

ASSEMBLY, No. 2584

STATE OF NEW JERSEY

INTRODUCED DECEMBER 16, 1996

By Assemblymen **KRAMER** and **DeCROCE**

1 AN ACT concerning certain theft and vandalism, amending  
2 N.J.S.2C:17-3, P.L.1991, c.335 and P.L.1938, c.48, supplementing  
3 Title 2C of the New Jersey Statutes and repealing section 6 of  
4 P.L.1941, c.345.

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6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

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9 1. N.J.S.2C:17-3 is amended to read as follows:

10 2C:17-3. Criminal Mischief. a. Offense defined. A person is guilty  
11 of criminal mischief if he:

12 (1) Purposely or knowingly damages tangible property of another  
13 or damages tangible property of another recklessly or negligently in  
14 the employment of fire, explosives or other dangerous means listed in  
15 subsection a. of N.J.S.2C:17-2; or

16 (2) Purposely or recklessly tampers with tangible property of  
17 another so as to endanger person or property.

18 b. Grading. (1) Criminal mischief is a crime of the third degree if  
19 the actor purposely causes pecuniary loss of \$2,000.00 or more, or a  
20 substantial interruption or impairment of public communication,  
21 transportation[ (including, but not limited to, the defacement, injury  
22 or removal of an official traffic sign or signal)], supply of water, gas  
23 or power, or other public service.

24 (2) Criminal mischief is a crime of the fourth degree if the actor  
25 causes pecuniary loss in excess of \$500.00 but less than \$2,000.00, or  
26 a disorderly persons offense if he causes pecuniary loss of \$500.00 or  
27 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. The term "physical disruption" does not include any lawful  
33 activity that results from public, governmental, or research facility  
34 employee reaction to the disclosure of information about the research

**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 facility.

2 (4) Criminal mischief is a crime of the fourth degree if the actor  
3 defaces, injures or removes an official traffic sign or signal or an  
4 official sign, signal, light, safety device or other equipment at any  
5 airport, landing field, landing strip, heliport, helistop or any other  
6 avigation facility; however, if bodily injury or damage to property  
7 results, the actor is guilty of a crime of the third degree, or if a death  
8 results, the actor is guilty of a crime of the second degree.

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

18 d. As used in this section:

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

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

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

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26 2. Section 1 of P.L.1991,c.335 (C.2C:33-14.1) is amended to read  
27 as follows:

28 1. Any person who purposely, knowingly or recklessly defaces,  
29 damages, obstructs or otherwise impairs the operation of any railroad  
30 crossing warning signal or protection device, including, but not limited  
31 to safety gates, electric bell, electric sign or any other alarm or  
32 protection system authorized by the Commissioner of Transportation,  
33 which is required under the provisions of R.S.48:12-54 or  
34 R.S.48:2-29, shall, for a first offense, be guilty of a [disorderly persons  
35 offense] crime of the fourth degree; however, if bodily injury or  
36 damage to property results, the actor is guilty of a crime of the third  
37 degree, or if a death results, the actor is guilty of a crime of the second  
38 degree. [For any subsequent violation of this act, the offender shall be  
39 guilty of a crime of the fourth degree.]

40 (cf: P.L.1991,c.335)

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42 3. Section 30 of P.L.1938, c.48 (C.6:1-49) is amended to read as  
43 follows:

44 30. Malicious interference with avigation facilities.

45 Any person who shall [willfully and maliciously] knowingly  
46 interfere or tamper with any airport, landing field, landing strip,

1 heliport, helistop, or any other aviation facility[, or the equipment  
2 thereof, shall be] is guilty of a [misdemeanor]crime of the fourth  
3 degree; however, if bodily injury or damage to property results, the  
4 actor is guilty of a crime of the third degree, or if a death results, the  
5 actor is guilty of a crime of the second degree.

6 (cf: P.L.1971, c. 118, s. 5)

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8 4. (New section) A person who purposely, knowingly, recklessly  
9 or negligently defaces, injures or removes an official traffic sign or  
10 signal described in Title 39 of the Revised Statutes is guilty of a  
11 disorderly persons offense.

12 If a juvenile who is adjudicated delinquent for an act which, if  
13 committed by an adult, would constitute a violation of this section is  
14 assessed a fine and the court determines that the juvenile is unable to  
15 pay the fine, the juvenile's parents or legal guardian shall be  
16 responsible for the imposed fine.

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18 5. Section 6 of P.L.1941, c.345 (C.39:4-183.5) is hereby repealed.

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20 6. This act shall take effect immediately.

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#### STATEMENT

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25 This bill would upgrade the offense of stealing, vandalizing or  
26 damaging safety devices, such as signs and signals, at airports, on  
27 roadways, and at railroad crossings.

28 Although these acts have potentially deadly consequences, current  
29 law often allows offenders to be treated lightly. For example, a person  
30 who creates an incalculable risk of danger by stealing light bulbs from  
31 the light fixtures at an airport landing strip is guilty of only a  
32 disorderly persons offense, "criminal mischief" (N.J.S.A.2C:17-3), if  
33 the actual monetary loss he causes is less than \$500. Similarly, a  
34 person who steals or damages a traffic sign or traffic signal is guilty  
35 only of a minor offense, equivalent to a petty disorderly persons  
36 offense, for "damaging or removing traffic signs or signals" pursuant  
37 to N.J.S.A.39:4-183.5, as long as that person did not "purposely"  
38 cause a "substantial interruption or impairment of public  
39 transportation."

40 By contrast, a person who does *purposely* cause a *substantial*  
41 interruption or impairment of public transportation is guilty of a crime  
42 of the third degree pursuant to N.J.S.A.2C:17-3, but the difficulty of  
43 proving this level of intent makes convictions rare. Under the bill,  
44 however, convictions would be easier to obtain, since the bill changes  
45 the level of intent needed for conviction from "purposely" to  
46 "knowingly." The bill provides that it would be a crime of the fourth

1 degree to knowingly remove or deface an official sign, signal or other  
2 equipment at an airport, roadway, or railroad crossing. If the person's  
3 actions cause bodily injury or property damage, the person would be  
4 guilty of a crime of the third degree; if the person's actions cause a  
5 death, the person would be guilty of a crime of the second degree.  
6 Thus, under the bill, the person who steals light bulbs from the light  
7 fixtures at an airport landing strip would be guilty of, at least, a crime  
8 of the fourth degree (rather than a disorderly persons offense, as is the  
9 case under current law.)

10 The bill also repeals N.J.S.A.39:4-183.5, replacing it with a  
11 provision in Title 2C, the Criminal Code, which would make it a  
12 disorderly persons offense to damage or remove a traffic sign or signal  
13 recklessly or negligently. A disorderly persons offense is punishable  
14 by a term of imprisonment of up to six months or a fine of up to  
15 \$1,000, or both.

16 The bill also upgrades the offense of interfering or tampering with  
17 airports, landing fields or similar facilities. Currently this offense is the  
18 equivalent of a crime of the fourth degree. Under the bill, the offense  
19 would remain a crime of the fourth degree if no injury or property  
20 damage results, but would constitute a crime of the third degree if an  
21 injury or property damage results and a crime of the second degree if  
22 a death results.

23 A crime of the fourth degree is punishable by a term of  
24 imprisonment of up to 18 months or a fine of up to \$7,500 or both; a  
25 crime of the third degree, by a term of imprisonment of up to three to  
26 five years or a fine of up to \$7,500 or both; and a crime of the second  
27 degree, by a term of imprisonment of up to five to ten years or a fine  
28 of up to \$100,000 or both.

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34 Increases penalties for stealing or damaging airport, traffic, or railroad  
crossing signs or equipment.