

ASSEMBLY, No. 2480

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MAY 22, 2000

Sponsored by:

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

Assemblyman RICK MERKT

District 25 (Morris)

SYNOPSIS

Increases penalties for interference with facilities of transportation.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain offenses committed by persons on or near
2 any facility of transportation and amending N.J.S.2C:33-14.

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:33-14 is amended to read as follows:

8 2C:33-14. a. Any person who casts, shoots or throws anything at,
9 against or into any vehicle, railroad car, airplane, or other facility of
10 transportation, or places any stick, stone or other substance upon any
11 street railway track, trolley track or railroad track, or who unlawfully
12 climbs into or upon any railroad car, either in motion or standing on
13 the track of any railroad company in this State, ~~[is guilty of a~~
14 ~~disorderly persons offense]~~ or who knowingly, purposefully or
15 recklessly disrupts, delays or prevents the operation of any train, bus,
16 jitney, trolley, subway, airplane or any other facility of transportation,
17 is guilty of a crime of the fourth degree.

18 b. A person is guilty of a crime of the third degree if the person
19 violates subsection a. of this section and this violation creates a risk of
20 widespread danger or of injury to any person or of damage to property
21 or results in bodily injury to another person.

22 c. A person is guilty of a crime of the second degree if the person
23 violates subsection a. of this section and this violation results in
24 serious bodily injury to another person.

25 (cf: N.J.S.2C:33-14)

26
27 2. This act shall take effect immediately.

28

29

30 STATEMENT

31

32 This bill would amend N.J.S.2C:33-14 to increase the penalty for
33 any person interfering with facilities of transportation by upgrading the
34 offense from a disorderly persons offense to a crime of the fourth
35 degree.

36 It is a disorderly persons offense under current law for any person
37 to cast, shoot or throw anything at, against or into a vehicle, railroad
38 car, airplane, or other facility of transportation or interfere with the
39 functioning of a rail or trolley car either by placing a substance in the
40 vehicle's path or climbing on or into the vehicle.

41 This bill would amend the law to include, as a fourth degree
42 offense, the act of knowingly, purposefully or recklessly disrupting,
43 delaying or preventing the operation of any train, bus, jitney, trolley,

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.

A2480 DECROCE, MERKT

3

1 subway, airplane or any other facility of transportation. The bill would
2 also increase the penalty by making it a crime of the third degree if the
3 person's actions create a risk of widespread danger, injury or damage
4 to property or result in bodily injury to another person. In addition,
5 this bill would also provide that a crime of the second degree has been
6 committed if the person's actions result in serious bodily injury.

7 A crime of the fourth degree is punishable by up to 18 months
8 imprisonment, a fine not to exceed \$10,000, or both. A crime of the
9 third degree carries a possible term of three-to-five years in prison, a
10 fine not to exceed \$15,000, or both. A crime of the second degree is
11 punishable by five-to-10 years in prison, a fine not to exceed
12 \$150,000, or both.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2480

STATE OF NEW JERSEY

DATED: JUNE 8, 2000

The Assembly Transportation Committee reports favorably Assembly Bill No. 2480.

This bill would amend N.J.S.2C:33-14 to increase the penalty for any person interfering with facilities of transportation by upgrading the offense from a disorderly persons offense to a crime of the fourth degree.

It is a disorderly persons offense under current law for any person to cast, shoot or throw anything at, against or into a vehicle, railroad car, airplane, or other facility of transportation or interfere with the functioning of a rail or trolley car either by placing a substance in the vehicle's path or climbing on or into the vehicle.

This bill would amend the law to include, as a fourth degree offense, the act of knowingly, purposefully or recklessly disrupting, delaying or preventing the operation of any train, bus, jitney, trolley, subway, airplane or any other facility of transportation. The bill would also increase the penalty by making it a crime of the third degree if the person's actions create a risk of widespread danger, injury or damage to property or result in bodily injury to another person. In addition, this bill would also provide that a crime of the second degree has been committed if the person's actions result in serious bodily injury.

A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine not to exceed \$10,000, or both. A crime of the third degree carries a possible term of three-to-five years in prison, a fine not to exceed \$15,000, or both. A crime of the second degree is punishable by five-to-10 years in prison, a fine not to exceed \$150,000, or both.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2480

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 2001

The Senate Transportation Committee reports favorably Assembly Bill No. 2480 with committee amendments.

The first part of this amended bill deals with railroad protection and vandalism. Purposefully, knowingly or recklessly placing anything upon any railroad track or purposefully or knowingly unlawfully disrupting, delaying or preventing the operation of a railroad will be a disorderly persons offense.

Purposefully, knowingly or recklessly throwing or shooting anything at railroad equipment or damaging, defacing, removing or otherwise impairing railroad property, equipment or a signal system will be fourth degree crimes. If any of these acts causes bodily injury or property damage in excess of \$2,000, the crime becomes third degree. If the result is a death, the crime becomes second degree. If the damage to railroad property includes graffiti, restitution and community service, including removal of the graffiti, may be added to any penalty. Rights to restitution and other civil actions are not impaired by this bill.

The bill creates a separate penalty for anyone who, while violating the provisions of this bill concerning railroads, purposely or knowingly causes widespread injury or damage.

Section 1 of P.L.1970, c.246 (C.2A:53A-16) has been amended by this bill to increase parental liability for damage to railroad property maliciously or willfully caused by a minor from \$1,000 to \$5,000. N.J.S.2C:33-14 has been amended to remove certain references to railroads because the prohibited conduct is included in this bill. R.S.48:12-167 and P.L.1991, c.335 (C.2C:33-14.1 et seq.) are repealed by this bill.

In addition to the provisions of the bill which specifically address railroad protection and vandalism, this bill would amend N.J.S.2C:33-14 to include the act of knowingly, purposefully or recklessly unlawfully disrupting, delaying or preventing the operation of any bus, jitney, trolley, subway, airplane or any other facility of transportation.

The bill would also increase the penalty by making it a crime of the fourth degree if the person's actions created a risk of widespread danger, injury or damage to property or result in bodily injury to

another person. If the person's actions result in serious bodily injury, the bill provides that a crime of the third degree has been committed.

The railroad provisions of this bill are based upon the Model State Railroad Vandalism Prevention Bill which is intended to prevent the vandalism of railroad property that could jeopardize the safety of the traveling public, railroad employees and communities near railroads. Existing New Jersey laws cover some of the conduct addressed in the model bill; however, the sections are in numerous locations throughout the statutes and sometimes are written in general terms rather than specifically addressing railroad vandalism. The railroad provisions of the bill are adapted from the model bill and provide a unified approach specifically for railroad vandalism. Modifications have been made to the model bill to make it consistent with New Jersey statutes. Existing statutes have been amended or repealed as necessary.

The committee amendments add the provisions of S2312 concerning the protection of railroad property to A-2480. The committee amendments remove some references to railroads from N.J.S.2C:33-14 because the prohibited conduct is included in the added provisions of S-2312.

The committee also amended A-2480 by changing the prohibition against knowingly, purposefully or recklessly disrupting, delaying or preventing the operation of any bus, subway, etc. to knowingly, purposefully or recklessly unlawfully disrupting, delaying or preventing the operation of any bus, subway, etc. The committee amended the bill to change the violation of section a. of N.J.S.2C:33-14 back to a disorderly persons offense and lowering the penalties in section b. from third degree to fourth degree and in section c. from second degree to third degree.

This amended bill is identical to the Senate Committee Substitute for Senate Bill Nos. 2312 and 2638 as reported by the committee today.

[First Reprint]

ASSEMBLY, No. 2480

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 22, 2000

Sponsored by:

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

Assemblyman RICK MERKT

District 25 (Morris)

Co-Sponsored by:

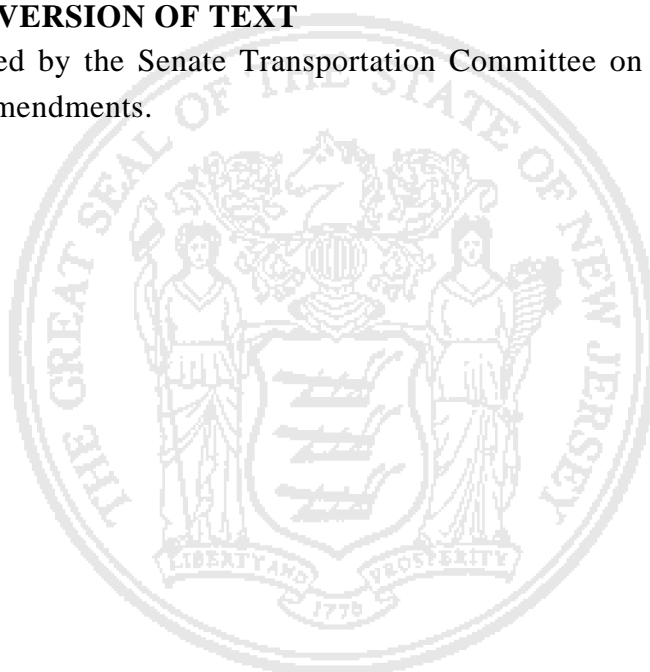
Senators Ciesla, Allen, Turner, Sacco and McNamara

SYNOPSIS

Establishes offenses concerning the protection of railroad property and interference with transportation.

CURRENT VERSION OF TEXT

As reported by the Senate Transportation Committee on November 19, 2001, with amendments.



(Sponsorship Updated As Of: 11/27/2001)

1 AN ACT concerning ¹[certain offenses committed by persons on or
2 near any facility of transportation] railroad protection, prevention
3 of railroad vandalism, and interference with transportation,
4 supplementing Title 2C of the New Jersey Statutes, [and]¹
5 amending N.J.S.2C:33-14 ¹and P.L.1970, c.246 and repealing
6 P.L.1991, c.335 (C.2C:33-14.1 et seq.) and R.S. 48:12-167.¹
7

8 **BE IT ENACTED** *by the Senate and General Assembly of the State*
9 *of New Jersey:*
10

11 ¹[1. N.J.S.2C:33-14 is amended to read as follows:

12 2C:33-14. a. Any person who casts, shoots or throws anything at,
13 against or into any vehicle, railroad car, airplane, or other facility of
14 transportation, or places any stick, stone or other substance upon any
15 street railway track, trolley track or railroad track, or who unlawfully
16 climbs into or upon any railroad car, either in motion or standing on
17 the track of any railroad company in this State, [is guilty of a
18 disorderly persons offense] or who knowingly, purposefully or
19 recklessly disrupts, delays or prevents the operation of any train, bus,
20 jitney, trolley, subway, airplane or any other facility of transportation,
21 is guilty of a crime of the fourth degree.

22 b. A person is guilty of a crime of the third degree if the person
23 violates subsection a. of this section and this violation creates a risk of
24 widespread danger or of injury to any person or of damage to property
25 or results in bodily injury to another person.

26 c. A person is guilty of a crime of the second degree if the person
27 violates subsection a. of this section and this violation results in
28 serious bodily injury to another person.

29 (cf: N.J.S.2C:33-14)]¹
30

31 ¹1. (New section) Sections 1 through 7 of this act shall be known
32 and may be cited as the "Railroad Protection and Vandalism
33 Prevention Act."¹
34

35 ¹2. (New section) As used in this act:

36 "Railroad equipment" means all equipment owned, leased, or used
37 in the operation of any railroad including, but not limited to, a train,
38 locomotive, engine, railroad car, work equipment, rolling stock, or
39 safety device. "Railroad equipment" does not include administrative
40 equipment.

41 "Railroad property" means all property owned, leased, or operated

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate STR committee amendments adopted November 19, 2001.

1 by a railroad including, but not limited to, track, roadbed, right-of-
2 way, bridge, yard, shop, station, tunnel, viaduct, trestle, depot,
3 warehouse, terminal, or any other structure or appurtenance used in
4 the operation of any railroad. "Railroad property" does not include
5 administrative buildings or administrative offices.

6 "Railroad signal system" means all equipment owned, leased or used
7 in the operation of any railroad for the purposes of controlling trains
8 and providing warnings including, but not limited to, a signal system,
9 train control system, centralized dispatching system, or any highway-
10 railroad grade crossing warning signal or protection device including,
11 but not limited to, safety gates, electric bell, electric sign or any other
12 alarm or protection system authorized by the Commissioner of
13 Transportation, which is required under the provisions of R.S.48:12-
14 54 or R.S.48:2-29.

15 "Widespread damage" means damage to 10 or more habitations or
16 to a building which would normally contain 50 or more persons at the
17 time of the offense.

18 "Widespread injury" means serious bodily injury to 10 or more
19 people.¹

20
21 ¹3. (New section) a. Any person who purposely, knowingly or
22 recklessly places any stick, stone or other substance upon any railroad
23 track is guilty of a disorderly persons offense.

24 b. A person is guilty of a crime of the fourth degree if the person
25 violates subsection a. of this section and this violation disrupts, delays
26 or prevents the operation of any railroad.

27 c. A person is guilty of a crime of the third degree if the person
28 violates subsection a. of this section and this violation causes bodily
29 injury or property damage in excess of \$2,000.

30 d. A person is guilty of a crime of the second degree if the person
31 violates subsection a. of this section and this violation causes a death.¹

32
33 ¹4. (New section) a. Any person who purposely, knowingly or
34 recklessly casts, shoots or throws anything at, against or into any
35 railroad equipment is guilty of a crime of the fourth degree.

36 b. A person is guilty of a crime of the third degree if the person
37 violates subsection a. of this section and this violation causes bodily
38 injury or property damage in excess of \$2,000.

39 c. A person is guilty of a crime of the second degree if the person
40 violates subsection a. of this section and this violation causes a death.¹

41
42 ¹5. (New section) a. Any person who purposely, knowingly or
43 recklessly defaces, damages, removes or otherwise impairs any
44 railroad property, railroad equipment or railroad signal system is guilty
45 of a crime of the fourth degree.

46 b. A person is guilty of a crime of the third degree if the person

1 violates subsection a. of this section and this violation causes bodily
2 injury or property damage in excess of \$2,000.

3 c. A person is guilty of a crime of the second degree if the person
4 violates subsection a. of this section and this violation causes a death.

5 d. A person convicted of a violation of this section that involves
6 graffiti may, in addition to any other penalty imposed by the court, be
7 required to pay to the owner of the damaged property monetary
8 restitution in the amount of the pecuniary damage caused by the act of
9 graffiti and to perform community service, which shall include
10 removing the graffiti from the property, if appropriate. If community
11 service is ordered, it shall be for either not less than 20 days or not less
12 than the number of days necessary to remove the graffiti from the
13 property. As used in this section, "graffiti" means the drawing,
14 painting or making of any mark or inscription on public or private real
15 or personal property without the permission of the owner.¹

16

17 ^{16.} (New section) a. Any person who purposely or knowingly
18 unlawfully disrupts, delays or prevents the operation of any railroad,
19 other than as set forth in sections 3 through 5 of this act, is guilty of
20 a disorderly persons offense.

21 b. A person is guilty of a crime of the third degree if the person
22 violates subsection a. of this section and this violation causes bodily
23 injury or property damage in excess of \$2,000.

24 c. A person is guilty of a crime of the second degree if the person
25 violates subsection a. of this section and this violation causes a death.¹

26

27 ^{17.} (New section) a. Any person who, while violating the provisions
28 of this act, purposely or knowingly causes widespread injury or
29 damage is guilty of a crime of the second degree.

30 b. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
31 provisions of law, a conviction arising under this section shall not
32 merge with a conviction for a violation of sections 3 through 6 of this
33 act.¹

34

35 ^{18.} Section 1 of P.L. 1970, c.246 (C.2A:53A-16) is amended to
36 read as follows:

37 1. The parents of any[~~infant~~] minor who shall maliciously or
38 willfully injure any property of a railroad, street railway, traction
39 railway or autobus public utility shall be liable for damages in the
40 amount of the injury to a limit of [~~\$1,000.00~~]\$5,000, to be collected
41 by the [~~public utility~~]property owner in [~~any court of competent~~
42 jurisdiction]the Superior Court, together with costs of suit.

43 (cf: P.L.1970, c.246, s.1)¹

44

45 ^{19.} N.J.S.2C:33-14 is amended to read as follows:

46 2C:33-14. a. Interference with Transportation. Any person who

1 casts, shoots or throws anything at, against or into any vehicle,
2 [railroad car,] airplane, or other facility of transportation, or places
3 any stick, stone or other substance upon any street railway track[,]or
4 [trolley] trolley track [or railroad track], or who unlawfully climbs into
5 or upon any railroad car, either in motion or standing on the track of
6 any railroad company in this State, [is guilty of a disorderly persons
7 offense] or who knowingly, purposefully or recklessly unlawfully
8 disrupts, delays or prevents the operation of any bus, jitney, trolley,
9 subway, airplane or any other facility of transportation, is guilty of a
10 disorderly persons offense.

11 b. A person is guilty of a crime of the fourth degree if the person
12 violates subsection a. of this section and this violation creates a risk of
13 widespread danger or of injury to any person or of damage to property
14 or results in bodily injury to another person.

15 c. A person is guilty of a crime of the third degree if the person
16 violates subsection a. of this section and this violation results in
17 serious bodily injury to another person.

18 (cf: P.L.1978, c.95, s.2C:33-14)¹

19

20 ¹10. P.L.1991, c.335 (C.2C:33-14.1 et seq.) and R.S.48:12-167
21 are repealed.¹

22

23

24 ¹[2.] 11.¹ This act shall take effect immediately.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 2480

with Senate Floor Amendments
(Proposed By Senators CIESLA and ALLEN)

ADOPTED: NOVEMBER 26, 2001

These Senate amendments to Assembly Bill No. 2480 (1R) add specific language to the prohibitions regarding disrupting, delaying or preventing the operation of any railroad or other facility of transportation to clarify that the prohibitions do not apply to conduct growing out of a labor dispute as defined in N.J.S. 2A:15-58.

[Second Reprint]

ASSEMBLY, No. 2480

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 22, 2000

Sponsored by:

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

Assemblyman RICK MERKT

District 25 (Morris)

Co-Sponsored by:

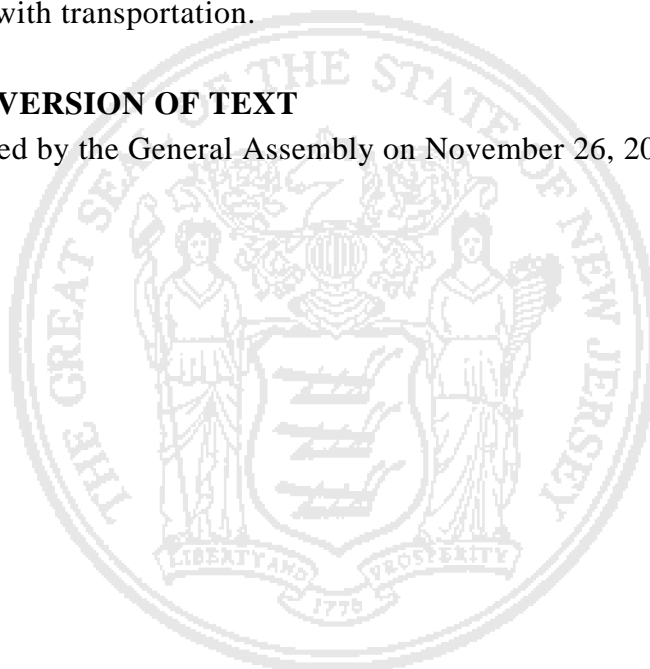
Senators Ciesla, Allen, Turner, Sacco and McNamara

SYNOPSIS

Establishes offenses concerning the protection of railroad property and interference with transportation.

CURRENT VERSION OF TEXT

As amended by the General Assembly on November 26, 2001.



(Sponsorship Updated As Of: 11/27/2001)

1 AN ACT concerning ¹[certain offenses committed by persons on or
2 near any facility of transportation] railroad protection, prevention
3 of railroad vandalism, and interference with transportation,
4 supplementing Title 2C of the New Jersey Statutes, [and]¹
5 amending N.J.S.2C:33-14 ¹and P.L.1970, c.246 and repealing
6 P.L.1991, c.335 (C.2C:33-14.1 et seq.) and R.S. 48:12-167.¹
7

8 **BE IT ENACTED** *by the Senate and General Assembly of the State*
9 *of New Jersey:*
10

11 ¹[1. N.J.S.2C:33-14 is amended to read as follows:

12 2C:33-14. a. Any person who casts, shoots or throws anything at,
13 against or into any vehicle, railroad car, airplane, or other facility of
14 transportation, or places any stick, stone or other substance upon any
15 street railway track, trolley track or railroad track, or who unlawfully
16 climbs into or upon any railroad car, either in motion or standing on
17 the track of any railroad company in this State, [is guilty of a
18 disorderly persons offense] or who knowingly, purposefully or
19 recklessly disrupts, delays or prevents the operation of any train, bus,
20 jitney, trolley, subway, airplane or any other facility of transportation,
21 is guilty of a crime of the fourth degree.

22 b. A person is guilty of a crime of the third degree if the person
23 violates subsection a. of this section and this violation creates a risk of
24 widespread danger or of injury to any person or of damage to property
25 or results in bodily injury to another person.

26 c. A person is guilty of a crime of the second degree if the person
27 violates subsection a. of this section and this violation results in
28 serious bodily injury to another person.

29 (cf: N.J.S.2C:33-14)]¹
30

31 ¹1. (New section) Sections 1 through 7 of this act shall be known
32 and may be cited as the "Railroad Protection and Vandalism
33 Prevention Act."¹
34

35 ¹2. (New section) As used in this act:

36 "Railroad equipment" means all equipment owned, leased, or used
37 in the operation of any railroad including, but not limited to, a train,
38 locomotive, engine, railroad car, work equipment, rolling stock, or
39 safety device. "Railroad equipment" does not include administrative
40 equipment.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate STR committee amendments adopted November 19, 2001.

² Assembly floor amendments adopted November 26, 2001.

1 "Railroad property" means all property owned, leased, or operated
2 by a railroad including, but not limited to, track, roadbed, right-of-
3 way, bridge, yard, shop, station, tunnel, viaduct, trestle, depot,
4 warehouse, terminal, or any other structure or appurtenance used in
5 the operation of any railroad. "Railroad property" does not include
6 administrative buildings or administrative offices.

7 "Railroad signal system" means all equipment owned, leased or used
8 in the operation of any railroad for the purposes of controlling trains
9 and providing warnings including, but not limited to, a signal system,
10 train control system, centralized dispatching system, or any highway-
11 railroad grade crossing warning signal or protection device including,
12 but not limited to, safety gates, electric bell, electric sign or any other
13 alarm or protection system authorized by the Commissioner of
14 Transportation, which is required under the provisions of R.S.48:12-
15 54 or R.S.48:2-29.

16 "Widespread damage" means damage to 10 or more habitations or
17 to a building which would normally contain 50 or more persons at the
18 time of the offense.

19 "Widespread injury" means serious bodily injury to 10 or more
20 people.¹

21
22 ^{13.} (New section) a. Any person who purposely, knowingly or
23 recklessly places any stick, stone or other substance upon any railroad
24 track is guilty of a disorderly persons offense.

25 b. A person is guilty of a crime of the fourth degree if the person
26 violates subsection a. of this section and this violation disrupts, delays
27 or prevents the operation of any railroad.

28 c. A person is guilty of a crime of the third degree if the person
29 violates subsection a. of this section and this violation causes bodily
30 injury or property damage in excess of \$2,000.

31 d. A person is guilty of a crime of the second degree if the person
32 violates subsection a. of this section and this violation causes a death.¹
33

34 ^{14.} (New section) a. Any person who purposely, knowingly or
35 recklessly casts, shoots or throws anything at, against or into any
36 railroad equipment is guilty of a crime of the fourth degree.

37 b. A person is guilty of a crime of the third degree if the person
38 violates subsection a. of this section and this violation causes bodily
39 injury or property damage in excess of \$2,000.

40 c. A person is guilty of a crime of the second degree if the person
41 violates subsection a. of this section and this violation causes a death.¹
42

43 ^{15.} (New section) a. Any person who purposely, knowingly or
44 recklessly defaces, damages, removes or otherwise impairs any
45 railroad property, railroad equipment or railroad signal system is guilty
46 of a crime of the fourth degree.

1 b. A person is guilty of a crime of the third degree if the person
2 violates subsection a. of this section and this violation causes bodily
3 injury or property damage in excess of \$2,000.

4 c. A person is guilty of a crime of the second degree if the person
5 violates subsection a. of this section and this violation causes a death.

6 d. A person convicted of a violation of this section that involves
7 graffiti may, in addition to any other penalty imposed by the court, be
8 required to pay to the owner of the damaged property monetary
9 restitution in the amount of the pecuniary damage caused by the act of
10 graffiti and to perform community service, which shall include
11 removing the graffiti from the property, if appropriate. If community
12 service is ordered, it shall be for either not less than 20 days or not less
13 than the number of days necessary to remove the graffiti from the
14 property. As used in this section, "graffiti" means the drawing,
15 painting or making of any mark or inscription on public or private real
16 or personal property without the permission of the owner.¹

17
18 ¹6. (New section) a. ²Except in the course of picketing, patrolling,
19 or concerted conduct involving or growing out of a labor dispute as
20 defined in N.J.S.2A:15-58,² ²[Any]any² person who purposely or
21 knowingly unlawfully disrupts, delays or prevents the operation of any
22 railroad, other than as set forth in sections 3 through 5 of this act, is
23 guilty of a disorderly persons offense.

24 b. A person is guilty of a crime of the third degree if the person
25 violates subsection a. of this section and this violation causes bodily
26 injury or property damage in excess of \$2,000.

27 c. A person is guilty of a crime of the second degree if the person
28 violates subsection a. of this section and this violation causes a death.¹

29
30 ¹7. (New section) a. Any person who, while violating the provisions
31 of this act, purposely or knowingly causes widespread injury or
32 damage is guilty of a crime of the second degree.

33 b. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
34 provisions of law, a conviction arising under this section shall not
35 merge with a conviction for a violation of sections 3 through 6 of this
36 act.¹

37
38 ¹8. Section 1 of P.L. 1970, c.246 (C.2A:53A-16) is amended to
39 read as follows:

40 1. The parents of any[infant] minor who shall maliciously or
41 willfully injure any property of a railroad, street railway, traction
42 railway or autobus public utility shall be liable for damages in the
43 amount of the injury to a limit of ~~[\$1,000.00]~~\$5,000, to be collected
44 by the ~~[public utility]~~property owner in ~~[any court of competent~~
45 ~~jurisdiction]~~the Superior Court, together with costs of suit.

46 (cf: P.L.1970, c.246, s.1)¹

1 ¹9. N.J.S.2C:33-14 is amended to read as follows:

2 2C:33-14. a. Interference with Transportation. Any person who
3 casts, shoots or throws anything at, against or into any vehicle,
4 [railroad car,] airplane, or other facility of transportation, or places
5 any stick, stone or other substance upon any street railway track[,]or
6 [trolley]trolley track [or railroad track], or who unlawfully climbs into
7 or upon any railroad car, either in motion or standing on the track of
8 any railroad company in this State, [is guilty of a disorderly persons
9 offense] or who knowingly, purposefully or recklessly unlawfully
10 disrupts, delays or prevents the operation of any bus, jitney, trolley,
11 subway, airplane or any other facility of transportation, ²except in the
12 course of picketing, patrolling, or concerted conduct involving or
13 growing out of a labor dispute as defined in N.J.S.2A:15-58,² is guilty
14 of a disorderly persons offense.

15 b. A person is guilty of a crime of the fourth degree if the person
16 violates subsection a. of this section and this violation creates a risk of
17 widespread danger or of injury to any person or of damage to property
18 or results in bodily injury to another person.

19 c. A person is guilty of a crime of the third degree if the person
20 violates subsection a. of this section and this violation results in
21 serious bodily injury to another person.

22 (cf: P.L.1978, c.95, s.2C:33-14)¹

23

24 ¹10. P.L.1991, c.335 (C.2C:33-14.1 et seq.) and R.S.48:12-167
25 are repealed.¹

26

27 ¹[2.] 11.¹ This act shall take effect immediately.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 2480

with Senate Floor Amendments
(Proposed By Senators CIESLA and ALLEN)

ADOPTED: NOVEMBER 26, 2001

These Senate amendments to Assembly Bill No. 2480 (1R) add specific language to the prohibitions regarding disrupting, delaying or preventing the operation of any railroad or other facility of transportation to clarify that the prohibitions do not apply to conduct growing out of a labor dispute as defined in N.J.S. 2A:15-58.

[Second Reprint]

ASSEMBLY, No. 2480

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 22, 2000

Sponsored by:

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

Assemblyman RICK MERKT

District 25 (Morris)

Co-Sponsored by:

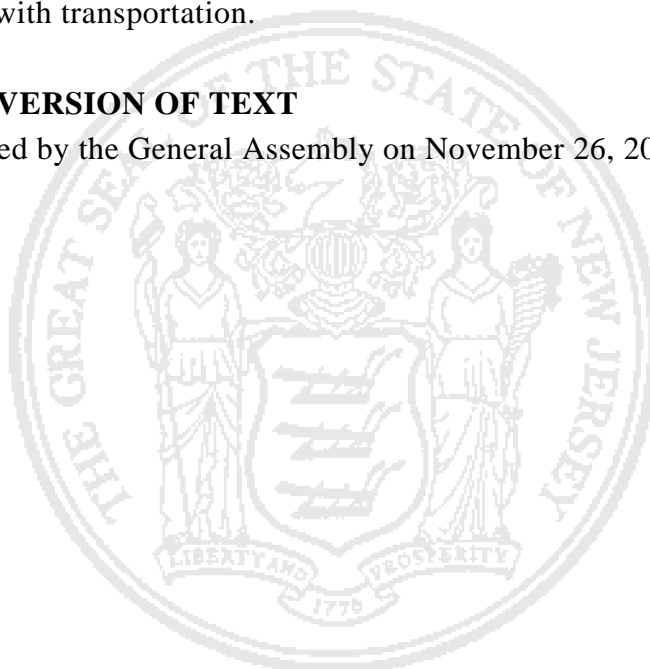
Senators Ciesla, Allen, Turner, Sacco and McNamara

SYNOPSIS

Establishes offenses concerning the protection of railroad property and interference with transportation.

CURRENT VERSION OF TEXT

As amended by the General Assembly on November 26, 2001.



(Sponsorship Updated As Of: 11/27/2001)

1 AN ACT concerning ¹[certain offenses committed by persons on or
2 near any facility of transportation] railroad protection, prevention
3 of railroad vandalism, and interference with transportation,
4 supplementing Title 2C of the New Jersey Statutes, [and]¹
5 amending N.J.S.2C:33-14 ¹and P.L.1970, c.246 and repealing
6 P.L.1991, c.335 (C.2C:33-14.1 et seq.) and R.S. 48:12-167.¹
7

8 **BE IT ENACTED** *by the Senate and General Assembly of the State*
9 *of New Jersey:*
10

11 ¹[1. N.J.S.2C:33-14 is amended to read as follows:

12 2C:33-14. a. Any person who casts, shoots or throws anything at,
13 against or into any vehicle, railroad car, airplane, or other facility of
14 transportation, or places any stick, stone or other substance upon any
15 street railway track, trolley track or railroad track, or who unlawfully
16 climbs into or upon any railroad car, either in motion or standing on
17 the track of any railroad company in this State, [is guilty of a
18 disorderly persons offense] or who knowingly, purposefully or
19 recklessly disrupts, delays or prevents the operation of any train, bus,
20 jitney, trolley, subway, airplane or any other facility of transportation,
21 is guilty of a crime of the fourth degree.

22 b. A person is guilty of a crime of the third degree if the person
23 violates subsection a. of this section and this violation creates a risk of
24 widespread danger or of injury to any person or of damage to property
25 or results in bodily injury to another person.

26 c. A person is guilty of a crime of the second degree if the person
27 violates subsection a. of this section and this violation results in
28 serious bodily injury to another person.

29 (cf: N.J.S.2C:33-14)]¹
30

31 ¹1. (New section) Sections 1 through 7 of this act shall be known
32 and may be cited as the "Railroad Protection and Vandalism
33 Prevention Act."¹
34

35 ¹2. (New section) As used in this act:

36 "Railroad equipment" means all equipment owned, leased, or used
37 in the operation of any railroad including, but not limited to, a train,
38 locomotive, engine, railroad car, work equipment, rolling stock, or
39 safety device. "Railroad equipment" does not include administrative
40 equipment.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate STR committee amendments adopted November 19, 2001.

² Assembly floor amendments adopted November 26, 2001.

1 "Railroad property" means all property owned, leased, or operated
2 by a railroad including, but not limited to, track, roadbed, right-of-
3 way, bridge, yard, shop, station, tunnel, viaduct, trestle, depot,
4 warehouse, terminal, or any other structure or appurtenance used in
5 the operation of any railroad. "Railroad property" does not include
6 administrative buildings or administrative offices.

7 "Railroad signal system" means all equipment owned, leased or used
8 in the operation of any railroad for the purposes of controlling trains
9 and providing warnings including, but not limited to, a signal system,
10 train control system, centralized dispatching system, or any highway-
11 railroad grade crossing warning signal or protection device including,
12 but not limited to, safety gates, electric bell, electric sign or any other
13 alarm or protection system authorized by the Commissioner of
14 Transportation, which is required under the provisions of R.S.48:12-
15 54 or R.S.48:2-29.

16 "Widespread damage" means damage to 10 or more habitations or
17 to a building which would normally contain 50 or more persons at the
18 time of the offense.

19 "Widespread injury" means serious bodily injury to 10 or more
20 people.¹

21
22 ^{13.} (New section) a. Any person who purposely, knowingly or
23 recklessly places any stick, stone or other substance upon any railroad
24 track is guilty of a disorderly persons offense.

25 b. A person is guilty of a crime of the fourth degree if the person
26 violates subsection a. of this section and this violation disrupts, delays
27 or prevents the operation of any railroad.

28 c. A person is guilty of a crime of the third degree if the person
29 violates subsection a. of this section and this violation causes bodily
30 injury or property damage in excess of \$2,000.

31 d. A person is guilty of a crime of the second degree if the person
32 violates subsection a. of this section and this violation causes a death.¹
33

34 ^{14.} (New section) a. Any person who purposely, knowingly or
35 recklessly casts, shoots or throws anything at, against or into any
36 railroad equipment is guilty of a crime of the fourth degree.

37 b. A person is guilty of a crime of the third degree if the person
38 violates subsection a. of this section and this violation causes bodily
39 injury or property damage in excess of \$2,000.

40 c. A person is guilty of a crime of the second degree if the person
41 violates subsection a. of this section and this violation causes a death.¹
42

43 ^{15.} (New section) a. Any person who purposely, knowingly or
44 recklessly defaces, damages, removes or otherwise impairs any
45 railroad property, railroad equipment or railroad signal system is guilty
46 of a crime of the fourth degree.

1 b. A person is guilty of a crime of the third degree if the person
2 violates subsection a. of this section and this violation causes bodily
3 injury or property damage in excess of \$2,000.

4 c. A person is guilty of a crime of the second degree if the person
5 violates subsection a. of this section and this violation causes a death.

6 d. A person convicted of a violation of this section that involves
7 graffiti may, in addition to any other penalty imposed by the court, be
8 required to pay to the owner of the damaged property monetary
9 restitution in the amount of the pecuniary damage caused by the act of
10 graffiti and to perform community service, which shall include
11 removing the graffiti from the property, if appropriate. If community
12 service is ordered, it shall be for either not less than 20 days or not less
13 than the number of days necessary to remove the graffiti from the
14 property. As used in this section, "graffiti" means the drawing,
15 painting or making of any mark or inscription on public or private real
16 or personal property without the permission of the owner.¹

17
18 ¹6. (New section) a. ²Except in the course of picketing, patrolling,
19 or concerted conduct involving or growing out of a labor dispute as
20 defined in N.J.S.2A:15-58,² ²[Any]any² person who purposely or
21 knowingly unlawfully disrupts, delays or prevents the operation of any
22 railroad, other than as set forth in sections 3 through 5 of this act, is
23 guilty of a disorderly persons offense.

24 b. A person is guilty of a crime of the third degree if the person
25 violates subsection a. of this section and this violation causes bodily
26 injury or property damage in excess of \$2,000.

27 c. A person is guilty of a crime of the second degree if the person
28 violates subsection a. of this section and this violation causes a death.¹

29
30 ¹7. (New section) a. Any person who, while violating the provisions
31 of this act, purposely or knowingly causes widespread injury or
32 damage is guilty of a crime of the second degree.

33 b. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
34 provisions of law, a conviction arising under this section shall not
35 merge with a conviction for a violation of sections 3 through 6 of this
36 act.¹

37
38 ¹8. Section 1 of P.L. 1970, c.246 (C.2A:53A-16) is amended to
39 read as follows:

40 1. The parents of any[infant] minor who shall maliciously or
41 willfully injure any property of a railroad, street railway, traction
42 railway or autobus public utility shall be liable for damages in the
43 amount of the injury to a limit of ~~[\$1,000.00]~~\$5,000, to be collected
44 by the ~~[public utility]~~property owner in ~~[any court of competent~~
45 ~~jurisdiction]~~the Superior Court, together with costs of suit.

46 (cf: P.L.1970, c.246, s.1)¹

1 ¹9. N.J.S.2C:33-14 is amended to read as follows:

2 2C:33-14. a. Interference with Transportation. Any person who
3 casts, shoots or throws anything at, against or into any vehicle,
4 [railroad car,] airplane, or other facility of transportation, or places
5 any stick, stone or other substance upon any street railway track[,]or
6 [trolley]trolley track [or railroad track], or who unlawfully climbs into
7 or upon any railroad car, either in motion or standing on the track of
8 any railroad company in this State, [is guilty of a disorderly persons
9 offense] or who knowingly, purposefully or recklessly unlawfully
10 disrupts, delays or prevents the operation of any bus, jitney, trolley,
11 subway, airplane or any other facility of transportation, ²except in the
12 course of picketing, patrolling, or concerted conduct involving or
13 growing out of a labor dispute as defined in N.J.S.2A:15-58, ²is guilty
14 of a disorderly persons offense.

15 b. A person is guilty of a crime of the fourth degree if the person
16 violates subsection a. of this section and this violation creates a risk of
17 widespread danger or of injury to any person or of damage to property
18 or results in bodily injury to another person.

19 c. A person is guilty of a crime of the third degree if the person
20 violates subsection a. of this section and this violation results in
21 serious bodily injury to another person.

22 (cf: P.L.1978, c.95, s.2C:33-14)¹

23

24 ¹10. P.L.1991, c.335 (C.2C:33-14.1 et seq.) and R.S.48:12-167
25 are repealed.¹

26

27 ¹[2.] 11.¹ This act shall take effect immediately.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 2480

with Senate Floor Amendments
(Proposed By Senator Ciesla)

ADOPTED: DECEMBER 6, 2001

These Senate amendments remove the sections of the bill known as the "Railroad Protection and Vandalism Prevention Act" and reinstate the language concerning railroads previously removed from N.J.S. 2C:33-14 which concerns interference with transportation.

The amendments add endangering or obstructing the safe operation of motor vehicles by casting, shooting, throwing or otherwise placing any stick, stone, object or other substance upon any highway or roadway to the list of acts which constitute interference with transportation.

The amendments modify the penalty provisions in N.J.S. 2C:33-14 by adding the requirement that the person purposely, knowingly or recklessly cause injury, risk of injury or pecuniary loss. Causing pecuniary loss is added to the prohibited conduct. The act of creating a risk of widespread danger or injury is removed from the fourth degree penalty provisions in the amended bill and creating a risk of significant bodily injury is added to the third degree penalty provisions.

The amendments add a crime of the second degree for interference with transportation if the person purposely, knowingly or recklessly causes serious bodily injury to another person.

The amendments eliminate the repeal of section 1 of P.L. 1991, c.335 (C.2C:33-14.1) which deals with vandalizing railroad warning signals or protection devices and expand the coverage of the section. The act of removing such devices is added to the list of prohibited actions, which currently includes defacing, damaging, obstructing or otherwise impairing the operation of railroad crossing warning signals or protection devices. The amendments also expand the class of property covered by the section to include any other railroad property and equipment, other than administrative.

The third degree criminal penalties in section 1 of P.L. 1991, c.335 (C.2C:33-14.1) would be modified by these amendments by removing damage to property and adding the causation of pecuniary loss of \$2000 or more. Causing serious bodily injury would be added to the second degree penalty provisions.

These Senate amendments would add provisions concerning acts of graffiti to section 1 of P.L. 1991, c.335 (C.2C:33-14.1).

These Senate amendments modify the language concerning conduct involving or growing out of a labor dispute.

[Third Reprint]

ASSEMBLY, No. 2480

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 22, 2000

Sponsored by:

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

Assemblyman RICK MERKT

District 25 (Morris)

Co-Sponsored by:

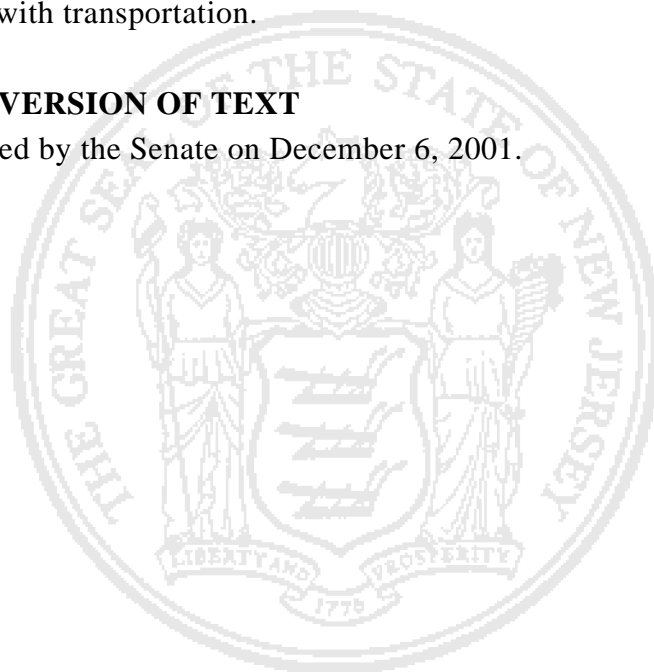
Senators Ciesla, Allen, Turner, Sacco and McNamara

SYNOPSIS

Establishes offenses concerning the protection of railroad property and interference with transportation.

CURRENT VERSION OF TEXT

As amended by the Senate on December 6, 2001.



(Sponsorship Updated As Of: 11/27/2001)

1 AN ACT concerning ¹[certain offenses committed by persons on or
 2 near any facility of transportation]³[railroad protection,
 3 prevention of railroad vandalism, and]³ interference with
 4 transportation facilities³, ³[supplementing Title 2C of the New
 5 Jersey Statutes, [and]¹]³ amending N.J.S. 2C:33-14,¹ ³[and],³
 6 P.L.1970, c. 246 ³ and P.L.1991, c.335 ³ and repealing
 7 ³[P.L.1991, c.335 (C.2C:33-14.1 et seq.) and]³ R.S. 48:12-167.¹

8
 9 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 10 *of New Jersey:*

11
 12 ¹[1. N.J.S.2C:33-14 is amended to read as follows:

13 2C:33-14. a. Any person who casts, shoots or throws anything at,
 14 against or into any vehicle, railroad car, airplane, or other facility of
 15 transportation, or places any stick, stone or other substance upon any
 16 street railway track, trolley track or railroad track, or who unlawfully
 17 climbs into or upon any railroad car, either in motion or standing on
 18 the track of any railroad company in this State, [is guilty of a
 19 disorderly persons offense] or who knowingly, purposefully or
 20 recklessly disrupts, delays or prevents the operation of any train, bus,
 21 jitney, trolley, subway, airplane or any other facility of transportation,
 22 is guilty of a crime of the fourth degree.

23 b. A person is guilty of a crime of the third degree if the person
 24 violates subsection a. of this section and this violation creates a risk of
 25 widespread danger or of injury to any person or of damage to property
 26 or results in bodily injury to another person.

27 c. A person is guilty of a crime of the second degree if the person
 28 violates subsection a. of this section and this violation results in
 29 serious bodily injury to another person.

30 (cf: N.J.S.2C:33-14)]¹

31
 32 ³[1. (New section) Sections 1 through 7 of this act shall be
 33 known and may be cited as the "Railroad Protection and Vandalism
 34 Prevention Act."]³

35
 36 ³[2. (New section) As used in this act:

37 "Railroad equipment" means all equipment owned, leased, or used
 38 in the operation of any railroad including, but not limited to, a train,
 39 locomotive, engine, railroad car, work equipment, rolling stock, or

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate STR committee amendments adopted November 19, 2001.

² Assembly floor amendments adopted November 26, 2001.

³ Senate floor amendments adopted December 6, 2001.

1 safety device. "Railroad equipment" does not include administrative
2 equipment.

3 "Railroad property" means all property owned, leased, or operated
4 by a railroad including, but not limited to, track, roadbed, right-of-
5 way, bridge, yard, shop, station, tunnel, viaduct, trestle, depot,
6 warehouse, terminal, or any other structure or appurtenance used in
7 the operation of any railroad. "Railroad property" does not include
8 administrative buildings or administrative offices.

9 "Railroad signal system" means all equipment owned, leased or used
10 in the operation of any railroad for the purposes of controlling trains
11 and providing warnings including, but not limited to, a signal system,
12 train control system, centralized dispatching system, or any highway-
13 railroad grade crossing warning signal or protection device including,
14 but not limited to, safety gates, electric bell, electric sign or any other
15 alarm or protection system authorized by the Commissioner of
16 Transportation, which is required under the provisions of R.S.48:12-
17 54 or R.S.48:2-29.

18 "Widespread damage" means damage to 10 or more habitations or
19 to a building which would normally contain 50 or more persons at the
20 time of the offense.

21 "Widespread injury" means serious bodily injury to 10 or more
22 people.]³

23
24 ³[13. (New section) a. Any person who purposely, knowingly or
25 recklessly places any stick, stone or other substance upon any railroad
26 track is guilty of a disorderly persons offense.

27 b. A person is guilty of a crime of the fourth degree if the person
28 violates subsection a. of this section and this violation disrupts, delays
29 or prevents the operation of any railroad.

30 c. A person is guilty of a crime of the third degree if the person
31 violates subsection a. of this section and this violation causes bodily
32 injury or property damage in excess of \$2,000.

33 d. A person is guilty of a crime of the second degree if the person
34 violates subsection a. of this section and this violation causes a
35 death.]³

36
37 ³[14. (New section) a. Any person who purposely, knowingly or
38 recklessly casts, shoots or throws anything at, against or into any
39 railroad equipment is guilty of a crime of the fourth degree.

40 b. A person is guilty of a crime of the third degree if the person
41 violates subsection a. of this section and this violation causes bodily
42 injury or property damage in excess of \$2,000.

43 c. A person is guilty of a crime of the second degree if the person
44 violates subsection a. of this section and this violation causes a
45 death.]³

1 ³[¹5. (New section) a. Any person who purposely, knowingly or
2 recklessly defaces, damages, removes or otherwise impairs any
3 railroad property, railroad equipment or railroad signal system is guilty
4 of a crime of the fourth degree.

5 b. A person is guilty of a crime of the third degree if the person
6 violates subsection a. of this section and this violation causes bodily
7 injury or property damage in excess of \$2,000.

8 c. A person is guilty of a crime of the second degree if the person
9 violates subsection a. of this section and this violation causes a death.

10 d. A person convicted of a violation of this section that involves
11 graffiti may, in addition to any other penalty imposed by the court, be
12 required to pay to the owner of the damaged property monetary
13 restitution in the amount of the pecuniary damage caused by the act of
14 graffiti and to perform community service, which shall include
15 removing the graffiti from the property, if appropriate. If community
16 service is ordered, it shall be for either not less than 20 days or not less
17 than the number of days necessary to remove the graffiti from the
18 property. As used in this section, "graffiti" means the drawing,
19 painting or making of any mark or inscription on public or private real
20 or personal property without the permission of the owner.¹³

21
22 ³[¹6. (New section) a. ²Except in the course of picketing,
23 patrolling, or concerted conduct involving or growing out of a labor
24 dispute as defined in N.J.S.2A:15-58,² ²[Any]any² person who
25 purposely or knowingly unlawfully disrupts, delays or prevents the
26 operation of any railroad, other than as set forth in sections 3 through
27 5 of this act, is guilty of a disorderly persons offense.

28 b. A person is guilty of a crime of the third degree if the person
29 violates subsection a. of this section and this violation causes bodily
30 injury or property damage in excess of \$2,000.

31 c. A person is guilty of a crime of the second degree if the person
32 violates subsection a. of this section and this violation causes a
33 death.¹³

34
35 ³[¹7. (New section) a. Any person who, while violating the
36 provisions of this act, purposely or knowingly causes widespread
37 injury or damage is guilty of a crime of the second degree.

38 b. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
39 provisions of law, a conviction arising under this section shall not
40 merge with a conviction for a violation of sections 3 through 6 of this
41 act.¹³

42
43 ³[¹8.] 1.³ Section 1 of P.L. 1970, c.246 (C.2A:53A-16) is
44 amended to read as follows:

45 1. The parents of any[infant] minor who shall maliciously or

1 willfully injure any property of a railroad, street railway, traction
 2 railway or autobus public utility shall be liable for damages in the
 3 amount of the injury to a limit of [~~\$1,000.00~~]\$5,000, to be collected
 4 by the [~~public utility~~]property owner in [~~any court of competent~~
 5 ~~jurisdiction~~]the Superior Court, together with costs of suit.
 6 (cf: P.L.1970, c.246, s.1)¹

7
 8 ³ [~~19.~~] 2.³ N.J.S. 2C:33-14 is amended to read as follows:

9 ³[2C:33-14. a. Interference with Transportation. Any person who
 10 casts, shoots or throws anything at, against or into any vehicle,
 11 [~~railroad car,~~] airplane, or other facility of transportation, or places
 12 any stick, stone or other substance upon any street railway track[~~,~~]or
 13 [~~trolley~~]trolley track [~~or railroad track~~], or who unlawfully climbs
 14 into or upon any railroad car, either in motion or standing on the
 15 track of any railroad company in this State, [~~is guilty of a disorderly~~
 16 ~~persons offense~~] or who knowingly, purposefully or recklessly
 17 unlawfully disrupts, delays or prevents the operation of any bus, jitney,
 18 trolley, subway, airplane or any other facility of transportation,
 19 ²except in the course of picketing, patrolling, or concerted conduct
 20 involving or growing out of a labor dispute as defined in N.J.S. 2A:15-
 21 58.² is guilty of a disorderly persons offense.

22 b. A person is guilty of a crime of the fourth degree if the person
 23 violates subsection a. of this section and this violation creates a risk of
 24 widespread danger or of injury to any person or of damage to property
 25 or results in bodily injury to another person.

26 c. A person is guilty of a crime of the third degree if the person
 27 violates subsection a. of this section and this violation results in
 28 serious bodily injury to another person.]

29 2C:33-14. a. Interference with Transportation. [~~Any person who~~]
 30 A person is guilty of interference with transportation if the person
 31 purposely or knowingly:

32 (1) casts, shoots or throws anything at, against or into any vehicle,
 33 railroad car, trolley car, subway car, ferry, airplane, or other facility of
 34 transportation [~~,~~] ; or

35 (2) casts, shoots, throws or otherwise places any stick, stone,
 36 object or other substance upon any street railway track, [~~trolley~~]
 37 trolley track or railroad track [~~,~~] ; or

38 (3) endangers or obstructs the safe operation of motor vehicles by
 39 casting, shooting, throwing or otherwise placing any stick, stone,
 40 object or other substance upon any highway or roadway; or [~~who~~]

41 (4) unlawfully climbs into or upon any railroad car, either in
 42 motion or standing on the track of any railroad company in this
 43 State[~~,~~ is guilty of a disorderly persons offense.] ; or

44 (5) unlawfully disrupts, delays or prevents the operation of any
 45 train, bus, jitney, trolley, subway, airplane or any other facility of

1 transportation. The term "unlawfully disrupts, delays or prevents the
2 operation of" does not include non-violent conduct growing out of a
3 labor dispute as defined in N.J.S.2A:15-58.

4 b. Interference with transportation is a disorderly persons offense.

5 c. Interference with transportation is a crime of the fourth degree
6 if the person purposely, knowingly or recklessly causes bodily injury
7 to another person or causes pecuniary loss in excess of \$500 but less
8 than \$2000.

9 d. Interference with transportation is a crime of the third degree
10 if the person purposely, knowingly or recklessly causes significant
11 bodily injury to another person or causes pecuniary loss of \$2000 or
12 more, or if the person purposely or knowingly creates a risk of
13 significant bodily injury to another person.

14 e. Interference with transportation is a crime of the second degree
15 if the person purposely, knowingly or recklessly causes serious bodily
16 injury to another person.³

17 (cf: N.J.S.2C:33-14)

18
19 ³3. Section 1 of P.L.1991, c.335 (C.2C:33-14.1) is amended to
20 read as follows:

21 1. Vandalizing Railroad Crossing Devices; Grading of Offenses.

22 a. Any person who purposely, knowingly or recklessly defaces,
23 damages, obstructs, removes or otherwise impairs the operation of
24 any railroad crossing warning signal or protection device, including,
25 but not limited to safety gates, electric bell, electric sign or any other
26 alarm or protection system authorized by the Commissioner of
27 Transportation, which is required under the provisions of
28 R.S.48:12-54 or R.S.48:2-29, or any other railroad property or
29 equipment, other than administrative buildings, offices or equipment,
30 shall, for a first offense, be guilty of a crime of the fourth degree;
31 however, if the defacement, damage, obstruction, removal or
32 impediment of the crossing warning signal or protection device,
33 property or equipment recklessly causes bodily injury or [damage to
34 property] pecuniary loss of \$2000 or more, the actor is guilty of a
35 crime of the third degree, or if it recklessly causes a death or serious
36 bodily injury, the actor is guilty of a crime of the second degree.

37 b. A person convicted of a violation of this section that involves an
38 act of graffiti may, in addition to any other penalty imposed by the
39 court, be required to pay to the owner of the damaged property
40 monetary restitution in the amount of the pecuniary damage caused by
41 the act of graffiti and to perform community service, which shall
42 include removing the graffiti from the property, if appropriate. If
43 community service is ordered, it shall be for either not less than 20
44 days or not less than the number of days necessary to remove the
45 graffiti from the property. As used in this section, "act of graffiti"
46 means the drawing, painting or making of any mark or inscription on

1 public or private real or personal property without the permission of
2 the owner.³

3 (cf: P.L.1998, c.54, s.2)

4

5 ³[10. P.L.1991,c.335 (C.2C:33-14.1 et seq.) and] 4.³

6 R.S.48:12-167 ³[are] is³ repealed.

7

8 ¹[2.] ³[11.1] 5.³ This act shall take effect immediately.

SENATE, No. 2312

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED APRIL 20, 2001

Sponsored by:

Senator NICHOLAS J. SACCO
District 32 (Bergen and Hudson)
Senator SHIRLEY K. TURNER
District 15 (Mercer)

SYNOPSIS

"Railroad Protection and Vandalism Prevention Act"

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning prevention of railroad vandalism, supplementing
2 Title 2C of the New Jersey Statutes, amending P.L.1970, c.246 and
3 N.J.S.2C:33-14 and repealing P.L.1991, c.335 (C.2C:33-14.1 et
4 seq.) and R.S. 48:12-167.

5

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

8

9 1. (New section) Sections 1 through 7 and section 11 of this act
10 shall be known and may be cited as the "Railroad Protection and
11 Vandalism Prevention Act."

12

13 2. (New section) As used in this act:

14 "Railroad equipment" means all equipment owned, leased, or used
15 in the operation of any railroad including, but not limited to, a train,
16 locomotive, engine, railroad car, work equipment, rolling stock, or
17 safety device. "Railroad equipment" does not include administrative
18 equipment.

19 "Railroad property" means all property owned, leased, or operated
20 by a railroad including, but not limited to, track, roadbed, right-of-
21 way, bridge, yard, shop, station, tunnel, viaduct, trestle, depot,
22 warehouse, terminal, or any other structure or appurtenance used in
23 the operation of any railroad. "Railroad property" does not include
24 administrative buildings or administrative offices.

25 "Railroad signal system" means all equipment owned, leased or used
26 in the operation of any railroad for the purposes of controlling trains
27 and providing warnings including, but not limited to, a signal system,
28 train control system, centralized dispatching system, or any highway-
29 railroad grade crossing warning signal or protection device including,
30 but not limited to, safety gates, electric bell, electric sign or any other
31 alarm or protection system authorized by the Commissioner of
32 Transportation, which is required under the provisions of R.S.48:12-
33 54 or R.S.48:2-29.

34 "Widespread damage" means damage to 10 or more habitations or
35 to a building which would normally contain 50 or more persons at the
36 time of the offense.

37 "Widespread injury" means serious bodily injury to 10 or more
38 people.

39

40 3. (New section) a. Any person who purposely, knowingly or
41 recklessly places any stick, stone or other substance upon any railroad
42 track is guilty of a disorderly persons offense.

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 b. A person is guilty of a crime of the fourth degree if the person
2 violates subsection a. of this section and this violation disrupts, delays
3 or prevents the operation of any railroad.

4 c. A person is guilty of a crime of the third degree if the person
5 violates subsection a. of this section and this violation causes bodily
6 injury or property damage in excess of \$2,000.

7 d. A person is guilty of a crime of the second degree if the person
8 violates subsection a. of this section and this violation causes a death.
9

10 4. (New section) a. Any person who purposely, knowingly or
11 recklessly casts, shoots or throws anything at, against or into any
12 railroad equipment is guilty of a crime of the fourth degree.

13 b. A person is guilty of a crime of the third degree if the person
14 violates subsection a. of this section and this violation causes bodily
15 injury or property damage in excess of \$2,000.

16 c. A person is guilty of a crime of the second degree if the person
17 violates subsection a. of this section and this violation causes a death.
18

19 5. (New section) a. Any person who purposely, knowingly or
20 recklessly defaces, damages, removes or otherwise impairs any
21 railroad property, railroad equipment or railroad signal system is guilty
22 of a crime of the fourth degree.

23 b. A person is guilty of a crime of the third degree if the person
24 violates subsection a. of this section and this violation causes bodily
25 injury or property damage in excess of \$2,000.

26 c. A person is guilty of a crime of the second degree if the person
27 violates subsection a. of this section and this violation causes a death.

28 d. A person convicted of a violation of this section that involves
29 graffiti may, in addition to any other penalty imposed by the court, be
30 required to pay to the owner of the damaged property monetary
31 restitution in the amount of the pecuniary damage caused by the act of
32 graffiti and to perform community service, which shall include
33 removing the graffiti from the property, if appropriate. If community
34 service is ordered, it shall be for either not less than 20 days or not less
35 than the number of days necessary to remove the graffiti from the
36 property. As used in this section, "graffiti" means the drawing,
37 painting or making of any mark or inscription on public or private real
38 or personal property without the permission of the owner.
39

40 6. (New section) a. Any person who purposely or knowingly
41 disrupts, delays or prevents the operation of any railroad, other than
42 as set forth in sections 3 through 5 of this act, is guilty of a disorderly
43 persons offense.

44 b. A person is guilty of a crime of the third degree if the person
45 violates subsection a. of this section and this violation causes bodily
46 injury or property damage in excess of \$2,000.

1 c. A person is guilty of a crime of the second degree if the person
2 violates subsection a. of this section and this violation causes a death.

3
4 7. (New section) a. Any person who, while violating the provisions
5 of this act, purposely or knowingly causes widespread injury or
6 damage is guilty of a crime of the second degree.

7 b. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
8 provisions of law, a conviction arising under this section shall not
9 merge with a conviction for a violation of sections 3 through 6 of this
10 act.

11
12 8. Section 1 of P.L.1970, c.246 (C.2A:53A-16) is amended to
13 read as follows:

14 1. The parents of any[infant] minor who shall maliciously or
15 willfully injure any property of a railroad, street railway, traction
16 railway or autobus public utility shall be liable for damages in the
17 amount of the injury to a limit of [~~\$1,000.00~~]\$5,000, to be collected
18 by the [~~public utility~~]property owner in [~~any court of competent~~
19 jurisdiction]the Superior Court, together with costs of suit.

20 (cf: P.L.1970, c.246, s.1)

21
22 9. N.J.S.2C:33-14 is amended to read as follows:

23 2C:33-14. Interference with Transportation. Any person who
24 casts, shoots or throws anything at, against or into any vehicle,
25 [~~railroad car,~~] airplane, or other facility of transportation, or places
26 any stick, stone or other substance upon any street railway track[~~,~~]or
27 [~~trolley~~]trolley track [~~or railroad track~~], or who unlawfully climbs
28 into or upon any railroad car, either in motion or standing on the track
29 of any railroad company in this State, is guilty of a disorderly persons
30 offense.

31 (cf: P.L.1978, c.95, s.2C:33-14)

32
33 10. P.L.1991, c.335 (C.2C:33-14.1 et seq.) and R.S.48:12-167 are
34 repealed.

35
36 11. This act shall take effect immediately.

37
38
39 STATEMENT

40
41 Concerned about the number of deaths and injuries on railroad
42 property, Congress passed the Federal Railroad Safety Authorization
43 Act of 1994 requiring the Secretary of Transportation to develop
44 model state legislation about vandalism of railroad property. The
45 purpose of the Model State Railroad Vandalism Prevention Bill
46 developed pursuant to the federal act is to prevent the vandalism of

1 railroad property which would jeopardize the safety of the traveling
2 public, railroad employees and communities near railroads.

3 Existing New Jersey laws cover some of the conduct addressed in
4 the model bill; however, the sections are in numerous locations
5 throughout the statutes and sometimes are written in general terms
6 rather than specifically addressing railroad vandalism. This bill is
7 adapted from the model bill and provides a unified approach
8 specifically for railroad vandalism. Modifications have been made to
9 the model bill to make it consistent with New Jersey statutes.

10 Under this bill, purposefully, knowingly or recklessly throwing or
11 shooting anything at railroad equipment; placing anything upon
12 railroad property; damaging, defacing, removing or otherwise
13 impairing railroad property, equipment or a signal system are fourth
14 degree crimes. Purposefully or knowingly disrupting, delaying or
15 preventing the operation of a railroad will be a disorderly persons
16 offense. If any of these acts causes bodily injury or property damage
17 in excess of \$2,000, the crime becomes third degree. If the result is
18 a death, the crime becomes second degree. If the property damage
19 includes graffiti, restitution and community service, including removal
20 of the graffiti, may be added to any penalty. Rights to restitution and
21 other civil actions are not impaired by this bill.

22 The bill creates a separate penalty for anyone who, while violating
23 the provisions of this bill, purposely or knowingly causes widespread
24 injury or damage.

25 Existing statutes have been amended or repealed as necessary.
26 Section 1 of P.L.1970, c.246 (C.2A:53A-16) has been amended to
27 increase parental liability for damage to railroad property maliciously
28 or willfully caused by a minor from \$1,000 to \$5,000. N.J.S.2C:33-
29 14 has been amended to remove references to railroads because the
30 prohibited conduct is included in this bill. R.S.48:12-167 and
31 P.L.1991, c.335 (C.2C:33-14.1 et seq.) are repealed by this bill.

SENATE, No. 2638

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED NOVEMBER 8, 2001

Sponsored by:

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

Senator McNamara

SYNOPSIS

Increases penalties for interference with facilities of transportation.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain offenses committed by persons on or near
2 any facility of transportation and amending N.J.S.2C:33-14.

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:33-14 is amended to read as follows:

8 2C:33-14. a. Any person who casts, shoots or throws anything at,
9 against or into any vehicle, railroad car, airplane, or other facility of
10 transportation, or places any stick, stone or other substance upon any
11 street railway track, trolley track or railroad track, or who unlawfully
12 climbs into or upon any railroad car, either in motion or standing on
13 the track of any railroad company in this State, [is guilty of a
14 disorderly persons offense] or who knowingly, purposefully or
15 recklessly disrupts, delays or prevents the operation of any train, bus,
16 jitney, trolley, subway, airplane or any other facility of transportation,
17 is guilty of a crime of the fourth degree.

18 b. A person is guilty of a crime of the third degree if the person
19 violates subsection a. of this section and this violation creates a risk of
20 widespread danger or of injury to any person or of damage to property
21 or results in bodily injury to another person.

22 c. A person is guilty of a crime of the second degree if the person
23 violates subsection a. of this section and this violation results in
24 serious bodily injury to another person.

25 (cf: N.J.S.2C:33-14)

26
27 2. This act shall take effect immediately.

28
29

30 STATEMENT

31

32 This bill would amend N.J.S.2C:33-14 to increase the penalty for
33 any person interfering with facilities of transportation by upgrading the
34 offense from a disorderly persons offense to a crime of the fourth
35 degree.

36 It is a disorderly persons offense under current law for any person
37 to cast, shoot or throw anything at, against or into a vehicle, railroad
38 car, airplane, or other facility of transportation or interfere with the
39 functioning of a rail or trolley car either by placing a substance in the
40 vehicle's path or climbing on or into the vehicle.

41 This bill would amend the law to include, as a fourth degree
42 offense, the act of knowingly, purposefully or recklessly disrupting,
43 delaying or preventing the operation of any train, bus, jitney, trolley,

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.

S2638 CIESLA, ALLEN

3

1 subway, airplane or any other facility of transportation. The bill would
2 also increase the penalty by making it a crime of the third degree if the
3 person's actions create a risk of widespread danger, injury or damage
4 to property or result in bodily injury to another person. In addition,
5 this bill would also provide that a crime of the second degree has been
6 committed if the person's actions result in serious bodily injury.

7 A crime of the fourth degree is punishable by up to 18 months
8 imprisonment, a fine not to exceed \$10,000, or both. A crime of the
9 third degree carries a possible term of three-to-five years in prison, a
10 fine not to exceed \$15,000, or both. A crime of the second degree is
11 punishable by five-to-10 years in prison, a fine not to exceed
12 \$150,000, or both.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2312 and 2638

STATE OF NEW JERSEY
209th LEGISLATURE

ADOPTED NOVEMBER 19, 2001

Sponsored by:

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

Co-Sponsored by:

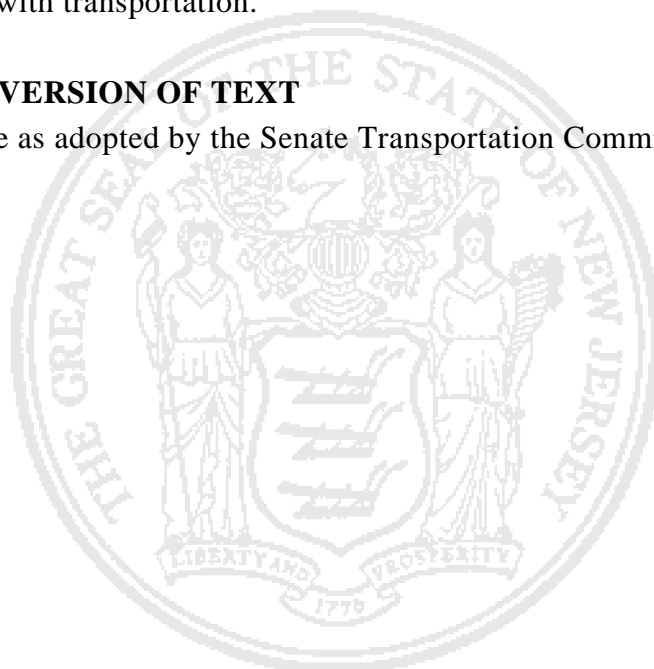
Senator McNamara

SYNOPSIS

Establishes offenses concerning the protection of railroad property and interference with transportation.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Transportation Committee.



1 **AN ACT** concerning railroad protection, prevention of railroad
2 vandalism, and interference with transportation, supplementing
3 Title 2C of the New Jersey Statutes, amending N.J.S.2C:33-14 and
4 P.L.1970, c.246 and repealing P.L.1991, c.335 (C.2C:33-14.1 et
5 seq.) and R.S. 48:12-167.

6

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

9

10 1. (New section) Sections 1 through 7 of this act shall be known
11 and may be cited as the "Railroad Protection and Vandalism
12 Prevention Act."

13

14 2. (New section) As used in this act:

15 "Railroad equipment" means all equipment owned, leased, or used
16 in the operation of any railroad including, but not limited to, a train,
17 locomotive, engine, railroad car, work equipment, rolling stock, or
18 safety device. "Railroad equipment" does not include administrative
19 equipment.

20 "Railroad property" means all property owned, leased, or operated
21 by a railroad including, but not limited to, track, roadbed, right-of-
22 way, bridge, yard, shop, station, tunnel, viaduct, trestle, depot,
23 warehouse, terminal, or any other structure or appurtenance used in
24 the operation of any railroad. "Railroad property" does not include
25 administrative buildings or administrative offices.

26 "Railroad signal system" means all equipment owned, leased or
27 used in the operation of any railroad for the purposes of controlling
28 trains and providing warnings including, but not limited to, a signal
29 system, train control system, centralized dispatching system, or any
30 highway-railroad grade crossing warning signal or protection device
31 including, but not limited to, safety gates, electric bell, electric sign or
32 any other alarm or protection system authorized by the Commissioner
33 of Transportation, which is required under the provisions of
34 R.S.48:12-54 or R.S.48:2-29.

35 "Widespread damage" means damage to 10 or more habitations or
36 to a building which would normally contain 50 or more persons at the
37 time of the offense.

38 "Widespread injury" means serious bodily injury to 10 or more
39 people.

40

41 3. (New section) a. Any person who purposely, knowingly or
42 recklessly places any stick, stone or other substance upon any railroad
43 track is guilty of a disorderly persons offense.

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 b. A person is guilty of a crime of the fourth degree if the person
2 violates subsection a. of this section and this violation disrupts, delays
3 or prevents the operation of any railroad.

4 c. A person is guilty of a crime of the third degree if the person
5 violates subsection a. of this section and this violation causes bodily
6 injury or property damage in excess of \$2,000.

7 d. A person is guilty of a crime of the second degree if the person
8 violates subsection a. of this section and this violation causes a death.
9

10 4. (New section) a. Any person who purposely, knowingly or
11 recklessly casts, shoots or throws anything at, against or into any
12 railroad equipment is guilty of a crime of the fourth degree.

13 b. A person is guilty of a crime of the third degree if the person
14 violates subsection a. of this section and this violation causes bodily
15 injury or property damage in excess of \$2,000.

16 c. A person is guilty of a crime of the second degree if the person
17 violates subsection a. of this section and this violation causes a death.
18

19 5. (New section) a. Any person who purposely, knowingly or
20 recklessly defaces, damages, removes or otherwise impairs any
21 railroad property, railroad equipment or railroad signal system is guilty
22 of a crime of the fourth degree.

23 b. A person is guilty of a crime of the third degree if the person
24 violates subsection a. of this section and this violation causes bodily
25 injury or property damage in excess of \$2,000.

26 c. A person is guilty of a crime of the second degree if the person
27 violates subsection a. of this section and this violation causes a death.

28 d. A person convicted of a violation of this section that involves
29 graffiti may, in addition to any other penalty imposed by the court, be
30 required to pay to the owner of the damaged property monetary
31 restitution in the amount of the pecuniary damage caused by the act of
32 graffiti and to perform community service, which shall include
33 removing the graffiti from the property, if appropriate. If community
34 service is ordered, it shall be for either not less than 20 days or not less
35 than the number of days necessary to remove the graffiti from the
36 property. As used in this section, "graffiti" means the drawing,
37 painting or making of any mark or inscription on public or private real
38 or personal property without the permission of the owner.
39

40 6. (New section) a. Any person who purposely or knowingly
41 unlawfully disrupts, delays or prevents the operation of any railroad,
42 other than as set forth in sections 3 through 5 of this act, is guilty of
43 a disorderly persons offense.

44 b. A person is guilty of a crime of the third degree if the person
45 violates subsection a. of this section and this violation causes bodily
46 injury or property damage in excess of \$2,000.

1 c. A person is guilty of a crime of the second degree if the person
2 violates subsection a. of this section and this violation causes a death.

3
4 7. (New section) a. Any person who, while violating the
5 provisions of this act, purposely or knowingly causes widespread
6 injury or damage is guilty of a crime of the second degree.

7 b. Notwithstanding the provisions of N.J.S. 2C:1-8 or any other
8 provisions of law, a conviction arising under this section shall not
9 merge with a conviction for a violation of sections 3 through 6 of this
10 act.

11
12 8. Section 1 of P.L.1970, c.246 (C.2A:53A-16) is amended to
13 read as follows:

14 1. The parents of any ~~[infant]~~ minor who shall maliciously or
15 willfully injure any property of a railroad, street railway, traction
16 railway or autobus public utility shall be liable for damages in the
17 amount of the injury to a limit of ~~[\$1,000.00]~~ \$5,000, to be collected
18 by the ~~[public utility]~~ property owner in ~~[any court of competent~~
19 ~~jurisdiction]~~ the Superior Court, together with costs of suit.

20 (cf: P.L.1970, c.246, s.1)

21
22 9. N.J.S. 2C:33-14 is amended to read as follows:

23 2C:33-14. a. Interference with Transportation. Any person who
24 casts, shoots or throws anything at, against or into any vehicle,
25 [railroad car,] airplane, or other facility of transportation, or places
26 any stick, stone or other substance upon any street railway track[,] or
27 [trolley] trolley track [or railroad track], or who unlawfully climbs
28 into or upon any railroad car, either in motion or standing on the
29 track of any railroad company in this State, [is guilty of a disorderly
30 persons offense] or who knowingly, purposefully or recklessly
31 unlawfully disrupts, delays or prevents the operation of any bus, jitney,
32 trolley, subway, airplane or any other facility of transportation, is
33 guilty of a disorderly persons offense.

34 b. A person is guilty of a crime of the fourth degree if the person
35 violates subsection a. of this section and this violation creates a risk of
36 widespread danger or of injury to any person or of damage to property
37 or results in bodily injury to another person.

38 c. A person is guilty of a crime of the third degree if the person
39 violates subsection a. of this section and this violation results in
40 serious bodily injury to another person.

41 (cf: P.L.1978, c.95, s.2C:33-14)

42
43 10. P.L.1991, c.335 (C.2C:33-14.1 et seq.) and R.S.48:12-167
44 are repealed.

45
46 11. This act shall take effect immediately.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 2312 and 2638**

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 2001

The Senate Transportation Committee reports favorably Senate Committee Substitute for Senate Bill Nos. 2312 and 2638.

The first part of this substitute bill deals with railroad protection and vandalism. Purposely, knowingly or recklessly placing anything upon any railroad track or purposefully or knowingly unlawfully disrupting, delaying or preventing the operation of a railroad will be a disorderly persons offense.

Purposefully, knowingly or recklessly throwing or shooting anything at railroad equipment or damaging, defacing, removing or otherwise impairing railroad property, equipment or a signal system will be fourth degree crimes. If any of these acts causes bodily injury or property damage in excess of \$2,000, the crime becomes third degree. If the result is a death, the crime becomes second degree. If the damage to railroad property includes graffiti, restitution and community service, including removal of the graffiti, may be added to any penalty. Rights to restitution and other civil actions are not impaired by this bill.

The bill creates a separate penalty for anyone who, while violating the provisions of this bill concerning railroads, purposely or knowingly causes widespread injury or damage.

Section 1 of P.L. 1970, c. 246 (C.2A:53A-16) has been amended by this bill to increase parental liability for damage to railroad property maliciously or willfully caused by a minor from \$1,000 to \$5,000. N.J.S. 2C:33-14 has been amended to remove certain references to railroads because the prohibited conduct is included in this bill. R.S. 48:12-167 and P.L. 1991, c. 335 (C. 2C:33-14.1 et seq.) are repealed by this bill.

In addition to the provisions of the bill which specifically address railroad protection and vandalism, this bill would amend N.J.S. 2C:33-14 to include the act of knowingly, purposefully or recklessly unlawfully disrupting, delaying or preventing the operation of any bus, jitney, trolley, subway, airplane or any other facility of transportation.

The bill would also increase the penalty by making it a crime of the fourth degree if the person's actions created a risk of widespread danger, injury or damage to property or result in bodily injury to

another person. If the person's actions result in serious bodily injury, the bill provides that a crime of the third degree has been committed.

The railroad provisions of this bill are based upon the Model State Railroad Vandalism Prevention Bill which is intended to prevent the vandalism of railroad property that could jeopardize the safety of the traveling public, railroad employees and communities near railroads. Existing New Jersey laws cover some of the conduct addressed in the model bill; however, the sections are in numerous locations throughout the statutes and sometimes are written in general terms rather than specifically addressing railroad vandalism. The railroad provisions of the bill are adapted from the model bill and provide a unified approach specifically for railroad vandalism. Modifications have been made to the model bill to make it consistent with New Jersey statutes. Existing statutes have been amended or repealed as necessary.

This substitute bill is identical to Assembly Bill No. 2480 as amended and reported by the committee today.

P.L. 2001, CHAPTER 413, *approved January 8, 2002*
Assembly, No. 2480 (*Third Reprint*)

1 AN ACT concerning ¹[certain offenses committed by persons on or
2 near any facility of transportation]³[railroad protection,
3 prevention of railroad vandalism, and]³ interference with
4 transportation facilities³, ³[supplementing Title 2C of the New
5 Jersey Statutes, [and]¹]³ amending N.J.S. 2C:33-14,¹ ³[and],³
6 P.L.1970, c. 246 ³ and P.L.1991, c.335 ³ and repealing
7 ³[P.L.1991, c.335 (C.2C:33-14.1 et seq.) and]³ R.S. 48:12-167.¹

8
9 **BE IT ENACTED** *by the Senate and General Assembly of the State*
10 *of New Jersey:*

11
12 ¹[1. N.J.S.2C:33-14 is amended to read as follows:

13 2C:33-14. a. Any person who casts, shoots or throws anything at,
14 against or into any vehicle, railroad car, airplane, or other facility of
15 transportation, or places any stick, stone or other substance upon any
16 street railway track, trolley track or railroad track, or who unlawfully
17 climbs into or upon any railroad car, either in motion or standing on
18 the track of any railroad company in this State, [is guilty of a
19 disorderly persons offense] or who knowingly, purposefully or
20 recklessly disrupts, delays or prevents the operation of any train, bus,
21 jitney, trolley, subway, airplane or any other facility of transportation,
22 is guilty of a crime of the fourth degree.

23 b. A person is guilty of a crime of the third degree if the person
24 violates subsection a. of this section and this violation creates a risk of
25 widespread danger or of injury to any person or of damage to property
26 or results in bodily injury to another person.

27 c. A person is guilty of a crime of the second degree if the person
28 violates subsection a. of this section and this violation results in
29 serious bodily injury to another person.

30 (cf: N.J.S.2C:33-14)]¹

31
32 ³[1. (New section) Sections 1 through 7 of this act shall be
33 known and may be cited as the "Railroad Protection and Vandalism
34 Prevention Act."]¹³

35
36 ³[2. (New section) As used in this act:

37 "Railroad equipment" means all equipment owned, leased, or used
38 in the operation of any railroad including, but not limited to, a train,

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate STR committee amendments adopted November 19, 2001.

² Assembly floor amendments adopted November 26, 2001.

³ Senate floor amendments adopted December 6, 2001.

1 locomotive, engine, railroad car, work equipment, rolling stock, or
2 safety device. "Railroad equipment" does not include administrative
3 equipment.

4 "Railroad property" means all property owned, leased, or operated
5 by a railroad including, but not limited to, track, roadbed, right-of-
6 way, bridge, yard, shop, station, tunnel, viaduct, trestle, depot,
7 warehouse, terminal, or any other structure or appurtenance used in
8 the operation of any railroad. "Railroad property" does not include
9 administrative buildings or administrative offices.

10 "Railroad signal system" means all equipment owned, leased or used
11 in the operation of any railroad for the purposes of controlling trains
12 and providing warnings including, but not limited to, a signal system,
13 train control system, centralized dispatching system, or any highway-
14 railroad grade crossing warning signal or protection device including,
15 but not limited to, safety gates, electric bell, electric sign or any other
16 alarm or protection system authorized by the Commissioner of
17 Transportation, which is required under the provisions of R.S.48:12-
18 54 or R.S.48:2-29.

19 "Widespread damage" means damage to 10 or more habitations or
20 to a building which would normally contain 50 or more persons at the
21 time of the offense.

22 "Widespread injury" means serious bodily injury to 10 or more
23 people.]³

24

25 ³[^{13.} (New section) a. Any person who purposely, knowingly or
26 recklessly places any stick, stone or other substance upon any railroad
27 track is guilty of a disorderly persons offense.

28 b. A person is guilty of a crime of the fourth degree if the person
29 violates subsection a. of this section and this violation disrupts, delays
30 or prevents the operation of any railroad.

31 c. A person is guilty of a crime of the third degree if the person
32 violates subsection a. of this section and this violation causes bodily
33 injury or property damage in excess of \$2,000.

34 d. A person is guilty of a crime of the second degree if the person
35 violates subsection a. of this section and this violation causes a
36 death.]³

37

38 ³[^{14.} (New section) a. Any person who purposely, knowingly or
39 recklessly casts, shoots or throws anything at, against or into any
40 railroad equipment is guilty of a crime of the fourth degree.

41 b. A person is guilty of a crime of the third degree if the person
42 violates subsection a. of this section and this violation causes bodily
43 injury or property damage in excess of \$2,000.

44 c. A person is guilty of a crime of the second degree if the person
45 violates subsection a. of this section and this violation causes a
46 death.]³

1 ³[15. (New section) a. Any person who purposely, knowingly or
2 recklessly defaces, damages, removes or otherwise impairs any
3 railroad property, railroad equipment or railroad signal system is guilty
4 of a crime of the fourth degree.

5 b. A person is guilty of a crime of the third degree if the person
6 violates subsection a. of this section and this violation causes bodily
7 injury or property damage in excess of \$2,000.

8 c. A person is guilty of a crime of the second degree if the person
9 violates subsection a. of this section and this violation causes a death.

10 d. A person convicted of a violation of this section that involves
11 graffiti may, in addition to any other penalty imposed by the court, be
12 required to pay to the owner of the damaged property monetary
13 restitution in the amount of the pecuniary damage caused by the act of
14 graffiti and to perform community service, which shall include
15 removing the graffiti from the property, if appropriate. If community
16 service is ordered, it shall be for either not less than 20 days or not less
17 than the number of days necessary to remove the graffiti from the
18 property. As used in this section, "graffiti" means the drawing,
19 painting or making of any mark or inscription on public or private real
20 or personal property without the permission of the owner.¹³

21
22 ³[16. (New section) a. ²Except in the course of picketing,
23 patrolling, or concerted conduct involving or growing out of a labor
24 dispute as defined in N.J.S.2A:15-58,² ²[Any]any ²person who
25 purposely or knowingly unlawfully disrupts, delays or prevents the
26 operation of any railroad, other than as set forth in sections 3 through
27 5 of this act, is guilty of a disorderly persons offense.

28 b. A person is guilty of a crime of the third degree if the person
29 violates subsection a. of this section and this violation causes bodily
30 injury or property damage in excess of \$2,000.

31 c. A person is guilty of a crime of the second degree if the person
32 violates subsection a. of this section and this violation causes a
33 death.¹³

34
35 ³[17. (New section) a. Any person who, while violating the
36 provisions of this act, purposely or knowingly causes widespread
37 injury or damage is guilty of a crime of the second degree.

38 b. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
39 provisions of law, a conviction arising under this section shall not
40 merge with a conviction for a violation of sections 3 through 6 of this
41 act.¹³

42
43 ³[18.] 1.³ Section 1 of P.L. 1970, c.246 (C.2A:53A-16) is
44 amended to read as follows:

45 1. The parents of any[infant] minor who shall maliciously or

1 willfully injure any property of a railroad, street railway, traction
 2 railway or autobus public utility shall be liable for damages in the
 3 amount of the injury to a limit of [~~\$1,000.00~~]\$5,000, to be collected
 4 by the [~~public utility~~]property owner in [~~any court of competent~~
 5 ~~jurisdiction~~]the Superior Court, together with costs of suit.
 6 (cf: P.L.1970, c.246, s.1)¹

7
 8 ³ [~~19.~~] 2.³ N.J.S. 2C:33-14 is amended to read as follows:

9 ³[2C:33-14. a. Interference with Transportation. Any person who
 10 casts, shoots or throws anything at, against or into any vehicle,
 11 [~~railroad car,~~] airplane, or other facility of transportation, or places
 12 any stick, stone or other substance upon any street railway track[,]or
 13 [~~trolley~~]trolley track [~~or railroad track~~], or who unlawfully climbs
 14 into or upon any railroad car, either in motion or standing on the
 15 track of any railroad company in this State, [~~is guilty of a disorderly~~
 16 ~~persons offense~~] or who knowingly, purposefully or recklessly
 17 unlawfully disrupts, delays or prevents the operation of any bus, jitney,
 18 trolley, subway, airplane or any other facility of transportation,
 19 ²except in the course of picketing, patrolling, or concerted conduct
 20 involving or growing out of a labor dispute as defined in N.J.S. 2A:15-
 21 58,² is guilty of a disorderly persons offense.

22 b. A person is guilty of a crime of the fourth degree if the person
 23 violates subsection a. of this section and this violation creates a risk of
 24 widespread danger or of injury to any person or of damage to property
 25 or results in bodily injury to another person.

26 c. A person is guilty of a crime of the third degree if the person
 27 violates subsection a. of this section and this violation results in
 28 serious bodily injury to another person.]

29 2C:33-14. a. Interference with Transportation. [~~Any person who~~]
 30 A person is guilty of interference with transportation if the person
 31 purposely or knowingly:

32 (1) casts, shoots or throws anything at, against or into any vehicle,
 33 railroad car, trolley car, subway car, ferry, airplane, or other facility of
 34 transportation [,] ; or

35 (2) casts, shoots, throws or otherwise places any stick, stone,
 36 object or other substance upon any street railway track, [~~trolley~~]
 37 trolley track or railroad track [,] ;or

38 (3) endangers or obstructs the safe operation of motor vehicles by
 39 casting, shooting, throwing or otherwise placing any stick, stone,
 40 object or other substance upon any highway or roadway; or [~~who~~]

41 (4) unlawfully climbs into or upon any railroad car, either in
 42 motion or standing on the track of any railroad company in this
 43 State[, is guilty of a disorderly persons offense.] ;or

44 (5) unlawfully disrupts, delays or prevents the operation of any
 45 train, bus, jitney, trolley, subway, airplane or any other facility of

1 transportation. The term "unlawfully disrupts, delays or prevents the
2 operation of" does not include non-violent conduct growing out of a
3 labor dispute as defined in N.J.S.2A:15-58.

4 b. Interference with transportation is a disorderly persons offense.

5 c. Interference with transportation is a crime of the fourth degree
6 if the person purposely, knowingly or recklessly causes bodily injury
7 to another person or causes pecuniary loss in excess of \$500 but less
8 than \$2000.

9 d. Interference with transportation is a crime of the third degree
10 if the person purposely, knowingly or recklessly causes significant
11 bodily injury to another person or causes pecuniary loss of \$2000 or
12 more, or if the person purposely or knowingly creates a risk of
13 significant bodily injury to another person.

14 e. Interference with transportation is a crime of the second degree
15 if the person purposely, knowingly or recklessly causes serious bodily
16 injury to another person.³

17 (cf: N.J.S.2C:33-14)

18
19 ³3. Section 1 of P.L.1991, c.335 (C.2C:33-14.1) is amended to
20 read as follows:

21 1. Vandalizing Railroad Crossing Devices; Grading of Offenses.

22 a. Any person who purposely, knowingly or recklessly defaces,
23 damages, obstructs ,removes or otherwise impairs the operation of
24 any railroad crossing warning signal or protection device, including,
25 but not limited to safety gates, electric bell, electric sign or any other
26 alarm or protection system authorized by the Commissioner of
27 Transportation, which is required under the provisions of
28 R.S.48:12-54 or R.S.48:2-29, or any other railroad property or
29 equipment, other than administrative buildings, offices or equipment,
30 shall, for a first offense, be guilty of a crime of the fourth degree;
31 however, if the defacement, damage, obstruction , removal or
32 impediment of the crossing warning signal or protection device ,
33 property or equipment recklessly causes bodily injury or [damage to
34 property] pecuniary loss of \$2000 or more, the actor is guilty of a
35 crime of the third degree, or if it recklessly causes a death or serious
36 bodily injury, the actor is guilty of a crime of the second degree.

37 b. A person convicted of a violation of this section that involves an
38 act of graffiti may, in addition to any other penalty imposed by the
39 court, be required to pay to the owner of the damaged property
40 monetary restitution in the amount of the pecuniary damage caused by
41 the act of graffiti and to perform community service, which shall
42 include removing the graffiti from the property, if appropriate. If
43 community service is ordered, it shall be for either not less than 20
44 days or not less than the number of days necessary to remove the
45 graffiti from the property. As used in this section, "act of graffiti"
46 means the drawing, painting or making of any mark or inscription on

1 public or private real or personal property without the permission of
2 the owner.³

3 (cf: P.L.1998, c.54, s.2)

4

5 ³[10. P.L.1991,c.335 (C.2C:33-14.1 et seq.) and] 4. 3

6 R.S.48:12-167 ³[are] is³ repealed.

7

8 ¹[2.] ³[11.¹] 5.³ This act shall take effect immediately.

9

10

11

12

13 Establishes offenses concerning the protection of railroad property and
14 interference with transportation.

CHAPTER 413

AN ACT concerning interference with transportation facilities, amending N.J.S. 2C:33-14, P.L.1970, c. 246 and P.L.1991, c.335 and repealing R.S. 48:12-167.

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

1. Section 1 of P.L.1970, c.246 (C.2A:53A-16) is amended to read as follows:

C.2A:53A-16 Parental liability for certain acts of minor.

1. The parents of any minor who shall maliciously or willfully injure any property of a railroad, street railway, traction railway or autobus public utility shall be liable for damages in the amount of the injury to a limit of \$5,000, to be collected by the property owner in the Superior Court, together with costs of suit.

2. N.J.S. 2C:33-14 is amended to read as follows:

Interference with transportation.

2C:33-14. a. Interference with Transportation. A person is guilty of interference with transportation if the person purposely or knowingly:

(1) casts, shoots or throws anything at, against or into any vehicle, railroad car, trolley car, subway car, ferry, airplane, or other facility of transportation; or

(2) casts, shoots, throws or otherwise places any stick, stone, object or other substance upon any street railway track, trolley track or railroad track ;or

(3) endangers or obstructs the safe operation of motor vehicles by casting, shooting, throwing or otherwise placing any stick, stone, object or other substance upon any highway or roadway; or

(4) unlawfully climbs into or upon any railroad car, either in motion or standing on the track of any railroad company in this State; or

(5) unlawfully disrupts, delays or prevents the operation of any train, bus, jitney, trolley, subway, airplane or any other facility of transportation. The term "unlawfully disrupts, delays or prevents the operation of" does not include non-violent conduct growing out of a labor dispute as defined in N.J.S.2A:15-58.

b. Interference with transportation is a disorderly persons offense.

c. Interference with transportation is a crime of the fourth degree if the person purposely, knowingly or recklessly causes bodily injury to another person or causes pecuniary loss in excess of \$500 but less than \$2000.

d. Interference with transportation is a crime of the third degree if the person purposely, knowingly or recklessly causes significant bodily injury to another person or causes pecuniary loss of \$2000 or more, or if the person purposely or knowingly creates a risk of significant bodily injury to another person.

e. Interference with transportation is a crime of the second degree if the person purposely, knowingly or recklessly causes serious bodily injury to another person.

3. Section 1 of P.L.1991, c.335 (C.2C:33-14.1) is amended to read as follows:

C.2C:33-14.1 Vandalizing railroad crossing devices, property; gradin of offenses; graffiti.

1. a. Any person who purposely, knowingly or recklessly defaces, damages, obstructs, removes or otherwise impairs the operation of any railroad crossing warning signal or protection device, including, but not limited to safety gates, electric bell, electric sign or any other alarm or protection system authorized by the Commissioner of Transportation, which is required under the provisions of R.S.48:12-54 or R.S.48:2-29, or any other railroad property or equipment, other than administrative buildings, offices or equipment, shall, for a first offense, be guilty of a crime of the fourth degree; however, if the defacement, damage, obstruction, removal or impediment of the crossing warning signal or protection device, property or equipment recklessly causes bodily injury or pecuniary loss of \$2000 or more, the actor is guilty of a crime of the third degree, or if it recklessly causes a death or serious bodily injury, the actor is guilty of a crime of the second degree.

b. A person convicted of a violation of this section that involves an act of graffiti may, in

addition to any other penalty imposed by the court, be required to pay to the owner of the damaged property monetary restitution in the amount of the pecuniary damage caused by the act of graffiti and to perform community service, which shall include removing the graffiti from the property, if appropriate. If community service is ordered, it shall be for either not less than 20 days or not less than the number of days necessary to remove the graffiti from the property. As used in this section, "act of graffiti" means the drawing, painting or making of any mark or inscription on public or private real or personal property without the permission of the owner.

Repealer.

4. R.S.48:12-167 is repealed.

5. This act shall take effect immediately.

Approved January 8, 2002.