

ASSEMBLY, No. 2163

STATE OF NEW JERSEY

INTRODUCED JUNE 20, 1996

By Assemblywoman GILL and Assemblyman COHEN

1 AN ACT concerning conspiracy and amending N.J.S.2C:5-4.

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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:5-4 is amended to read as follows:

7 2C:5-4. Grading of Criminal Attempt and Conspiracy; Mitigation
8 in Cases of Lesser Danger. a. Grading. **[An] Except as provided in**
9 **subsection c., an** attempt or conspiracy to commit a crime of the first
10 degree is a crime of the second degree; except that an attempt to
11 commit murder is a crime of the first degree. Otherwise an attempt is
12 a crime of the same degree as the most serious crime which is
13 attempted, and conspiracy is a crime of the same degree as the most
14 serious crime which is the object of the conspiracy; provided that,
15 leader of organized crime is a crime of the second degree. An attempt
16 or conspiracy to commit an offense defined by a statute outside the
17 code shall be graded as a crime of the same degree as the offense is
18 graded pursuant to sections 2C:1-4 and 2C:43-1.

19 b. Mitigation. The court may impose sentence for a crime of a
20 lower grade or degree if neither the particular conduct charged nor the
21 defendant presents a public danger warranting the grading provided for
22 such crime under subsection a. because:

23 (1) The criminal attempt or conspiracy charged is so inherently
24 unlikely to result or culminate in the commission of a crime; or

25 (2) The conspiracy, as to the particular defendant charged, is so
26 peripherally related to the main unlawful enterprise.

27 **c. Notwithstanding the provisions of subsection a. of this section,**
28 **conspiracy to commit a crime set forth in N.J.S.2C:17-1 where the**
29 **structure which was the target of the crime was a church, synagogue,**
30 **temple or other place of public worship is a crime of the first**
31 **degree.**(cf: P.L.1986, c.190, s.1)

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33 2. This act shall take effect immediately.

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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STATEMENT

Currently, conspiracy to commit a crime of the first degree is a crime of the second degree. Otherwise, conspiracy is a crime of the same degree as the most serious crime which is the object of the conspiracy. This bill provides that conspiracy to commit a crime set forth in N.J.S.2C:17-1, aggravated arson or arson, is a crime of the first degree.

Upgrades conspiracy under certain circumstances.