

P.L. 1997, CHAPTER 34, *approved March 7, 1997*  
Assembly, No. 2163 (*First Reprint*)

1 AN ACT concerning conspiracy and amending N.J.S.2C:5-4.

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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:5-4 is amended to read as follows:

7 2C:5-4. Grading of Criminal Attempt and Conspiracy; Mitigation  
8 in Cases of Lesser Danger. a. Grading. [An] Except as provided in  
9 subsection c., an attempt or conspiracy to commit a crime of the first  
10 degree is a crime of the second degree; except that an attempt to  
11 commit murder is a crime of the first degree. Otherwise an attempt is  
12 a crime of the same degree as the most serious crime which is  
13 attempted, and conspiracy is a crime of the same degree as the most  
14 serious crime which is the object of the conspiracy; provided that,  
15 leader of organized crime is a crime of the second degree. An attempt  
16 or conspiracy to commit an offense defined by a statute outside the  
17 code shall be graded as a crime of the same degree as the offense is  
18 graded pursuant to sections 2C:1-4 and 2C:43-1.

19 b. Mitigation. The court may impose sentence for a crime of a  
20 lower grade or degree if neither the particular conduct charged nor the  
21 defendant presents a public danger warranting the grading provided for  
22 such crime under subsection a. because:

23 (1) The criminal attempt or conspiracy charged is so inherently  
24 unlikely to result or culminate in the commission of a crime; or

25 (2) The conspiracy, as to the particular defendant charged, is so  
26 peripherally related to the main unlawful enterprise.

27 c. Notwithstanding the provisions of subsection a. of this section,  
28 conspiracy to commit a crime set forth in <sup>1</sup>subsections a., b., or d. of<sup>1</sup>  
29 N.J.S.2C:17-1 where the structure which was the target of the crime  
30 was a church, synagogue, temple or other place of public worship is

**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> Senate SJU committee amendments adopted January 14, 1997.

1 a crime of the first degree.

2 (cf: P.L.1986, c.190, s.1)

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4 2. This act shall take effect immediately.

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9 Upgrades conspiracy under certain circumstances.