

ASSEMBLY, No. 2166

STATE OF NEW JERSEY

INTRODUCED JUNE 20, 1996

By Assemblymen T.SMITH, STEELE, DiGaetano, Doria,
Corodemus, Jones and Assemblywoman Turner

1 AN ACT concerning 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. Arson and related offenses.

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

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

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

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

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

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

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

25 (3) With the purpose of collecting insurance for the destruction or
26 damage to such property.

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

33 (1) He knows that he is under an official, contractual, or other

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 legal duty to prevent or combat the fire; or

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

4 d. Any person who, directly or indirectly, pays or accepts any form
5 of consideration including, but not limited to, money or any other
6 pecuniary benefit, for the purpose of starting a fire or causing an
7 explosion in violation of this section commits a crime of the first
8 degree.

9 e. Notwithstanding the provisions of any section of this Title to the
10 contrary, if a person is convicted of aggravated arson pursuant to the
11 provisions of subsection a. of this section and the structure which was
12 the target of the offense was a health care facility or a physician's
13 office, the sentence imposed shall include a term of imprisonment.
14 The court may not suspend or make any other noncustodial disposition
15 of a person sentenced pursuant to the provisions of this subsection.

16 f. Definitions. "Structure" is defined in section 2C:18-1. Property
17 is that of another, for the purpose of this section, if any one other than
18 the actor has a possessory or proprietary interest therein. If a building
19 or structure is divided into separately occupied units, any unit not
20 occupied by the actor is an occupied structure of another.

21 As used in this section, "health care facility" means health care
22 facility as defined in section 2 of P.L.1971, c.136 (C.26:2H-2).

23 g. Notwithstanding the provisions of any section of this Title to the
24 contrary, if a person is convicted pursuant to the provisions of
25 subsection a., b. or d. of this section and the structure which was the
26 target of the offense was a church, synagogue, temple or other place
27 of public worship, the sentence imposed shall include a term of
28 imprisonment. The term of imprisonment shall include a minimum term
29 of 15 years for a crime of the first degree, 10 years for a crime of the
30 second degree, five years for a crime of the third degree, or 18 months
31 in the case of a fourth degree crime, during which the defendant shall
32 be ineligible for parole. The court may not suspend or make any other
33 noncustodial disposition of a person sentenced pursuant to the
34 provisions of this subsection.

35 (cf: P.L.1991, c.498, s.1)

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37 2. This act shall take effect immediately.

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STATEMENT

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42 This bill would impose mandatory terms of imprisonment for the
43 crime of arson and other related offenses if the target of the crime was
44 a church, synagogue, temple or other place of worship.

45 Under the provisions of the bill, the term of imprisonment would
46 include a minimum term of imprisonment of five years, during which

1 time the defendant would be ineligible for parole, for arson a crime of
2 the third degree; a minimum term of imprisonment of 10 years, during
3 which time the defendant would be ineligible for parole, for aggravated
4 arson a crime of the second degree; and a minimum term of 15 years,
5 during which time the defendant would be ineligible for parole, when
6 a person commits a crime of the first degree by directly or indirectly
7 paying or accepting any consideration for the purpose of starting a fire
8 or causing an explosion. The bill also provides that the court may not
9 suspend or make any other noncustodial disposition of a person
10 sentenced under the provisions of the bill.

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15 Provides for mandatory terms of imprisonment for arson under certain
16 circumstances.