

P.L. 1997, CHAPTER 109, *approved June 3, 1997*
Assembly Committee Substitute for
Assembly, Nos. 1846 and 1942

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

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

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

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

17 (4) With the purpose of destroying or damaging a structure in
18 order to exempt the structure, completely or partially, from the
19 provisions of any State, county or local zoning, planning or building
20 law, regulation, ordinance or enactment under circumstances which
21 recklessly place any other person in danger of death or bodily injury;
22 or

23 (5) With the purpose of destroying or damaging any forest.

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

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

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

31 (3) With the purpose of collecting insurance for the destruction or

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 damage to such property; or

2 (4) With the purpose of destroying or damaging a structure in
3 order to exempt the structure, completely or partially, from the
4 provisions of any State, county or local zoning, planning or building
5 law, regulation, ordinance or enactment ; or

6 (5) Thereby recklessly placing a forest in danger of damage or
7 destruction.

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

14 (1) He knows that he is under an official, contractual, or other
15 legal duty to prevent or combat the fire; or

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

18 d. Any person who, directly or indirectly, pays or accepts or
19 offers to pay or accept any form of consideration including, but not
20 limited to, money or any other pecuniary benefit, regardless of whether
21 any consideration is actually exchanged for the purpose of starting a
22 fire or causing an explosion in violation of this section commits a
23 crime of the first degree.

24 e. Notwithstanding the provisions of any section of this Title to
25 the contrary, if a person is convicted of aggravated arson pursuant to
26 the provisions of subsection a. of this section and the structure which
27 was the target of the offense was a health care facility or a physician's
28 office, the sentence imposed shall include a term of imprisonment.
29 The court may not suspend or make any other noncustodial disposition
30 of a person sentenced pursuant to the provisions of this subsection.

31 f. Definitions. "Structure" is defined in section 2C:18-1. Property
32 is that of another, for the purpose of this section, if any one other than
33 the actor has a possessory [or], or legal or equitable proprietary
34 interest therein. Property is that of another for the purpose of this
35 section, if anyone other than the actor has a legal or equitable interest
36 in the property including, but not limited to, a mortgage, pledge, lien
37 or security interest therein. If a building or structure is divided into
38 separately occupied units, any unit not occupied by the actor is an
39 occupied structure of another.

40 As used in this section, "forest" means and includes any forest,
41 brush land, grass land, salt marsh, wooded area and any combination
42 thereof, including but not limited to, an open space area, public lands,
43 wetlands, park lands, natural habitats, a State conservation area, a
44 wildlife refuge area or any other designated undeveloped open space
45 whether or not it is subject to specific protection under law.

46 As used in this section, "health care facility" means health care

1 facility as defined in section 2 of P.L.1971, c.136 (C.26:2H-2).
2 (cf: P.L.1991, c.498, s.1.)

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4 2. This act shall take effect immediately .

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9 Makes various changes to the statute concerning the crime of arson.