

SENATE, No. 1643

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED FEBRUARY 16, 2012

Sponsored by:

Senator ANTHONY R. BUCCO

District 25 (Morris and Somerset)

SYNOPSIS

Clarifies that using motor vehicle to publicly display obscene material is fourth degree crime.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning the communication of obscene material and
2 amending N.J.S.2C:34-4.

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

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7 1. N.J.S.2C:34-4 is amended to read as follows:

8 a. "Publicly communicate" means to display, post, exhibit, give
9 away or vocalize material in such a way that its character and
10 content may be readily and distinctly perceived by the public by
11 normal unaided vision or hearing when viewing or hearing it in, on
12 or from a public street, road, thoroughfare, recreation or shopping
13 center or area, public transportation facility or vehicle used for
14 public transportation.

15 b. A person who knowingly publicly communicates obscene
16 material, as defined in **[section]** N.J.S.2C:34-3, or causes or
17 permits it to be publicly communicated on property he owns or
18 leases or operates, or in or on a motor vehicle he owns or leases or
19 operates, is guilty of a crime of the fourth degree.

20 c. Public communication of obscene material shall constitute
21 presumptive evidence that the defendant made the communication
22 or caused or permitted it to be made knowingly.

23 (cf: N.J.S.2C:34-4)

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25 2. This act shall take effect immediately.

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STATEMENT

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30 This bill amends current law to clarify that a person commits a
31 crime of the fourth degree if he publicly displays obscene material
32 in or on a motor vehicle that he owns, operates or leases. The bill's
33 provisions would be applicable to, for example, the viewing of
34 obscene material on a DVD player in a motor vehicle if that
35 material is visible to persons outside the motor vehicle.

36 The bill amends N.J.S.2C:34-4, which provides that a person
37 who knowingly publicly communicates obscene material or causes
38 or permits it to be publicly communicated on property he owns,
39 leases or operates is guilty of a crime of the fourth degree.

40 Many persons are buying motor vehicles with DVD players,
41 often to provide entertainment for children traveling in the vehicle.
42 Recently, there have been a number of media reports concerning
43 parents who complained that their children inadvertently viewed
44 obscene material being displayed on a DVD player in a passing or
45 nearby motor vehicle.

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.

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- 1 A crime of the fourth degree is punishable by a fine of up to
- 2 \$10,000, imprisonment for up to six months, or both.