

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2584

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 9, 1997

The Assembly Transportation and Communications Committee favorably reports Assembly Bill No. 2584 with committee amendments.

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

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

By contrast, a person who does *purposely* cause a *substantial* interruption or impairment of public transportation is guilty of a crime of the third degree pursuant to N.J.S.A.2C:17-3, but the difficulty of proving this level of intent makes convictions rare. Under the bill, however, convictions would be easier to obtain, since the bill changes the level of intent needed for conviction from "purposely" to "knowingly." The bill provides that it would be a crime of the fourth degree to knowingly remove or deface an official sign, signal or other equipment at an airport, roadway, or railroad crossing. If the person's actions cause bodily injury or property damage, the person would be guilty of a crime of the third degree; if the person's actions cause a death, the person would be guilty of a crime of the second degree. Thus, under the bill, the person who steals light bulbs from the light fixtures at an airport landing strip would be guilty of, at least, a crime of the fourth degree (rather than a disorderly persons offense, as is the

case under current law.)

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

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

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

The committee adopted amendments technical in nature to clarify the bill's provisions.