

# 2C:29-1 and 2C:29-2

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2000                    **CHAPTER:** 18  
**NJSA:** 2C:29-1 and 2C:29-2 (Resisting arrest)  
**Bill No:** A1576 (Substituted for S828)  
**Sponsor(s):** Zisa  
**DATE INTRODUCED:** Pre-filed  
**COMMITTEE:**        **ASSEMBLY:** Judiciary  
                              **SENATE:** Judiciary  
**AMENDED DURING PASSAGE:** Yes  
**DATE OF PASSAGE:**        **ASSEMBLY:** March 16, 2000  
  **SENATE:** February 28, 2000  
**DATE OF APPROVAL:** April 28, 2000  
**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL:** 2<sup>nd</sup> Reprint  
(Amendments during passage denoted by superscript numbers)

### A1576

<b>SPONSORS STATEMENT:</b> (Begins on p.4 of original bill)	Yes
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> Yes
	<b>SENATE:</b> Yes
<b>FLOOR AMENDMENT STATEMENTS:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	No

### S828

<b>SPONSORS STATEMENT:</b> (Begins on page 4 of original bill)	Yes
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> No
	<b>SENATE:</b> Yes

Identical to Senate Statement to A1576

<b>FLOOR AMENDMENT STATEMENTS:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	No

<b>VETO MESSAGE:</b>	No
<b>GOVERNOR'S PRESS RELEASE ON SIGNING:</b>	Yes

### FOLLOWING WERE PRINTED:

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<b>REPORTS:</b>	No
<b>HEARINGS:</b>	No
<b>NEWSPAPER ARTICLES:</b>	No

**ASSEMBLY, No. 1576**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Assemblyman CHARLES "KEN" ZISA**  
**District 37 (Bergen)**

**Co-Sponsored by:**

**Assemblywoman Previte and Assemblyman Greenwald**

**SYNOPSIS**

Clarifies criminal statutes dealing with obstruction of justice and resisting arrest; upgrades penalties for resisting arrest.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



A1576 ZISA

2

1 AN ACT concerning fleeing from law enforcement officers and  
2 amending N.J.S.2C:29-1 and N.J.S.2C:29-2.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. N.J.S.2C:29-1 is amended to read as follows:

8 2C:29-1. Obstructing Administration of Law or Other  
9 Governmental Function. a. A person commits an offense if he  
10 purposely obstructs, impairs or perverts the administration of law or  
11 other governmental function or prevents or attempts to prevent a  
12 public servant from lawfully performing an official function by means  
13 of flight, intimidation, force, violence, or physical interference or  
14 obstacle, or by means of any independently unlawful act. This section  
15 does not apply to [flight by a person charged with crime, refusal to  
16 submit to arrest,] failure to perform a legal duty other than an official  
17 duty, or any other means of avoiding compliance with law without  
18 affirmative interference with governmental functions.

19 b. An offense under this section is a crime of the fourth degree if  
20 the actor obstructs the detection or investigation of a crime or the  
21 prosecution of a person for a crime, otherwise it is a disorderly  
22 persons offense.

23 (cf: P.L.1986, c.34, s.1)

24

25 2. N.J.S. 2C:29-2 is amended to read as follows:

26 2C:29-2. a. Resisting Arrest; Eluding Officer. **[A]** (1) Except as  
27 provided in paragraph (3), a person is guilty of a disorderly persons  
28 offense if he purposely prevents or attempts to prevent a law  
29 enforcement officer from effecting **[a lawful]** an arrest **[,except that**  
30 **he is guilty of a crime of the fourth degree if he]**. (2) Except as  
31 provided in paragraph (3), a person is guilty of a crime of the fourth  
32 degree if he, by flight, purposely prevents or attempts to prevent a law  
33 enforcement officer from effecting an arrest. (3) An offense under  
34 paragraphs (1) or (2) of subsection a. is a crime of the third degree if  
35 the person:

36 **[1.] (a)** Uses or threatens to use physical force or violence against  
37 the law enforcement officer or another; or

38 **[2.] (b)** Uses any other means to create a substantial risk of  
39 causing physical injury to the public servant or another.

40 It is not a defense to a prosecution under this subsection that the  
41 law enforcement officer was acting unlawfully in making the arrest,  
42 provided he was acting under color of his official authority and

**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 provided the law enforcement officer announces his intention to arrest  
2 prior to the resistance.

3 b. Any person, while operating a motor vehicle on any street or  
4 highway in this State or any vessel, as defined pursuant to section 2 of  
5 P.L.1995, c.401 (C.12:7-71), on the waters of this State, who  
6 knowingly flees or attempts to elude any police or law enforcement  
7 officer after having received any signal from such officer to bring the  
8 vehicle or vessel to a full stop commits a crime of the third degree;  
9 except that, a person is guilty of a crime of the second degree if the  
10 flight or attempt to elude creates a risk of death or injury to any  
11 person. For purposes of this subsection, there shall be a permissive  
12 inference that the flight or attempt to elude creates a risk of death or  
13 injury to any person if the person's conduct involves a violation of  
14 chapter 4 of Title 39 or chapter 7 of Title 12 of the Revised Statutes.  
15 In addition to the penalty prescribed under this subsection or any other  
16 section of law, the court shall order the suspension of that person's  
17 driver's license, or privilege to operate a vessel, whichever is  
18 appropriate, for a period of not less than six months or more than two  
19 years.

20 In the case of a person who is at the time of the imposition of  
21 sentence less than 17 years of age, the period of the suspension of  
22 driving privileges authorized herein, including a suspension of the  
23 privilege of operating a motorized bicycle, shall commence on the day  
24 the sentence is imposed and shall run for a period as fixed by the  
25 court. If the driving or vessel operating privilege of any person is  
26 under revocation, suspension, or postponement for a violation of any  
27 provision of this Title or Title 39 of the Revised Statutes at the time  
28 of any conviction or adjudication of delinquency for a violation of any  
29 offense defined in this chapter or chapter 36 of this Title, the  
30 revocation, suspension, or postponement period imposed herein shall  
31 commence as of the date of termination of the existing revocation,  
32 suspension, or postponement.

33 Upon conviction the court shall collect forthwith the New Jersey  
34 driver's licenses of the person and forward such license or licenses to  
35 the Director of the Division of Motor Vehicles along with a report  
36 indicating the first and last day of the suspension or postponement  
37 period imposed by the court pursuant to this section. If the court is  
38 for any reason unable to collect the license or licenses of the person,  
39 the court shall cause a report of the conviction or adjudication of  
40 delinquency to be filed with the director. That report shall include the  
41 complete name, address, date of birth, eye color, and sex of the person  
42 and shall indicate the first and last day of the suspension or  
43 postponement period imposed by the court pursuant to this section.  
44 The court shall inform the person orally and in writing that if the  
45 person is convicted of personally operating a motor vehicle or a vessel,  
46 whichever is appropriate, during the period of license suspension or

1 postponement imposed pursuant to this section the person shall, upon  
2 conviction, be subject to the penalties set forth in R.S.39:3-40 or  
3 section 14 of P.L.1995, c.401 (C.12:7-83), whichever is appropriate.  
4 A person shall be required to acknowledge receipt of the written  
5 notice in writing. Failure to receive a written notice or failure to  
6 acknowledge in writing the receipt of a written notice shall not be a  
7 defense to a subsequent charge of violation of R.S.39:3-40 or section  
8 14 of P.L.1995, c.401 (C.12:7-83), whichever is appropriate. If the  
9 person is the holder of a driver's or vessel operator's license from  
10 another jurisdiction, the court shall not collect the license but shall  
11 notify the director who shall notify the appropriate officials in the  
12 licensing jurisdiction. The court shall, however, in accordance with  
13 the provisions of this section, revoke the person's non-resident driving  
14 or vessel operating privileges, whichever is appropriate, in this State.  
15 For the purposes of this subsection, it shall be a rebuttable  
16 presumption that the owner of a vehicle or vessel was the operator of  
17 the vehicle or vessel at the time of the offense.  
18 (cf: P.L.1995, c.401, s.54)

19

20 3. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill amends N.J.S.2C:29-1 to provide that a person may  
26 commit an offense if he obstructs or prevents a public servant from  
27 performing an official function by means of flight. Presently that  
28 section specifically does not apply to flight.

29 Currently resisting arrest under N.J.S.2C:29-2 may be graded as a  
30 disorderly persons offense or a crime of the fourth degree if force is  
31 used or a substantial risk of injury to a public servant is created. This  
32 bill would upgrade the disorderly persons offense of resisting arrest to  
33 a crime of the fourth degree if the actor, by flight, prevents or attempts  
34 to prevent an arrest. The bill generally omits the condition that the  
35 arrest be lawful and includes attempts to prevent a law enforcement  
36 officer from effecting an arrest.

37 The bill would also upgrade the fourth degree crime of resisting  
38 arrest to a crime of the third degree if the actor uses or threatens to  
39 use physical force or violence against a law enforcement officer or  
40 another person or uses any other means to create a substantial risk of  
41 causing physical injury to an officer or another person.

[First Reprint]

**ASSEMBLY, No. 1576**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Assemblyman CHARLES "KEN" ZISA**

**District 37 (Bergen)**

**Co-Sponsored by:**

**Assemblywoman Previte and Assemblyman Greenwald**

**SYNOPSIS**

Clarifies criminal statutes dealing with obstruction of justice and resisting arrest; upgrades penalties for resisting arrest.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Judiciary Committee on January 24, 2000, with amendments.



1 AN ACT concerning fleeing from law enforcement officers and  
2 amending N.J.S.2C:29-1 and N.J.S.2C:29-2.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. N.J.S.2C:29-1 is amended to read as follows:

8 2C:29-1. Obstructing Administration of Law or Other  
9 Governmental Function. a. A person commits an offense if he  
10 purposely obstructs, impairs or perverts the administration of law or  
11 other governmental function or prevents or attempts to prevent a  
12 public servant from lawfully performing an official function by means  
13 of <sup>1</sup>[flight,]<sup>1</sup> intimidation, force, violence, or physical interference or  
14 obstacle, or by means of any independently unlawful act. This section  
15 does not apply to [flight by a person charged with crime, refusal to  
16 submit to arrest,] failure to perform a legal duty other than an official  
17 duty, or any other means of avoiding compliance with law without  
18 affirmative interference with governmental functions.

19 b. An offense under this section is a crime of the fourth degree if  
20 the actor obstructs the detection or investigation of a crime or the  
21 prosecution of a person for a crime, otherwise it is a disorderly  
22 persons offense.

23 (cf: P.L.1986, c.34, s.1)

24

25 2. N.J.S. 2C:29-2 is amended to read as follows:

26 2C:29-2. Resisting Arrest; Eluding Officer. a. **[A] (1) Except as**  
27 **provided in paragraph (3), a** person is guilty of a disorderly persons  
28 offense if he purposely prevents or attempts to prevent a law  
29 enforcement officer from effecting **[a lawful] an** arrest **[,except that**  
30 **he is guilty of a crime of the fourth degree if he]**. **(2) Except as**  
31 **provided in paragraph (3), a person is guilty of a crime of the fourth**  
32 **degree if he, by flight, purposely prevents or attempts to prevent a law**  
33 **enforcement officer from effecting an arrest. (3) An offense under**  
34 **paragraphs (1) or (2) of subsection a. is a crime of the third degree if**  
35 **the person:**

36 **[1.] (a)** Uses or threatens to use physical force or violence against  
37 the law enforcement officer or another; or

38 **[2.] (b)** Uses any other means to create a substantial risk of  
39 causing physical injury to the public servant or another.

40 It is not a defense to a prosecution under this subsection that the  
41 law enforcement officer was acting unlawfully in making the arrest,

**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> Assembly AJU committee amendments adopted January 24, 2000.

1 provided he was acting under color of his official authority and  
2 provided the law enforcement officer announces his intention to arrest  
3 prior to the resistance.

4 b. Any person, while operating a motor vehicle on any street or  
5 highway in this State or any vessel, as defined pursuant to section 2 of  
6 P.L.1995, c.401 (C.12:7-71), on the waters of this State, who  
7 knowingly flees or attempts to elude any police or law enforcement  
8 officer after having received any signal from such officer to bring the  
9 vehicle or vessel to a full stop commits a crime of the third degree;  
10 except that, a person is guilty of a crime of the second degree if the  
11 flight or attempt to elude creates a risk of death or injury to any  
12 person. For purposes of this subsection, there shall be a permissive  
13 inference that the flight or attempt to elude creates a risk of death or  
14 injury to any person if the person's conduct involves a violation of  
15 chapter 4 of Title 39 or chapter 7 of Title 12 of the Revised Statutes.  
16 In addition to the penalty prescribed under this subsection or any other  
17 section of law, the court shall order the suspension of that person's  
18 driver's license, or privilege to operate a vessel, whichever is  
19 appropriate, for a period of not less than six months or more than two  
20 years.

21 In the case of a person who is at the time of the imposition of  
22 sentence less than 17 years of age, the period of the suspension of  
23 driving privileges authorized herein, including a suspension of the  
24 privilege of operating a motorized bicycle, shall commence on the day  
25 the sentence is imposed and shall run for a period as fixed by the  
26 court. If the driving or vessel operating privilege of any person is  
27 under revocation, suspension, or postponement for a violation of any  
28 provision of this Title or Title 39 of the Revised Statutes at the time  
29 of any conviction or adjudication of delinquency for a violation of any  
30 offense defined in this chapter or chapter 36 of this Title, the  
31 revocation, suspension, or postponement period imposed herein shall  
32 commence as of the date of termination of the existing revocation,  
33 suspension, or postponement.

34 Upon conviction the court shall collect forthwith the New Jersey  
35 driver's licenses of the person and forward such license or licenses to  
36 the Director of the Division of Motor Vehicles along with a report  
37 indicating the first and last day of the suspension or postponement  
38 period imposed by the court pursuant to this section. If the court is  
39 for any reason unable to collect the license or licenses of the person,  
40 the court shall cause a report of the conviction or adjudication of  
41 delinquency to be filed with the director. That report shall include the  
42 complete name, address, date of birth, eye color, and sex of the person  
43 and shall indicate the first and last day of the suspension or  
44 postponement period imposed by the court pursuant to this section.  
45 The court shall inform the person orally and in writing that if the  
46 person is convicted of personally operating a motor vehicle or a vessel,



1 whichever is appropriate, during the period of license suspension or  
2 postponement imposed pursuant to this section the person shall, upon  
3 conviction, be subject to the penalties set forth in R.S.39:3-40 or  
4 section 14 of P.L.1995, c.401 (C.12:7-83), whichever is appropriate.  
5 A person shall be required to acknowledge receipt of the written  
6 notice in writing. Failure to receive a written notice or failure to  
7 acknowledge in writing the receipt of a written notice shall not be a  
8 defense to a subsequent charge of violation of R.S.39:3-40 or section  
9 14 of P.L.1995, c.401 (C.12:7-83), whichever is appropriate. If the  
10 person is the holder of a driver's or vessel operator's license from  
11 another jurisdiction, the court shall not collect the license but shall  
12 notify the director who shall notify the appropriate officials in the  
13 licensing jurisdiction. The court shall, however, in accordance with  
14 the provisions of this section, revoke the person's non-resident driving  
15 or vessel operating privileges, whichever is appropriate, in this State.  
16 For the purposes of this subsection, it shall be a rebuttable  
17 presumption that the owner of a vehicle or vessel was the operator of  
18 the vehicle or vessel at the time of the offense.  
19 (cf: P.L.1995, c.401, s.54)  
20  
21 3. This act shall take effect immediately.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

[First Reprint]

## **ASSEMBLY, No. 1576**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 17, 2000

The Senate Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1576 (1R).

This bill is intended to clarify the provisions of N.J.S.2C:29-1 (obstruction of justice) and N.J.S.2C:29-2 (resisting arrest).

N.J.S.2C:29-1 prohibits a wide range of conduct intended to impede or defeat the administration of justice or to obstruct other governmental functions. Language in N.J.S.2C:29-1 specifically exempts flight by a person charged with a crime and the refusal to submit to arrest from the activities criminalized. This bill would delete that language. As amended by the committee, this bill would also specifically include "flight" as an activity prohibited by the provisions of 2C:29-1. An example of the type of conduct that this change is intended to cover would be flight to avoid being questioned by a law enforcement officer.

This bill would clarify that N.J.S.2C:29-3 (resisting arrest) includes flight for the purpose of preventing or attempting to prevent an arrest by a law enforcement officer. This bill would also upgrade the penalties for resisting arrest. Under present law, resisting arrest is graded as a crime of the fourth degree if force is used or a substantial risk of injury to a public servant is created. In all other cases, resisting arrest is graded as a disorderly persons offense. This bill would upgrade resisting arrest to a crime of the third degree if the person uses or threatens to use physical force or violence against a law enforcement officer or another person or uses any other means to create a substantial risk of causing physical injury to an officer or another person. Resisting arrest would be graded as a crime of the fourth degree if the person, by flight, prevents or attempts to prevent an arrest. In other situations, resisting arrest would remain a disorderly persons offense.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 1576**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 24, 2000

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1576.

N.J.S.2C:29-1 provides that a person commits an offense if he purposely obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from lawfully performing an official function by means of intimidation, force, violence or physical interference or obstacle or by means of any independently unlawful act. In its original form, the bill amended N.J.S.2C:29-1 to include "flight" as one of the means to obstruct. The committee amendments remove that reference to "flight."

Section two of the bill amends N.J.S. 2C:29-2. Under the current provisions of the law, resisting arrest under N.J.S.2C:29-2 may be graded as a disorderly persons offense or a crime of the fourth degree if force is used or a substantial risk of injury to a public servant is created. This bill would upgrade the disorderly persons offense of resisting arrest to a crime of the fourth degree if the actor, by flight, prevents or attempts to prevent an arrest. The bill generally omits the condition that the arrest be lawful and includes attempts to prevent a law enforcement officer from effecting an arrest.

The bill would also upgrade the fourth degree crime of resisting arrest to a crime of the third degree if the actor uses or threatens to use physical force or violence against a law enforcement officer or another person or uses any other means to create a substantial risk of causing physical injury to an officer or another person.

This bill was prefiled for introduction in the 2000 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

[Second Reprint]

**ASSEMBLY, No. 1576**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Assemblyman CHARLES "KEN" ZISA**

**District 37 (Bergen)**

**Co-Sponsored by:**

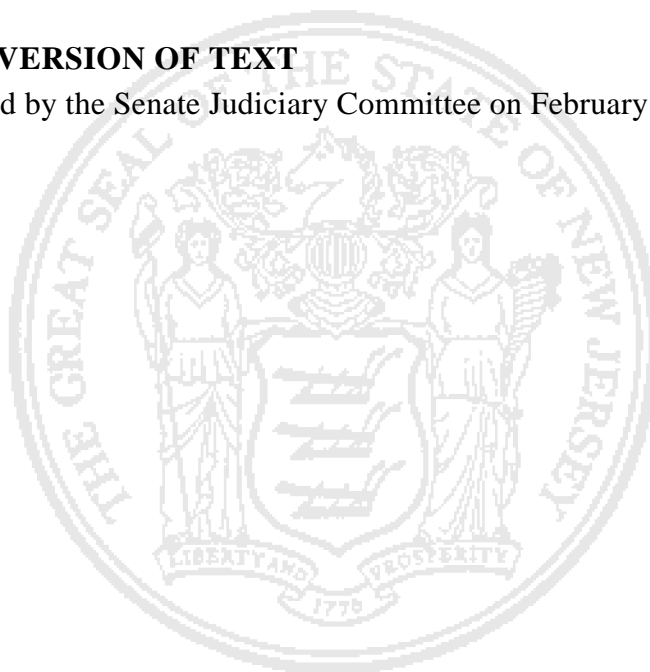
**Assemblywoman Previte, Assemblyman Greenwald, Senators Adler and Martin**

**SYNOPSIS**

Clarifies criminal statutes dealing with obstruction of justice and resisting arrest; upgrades penalties for resisting arrest.

**CURRENT VERSION OF TEXT**

As reported by the Senate Judiciary Committee on February 17, 2000, with amendments.



**(Sponsorship Updated As Of: 2/29/2000)**

1 AN ACT concerning fleeing from law enforcement officers and  
2 amending N.J.S.2C:29-1 and N.J.S.2C:29-2.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. N.J.S.2C:29-1 is amended to read as follows:

8 2C:29-1. Obstructing Administration of Law or Other  
9 Governmental Function. a. A person commits an offense if he  
10 purposely obstructs, impairs or perverts the administration of law or  
11 other governmental function or prevents or attempts to prevent a  
12 public servant from lawfully performing an official function by means  
13 of <sup>1</sup>[flight.]<sup>1</sup> <sup>2</sup>flight,<sup>2</sup> intimidation, force, violence, or physical  
14 interference or obstacle, or by means of any independently unlawful  
15 act. This section does not apply to [flight by a person charged with  
16 crime, refusal to submit to arrest,] failure to perform a legal duty  
17 other than an official duty, or any other means of avoiding compliance  
18 with law without affirmative interference with governmental functions.

19 b. An offense under this section is a crime of the fourth degree if  
20 the actor obstructs the detection or investigation of a crime or the  
21 prosecution of a person for a crime, otherwise it is a disorderly  
22 persons offense.

23 (cf: P.L.1986, c.34, s.1)

24

25 2. N.J.S.2C:29-2 is amended to read as follows:

26 2C:29-2. Resisting Arrest; Eluding Officer. a. **[A] (1) Except as**  
27 **provided in paragraph (3), a** person is guilty of a disorderly persons  
28 offense if he purposely prevents or attempts to prevent a law  
29 enforcement officer from effecting [a lawful] an arrest [,except that  
30 he is guilty of a crime of the fourth degree if he]. **(2) Except as**  
31 **provided in paragraph (3), a person is guilty of a crime of the fourth**  
32 **degree if he, by flight, purposely prevents or attempts to prevent a law**  
33 **enforcement officer from effecting an arrest. (3) An offense under**  
34 **paragraphs (1) or (2) of subsection a. is a crime of the third degree if**  
35 **the person:**

36 **[1.] (a)** Uses or threatens to use physical force or violence against  
37 the law enforcement officer or another; or

38 **[2.] (b)** Uses any other means to create a substantial risk of  
39 causing physical injury to the public servant or another.

40 It is not a defense to a prosecution under this subsection that the

**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> Assembly AJU committee amendments adopted January 24, 2000.

<sup>2</sup> Senate SJU committee amendments adopted February 17, 2000.

1 law enforcement officer was acting unlawfully in making the arrest,  
2 provided he was acting under color of his official authority and  
3 provided the law enforcement officer announces his intention to arrest  
4 prior to the resistance.

5 b. Any person, while operating a motor vehicle on any street or  
6 highway in this State or any vessel, as defined pursuant to section 2 of  
7 P.L.1995, c.401 (C.12:7-71), on the waters of this State, who  
8 knowingly flees or attempts to elude any police or law enforcement  
9 officer after having received any signal from such officer to bring the  
10 vehicle or vessel to a full stop commits a crime of the third degree;  
11 except that, a person is guilty of a crime of the second degree if the  
12 flight or attempt to elude creates a risk of death or injury to any  
13 person. For purposes of this subsection, there shall be a permissive  
14 inference that the flight or attempt to elude creates a risk of death or  
15 injury to any person if the person's conduct involves a violation of  
16 chapter 4 of Title 39 or chapter 7 of Title 12 of the Revised Statutes.  
17 In addition to the penalty prescribed under this subsection or any other  
18 section of law, the court shall order the suspension of that person's  
19 driver's license, or privilege to operate a vessel, whichever is  
20 appropriate, for a period of not less than six months or more than two  
21 years.

22 In the case of a person who is at the time of the imposition of  
23 sentence less than 17 years of age, the period of the suspension of  
24 driving privileges authorized herein, including a suspension of the  
25 privilege of operating a motorized bicycle, shall commence on the day  
26 the sentence is imposed and shall run for a period as fixed by the  
27 court. If the driving or vessel operating privilege of any person is  
28 under revocation, suspension, or postponement for a violation of any  
29 provision of this Title or Title 39 of the Revised Statutes at the time  
30 of any conviction or adjudication of delinquency for a violation of any  
31 offense defined in this chapter or chapter 36 of this Title, the  
32 revocation, suspension, or postponement period imposed herein shall  
33 commence as of the date of termination of the existing revocation,  
34 suspension, or postponement.

35 Upon conviction the court shall collect forthwith the New Jersey  
36 driver's licenses of the person and forward such license or licenses to  
37 the Director of the Division of Motor Vehicles along with a report  
38 indicating the first and last day of the suspension or postponement  
39 period imposed by the court pursuant to this section. If the court is  
40 for any reason unable to collect the license or licenses of the person,  
41 the court shall cause a report of the conviction or adjudication of  
42 delinquency to be filed with the director. That report shall include the  
43 complete name, address, date of birth, eye color, and sex of the person  
44 and shall indicate the first and last day of the suspension or  
45 postponement period imposed by the court pursuant to this section.  
46 The court shall inform the person orally and in writing that if the

1 person is convicted of personally operating a motor vehicle or a vessel,  
2 whichever is appropriate, during the period of license suspension or  
3 postponement imposed pursuant to this section the person shall, upon  
4 conviction, be subject to the penalties set forth in R.S.39:3-40 or  
5 section 14 of P.L.1995, c.401 (C.12:7-83), whichever is appropriate.  
6 A person shall be required to acknowledge receipt of the written  
7 notice in writing. Failure to receive a written notice or failure to  
8 acknowledge in writing the receipt of a written notice shall not be a  
9 defense to a subsequent charge of violation of R.S.39:3-40 or section  
10 14 of P.L.1995, c.401 (C.12:7-83), whichever is appropriate. If the  
11 person is the holder of a driver's or vessel operator's license from  
12 another jurisdiction, the court shall not collect the license but shall  
13 notify the director who shall notify the appropriate officials in the  
14 licensing jurisdiction. The court shall, however, in accordance with  
15 the provisions of this section, revoke the person's non-resident driving  
16 or vessel operating privileges, whichever is appropriate, in this State.  
17 For the purposes of this subsection, it shall be a rebuttable  
18 presumption that the owner of a vehicle or vessel was the operator of  
19 the vehicle or vessel at the time of the offense.

20 (cf: P.L.1995, c.401, s.54)

21

22 3. This act shall take effect immediately.

P.L. 2000, CHAPTER 18, *approved April 28, 2000*

Assembly, No. 1576 (*Second Reprint*)

1 AN ACT concerning fleeing from law enforcement officers and  
2 amending N.J.S.2C:29-1 and N.J.S.2C:29-2.

3

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

6

7 1. N.J.S.2C:29-1 is amended to read as follows:

8 2C:29-1. Obstructing Administration of Law or Other  
9 Governmental Function. a. A person commits an offense if he  
10 purposely obstructs, impairs or perverts the administration of law or  
11 other governmental function or prevents or attempts to prevent a  
12 public servant from lawfully performing an official function by means  
13 of <sup>1</sup>[flight,]<sup>1</sup> <sup>2</sup>flight,<sup>2</sup> intimidation, force, violence, or physical  
14 interference or obstacle, or by means of any independently unlawful  
15 act. This section does not apply to [flight by a person charged with  
16 crime, refusal to submit to arrest,] failure to perform a legal duty  
17 other than an official duty, or any other means of avoiding compliance  
18 with law without affirmative interference with governmental functions.

19 b. An offense under this section is a crime of the fourth degree if  
20 the actor obstructs the detection or investigation of a crime or the  
21 prosecution of a person for a crime, otherwise it is a disorderly  
22 persons offense.

23 (cf: P.L.1986, c.34, s.1)

24

25 2. N.J.S.2C:29-2 is amended to read as follows:

26 2C:29-2. Resisting Arrest; Eluding Officer. a. **[A] (1) Except as**  
27 **provided in paragraph (3), a** person is guilty of a disorderly persons  
28 offense if he purposely prevents or attempts to prevent a law  
29 enforcement officer from effecting [a lawful] an arrest [,except that  
30 he is guilty of a crime of the fourth degree if he]. **(2) Except as**  
31 **provided in paragraph (3), a person is guilty of a crime of the fourth**  
32 **degree if he, by flight, purposely prevents or attempts to prevent a law**  
33 **enforcement officer from effecting an arrest. (3) An offense under**  
34 **paragraphs (1) or (2) of subsection a. is a crime of the third degree if**  
35 **the person:**

36 **[1.] (a)** Uses or threatens to use physical force or violence against  
37 the law enforcement officer or another; or

38 **[2.] (b)** Uses any other means to create a substantial risk of  
39 causing physical injury to the public servant or another.

**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> Assembly AJU committee amendments adopted January 24, 2000.

<sup>2</sup> Senate SJU committee amendments adopted February 17, 2000.



1 It is not a defense to a prosecution under this subsection that the  
2 law enforcement officer was acting unlawfully in making the arrest,  
3 provided he was acting under color of his official authority and  
4 provided the law enforcement officer announces his intention to arrest  
5 prior to the resistance.

6 b. Any person, while operating a motor vehicle on any street or  
7 highway in this State or any vessel, as defined pursuant to section 2 of  
8 P.L.1995, c.401 (C.12:7-71), on the waters of this State, who  
9 knowingly flees or attempts to elude any police or law enforcement  
10 officer after having received any signal from such officer to bring the  
11 vehicle or vessel to a full stop commits a crime of the third degree;  
12 except that, a person is guilty of a crime of the second degree if the  
13 flight or attempt to elude creates a risk of death or injury to any  
14 person. For purposes of this subsection, there shall be a permissive  
15 inference that the flight or attempt to elude creates a risk of death or  
16 injury to any person if the person's conduct involves a violation of  
17 chapter 4 of Title 39 or chapter 7 of Title 12 of the Revised Statutes.  
18 In addition to the penalty prescribed under this subsection or any other  
19 section of law, the court shall order the suspension of that person's  
20 driver's license, or privilege to operate a vessel, whichever is  
21 appropriate, for a period of not less than six months or more than two  
22 years.

23 In the case of a person who is at the time of the imposition of  
24 sentence less than 17 years of age, the period of the suspension of  
25 driving privileges authorized herein, including a suspension of the  
26 privilege of operating a motorized bicycle, shall commence on the day  
27 the sentence is imposed and shall run for a period as fixed by the  
28 court. If the driving or vessel operating privilege of any person is  
29 under revocation, suspension, or postponement for a violation of any  
30 provision of this Title or Title 39 of the Revised Statutes at the time  
31 of any conviction or adjudication of delinquency for a violation of any  
32 offense defined in this chapter or chapter 36 of this Title, the  
33 revocation, suspension, or postponement period imposed herein shall  
34 commence as of the date of termination of the existing revocation,  
35 suspension, or postponement.

36 Upon conviction the court shall collect forthwith the New Jersey  
37 driver's licenses of the person and forward such license or licenses to  
38 the Director of the Division of Motor Vehicles along with a report  
39 indicating the first and last day of the suspension or postponement  
40 period imposed by the court pursuant to this section. If the court is  
41 for any reason unable to collect the license or licenses of the person,  
42 the court shall cause a report of the conviction or adjudication of  
43 delinquency to be filed with the director. That report shall include the  
44 complete name, address, date of birth, eye color, and sex of the person  
45 and shall indicate the first and last day of the suspension or  
46 postponement period imposed by the court pursuant to this section.

1 The court shall inform the person orally and in writing that if the  
2 person is convicted of personally operating a motor vehicle or a vessel,  
3 whichever is appropriate, during the period of license suspension or  
4 postponement imposed pursuant to this section the person shall, upon  
5 conviction, be subject to the penalties set forth in R.S.39:3-40 or  
6 section 14 of P.L.1995, c.401 (C.12:7-83), whichever is appropriate.  
7 A person shall be required to acknowledge receipt of the written  
8 notice in writing. Failure to receive a written notice or failure to  
9 acknowledge in writing the receipt of a written notice shall not be a  
10 defense to a subsequent charge of violation of R.S.39:3-40 or section  
11 14 of P.L.1995, c.401 (C.12:7-83), whichever is appropriate. If the  
12 person is the holder of a driver's or vessel operator's license from  
13 another jurisdiction, the court shall not collect the license but shall  
14 notify the director who shall notify the appropriate officials in the  
15 licensing jurisdiction. The court shall, however, in accordance with  
16 the provisions of this section, revoke the person's non-resident driving  
17 or vessel operating privileges, whichever is appropriate, in this State.  
18 For the purposes of this subsection, it shall be a rebuttable  
19 presumption that the owner of a vehicle or vessel was the operator of  
20 the vehicle or vessel at the time of the offense.  
21 (cf: P.L.1995, c.401, s.54)

22

23 3. This act shall take effect immediately.

24

25

26

27

28 Clarifies criminal statutes dealing with obstruction of justice and  
29 resisting arrest; upgrades penalties for resisting arrest.

## CHAPTER 18

AN ACT concerning fleeing from law enforcement officers and amending N.J.S.2C:29-1 and N.J.S.2C:29-2.

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

1. N.J.S.2C:29-1 is amended to read as follows:

Obstructing administration of law or other governmental function.

2C:29-1. Obstructing Administration of Law or Other Governmental Function. a. A person commits an offense if he purposely obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from lawfully performing an official function by means of flight, intimidation, force, violence, or physical interference or obstacle, or by means of any independently unlawful act. This section does not apply to failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.

b. An offense under this section is a crime of the fourth degree if the actor obstructs the detection or investigation of a crime or the prosecution of a person for a crime, otherwise it is a disorderly persons offense.

2. N.J.S.2C:29-2 is amended to read as follows:

Resisting arrest, eluding officer.

2C:29-2. Resisting Arrest; Eluding Officer. a. (1) Except as provided in paragraph (3), a person is guilty of a disorderly persons offense if he purposely prevents or attempts to prevent a law enforcement officer from effecting an arrest. (2) Except as provided in paragraph (3), a person is guilty of a crime of the fourth degree if he, by flight, purposely prevents or attempts to prevent a law enforcement officer from effecting an arrest. (3) An offense under paragraph (1) or (2) of subsection a. is a crime of the third degree if the person:

(a) Uses or threatens to use physical force or violence against the law enforcement officer or another; or

(b) Uses any other means to create a substantial risk of causing physical injury to the public servant or another.

It is not a defense to a prosecution under this subsection that the law enforcement officer was acting unlawfully in making the arrest, provided he was acting under color of his official authority and provided the law enforcement officer announces his intention to arrest prior to the resistance.

b. Any person, while operating a motor vehicle on any street or highway in this State or any vessel, as defined pursuant to section 2 of P.L.1995, c.401 (C.12:7-71), on the waters of this State, who knowingly flees or attempts to elude any police or law enforcement officer after having received any signal from such officer to bring the vehicle or vessel to a full stop commits a crime of the third degree; except that, a person is guilty of a crime of the second degree if the flight or attempt to elude creates a risk of death or injury to any person. For purposes of this subsection, there shall be a permissive inference that the flight or attempt to elude creates a risk of death or injury to any person if the person's conduct involves a violation of chapter 4 of Title 39 or chapter 7 of Title 12 of the Revised Statutes. In addition to the penalty prescribed under this subsection or any other section of law, the court shall order the suspension of that person's driver's license, or privilege to operate a vessel, whichever is appropriate, for a period of not less than six months or more than two years.

In the case of a person who is at the time of the imposition of sentence less than 17 years of age, the period of the suspension of driving privileges authorized herein, including a suspension of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period as fixed by the court. If the driving or vessel operating privilege of any person is under revocation, suspension, or postponement for a violation of any provision of this Title or Title 39 of the Revised Statutes at the time of any conviction or adjudication of delinquency for a violation of any offense defined in this chapter or chapter 36 of this Title, the revocation, suspension, or postponement period imposed herein shall commence as of the date of termination of the existing revocation, suspension, or postponement.

Upon conviction the court shall collect forthwith the New Jersey driver's licenses of the person and forward such license or licenses to the Director of the Division of Motor Vehicles along with a report indicating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If the court is for any reason unable to collect the license or licenses of the person, the court shall cause a report of the conviction or adjudication of delinquency to be filed with the director. That report shall include the complete name, address, date of birth, eye color, and sex of the person and shall indicate the first and last day of the suspension or postponement period imposed by the court pursuant to this section. The court shall inform the person orally and in writing that if the person is convicted of personally operating a motor vehicle or a vessel, whichever is appropriate, during the period of license suspension or postponement imposed pursuant to this section the person shall, upon conviction, be subject to the penalties set forth in R.S.39:3-40 or section 14 of P.L.1995, c.401 (C.12:7-83), whichever is appropriate. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of violation of R.S.39:3-40 or section 14 of P.L.1995, c.401 (C.12:7-83), whichever is appropriate. If the person is the holder of a driver's or vessel operator's license from another jurisdiction, the court shall not collect the license but shall notify the director who shall notify the appropriate officials in the licensing jurisdiction. The court shall, however, in accordance with the provisions of this section, revoke the person's non-resident driving or vessel operating privileges, whichever is appropriate, in this State.

For the purposes of this subsection, it shall be a rebuttable presumption that the owner of a vehicle or vessel was the operator of the vehicle or vessel at the time of the offense.

3. This act shall take effect immediately.

Approved April 28, 2000.

## **Governor Signs Legislation**

Gov. Christie Whitman today signed the following pieces of legislation:

**S-267**, sponsored by Senators John O. Bennett (R-Monmouth) and John A. Lynch (D-Middlesex/Somerset/Union) and Assembly Members Charles Zisa (D-Bergen) and Gary W. Stuhltrager (R-Salem/Cumberland/Gloucester), establishes a grading system for shoplifting based upon the full retail value of the merchandise taken. Under previous law, shoplifting was classified as a disorderly person's offense.

Shoplifting will be treated as a second-degree crime if the value of the merchandise taken was \$75,000 or more; a third degree crime if the value of the merchandise was at least \$500 but less than \$75,000, and a fourth-degree crime if the value of the merchandise was at least \$200 but less than \$500. Shoplifting would be a disorderly person's offense if the value of the merchandise was less than \$200. The bill also changes sentencing provisions for shoplifting.

**A-1576**, sponsored by Assembly Member Charles Zisa (D-Bergen) and Senators John H. Adler (D-Camden) and Robert J. Martin (R-Essex/Morris/Passaic), clarifies criminal statutes dealing with obstruction of justice and resisting arrest. It also upgrades penalties for resisting arrest.

The bill upgrades resisting arrest from a disorderly person's offense to a fourth-degree crime when the actor, through flight, purposely attempts to prevent or prevents a police officer from making a lawful arrest. Under previous law, flight was not specifically included as a means to commit the offense of resisting arrest.

The bill also upgrades resisting arrest from a fourth-degree crime to a third-degree crime when the actor resists arrest by using or threatening physical force or by creating a substantial risk of physical injury to another person. Preventing or attempting to prevent an officer from making an arrest by other means would remain a disorderly person's offense. A third-degree crime is punishable by a three-to-five year period of incarceration, a \$15,000 fine or both. A fourth-degree crime is punishable by a maximum term of imprisonment of up to 18 months, a \$10,000 fine or both.

**S-492**, sponsored by Senators Andrew R. Ciesla (R-Monmouth/Ocean) and Diane B. Allen (R-Burlington/Camden) and Assembly Members James W. Holzapfel (R-Monmouth/Ocean) and David W. Wolfe (R-Monmouth/Ocean), prohibits the governing body of a municipality from appointing a certified animal control officer who was found to have violated any animal cruelty statutes. It also prohibits a municipality from contracting for animal control services with any company that employs a certified animal control officer who was found to have violated any animal cruelty statutes.