

ASSEMBLY, No. 1821

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

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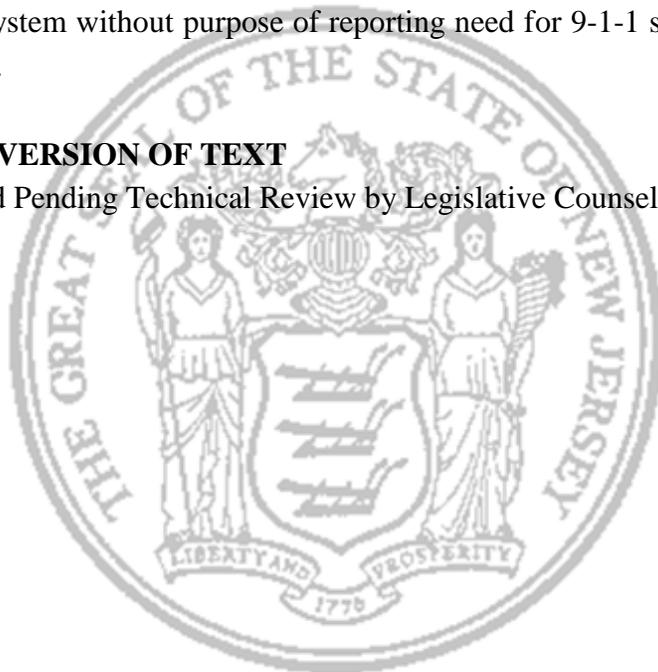
Assemblymen Wimberly, Johnson and Gusciora

SYNOPSIS

Requires 9-1-1 service facilities be equipped with Next Generation 9-1-1 system and provides funding for that purpose; makes texting the 9-1-1 emergency system without purpose of reporting need for 9-1-1 service a fourth degree crime.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1821 CONAWAY, RIBLE

2

1 AN ACT concerning 9-1-1 service, amending P.L.1989, c.3 and
2 N.J.S.2C:33-3, and supplementing Title 52 of the Revised
3 Statutes.

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

7
8 1. Section 8 of P.L.1989, c.3 (C.52:17C-8) is amended to read
9 as follows:

10 8. a. Each public safety answering point shall be capable of
11 dispatching or forwarding requests for law enforcement, fire
12 fighting, emergency medical services, or other emergency services
13 to a public or private safety agency that provides the requested
14 services.

15 b. Each public safety answering point shall be equipped with a
16 system approved by the office for the processing of requests for
17 emergency services for the physically disabled. **[No]** A person
18 shall not connect to a telephone company's network any automatic
19 alarm or other automatic alerting device which causes the number
20 "9-1-1" to be automatically dialed and which provides a
21 prerecorded message in order to directly access emergency services,
22 except for devices which may be approved by the office. Devices
23 approved by the office shall be registered with the office on forms
24 provided by the office.

25 c. Each entity operating a public safety answering point shall
26 be responsible for obtaining, operating, and maintaining enhanced
27 9-1-1 termination equipment. The operations and maintenance of
28 this equipment shall be in accordance with standards set forth by
29 the office pursuant to section 3 of **[this act]** P.L.1989, c.3
30 (C.52:17C-3).

31 d. No later than the third year following the enactment of
32 P.L. , c. (C.) (pending before the Legislature as this bill),
33 each public safety answering point shall be equipped with a Next
34 Generation 9-1-1 system approved by the office in a manner that is
35 consistent with federal law, for the processing of requests for
36 emergency services sent via an electronic message. For the
37 purposes of this section, "Next Generation 9-1-1 system" means an
38 emergency 9-1-1 system that allows for the processing of electronic
39 messages, including, but not limited to, electronic messages
40 containing text, images, video, or data.

41 (cf: P.L.1989, c.3, s.8)

42
43 2. N.J.S.2C:33-3 is amended to read as follows:

44 2C:33-3. False Public Alarms. a. Except as provided in
45 subsection b. or c. of this section, a person is guilty of a crime of

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 the third degree if he initiates or circulates a report or warning of an
2 impending fire, explosion, bombing, crime, catastrophe or
3 emergency knowing that the report or warning is false or baseless
4 and that it is likely to cause evacuation of a building, place of
5 assembly, or facility of public transport, or to cause public
6 inconvenience or alarm. A person is guilty of a crime of the third
7 degree if he knowingly causes such false alarm to be transmitted to
8 or within any organization, official or volunteer, for dealing with
9 emergencies involving danger to life or property.

10 b. A person is guilty of a crime of the second degree if in
11 addition to the report or warning initiated, circulated or transmitted
12 under subsection a. of this section, he places or causes to be placed
13 any false or facsimile bomb in a building, place of assembly, or
14 facility of public transport or in a place likely to cause public
15 inconvenience or alarm. A violation of this subsection is a crime of
16 the first degree if it occurs during a declared period of national,
17 State or county emergency.

18 c. A person is guilty of a crime of the second degree if a
19 violation of subsection a. of this section in fact results in serious
20 bodily injury to another person or occurs during a declared period
21 of national, State or county emergency. A person is guilty of a
22 crime of the first degree if a violation of subsection a. of this
23 section in fact results in death.

24 d. For the purposes of this section, "in fact" means that strict
25 liability is imposed. It shall not be a defense that the death or
26 serious bodily injury was not a foreseeable consequence of the
27 person's acts or that the death or serious bodily injury was caused
28 by the actions of another person or by circumstances beyond the
29 control of the actor. The actor shall be strictly liable upon proof
30 that the crime occurred during a declared period of national, State
31 or county emergency. It shall not be a defense that the actor did not
32 know that there was a declared period of emergency at the time the
33 crime occurred.

34 e. A person is guilty of a crime of the fourth degree if the
35 person knowingly places a call or sends an electronic message via a
36 wireless telephone or electronic communication device to a 9-1-1
37 emergency telephone system without purpose of reporting the need
38 for 9-1-1 service.

39 (cf: P.L.2002, c.26, s.16)

40

41 3. (New section) a. The fees imposed pursuant to section 2 of
42 P.L.2004, c.48 (C.52:17C-18) shall be increased by 10 percent for
43 bills issued for billing periods ending on or after the operative date
44 of P.L. , c. (C.) (pending before the Legislature as this bill)
45 and only for a period of 36 calendar months following the operative
46 date of P.L. , c. (C.) (pending before the Legislature as this
47 bill).

1 b. The increase in funds collected pursuant to this section shall
2 only be used to equip public safety answering points with Next
3 Generation 9-1-1 systems for the processing of requests for
4 emergency services sent via an electronic message, pursuant to
5 subsection d. of section 8 of P.L.1989, c.3 (C.52:17C-8).

6 c. The increase in funds collected pursuant to this section shall
7 be distributed on a prioritized basis, first to county, regionalized, or
8 other large centralized public safety answering points, followed by
9 other public safety answering points.

10 d. For the purposes of this section, "Next Generation 9-1-1
11 system" means the same as defined in subsection d. of section 8 of
12 P.L.1989, c.3 (C.52:17C-8).

13

14 4. This act shall take effect immediately, but remain
15 inoperative for 60 days following the date of enactment.

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STATEMENT

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20 This bill requires 9-1-1 service facilities, within three years
21 following the bill's enactment, to be equipped with a Next
22 Generation 9-1-1 system approved by the Office of Emergency
23 Telecommunications Services for the processing of requests for
24 emergency services sent via electronic or text message. The bill
25 temporarily increases the 9-1-1 System and Emergency Response
26 Fee by 10 percent, and requires that it only be used to fund the 9-1-
27 1 service facilities with the enhanced Next Generation 9-1-1
28 systems. The temporary fee increase will be imposed for bills
29 issued for billing periods ending on or after the operative date of the
30 bill and only for a period of 36 calendar months following the
31 operative date.

32 The bill sets forth a funding prioritization for equipping public
33 safety answering points with Next Generation 9-1-1 systems, by
34 requiring funding to be distributed to county, regionalized, or other
35 large centralized public safety answering points before funding other
36 public safety answering points.

37 Currently, the 9-1-1 System and Emergency Response Fee, which
38 is used to fund the 9-1-1 system, is a \$0.90 monthly fee imposed on
39 mobile service customers and telephone company customers in this
40 State. This bill increases the monthly fee to \$0.99.

41 The bill provides that a person is guilty of a crime of the fourth
42 degree if the person knowingly sends an electronic message to a 9-1-1
43 emergency telephone system without purpose of reporting the need for
44 9-1-1 service.