

# ASSEMBLY, No. 2113

## STATE OF NEW JERSEY

### 211th LEGISLATURE

INTRODUCED FEBRUARY 9, 2004

**Sponsored by:**

**Assemblyman NEIL M. COHEN**

**District 20 (Union)**

**SYNOPSIS**

Provides for a mandatory term of imprisonment for arson under certain circumstances.

**CURRENT VERSION OF TEXT**

As introduced.



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

2

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

5

6 1. N.J.S.2C:17-1 is amended to read as follows:

7 2C:17-1. Arson and related offenses.

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

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

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

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

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

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

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

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

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

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

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

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

40 c. Failure to control or report dangerous fire. A person who  
41 knows that a fire is endangering life or a substantial amount of  
42 property of another and either fails to take reasonable measures to put  
43 out or control the fire, when he can do so without substantial risk to

**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 himself, or to give prompt fire alarm, commits a crime of the fourth  
2 degree if:

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

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

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

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

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

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

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

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

