

[First Reprint]
ASSEMBLY, No. 2163

STATE OF NEW JERSEY

INTRODUCED JUNE 20, 1996

By Assemblywoman GILL, Assemblymen COHEN, Brown,
Caraballo, Jones, Pascrell and Steele

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 ¹subsections a., b., or d. of¹
29 N.J.S.2C:17-1 where the structure which was the target of the crime
30 was a church, synagogue, temple or other place of public worship is

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJU committee amendments adopted January 14, 1997.

1 a crime of the first degree.

2 (cf: P.L.1986, c.190, s.1)

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4 2. This act shall take effect immediately.

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9 Upgrades conspiracy under certain circumstances.