

[First Reprint]

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)

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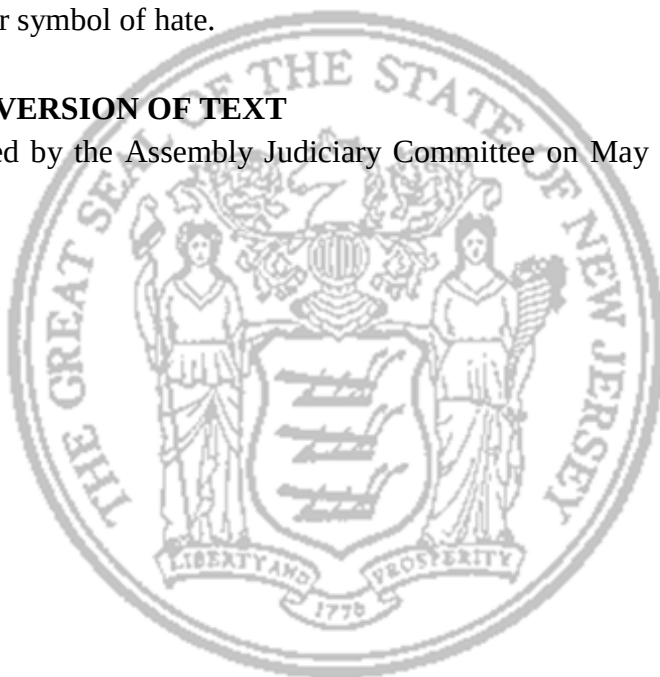
Assemblymen Chiaravalloti, Moen and Assemblywoman Murphy

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on May 12, 2021, with amendments.



(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 ¹other symbol of hate, including but
14 not limited to a symbol of white supremacy or¹ Nazi ¹【swastika】
15 ideology¹. A person shall not be guilty of an attempt unless his
16 actions cause a serious and imminent likelihood of causing fear of
17 unlawful bodily violence.

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

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

28

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

31 2. A person is guilty of a crime of the fourth degree if he
32 purposely defaces or damages, without authorization of the owner
33 or tenant, any private premises or property primarily used for
34 religious, educational, residential, memorial, charitable, or cemetery
35 purposes, or for assembly by persons for purpose of exercising any
36 right guaranteed by law or by the Constitution of this State or of the
37 United States by placing thereon a symbol, an object, a
38 characterization, an appellation, or graffiti that exposes another to
39 threat of violence, including but not limited to a noose, burning
40 cross, or ¹other symbol of hate, including but not limited to a
41 symbol of white supremacy or¹ Nazi ¹【swastika】 ideology¹.

42 A person convicted of an offense under this section that involves
43 an act of graffiti may, in addition to any other penalty imposed by
44 the court, be required either to pay to the owner of the damaged

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted May 12, 2021.

- 1 property monetary restitution in the amount of pecuniary damage
2 caused by the act of graffiti or to perform community service,
3 which shall include removing the graffiti from the property, if
4 appropriate. If community service is ordered, it shall be for either
5 not less than 20 days or not less than the number of days necessary
6 to remove the graffiti from the property.
7 (cf: P.L.1995, c.251, s.3)
8
9 3. This act shall take effect immediately.