

ASSEMBLY, No. 1749

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Co-Sponsored by:

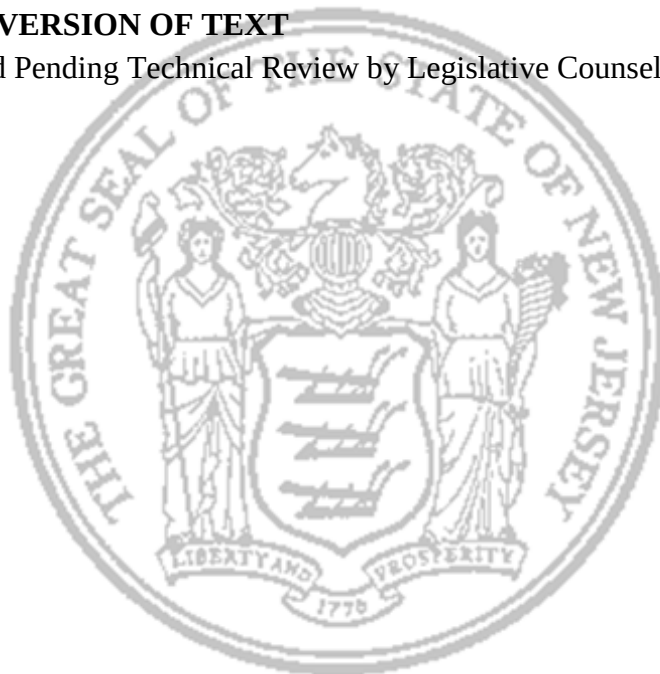
Assemblymen Chiaravalloti, Moen and Assemblywoman Murphy

SYNOPSIS

Amends statute that criminalizes display of symbols, objects, or graffiti exposing another to threats of violence to specifically include noose, burning cross, or swastika.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/12/2021)

1 **AN ACT** concerning hate crimes and amending P.L.1981, c.282.

2

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

5

6 1. Section 1 of P.L.1981, c.282 (C.2C:33-10) is amended to
7 read as follows:

8 1. A person is guilty of a crime of the third degree if he
9 purposely, knowingly or recklessly puts or attempts to put another
10 in fear of bodily violence by placing on private property of another
11 a symbol, an object, a characterization, an appellation or graffiti
12 that exposes another to threats of violence, including but not limited
13 to a noose, burning cross, or Nazi swastika. A person shall not be
14 guilty of an attempt unless his actions cause a serious and imminent
15 likelihood of causing fear of unlawful bodily violence.

16 A person convicted of an offense under this section that involves
17 an act of graffiti may, in addition to any other penalty imposed by
18 the court, be required either to pay to the owner of the damaged
19 property monetary restitution in the amount of the pecuniary
20 damage caused by the act of graffiti or to perform community
21 service, which shall include removing the graffiti from the property,
22 if appropriate. If community service is ordered, it shall be for either
23 not less than 20 days nor less than the number of days necessary to
24 remove the graffiti from the property.

25 (cf: P.L.1995, c.251, s.2)

26

27 2. Section 2 of P.L.1981, c.282 (C.2C:33-11) is amended to
28 read as follows:

29 2. A person is guilty of a crime of the fourth degree if he
30 purposely defaces or damages, without authorization of the owner
31 or tenant, any private premises or property primarily used for
32 religious, educational, residential, memorial, charitable, or cemetery
33 purposes, or for assembly by persons for purpose of exercising any
34 right guaranteed by law or by the Constitution of this State or of the
35 United States by placing thereon a symbol, an object, a
36 characterization, an appellation, or graffiti that exposes another to
37 threat of violence, including but not limited to a noose, burning
38 cross, or Nazi swastika.

39 A person convicted of an offense under this section that involves
40 an act of graffiti may, in addition to any other penalty imposed by
41 the court, be required either to pay to the owner of the damaged
42 property monetary restitution in the amount of pecuniary damage
43 caused by the act of graffiti or to perform community service,
44 which shall include removing the graffiti from the property, if
45 appropriate. If community service is ordered, it shall be for either

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 not less than 20 days or not less than the number of days necessary
2 to remove the graffiti from the property.
3 (cf: P.L.1995, c.251, s.3)

4
5 3. This act shall take effect immediately.
6
7

8 STATEMENT
9

10 This bill would criminalize the display of a noose, burning cross,
11 or Nazi swastika under certain circumstances.

12 Under section 1 of P.L.1981, c.282 (C.2C:33-10), it is a crime of
13 the third degree to purposely, knowingly or recklessly put or
14 attempt to put another in fear of bodily violence by placing on
15 private property of another a symbol, an object, a characterization,
16 an appellation or graffiti that exposes another to threats of violence.
17 Under section 2 of P.L.1981, c.282 (C.2C:33-11), it is a crime of
18 the fourth degree to purposely deface or damage, without
19 authorization of the owner or tenant, any private premises or
20 property primarily used for religious, educational, residential,
21 memorial, charitable, or cemetery purposes, or for assembly by
22 persons for purpose of exercising any right guaranteed by law or by
23 the Constitution by placing thereon a symbol, an object, a
24 characterization, an appellation, or graffiti that exposes another to
25 threat of violence.

26 This bill would amend both statutes to provide that “a symbol,
27 object, characterization, appellation or graffiti that exposes another
28 to threats of violence” specifically includes, but is not limited to, a
29 noose, burning cross, or Nazi swastika.

30 A crime of the third degree is punishable by a term of
31 imprisonment of three to five years or a fine up to \$15,000, or both.
32 A crime of the fourth degree is punishable by a term of
33 imprisonment of up to 18 months or a fine up to \$10,000, or both.