

[First Reprint]
SENATE, No. 1373

STATE OF NEW JERSEY

INTRODUCED JUNE 24, 1996

By Senators PALAIA, BRYANT, McGreevey

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

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:

¹ Senate SJU committee amendments adopted December 16, 1996.

1 degree if:

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

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

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

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

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

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

25 g. Notwithstanding the provisions of any section of this Title to
26 the contrary, if a person is convicted pursuant to the provisions of
27 subsection a., b. or d. of this section and the structure which was the
28 target of the offense was a church, synagogue, temple or other place
29 of public worship, ¹that person commits a crime of the first degree
30 and¹ the sentence imposed shall include a term of imprisonment. The
31 term of imprisonment shall include a minimum term of 15 years ¹[for
32 a crime of the first degree, 10 years for a crime of the second degree,
33 five years for a crime of the third degree, or 18 months in the case of
34 a fourth degree crime]¹, during which the defendant shall be ineligible
35 for parole. The court may not suspend or make any other
36 noncustodial disposition of a person sentenced pursuant to the
37 provisions of this subsection.

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

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40 2. This act shall take effect immediately.

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45 Provides for mandatory terms of imprisonment for arson under certain
46 circumstances.