

SENATE, No. 254

STATE OF NEW JERSEY
211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:
Senator JOSEPH CONIGLIO
District 38 (Bergen)

SYNOPSIS

Upgrades aggravated arson to first degree crime and arson to second degree crime.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

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

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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]** first degree, if he starts a fire or causes an
10 explosion, 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]** second
26 degree, if he purposely starts a fire or causes an explosion, whether on
27 his own 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.

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

47 (cf: P.L.1997, c.109, s.1)

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill upgrades aggravated arson to a crime of the first degree.

7 First degree crimes are punishable by 10 to 20 years of imprisonment,

8 a fine of up to \$200,000, or both. The bill also upgrades arson to a

9 second degree crime. Crimes of the second degree are punishable by

10 imprisonment for five to 10 years, a fine of up to \$150,000, or both.

11 Under current law, aggravated arson is a second degree crime and

12 arson is third degree crime. Third degree crimes are punishable by

13 three to five years of imprisonment, a fine of up to \$15,000, or both.