

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1846 and 1942

STATE OF NEW JERSEY

ADOPTED SEPTEMBER 19, 1996

Sponsored by Assemblymen **HOLZAPFEL, WOLFE,**
MORAN, CONNORS, Assemblywoman Heck, Senators
Connors, Bassano and Singer

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

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

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

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

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

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

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

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

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

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.

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

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

7 (5) Thereby recklessly placing a forest in danger of damage or
8 destruction.

9 c. Failure to control or report dangerous fire. A person who
10 knows that a fire is endangering life or a substantial amount of
11 property of another and either fails to take reasonable measures to put
12 out or control the fire, when he can do so without substantial risk to
13 himself, or to give prompt fire alarm, commits a crime of the fourth
14 degree if:

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

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

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

25 e. Notwithstanding the provisions of any section of this Title to
26 the contrary, if a person is convicted of aggravated arson pursuant to
27 the provisions of subsection a. of this section and the structure which
28 was the target of the offense was a health care facility or a physician's
29 office, the sentence imposed shall include a term of imprisonment.
30 The court may not suspend or make any other noncustodial disposition
31 of a person sentenced pursuant to the provisions of this subsection.

32 f. Definitions. "Structure" is defined in section 2C:18-1. Property
33 is that of another, for the purpose of this section, if any one other than
34 the actor has a possessory [or], or legal or equitable proprietary
35 interest therein. Property is that of another for the purpose of this
36 section, if anyone other than the actor has a legal or equitable interest
37 in the property including, but not limited to, a mortgage, pledge, lien
38 or security interest therein. If a building or structure is divided into
39 separately occupied units, any unit not occupied by the actor is an
40 occupied structure of another.

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

1 As used in this section, "health care facility" means health care
2 facility as defined in section 2 of P.L.1971, c.136 (C.26:2H-2).
3 (cf: P.L.1991, c.498, s.1.)

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5 2. This act shall take effect immediately .

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10 Makes various changes to the statute concerning the crime of arson.