman's name, address, physical description and the hours she would  
4 likely be home alone, saying that "she" was inviting men to come to  
5 her home to rape her.

6 The bill, which contains language similar to that in N.J.S.A.2C:13-6  
7 concerning luring or enticing a child, would apply to persons who lure  
8 or entice an adult in order to commit a crime against that adult, as well  
9 as to persons who lure or entice an adult in order to have that adult  
10 carry out the commission of a crime against a third person.

11 The bill provides that it shall not be deemed to preclude, if the  
12 evidence so warrants, an indictment or conviction for attempted  
13 kidnapping or for any other crime or offense.