

ASSEMBLY, No. 915

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblyman CHRISTOPHER J. CONNORS

District 9 (Atlantic, Burlington and Ocean)

Assemblyman BRIAN E. RUMPF

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Creates new penalty for convictions or juvenile adjudications of arson; establishes Arson Investigation Fund.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A915 CONNORS, RUMPF

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1 AN ACT concerning a penalty imposed for convictions or juvenile
2 adjudications of arson, amending P.L.1991, c.329 and
3 supplementing Title 2C of the New Jersey Statutes.

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

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8 1. (New section) a. In addition to any other disposition, fine, fee
9 or assessment imposed, any person convicted of the crime of arson
10 pursuant to N.J.S.2C:17-1 or an attempt or conspiracy to commit
11 those crimes, or a juvenile adjudicated delinquent for an act which, if
12 committed by an adult, would constitute those crimes, shall be
13 assessed a penalty fixed at \$1000.00 for each conviction or \$250.00
14 for each adjudication.

15 b. All penalties provided for in this section shall be collected as
16 provided for the collection of fines and restitutions in section 3 of
17 P.L.1979, c.396 (C.2C:46-4) and shall be forwarded to the
18 Department of the Treasury as provided in subsection c. of this
19 section.

20 c. All moneys collected pursuant to this section shall be forwarded
21 to the Department of the Treasury to be deposited into a nonlapsing
22 revolving fund to be known as the "Arson Investigation Fund".
23 Moneys in this fund shall be appropriated on an annual basis to the
24 Department of Law and Public Safety for distribution to the Division
25 of Criminal Justice and the county prosecutors based on a formula
26 devised pursuant to subsection d. of this section. An amount not to
27 exceed 5 percent of the monies deposited in this fund may be used by
28 the Department of Law and Public Safety to offset administrative
29 expenses.

30 d. The Attorney General shall establish a formula for distribution
31 of the penalty moneys collected pursuant to this section. This formula
32 shall be based on the number and seriousness of the arson convictions
33 or juvenile adjudications and the resources devoted to investigating
34 and prosecuting arson cases in the county on a fiscal year basis.
35 Seriousness shall be assessed by considering factors such as loss and
36 endangerment of life, the value of property destroyed, the
37 replaceability of destroyed property and the resources devoted to
38 controlling and extinguishing arson fires.

39 e. Monies distributed from the "Arson Investigation Fund" shall be
40 used exclusively for the purpose of investigating and prosecuting arson
41 cases. The monies distributed pursuant to this act shall supplement
42 and shall not replace monies budgeted for such investigations and
43 prosecutions.

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 2. Section 13 of P.L.1991, c.329 (C.2C:46-4.1) is amended to read
2 as follows:

3 13. Moneys that are collected in satisfaction of any assessment
4 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), any
5 penalty imposed pursuant to section 1 of P.L. , c. (C.) (now
6 pending before the Legislature as this bill) or in satisfaction of
7 restitution or fines imposed in accordance with the provisions of Title
8 2C of the New Jersey Statutes or with the provisions of section 24 of
9 P.L.1982, c.77 (C.2A:4-43), shall be applied in the following order:

10 a. first, in satisfaction of all assessments imposed pursuant to
11 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

12 b. second, except as provided in subsection f. of this section, in
13 satisfaction of any restitution ordered;

14 c. third, in satisfaction of all assessments imposed pursuant to
15 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

16 d. fourth, in satisfaction of any forensic laboratory fee assessed
17 pursuant to N.J.S.2C:35-20;

18 e. fifth, in satisfaction of any mandatory Drug Enforcement and
19 Demand Reduction penalty assessed pursuant to N.J.S.2C:35-15;

20 **[and]**

21 f. sixth, in satisfaction of any anti-drug profiteering penalty
22 imposed pursuant to section 2 of P.L.1997, c.187 (N.J.S.2C:35A-1 et
23 seq.);

24 g. seventh, in satisfaction of any anti-money laundering profiteering
25 penalty imposed pursuant to section 9 of P.L.1999, c.25 (C.2C:21-
26 27.2);

27 h. eighth, in satisfaction of any penalty assessed pursuant to section
28 1 of P.L. , c. (C.) (now pending before the Legislature as this
29 bill);

30 i. ninth, in satisfaction of any penalty assessed pursuant to section
31 9 of P.L.1996, c. 115 (C. 2C:43-3.3);

32 j. tenth, in satisfaction of restitution for any extradition costs
33 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);

34 k. eleventh, in satisfaction of any penalty imposed pursuant to
35 section 1 of P.L.1999, c.295 (C.2C:43-3.5); and

36 l. twelfth, in satisfaction of any fine.

37 (cf: P.L.1999, c.295, s.5)

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39 3. (New section) The Attorney General shall adopt rules and
40 regulations pursuant to the "Administrative Procedure Act," P.L.1968,
41 c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

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43 4. This act shall take effect immediately.

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STATEMENT

This bill creates a new penalty to be imposed on persons convicted of arson or juveniles adjudicated delinquent for this offense. The bill imposes a \$1,000.00 penalty for each conviction and a \$250.00 penalty for each adjudication. This penalty will be collected in the same manner as other assessments and shall be given priority as set forth in section 13 of P.L.1991, c.329 (C.2C:46-4.1). The penalty will be placed eighth in the list of twelve priorities in that section of law. In addition the bill includes penalties imposed pursuant to N.J.S.A.2C:43-3.3 which is the “Law Enforcement Officers Training and Equipment Fund.” When that fund was created it was not included in this list.

The monies collected shall be deposited in the Arson Investigation Fund established in the State Treasury. The monies from the fund would be distributed to the Division of Criminal Justice and county prosecutors based on a formula devised by the Attorney General. The bill authorizes the Department of Law and Public Safety to use up to 5% of monies deposited to offset administrative expenses.

The formula would be based on the number of convictions and adjudications and the seriousness of the underlying offenses by considering factors such as loss and endangerment of life, the value of property destroyed, its replaceability and the resources devoted to controlling and extinguishing arson fires. The formula would also consider the resources devoted to investigating and prosecuting arson cases in the county on a fiscal year basis. The monies distributed from the fund would be used exclusively for the purpose of investigating and prosecuting arson cases and would supplement and not replace monies budgeted for such investigation and prosecutions.