

ASSEMBLY, No. 304

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

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District 20 (Union)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblymen Wimberly, Coughlin, Space, Wirths and Assemblywoman Lopez

SYNOPSIS

Establishes offense of criminal mischief committed on historical sites.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the penalties for criminal mischief and
2 amending N.J.S.2C:17-3.

3

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:17-3 is amended to read as follows:

8 2C:17-3. Criminal mischief. a. Offense defined. A person is
9 guilty of criminal mischief if he:

10 (1) Purposely or knowingly damages tangible property of
11 another or damages tangible property of another recklessly or
12 negligently in the employment of fire, explosives or other
13 dangerous means listed in subsection a. of N.J.S.2C:17-2; or

14 (2) Purposely, knowingly, or recklessly tampers with tangible
15 property of another so as to endanger person or property, including
16 the damaging or destroying of a rental premises by a tenant in
17 retaliation for institution of eviction proceedings.

18 b. Grading. (1) Criminal mischief is a crime of the third degree
19 if the actor purposely or knowingly causes pecuniary loss of \$2,000,
20 or more.

21 (2) Criminal mischief is a crime of the fourth degree if the actor
22 causes pecuniary loss in excess of \$500 but less than **["\$2000"]**
23 \$2,000. It is a disorderly persons offense if the actor causes
24 pecuniary loss of \$500 or less.

25 (3) Criminal mischief is a crime of the third degree if the actor
26 damages, defaces, eradicates, alters, receives, releases, or causes the
27 loss of any research property used by the research facility, or
28 otherwise causes physical disruption to the functioning of the
29 research facility. The term "physical disruption" does not include
30 any lawful activity that results from public, governmental, or
31 research facility employee reaction to the disclosure of information
32 about the research facility.

33 (4) Criminal mischief is a crime of the fourth degree if the actor
34 damages, removes, or impairs the operation of any device,
35 including, but not limited to, a sign, signal, light, or other
36 equipment, which serves to regulate or ensure the safety of air
37 traffic at any airport, landing field, landing strip, heliport, helistop,
38 or any other aviation facility; however, if the damage, removal, or
39 impediment of the device recklessly causes bodily injury or damage
40 to property, the actor is guilty of a crime of the third degree, or if it
41 recklessly causes a death, the actor is guilty of a crime of the
42 second degree.

43 (5) Criminal mischief is a crime of the fourth degree if the actor
44 interferes or tampers with any airport, landing field, landing strip,
45 heliport, helistop, or any other aviation facility; however if the

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 interference or tampering with the airport, landing field, landing
2 strip, heliport, helistop, or other aviation facility recklessly causes
3 bodily injury or damage to property, the actor is guilty of a crime of
4 the third degree, or if it recklessly causes a death, the actor is guilty
5 of a crime of the second degree.

6 (6) Criminal mischief is a crime of the third degree if the actor
7 tampers with a grave, crypt, mausoleum, or other site where human
8 remains are stored or interred, with the purpose to desecrate,
9 destroy, or steal **[such]** the human remains or any part thereof.

10 (7) Criminal mischief is a crime of the third degree if the actor
11 purposely or knowingly causes a substantial interruption or
12 impairment of public communication, transportation, supply of
13 water, oil, gas or power, or other public service. Criminal mischief
14 is a crime of the second degree if the substantial interruption or
15 impairment recklessly causes death.

16 (8) Criminal mischief is a crime of the fourth degree if the actor
17 purposely or knowingly breaks, digs up, obstructs or otherwise
18 tampers with any pipes or mains for conducting gas, oil or water, or
19 any works erected for supplying buildings with gas, oil or water, or
20 any appurtenances or appendages therewith connected, or injures,
21 cuts, breaks down, destroys or otherwise tampers with any electric
22 light wires, poles or appurtenances, or any telephone,
23 telecommunications, cable television or telegraph wires, lines,
24 cable, or appurtenances.

25 (9) Criminal mischief is a crime of the third degree if the actor
26 knowingly damages or tampers with a historic place or site.

27 For the purposes of this paragraph, a historic place or site is a
28 place, building, monument, or structure that:

29 (a) has been approved for inclusion in the New Jersey Register
30 of Historic Places pursuant to P.L.1970, c.268 (C.13:1B-15.128 et
31 seq.), the National Register of Historic Places, or any applicable
32 rule or regulation;

33 (b) has been identified in a county or municipal master plan as a
34 place, building, monument, or structure of historic interest; or

35 (c) has been officially recognized as having historic value or
36 significance in accordance with criteria established by the State
37 Agriculture Development Committee, pursuant to the
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
39 seq.).

40 c. A person convicted of an offense of criminal mischief that
41 involves an act of graffiti may, in addition to any other penalty
42 imposed by the court, be required to pay to the owner of the
43 damaged property monetary restitution in the amount of the
44 pecuniary damage caused by the act of graffiti and to perform
45 community service, which shall include removing the graffiti from
46 the property, if appropriate. If community service is ordered, it
47 shall be for either not less than 20 days or not less than the number
48 of days necessary to remove the graffiti from the property.

1 d. As used in this section:

2 "Act of graffiti" means the drawing, painting, or making of any
3 mark or inscription on public or private real or personal property
4 without the permission of the owner.

5 e. A person convicted of an offense of criminal mischief that
6 involves the damaging or destroying of a rental premises by a tenant
7 in retaliation for institution of eviction proceedings, may, in
8 addition to any other penalty imposed by the court, be required to
9 pay to the owner of the property monetary restitution in the amount
10 of the pecuniary damage caused by the damage or destruction.

11 (cf: P.L.2014, c.69, s.2)

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13 2. This act shall take effect immediately.

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STATEMENT

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18 This bill amends the State's criminal mischief statute,
19 N.J.S.2C:17-3, to include the crime of knowingly damaging,
20 interfering, or tampering with a historic place or site.

21 Under the bill, it is a crime of the third degree to knowingly
22 damage, interfere, or tamper with a historic place or site. A crime
23 of the third degree is punishable by a term of imprisonment of three
24 to five years, a fine of \$15,000, or both.

25 The bill defines a "historic place or site" as a place, building,
26 monument, or structure approved for inclusion in the New Jersey
27 Register of Historic Places pursuant to P.L.1970, c.268 (C.13:1B-
28 15.128 et seq.), the National Register of Historic Places, or any
29 applicable rule or regulation; has been identified in a county or
30 municipal master plan as a place, building, monument, or structure
31 of historic interest; or has been officially recognized as having
32 historic value or significance in accordance with criteria established
33 by the State Agriculture Development Committee.