

2C:17-1

LEGISLATIVE HISTORY CHECKLIST
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(Aggravated arson)

NJSA: 2C:17-1

LAWS OF: 1991 CHAPTER: 498

BILL NO: A4796

SPONSOR(S): Cohen & Ford

DATE INTRODUCED: April 29, 1991

COMMITTEE: ASSEMBLY: Judiciary
SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: June 27, 1991
SENATE: January 9, 1992

DATE OF APPROVAL: January 18, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG/pp

1 AN ACT concerning the penalties for arson in certain
2 circumstances and amending N.J.S.2C:17-1.

3

4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

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
10 explosion, 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
16 or damage to such property under circumstances which recklessly
17 place any other person in danger of death or bodily injury.

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

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

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

25 (3) With the purpose of collecting insurance for the destruction
26 or 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 measure
30 to put out or control the fire, when he can do so without
31 substantial risk to himself, or to give prompt fire alarm, commits
32 a crime of the fourth 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

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

37 d. Any person who, directly or indirectly, pays or accepts any
38 form of consideration including, but not limited to, money or any

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 other pecuniary benefit, for the purpose of starting a fire or
2 causing an explosion in violation of this section commits a crime
3 of the first degree.

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

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

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

21 (cf: P.L.1981, c.290, s.16).

22 2. This act shall take effect immediately.

23 24 25 STATEMENT

26
27 This bill provides that if a person is convicted of aggravated
28 arson and a health care facility or physician's office was the
29 target of the offense, the sentence imposed must include a term
30 of imprisonment.

31 32 33 CRIMINAL JUSTICE

34
35 Mandates a term of imprisonment for those convicted of
36 aggravated arson in certain cases.

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2 causing an explosion in violation of this section commits a crime
3 of the first degree.

4 e. Notwithstanding the provisions of any section of this Title
5 to the contrary, if a person is convicted of aggravated arson
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8 facility or a physician's office, the sentence imposed shall
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ASSEMBLY JUDICIARY, LAW AND PUBLIC
SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4796

STATE OF NEW JERSEY

DATED: JUNE 13, 1991

The Assembly Judiciary, Law and Public Safety Committee reports favorably Assembly Bill No. 4796.

This bill provides that if a person is convicted of aggravated arson and a health care facility or physician's office was the target of the offense, the sentence imposed must include a term of imprisonment. A "health care facility" as defined in section 2 of P.L.1971, c.136 (C.26:2H-2) means the facility or institution whether public or private, engaged principally in providing services for health maintenance organizations, diagnosis of treatment of human disease, pain, injury, deformity or physical condition. This definition includes, but is not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, or outpatient clinic, to name a few. The specific definition does include other facilities.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4796

STATE OF NEW JERSEY

DATED: DECEMBER 19, 1991

The Senate Judiciary Committee reports favorably Assembly Bill No. 4796.

This bill provides that if a person is convicted of aggravated arson and a health care facility or physician's office was the target of the offense, the sentence imposed must include a term of imprisonment. A "health care facility" as defined in section 2 of P.L.1971, c.136 (C.26:2H-2) means any facility or institution, whether public or private, engaged principally in providing services for health maintenance organizations, diagnosis of treatment of human disease, pain, injury, deformity or physical condition. This definition includes, but is not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, or outpatient clinic.