

ASSEMBLY, No. 2116

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Assemblyman DALTON

1 AN ACT concerning defacement of official traffic signs and signals,
2 amending N.J.S.2C:17-3 and P.L.1941, c.345.

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

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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 or recklessly tampers with tangible property of
15 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 causes pecuniary loss of \$2,000[.00] or more, or
18 a substantial interruption or impairment of public transportation
19 (including, but not limited to, the defacement, injury or removal of an
20 official traffic sign or signal), supply of water, gas or power, or other
21 public service.

22 (2) Criminal mischief is a crime of the fourth degree if the actor
23 causes pecuniary loss in excess of \$500[.00], but less than
24 \$2,000[.00], or defaces, injures or removes an official traffic sign or
25 signal without causing a substantial interruption or impairment of
26 transportation. Criminal mischief is a disorderly persons offense if
27 [he] the actor causes pecuniary loss of \$500[.00] or less.

28 (3) Criminal mischief is a crime of the third degree if the actor
29 damages, defaces, eradicates, alters, receives, releases or causes the
30 loss of any research property used by the research facility, or
31 otherwise causes physical disruption to the functioning of the research
32 facility.

33 The term "physical disruption" does not include any lawful activity
34 that results from public, governmental, or research facility employee

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 reaction to the disclosure of information about the research facility.

2 c. A person convicted of an offense of criminal mischief that
3 involves an act of graffiti may, in addition to any other penalty
4 imposed by the court, be required to pay to the owner of the damaged
5 property monetary restitution in the amount of the pecuniary damage
6 caused by the act of graffiti and to perform community service, which
7 shall include removing the graffiti from the property, if appropriate.
8 If community service is ordered, it shall be for either not less than 20
9 days or not less than the number of days necessary to remove the
10 graffiti from the property.

11 d. As used in this section:

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

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

17 (3) "Defacement" includes placing a bumper sticker on an official
18 traffic sign or signal.

19 (cf: P.L.1995, c.251, s.1)

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21 2. Section 6 of P.L.1941, c.345 (C.39:4-183.5) is amended to read
22 as follows:

23 6. No person shall purposely or knowingly, recklessly or
24 negligently deface, injure or remove an official traffic sign or signal
25 described in this act. A person who violates the provisions of this
26 section shall be punished by a fine of not less than ~~[\$100]~~ \$200 or
27 more than ~~[\$200]~~ \$500, imprisonment for a term not exceeding 30
28 days, or both. If a person under the age of 18 years is assessed a fine
29 under this section, and the court determines that the person is unable
30 to pay the fine, the person's parents or legal guardian shall be
31 responsible for the imposed fine.

32 For purposes of this section, "defacement" includes placing a
33 bumper sticker on an official traffic sign or signal.

34 (cf: P.L.1991, c.336, s.2)

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36 3. This act shall take effect immediately.

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STATEMENT

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41 A person who defaces, injures or removes an official traffic sign or
42 signal may be charged with a crime under Title 2C, the criminal code,
43 or with an offense under Title 39, the motor vehicle code. This bill
44 increases the criminal and motor vehicle penalties imposed for
45 defacing, injuring, or removing an official traffic sign or signal. It also
46 specifies in the criminal and motor vehicle codes that "defacement"

1 includes placing a bumper sticker on an official traffic sign or signal.

2 Under the criminal code, a person who defaces, injures, or removes
3 an official traffic sign or signal, under certain circumstances, commits
4 the crime of criminal mischief. If the person causes a substantial
5 interruption or impairment of transportation, the person is guilty of a
6 crime of the third degree. The penalty for a third degree crime is a
7 fine of up to \$7,500, a term of imprisonment of between three and five
8 years, or both.

9 This bill provides that a person who defaces, injures or removes an
10 official traffic sign or signal, but does not cause a substantial
11 interruption or impairment of transportation, is guilty of a crime of the
12 fourth degree. The penalty for a fourth degree crime is a fine of up to
13 \$7,500, a term of imprisonment of up to 18 months, or both.

14 This bill also increases the fine imposed under the motor vehicle
15 code for defacing, injuring or removing an official traffic sign or
16 signal. The fine currently imposed is at least \$100, but not more than
17 \$200. This bill increases the fine to at least \$200, but not more than
18 \$500.

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23 Broadens penalties for defacing traffic signs, including defacement
24 with bumper stickers.

WITHDRAWN