

SENATE, No. 273

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

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Senator WILLIAM L. GORMLEY

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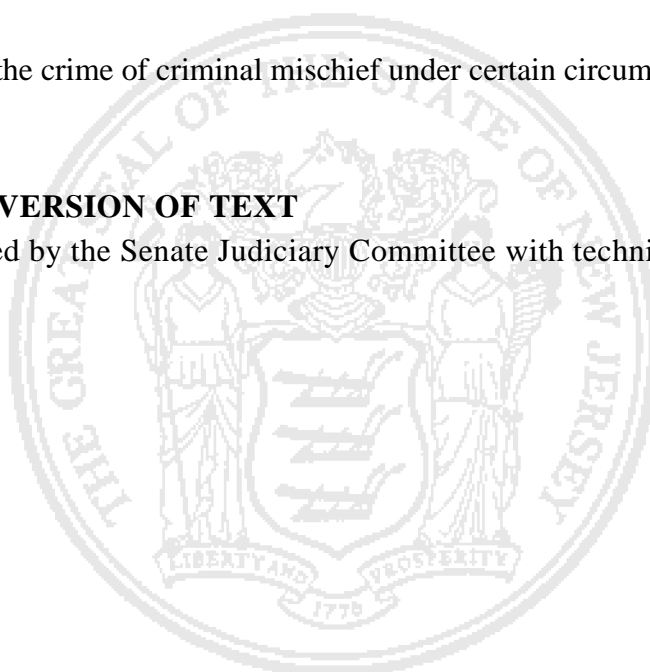
Assemblymen Blee and Scalera

SYNOPSIS

Upgrades the crime of criminal mischief under certain circumstances; creates new offense.

CURRENT VERSION OF TEXT

As reported by the Senate Judiciary Committee with technical review.



(Sponsorship Updated As Of: 1/10/2006)

1 AN ACT concerning the criminal penalties for criminal mischief and
2 amending N.J.S.2C:17-3.

3

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

6

7 1. N.J.S.2C:17-3 is amended to read as follows:

8 2C:17-3. Criminal Mischief. a. Offense defined. A person is guilty
9 of criminal mischief if he:

10 (1) Purposely or knowingly damages tangible property of another
11 or damages tangible property of another recklessly or negligently in
12 the employment of fire, explosives or other dangerous means listed in
13 subsection a. of N.J.S.2C:17-2; or

14 (2) Purposely, knowingly or recklessly tampers with tangible
15 property of another so as to endanger person or property.

16 b. Grading. (1) Criminal mischief is a crime of the third degree if
17 the actor purposely or knowingly causes pecuniary loss of \$2,000.00
18 or more[, or a substantial interruption or impairment of public
19 communication, transportation, supply of water, gas or power, or
20 other public service].

21 (2) Criminal mischief is a crime of the fourth degree if the actor
22 causes pecuniary loss in excess of \$500.00 but less than \$2000.00. It
23 is a disorderly persons offense if the actor causes pecuniary loss of
24 \$500.00 or less.

25 (3) Criminal mischief is a crime of the third degree if the actor
26 damages, defaces, eradicates, alters, receives, releases or causes the
27 loss of any research property used by the research facility, or
28 otherwise causes physical disruption to the functioning of the research
29 facility. The term "physical disruption" does not include any lawful
30 activity that results from public, governmental, or research facility
31 employee reaction to the disclosure of information about the research
32 facility.

33 (4) Criminal mischief is a crime of the fourth degree if the actor
34 damages, removes or impairs the operation of any device, including,
35 but not limited to, a sign, signal, light or other equipment, which
36 serves to regulate or ensure the safety of air traffic at any airport,
37 landing field, landing strip, heliport, helistop or any other aviation
38 facility; however, if the damage, removal or impediment of the device
39 recklessly causes bodily injury or damage to property, the actor is
40 guilty of a crime of the third degree, or if it recklessly causes a death,
41 the actor is guilty of a crime of the second degree.

42 (5) Criminal mischief is a crime of the fourth degree if the actor
43 interferes or tampers with any airport, landing field, landing strip,

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 heliport, helistop or any other aviation facility; however if the
2 interference or tampering with the airport, landing field, landing strip,
3 heliport, helistop or other aviation facility recklessly causes bodily
4 injury or damage to property, the actor is guilty of a crime of the third
5 degree, or if it recklessly causes a death, the actor is guilty of a crime
6 of the second degree.

7 (6) Criminal mischief is a crime of the third degree if the actor
8 tampers with a grave, crypt, mausoleum or other site where human
9 remains are stored or interred, with the purpose to desecrate, destroy
10 or steal such human remains or any part thereof.

11 (7) Criminal mischief is a crime of the third degree if the actor
12 purposely or knowingly causes a substantial interruption or impairment
13 of public communication, transportation, supply of water, oil, gas or
14 power, or other public service. Criminal mischief is a crime of the
15 second degree if the substantial interruption or impairment recklessly
16 causes death.

17 (8) Criminal mischief is a crime of the fourth degree if the actor
18 purposely or knowingly breaks, digs up, obstructs or otherwise
19 tampers with any pipes or mains for conducting gas, oil or water, or
20 any works erected for supplying buildings with gas, oil or water, or
21 any appurtenances or appendages therewith connected, or injures,
22 cuts, breaks down, destroys or otherwise tampers with any electric
23 light wires, poles or appurtenances, or any telephone,
24 telecommunications, cable television or telegraph wires, lines, cable or
25 appurtenances.

26 c. A person convicted of an offense of criminal mischief that
27 involves an act of graffiti may, in addition to any other penalty
28 imposed by the court, be required to pay to the owner of the damaged
29 property monetary restitution in the amount of the pecuniary damage
30 caused by the act of graffiti and to perform community service, which
31 shall include removing the graffiti from the property, if appropriate.
32 If community service is ordered, it shall be for either not less than 20
33 days or not less than the number of days necessary to remove the
34 graffiti from the property.

35 d. As used in this section:

36 (1) "Act of graffiti" means the drawing, painting or making of any
37 mark or inscription on public or private real or personal property
38 without the permission of the owner.

39 (2) "Spray paint" means any paint or pigmented substance that is in
40 an aerosol or similar spray container.

41 (cf: P.L.1999, c.95, s.1)

42

43 2. This act shall take effect immediately.