

**SENATE, No. 1622**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED FEBRUARY 13, 2020

**Sponsored by:**

**Senator JAMES W. HOLZAPFEL**

**District 10 (Ocean)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



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

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

6  
7 1. Section 17 of P.L.1942, c.251 (C.App.A:9-49) is amended to  
8 read as follows:

9 17. Any person who shall:

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

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

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

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

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

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

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

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

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

41 j. Any person who violates subsections a. and b. of this section  
42 by committing an act of burglary as defined under N.J.S.2C:18-2,  
43 robbery under N.J.S.2C:15-1, or theft and related offenses under  
44 N.J.S.2C:20-1 et seq., shall in addition to the penalties prescribed  
45 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.

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

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

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

9  
10 2. This act shall take effect immediately.

11  
12  
13 STATEMENT

14  
15 This bill amends the “Disaster Control Act” by establishing  
16 additional mandatory penalties for committing theft, robbery or  
17 burglary, acts commonly referred to as looting, during an  
18 emergency.

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

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

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