

SENATE, No. 1373

STATE OF NEW JERSEY

INTRODUCED JUNE 24, 1996

By Senator PALAIA

1 AN ACT concerning 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. Arson and related offenses.

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

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

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

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

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

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

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

25 (3) With the purpose of collecting insurance for the destruction or
26 damage to such property.

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

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

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

3 d. Any person who, directly or indirectly, pays or accepts any
4 form of consideration including, but not limited to, money or any other
5 pecuniary benefit, for the purpose of starting a fire or causing an
6 explosion in violation of this section commits a crime of the first
7 degree.

8 e. Notwithstanding the provisions of any section of this Title to
9 the contrary, if a person is convicted of aggravated arson pursuant to
10 the provisions of subsection a. of this section and the structure which
11 was the target of the offense was a health care facility or a physician's
12 office, the sentence imposed shall include a term of imprisonment.
13 The court may not suspend or make any other noncustodial disposition
14 of a person sentenced pursuant to the provisions of this subsection.

15 f. Definitions. "Structure" is defined in section 2C:18-1. Property
16 is that of another, for the purpose of this section, if any one other than
17 the actor has a possessory or proprietary interest therein. If a building
18 or structure is divided into separately occupied units, any unit not
19 occupied by the actor is an occupied structure of another.

20 As used in this section, "health care facility" means health care
21 facility as defined in section 2 of P.L.1971, c.136 (C.26:2H-2).

22 g. Notwithstanding the provisions of any section of this Title to
23 the contrary, if a person is convicted pursuant to the provisions of
24 subsection a., b. or d. of this section and the structure which was the
25 target of the offense was a church, synagogue, temple or other place
26 of public worship, the sentence imposed shall include a term of
27 imprisonment. The term of imprisonment shall include a minimum term
28 of 15 years for a crime of the first degree, 10 years for a crime of the
29 second degree, five years for a crime of the third degree, or 18 months
30 in the case of a fourth degree crime, during which the defendant shall
31 be ineligible for parole. The court may not suspend or make any other
32 noncustodial disposition of a person sentenced pursuant to the
33 provisions of this subsection.

34 (cf: P.L.1991, c.498, s.1)

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36 2. This act shall take effect immediately.

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39 STATEMENT

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41 This bill would impose mandatory terms of imprisonment for the
42 crime of arson and other related offenses if the target of the crime was
43 a church, synagogue, temple or other place of worship.

44 Under the provisions of the bill, the term of imprisonment would
45 include a minimum term of imprisonment of five years, during which
46 time the defendant would be ineligible for parole, for arson a crime of

1 the third degree; a minimum term of imprisonment of 10 years, during
2 which time the defendant would be ineligible for parole, for aggravated
3 arson a crime of the second degree; and a minimum term of 15 years,
4 during which time the defendant would be ineligible for parole, when
5 a person commits a crime of the first degree by directly or indirectly
6 paying or accepting any consideration for the purpose of starting a fire
7 or causing an explosion. The bill also provides that the court may not
8 suspend or make any other noncustodial disposition of a person
9 sentenced under the provisions of the bill.

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14 Provides for mandatory terms of imprisonment for arson under certain
15 circumstances.