

NJ Terroristic Threats Statute

(N.J.S.A. 2C:12-3(a))

(1) "A person is guilty of a crime if he threatens to commit any crime of violence with the purpose to terrorize another or in reckless disregard of the risk of causing such terror."

(2) "A person commits a crime if he threatens to commit a crime of violence with the purpose to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience or in reckless disregard of the risk of causing such evacuation or inconvenience.

The prosecution must prove the following elements beyond a reasonable doubt:

1. The defendant made a threat, or threatened to commit a crime of violence against (the victims name).

(CHOOSE APPLICABLE ALTERNATIVE)

2. That the threat to commit a crime of violence was with the purpose to terrorize another or in reckless disregard of the risk of causing such terror or

3. That the threat to commit a crime of violence was to cause evacuation of a building, place or assembly or facility of public transportation or otherwise to cause serious public inconvenience or in reckless disregard of the risk of causing such evacuation or inconvenience.

4. A person acts purposely with respect to the nature of (his/her) conduct or a result thereof if it is (his/her) conscious object to engage in conduct of that nature or to cause such a result.

A person acts purposely with respect to the attendant circumstance if the person is aware of the existence of such circumstances or the person believes or hopes that they exist. "With purpose," "design," "with design," or equivalent terms have the same meaning. A person acts recklessly with respect to the nature of (his/her) conduct when the person consciously disregards a substantial and unjustifiable risk that the material element exists or will result from (his/her) conduct. The risk must be of such a nature and degree, that considering the nature and purpose of the actors conduct and the circumstances known to the actor, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the actors situation. In other words, in order for you to find the defendant acted recklessly, the State must first prove beyond a reasonable doubt that the defendant was aware of this substantial and unjustifiable risk. In addition, the State must prove that the defendant consciously disregarded this risk. For you to conclude that the defendant acted recklessly, you must find that this disregard was a gross deviation from the way a reasonable person would have conducted (himself/herself) in the situation. The gist of the offense is that the words or actions used by the defendant are of such a nature to convey the menace or fear of a crime of violence to the

ordinary hearer or individual. The crime of violence is that the words or actions used by the defendant are of such a nature to convey the menace or fear of a crime of violence to the ordinary hearer or individual.

The crime of violence that is alleged by the prosecution that the defendant threatened is (set forth and define appropriate crime of violence alleged).

It is not necessary that the victim was terrorized (or that there was actually an evacuation of a building, place of assembly or facility of public transportation.) It is not a violation of this statute if the threat expresses only a fleeting anger or that the threat was merely with the intent to alarm. If the State has failed to prove beyond a reasonable doubt any one of the elements that have been described to you, you must find the defendant not guilty. If the State has proven all the elements beyond a reasonable doubt, then you should find the defendant guilty.

2C:12-3. Terroristic threats a. A person is guilty of a crime of the third degree if he threatens to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly, or facility of public transportation, or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience.

b. A person is guilty of a crime of the third degree if he threatens to kill another with purpose to put him in imminent fear of death under circumstances reasonably causing the victim to believe the immediacy of the threat and the likelihood that it will be carried out.

L.1978, c. 95, s. 2C:12-3, eff. Sept. 1, 1979; L.1981, c. 290, s. 15, eff. Sept. 24, 1981.

2C:12-10. Definitions; stalking designated a crime; degrees 1. a. As used in this act:

(1)"Course of conduct" means repeatedly maintaining a visual or physical proximity to a person or repeatedly conveying, or causing to be conveyed, verbal or written threats or threats conveyed by any other means of communication or threats implied by conduct or a combination thereof directed at or toward a person.

(2)"Repeatedly" means on two or more occasions.

(3)"Immediate family" means a spouse, parent, child, sibling or any other person who regularly resides in the household or who within the prior six months regularly resided in the household.

b.A person is guilty of stalking, a crime of the fourth degree, if he purposefully or knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to himself or a member of his immediate family or to fear the death of himself or a member of his immediate family.

c.A person is guilty of a crime of the third degree if he commits the crime of stalking in violation of an existing court order prohibiting the behavior.

d. A person who commits a second or subsequent offense of stalking against the same victim is guilty of a crime of the third degree.

e. A person is guilty of a crime of the third degree if he commits the crime of stalking while serving a term of imprisonment or while on parole or probation as the result of a conviction for any indictable offense under the laws of this State, any other state or the United States.

f. This act shall not apply to conduct which occurs during organized group picketing.

L.1992,c.209,s.1; amended 1996, c.39, s.1; 1998, c. 17, s.3; 1999, c.47, s.1; 2001, c.220, s.2.

2C:12-10.1. Conviction for stalking, permanent restraining order

3. a. A judgment of conviction for stalking shall operate as an application for a permanent restraining order limiting the contact of the defendant and the victim who was stalked.

b. A hearing shall be held on the application for a permanent restraining order at the time of the verdict or plea of guilty unless the victim requests otherwise. This hearing shall be in Superior Court. A permanent restraining order may grant the following specific relief:

(1) An order restraining the defendant from entering the residence, property, school, or place of employment of the victim and requiring the defendant to stay away from any specified place that is named in the order and is frequented regularly by the victim.

(2) An order restraining the defendant from making contact with the victim, including an order forbidding the defendant from personally or through an agent initiating any communication likely to cause annoyance or alarm including, but not limited to, personal, written, or telephone contact with the victim, the victim's employers, employees, or fellow workers, or others with whom communication would be likely to cause annoyance or alarm to the victim.

c. The permanent restraining order entered by the court subsequent to a conviction for stalking as provided in this act may be dissolved upon the application of the stalking victim to the court which granted the order.

d. Notice of permanent restraining orders issued pursuant to this act shall be sent by the clerk of the court or other person designated by the court to the appropriate chiefs of police, members of the State Police and any other appropriate law enforcement agency or court.

e. Any permanent restraining order issued pursuant to this act shall be in effect throughout the State, and shall be enforced by all law enforcement officers.

f. A violation by the defendant of an order issued pursuant to this act shall constitute an offense under subsection a. of N.J.S.2C:29-9 and each order shall so state. Violations of these orders may be enforced in a civil or criminal action initiated by the stalking victim or by the court, on its own motion, pursuant to applicable court rules. Nothing in this act shall preclude the filing of a

criminal complaint for stalking based on the same act which is the basis for the violation of the permanent restraining order.