

SENATE, No. 62

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

SYNOPSIS

Upgrades offense of criminal mischief if person damages or impairs operation of school bus in the presence of child under age 16.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the offense of criminal mischief and amending
2 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. a. Offense defined. A person is guilty of criminal
9 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
20 **[\$2,000.00]** \$2,000 or more.

21 (2) Criminal mischief is a crime of the fourth degree if the actor
22 causes pecuniary loss in excess of **[\$500.00]** \$500 but less than
23 **[\$2000.00]** \$2,000. It is a disorderly persons offense if the actor
24 causes pecuniary loss of **[\$500.00]** \$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, including,
35 but not limited to, a sign, signal, light or other equipment, which
36 serves to regulate or ensure the safety of air traffic at any airport,
37 landing field, landing strip, heliport, helistop or any other aviation
38 facility; however, if the damage, removal or impediment of the
39 device recklessly causes bodily injury or damage to property, the
40 actor is guilty of a crime of the third degree, or if it recklessly
41 causes a death, the actor is guilty of a crime of the second degree.

42 (5) Criminal mischief is a crime of the fourth degree if the actor
43 interferes or tampers with any airport, landing field, landing strip,
44 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 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, cable
24 or appurtenances.

25 (9) Criminal mischief is a crime of the fourth degree if the actor
26 damages or impairs the operation of a school bus in the presence of
27 a child under 16 years of age. Criminal mischief is a crime of the
28 third degree if the damage or impairment of the operation of a
29 school bus causes bodily injury to a child under 16 years of age. As
30 used in this paragraph, "school bus" has the meaning set forth in
31 R.S.39:1-1.

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

41 d. As used in this section:

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

45 e. A person convicted of an offense of criminal mischief that
46 involves the damaging or destroying of a rental premises by a tenant
47 in retaliation for institution of eviction proceedings, may, in
48 addition to any other penalty imposed by the court, be required to

1 pay to the owner of the property monetary restitution in the amount
2 of the pecuniary damage caused by the damage or destruction.
3 (cf: P.L.2014, c.69, s.2)

4
5 2. This act shall take effect immediately.
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8 STATEMENT
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10 Under current law, purposely or knowingly damaging tangible
11 property of another constitutes criminal mischief. This bill would
12 upgrade the offense of criminal mischief if a person damages or
13 impairs the operation of a school bus in the presence of a child
14 under age 16.

15 Pursuant to N.J.S.2C:17-3, criminal mischief is a crime of the
16 third degree if the actor purposely or knowingly causes pecuniary
17 loss of \$2,000 or more. It is a crime of the fourth degree if the
18 pecuniary loss is in excess of \$500 but less than \$2,000, and a
19 disorderly persons offense if the pecuniary loss is \$500 or less. In
20 addition, the statute provides that certain types of criminal mischief
21 constitute crimes of the third or fourth degree, regardless of
22 pecuniary loss.

23 A crime of the third degree is punishable by a term of
24 imprisonment of three to five years or a fine up to \$15,000, or both;
25 a crime of the fourth degree, by a term up to 18 months or a fine up
26 to \$10,000, or both; and a disorderly persons offense, by a term of
27 imprisonment of up to six months or a fine of up to \$1,000, or both.

28 This bill provides that criminal mischief would be a crime of the
29 fourth degree if the actor damages or impairs the operation of a
30 school bus in the presence of a child under 16 years of age. It would
31 be a crime of the third degree if the damage or impairment of
32 operation of a school bus causes bodily injury to a child under 16
33 years of age. The bill provides that the term “school bus” has the
34 meaning set forth in R.S.39:1-1: “every motor vehicle operated by,
35 or under contract with, a public or governmental agency, or
36 religious or other charitable organization or corporation, or
37 privately operated for the transportation of children to or from
38 school for secular or religious education, which complies with the
39 regulations of the New Jersey Motor Vehicle Commission affecting
40 school buses.”