ASSEMBLY, No. 3318

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:
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District 10 (Ocean)
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SYNOPSIS

Establishes mandatory penalties for committing burglary and theft during a state of emergency.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning crimes committed during a state of emergency and amending P.L.1942, c.251.

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

1. Section 17 of P.L.1942, c.251 (C.App.A:9-49) is amended to read as follows:

17. Any person who shall:

a. Commit any unauthorized or otherwise unlawful act during the threat or imminence of danger in any emergency or during an ongoing emergency that jeopardizes the health, welfare and safety of the people; or

b. Commit any unauthorized or otherwise unlawful act during the threat or imminence of danger during any emergency or during an ongoing emergency that contributes to the loss of or destruction to property; or

c. Hamper, impede, or in any way interfere with any person who is performing any function authorized under this act; or

d. Drive any motor vehicle in a prohibited area during a black-out or while an air raid alert is in progress or in any other manner contrary to the rules and regulations covering any period of danger or any emergency; or

e. Go within a prohibited area contrary to rules and regulations; or

f. Refuse to obey the lawful orders of any air raid warden, civilian protection worker, or other person who is duly authorized to perform any act or function during the threat or imminence of danger or any emergency; or

g. Refuse to cooperate with any air raid warden, civilian protection worker, or other person who is duly authorized to perform any act or function in connection with activities during the threat or imminence of danger or any emergency; or

h. Violate any order, rule or regulation adopted by the Governor and promulgated as provider by this act; or

i. **[**Violate any other provision of this act declared herein to be unlawful--**]** Violate this act shall be adjudged a disorderly person and shall be subject to imprisonment for a term not to exceed **[**6**]** six months or shall pay a fine not to exceed **[**$1,000.00**]** $1,000 or to both a fine and imprisonment, in the discretion of the court.

j. Any person who violates subsections a. and b. of this section by committing an act of burglary as defined under N.J.S.2C:18-2, robbery under N.J.S.2C:15-1, or theft and related offenses under N.J.S.2C:20-1 et seq., shall in addition to the penalties prescribed under those sections serve a mandatory six month term 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.

imprisonment or a term of community service for six months in such form and on such terms as the court shall deem appropriate.

Prosecution for the imposition of a penalty pursuant to this section shall be commenced in the municipal court of the municipality wherein the offense is alleged to have occurred. The State shall be required to prove all elements of the offense beyond a reasonable doubt in order to obtain a conviction.

(cf: P.L.1982, c.108, s.1)

2. This act shall take effect immediately.

STATEMENT

This bill amends the "Disaster Control Act" by establishing additional mandatory penalties for committing theft, robbery or burglary, acts commonly referred to as looting, during an emergency.

Under the Disaster Control Act, the Governor is empowered to issue executive orders in response to emergencies. Emergencies under the act extend to war emergencies and disasters resulting from natural or unnatural causes which endanger the health, safety or resources of the residents of one or more municipalities of the State. The act, in part, establishes penalties for committing unlawful conduct during the threat of an emergency that jeopardizes the health, welfare and safety of the people, or contributes to the loss of, or destruction, to property.

This bill amends the act to establish a mandatory six month term of imprisonment or a six month term of community service, whichever the court deems to be appropriate, if a person commits burglary, robbery or theft during an emergency. The mandatory penalties established under this bill are to be imposed in addition to any penalties imposed for committing the crimes of theft, robbery, or burglary under Title 2C of the New Jersey Statutes.

Finally, the bill clarifies that a person may be penalized under the Disaster Control Act while an emergency is ongoing.