

SENATE, No. 1085

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED FEBRUARY 23, 2004

Sponsored by:

Senator ANTHONY R. BUCCO

District 25 (Morris)

SYNOPSIS

Increases certain arson offenses to a crime of the third degree.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning penalties for certain arson offense and amending
2 N.J.S.2C:17-1.

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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:17-1 is amended as follows:

8 2C:17-1. Arson and related offenses.

9 a. Aggravated arson. A person is guilty of aggravated arson, a
10 crime of the second degree, if he starts a fire or causes an explosion,
11 whether on his own property or another's:

12 (1) Thereby purposely or knowingly placing another person in
13 danger of death or bodily injury; or

14 (2) With the purpose of destroying a building or structure of
15 another; or

16 (3) With the purpose of collecting insurance for the destruction or
17 damage to such property under circumstances which recklessly place
18 any other person in danger of death or bodily injury; or

19 (4) With the purpose of destroying or damaging a structure in
20 order to exempt the structure, completely or partially, from the
21 provisions of any State, county or local zoning, planning or building
22 law, regulation, ordinance or enactment under circumstances which
23 recklessly place any other person in danger of death or bodily injury;
24 or

25 (5) With the purpose of destroying or damaging any forest.

26 b. Arson. A person is guilty of arson, a crime of the third degree,
27 if he purposely starts a fire or causes an explosion, whether on his own
28 property or another's:

29 (1) Thereby recklessly placing another person in danger of death
30 or bodily injury; or

31 (2) Thereby recklessly placing a building or structure of another in
32 danger of damage or destruction; or

33 (3) With the purpose of collecting insurance for the destruction or
34 damage to such property; or

35 (4) With the purpose of destroying or damaging a structure in
36 order to exempt the structure, completely or partially, from the
37 provisions of any State, county or local zoning, planning or building
38 law, regulation, ordinance or enactment; or

39 (5) Thereby recklessly placing a forest in danger of damage or
40 destruction.

41 c. Failure to control or report dangerous fire. A person who
42 knows that a fire is endangering life or a substantial amount of
43 property of another and either fails to take reasonable measures to put

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 out or control the fire, when he can do so without substantial risk to
2 himself, or to give prompt fire alarm, commits a crime of the [fourth]
3 third degree if:

4 (1) He knows that he is under an official, contractual, or other
5 legal duty to prevent or combat the fire; or

6 (2) The fire was started, albeit lawfully, by him or with his assent,
7 or on property in his custody or control.

8 d. Any person who, directly or indirectly, pays or accepts or offers
9 to pay or accept any form of consideration including, but not limited
10 to, money or any other pecuniary benefit, regardless of whether any
11 consideration is actually exchanged for the purpose of starting a fire
12 or causing an explosion in violation of this section commits a crime of
13 the first degree.

14 e. Notwithstanding the provisions of any section of this Title to the
15 contrary, if a person is convicted of aggravated arson pursuant to the
16 provisions of subsection a. of this section and the structure which was
17 the target of the offense was a health care facility or a physician's
18 office, the sentence imposed shall include a term of imprisonment.
19 The court may not suspend or make any other noncustodial disposition
20 of a person sentenced pursuant to the provisions of this subsection.

21 f. Definitions. "Structure" is defined in section 2C:18-1. Property
22 is that of another, for the purpose of this section, if any one other than
23 the actor has a possessory, or legal or equitable proprietary interest
24 therein. Property is that of another for the purpose of this section, if
25 anyone other than the actor has a legal or equitable interest in the
26 property including, but not limited to, a mortgage, pledge, lien or
27 security interest therein. If a building or structure is divided into
28 separately occupied units, any unit not occupied by the actor is an
29 occupied structure of another.

30 As used in this section, "forest" means and includes any forest,
31 brush land, grass land, salt marsh, wooded area and any combination
32 thereof, including but not limited to, an open space area, public lands,
33 wetlands, park lands, natural habitats, a State conservation area, a
34 wildlife refuge area or any other designated undeveloped open space
35 whether or not it is subject to specific protection under law.

36 As used in this section, "health care facility" means health care
37 facility as defined in section 2 of P.L.1971, c.136 (C.26:2H-2).

38 g. Notwithstanding the provisions of any section of this Title to the
39 contrary, if a person is convicted pursuant to the provisions of
40 subsection a., b. or d. of this section and the structure which was the
41 target of the offense was a church, synagogue, temple or other place
42 of public worship, that person commits a crime of the first degree and
43 the sentence imposed shall include a term of imprisonment. The term
44 of imprisonment shall include a minimum term of 15 years, during
45 which the defendant shall be ineligible for parole. The court may not

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1 suspend or make any other noncustodial disposition of a person
2 sentenced pursuant to the provisions of this subsection.
3 (cf: P.L.1997, c.109)

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5 2. This act shall take effect immediately.

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STATEMENT

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10 At present, under N.J.S.A.2C:17-1c., a person commits a fourth
11 degree offense if the person knows that a fire is endangering life or a
12 substantial amount of property of another and either fails to take
13 reasonable measures to put out or control the fire, when he can do so
14 without substantial risk to himself, or to give prompt fire alarm, if (1)
15 he knows that he is under an official, contractual, or other legal duty
16 to prevent or combat the fire; or (2) the fire was started, albeit
17 lawfully, by him or with his assent, or on property in his custody or
18 control. A crime of the fourth degree is punishable by up to 18
19 months imprisonment, a fine of up to \$10,000 or both.

20 This bill would elevate N.J.S.A.2C:17-1c to a crime of the third
21 degree, which is punishable by three to five years imprisonment, a fine
22 of up to \$15,000, or both.