

[First Reprint]  
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

**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:

<sup>1</sup> Assembly ATC committee amendments adopted January 9, 1997.

1 facility. The term "physical disruption" does not include any lawful  
2 activity that results from public, governmental, or research facility  
3 employee reaction to the disclosure of information about the research  
4 facility.

5 (4) Criminal mischief is a crime of the fourth degree if the actor  
6 <sup>1</sup>[defaces, injures or removes an official traffic sign or signal or an  
7 official sign, signal, light, safety device or other equipment]damages,  
8 removes or impairs the operation of any device, including, but not  
9 limited to, a sign, signal, light or other equipment, which serves to  
10 regulate or ensure the safety of air traffic<sup>1</sup> at any airport, landing field,  
11 landing strip, heliport, helistop or any other avigation facility;  
12 however, if <sup>1</sup>the damage, removal or impediment of the device causes<sup>1</sup>  
13 bodily injury or damage to property <sup>1</sup>[results]<sup>1</sup>, the actor is guilty of  
14 a crime of the third degree, or if <sup>1</sup>it causes<sup>1</sup> a death <sup>1</sup>[results]<sup>1</sup>, the  
15 actor is guilty of a crime of the second degree.

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

25 d. As used in this section:

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

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

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

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

35 1. Any person who purposely, knowingly or recklessly defaces,  
36 damages, obstructs or otherwise impairs the operation of any railroad  
37 crossing warning signal or protection device, including, but not limited  
38 to safety gates, electric bell, electric sign or any other alarm or  
39 protection system authorized by the Commissioner of Transportation,  
40 which is required under the provisions of R.S.48:12-54 or  
41 R.S.48:2-29, shall, for a first offense, be guilty of a [disorderly persons  
42 offense] crime of the fourth degree; however, if <sup>1</sup>if the defacement,  
43 damage, obstruction or impediment of the crossing warning signal or  
44 protection device causes<sup>1</sup> bodily injury or damage to property  
45 <sup>1</sup>[results]<sup>1</sup>, the actor is guilty of a crime of the third degree, or if <sup>1</sup>it  
46 causes<sup>1</sup> a death <sup>1</sup>[results]<sup>1</sup>, the actor is guilty of a crime of the second

1 degree. [For any subsequent violation of this act, the offender shall be  
2 guilty of a crime of the fourth degree.]

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

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

7 30. Malicious interference with aviation facilities.

8 Any person who shall [willfully and maliciously] knowingly  
9 interfere or tamper with any airport, landing field, landing strip,  
10 heliport, helistop, or any other aviation facility[, or the equipment  
11 thereof, shall be] is guilty of a [misdemeanor] crime of the fourth  
12 degree; however, if <sup>1</sup>the interference or tampering with the airport,  
13 landing field, landing strip, heliport, helistop or other aviation facilitiy  
14 causes<sup>1</sup> bodily injury or damage to property <sup>1</sup>[results] <sup>1</sup>, the actor is  
15 guilty of a crime of the third degree, or if <sup>1</sup>it causes<sup>1</sup> a death<sup>1</sup>[  
16 results]<sup>1</sup>, the actor is guilty of a crime of the second degree.

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

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

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

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

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31 6. This act shall take effect immediately.

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