

ASSEMBLY, No. 2853

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Establishes that pecuniary loss from riot in excess of \$2,000 constitutes crime of third degree; mandates that riot participants be held responsible to reimburse property owners for damages.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning rioting and amending N.J.S.2C:33-1.

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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:33-1 is amended to read as follows:

7 2C:33-1. Riot; Failure to Disperse. a. Riot. A person is guilty
8 of riot if he participates with four or more others in a course of
9 disorderly conduct as defined in section 2C:33-2a:

10 (1) With purpose to commit or facilitate the commission of a
11 crime;

12 (2) With purpose to prevent or coerce official action; **[or]**

13 (3) When he or any other participant, known to him, uses or
14 plans to use a firearm or other deadly weapon; or

15 (4) When he or any other participant known to him, causes
16 monetary loss or damage to tangible property of another.

17 Riot if committed under circumstances set forth in paragraph (3)
18 is a crime of the third degree. Riot if committed under
19 circumstances set forth in paragraph (4) is a crime of the third
20 degree if the pecuniary loss is in excess of \$2,000. Otherwise riot is
21 a crime of the fourth degree.

22 b. Failure of disorderly persons to disperse upon official order.
23 Where five or more persons are participating in a course of
24 disorderly conduct as defined in section 2C:33-2 a. likely to cause
25 substantial harm, a peace officer or other public servant engaged in
26 executing or enforcing the law may order the participants and others
27 in the immediate vicinity to disperse. A person who refuses or
28 knowingly fails to obey such an order commits a disorderly persons
29 offense.

30 c. The court shall order an individual convicted under
31 paragraph (4) of subsection a. of this section to reimburse the
32 individual property owner, or a local unit of government of this
33 State for damages incurred as a result of the riot. The amount shall
34 be reasonable and shall not exceed the individual's pro rata share of
35 the costs. The State's Set Off of Individual Liability (SOIL)
36 program established pursuant to P.L.1981, c.239 (C.54A:9-8.1 et
37 seq.) may be utilized under this section.

38 (cf: P.L.1981, c.290, s.35)

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40 2. This act shall take effect immediately.

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STATEMENT

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45 At present, a person is guilty of the offense of Riot if, while

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

Matter underlined thus is new matter.

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1 acting in concert with four or more others he engages in certain
2 disorderly conduct with purpose to commit or facilitate the
3 commission of a crime; or with purpose to prevent or coerce official
4 action. Under these circumstances, riot is a crime of the fourth
5 degree, punishable by up to 18 months imprisonment, a fine of up
6 to \$10,000 or both. If the actor or any other participant, known to
7 him, uses or plans to use a firearm or other deadly weapon, riot is a
8 crime of the third degree, punishable by up to five years
9 imprisonment, a fine of up to \$15,000 or both.

10 This bill amends the Riot statute to provide that the offense is
11 committed if the actor or any other person known to him, causes
12 pecuniary loss or damage to tangible property of another. Under
13 this circumstance, riot is a crime of the third if the pecuniary loss is
14 in excess of \$2,000. Otherwise, it is a crime of the fourth degree.

15 The bill further establishes an affirmative responsibility on
16 persons guilty of Riot to reimburse property owners for damage
17 caused by the riot behavior. The sponsor recognizes and affirms
18 that the right to peaceful assembly and protest is enshrined as a
19 fundamental liberty interest. However, when protest turns to riot, it
20 is the sponsor's view that parties whose unlawful conduct causes
21 destruction of property should bear the affirmative responsibility for
22 resulting damages, where possible. Restitution is an authorized
23 disposition available to the court upon a criminal conviction under
24 the Code of Criminal Justice. Moreover, N.J.S.A. 2A:48-1 et seq.
25 provides for reimbursement from the public funds for property
26 damage suffered by individual property owners due to riots, with
27 indemnification due to municipalities for damages paid out; as well
28 as a separate right of action by a property owner against persons
29 participating in riot behavior. Nonetheless, should an individual
30 found to have participated in riot damage acquire or have access to
31 assets, they should first pay that obligation. The State's Set off of
32 Individual Liability (SOIL) program has proven to be an
33 administratively efficient means of collecting debts owed to State
34 agencies.