



LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1998

CHAPTER:54

NJSA: 2C:17-3

"Safety signs and signals -- stealing, damaging -- increase penalties"

BILL NO: A726 (Substituted for S923)

SPONSOR(S): Kramer and DeCroce

DATE INTRODUCED: Pre-filed

COMMITTEE:

ASSEMBLY: Transportation

SENATE: Transportation

AMENDED DURING PASSAGE:Yes

DATE OF PASSAGE:

ASSEMBLY: February 19, 1998

SENATE: May 28, 1998

DATE OF APPROVAL: July 10, 1998

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: 1st reprint

(Amendments during passage denoted by superscript numbers)

A726

SPONSORS STATEMENT: *Yes* (Begins on page 4 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *Yes*(Corrected Copy)

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

S923

SPONSORS STATEMENT: *Yes* (Begins on page 4 of original bill)
(Bill and Sponsors Statement identical to A726)

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes* (Identical to Senate Statement for A726)

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

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HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

[First Reprint]

ASSEMBLY, No. 726

STATE OF NEW JERSEY
208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman PAUL KRAMER

District 14 (Mercer and Middlesex)

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

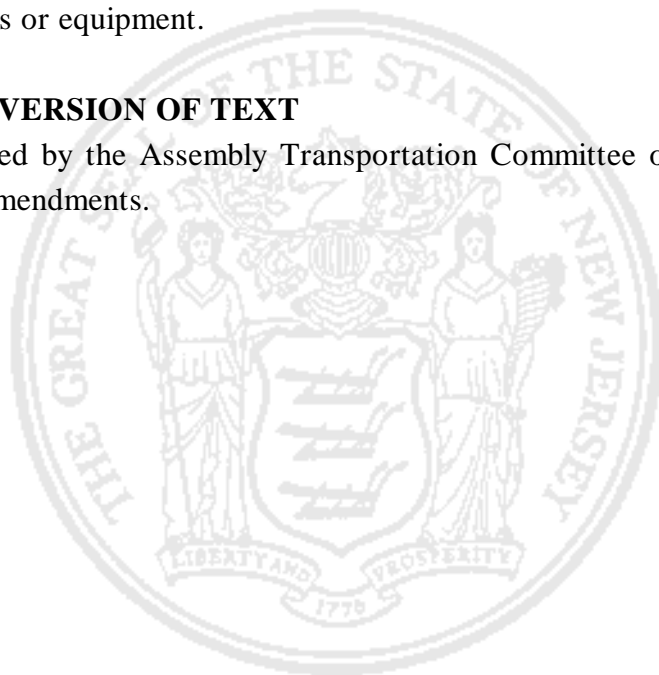
Assemblywoman Heck, Assemblyman LeFevre and Senator Inverso

SYNOPSIS

Increases penalties for stealing or damaging airport, traffic, or railroad crossing signs or equipment.

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation Committee on January 29, 1998, with amendments.



(Sponsorship Updated As Of: 5/29/1998)

1 AN ACT concerning certain theft and vandalism, amending
2 N.J.S.2C:17-3 ¹ **[,]** and¹ P.L.1991 c.335 ¹ **[and P.L.1938, c.48]**¹,
3 supplementing Title 2C of the New Jersey Statutes and repealing
4 section 6 of P.L.1941, c.345 ¹ **and section 30 of P.L.1938, c.48**¹.
5

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

9 1. N.J.S.2C:17-3 is amended to read as follows:

10 2C:17-3. Criminal Mischief. a. Offense defined. A person is
11 guilty of criminal mischief if he:

12 (1) Purposely or knowingly damages tangible property of another
13 or damages tangible property of another recklessly or negligently in
14 the employment of fire, explosives or other dangerous means listed in
15 subsection a. of N.J.S.2C:17-2; or

16 (2) Purposely ¹, knowingly¹ or recklessly tampers with tangible
17 property of another so as to endanger person or property.

18 b. Grading. (1) Criminal mischief is a crime of the third degree if
19 the actor purposely ¹ or knowingly¹ causes pecuniary loss of \$2,000.00
20 or more, or a substantial interruption or impairment of public
21 communication, transportation **[(including, but not limited to, the**
22 **defacement, injury or removal of an official traffic sign or signal)]**,
23 supply of water, gas or power, or other public service.

24 (2) Criminal mischief is a crime of the fourth degree if the actor
25 causes pecuniary loss in excess of \$500.00 ¹ **[but less than \$2,000.00,**
26 **or] . It is**¹ a disorderly persons offense if ¹ **[he] the actor**¹ causes
27 pecuniary loss of \$500.00 or less.

28 (3) Criminal mischief is a crime of the third degree if the actor
29 damages, defaces, eradicates, alters, receives, releases or causes the
30 loss of any research property used by the research facility, or
31 otherwise causes physical disruption to the functioning of the research
32 facility. The term "physical disruption" does not include any lawful
33 activity that results from public, governmental, or research facility
34 employee reaction to the disclosure of information about the research
35 facility.

36 (4) Criminal mischief is a crime of the fourth degree if the actor
37 damages, removes or impairs the operation of any device, including,
38 but not limited to, a sign, signal, light or other equipment, which
39 serves to regulate or ensure the safety of air traffic at any airport,
40 landing field, landing strip, heliport, helistop or any other aviation
41 facility; however, if the damage, removal or impediment of the device

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ATR committee amendments adopted January 29, 1998.

1 'recklessly' causes bodily injury or damage to property, the actor is
2 guilty of a crime of the third degree, or if it 'recklessly' causes a
3 death, the actor is guilty of a crime of the second degree.

4 '(5) Criminal mischief is a crime of the fourth degree if the actor
5 interferes or tampers with any airport, landing field, landing strip,
6 heliport, helistop or any other aviation facility; however if the
7 interference or tampering with the airport, landing field, landing strip,
8 heliport, helistop or other aviation facility recklessly causes bodily
9 injury or damage to property, the actor is guilty of a crime of the third
10 degree, or if it recklessly causes a death, the actor is guilty of a crime
11 of the second degree.'

12 c. A person convicted of an offense of criminal mischief that
13 involves an act of graffiti may, in addition to any other penalty
14 imposed by the court, be required to pay to the owner of the damaged
15 property monetary restitution in the amount of the pecuniary damage
16 caused by the act of graffiti and to perform community service, which
17 shall include removing the graffiti from the property, if appropriate.
18 If community service is ordered, it shall be for either not less than 20
19 days or not less than the number of days necessary to remove the
20 graffiti from the property.

21 d. As used in this section:

22 (1) "Act of graffiti" means the drawing, painting or making of any
23 mark or inscription on public or private real or personal property
24 without the permission of the owner.

25 (2) "Spray paint" means any paint or pigmented substance that is
26 in an aerosol or similar spray container.

27 (cf: P.L.1995, c.251, s.1)

28

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

31 1. Any person who purposely, knowingly or recklessly defaces,
32 damages, obstructs or otherwise impairs the operation of any railroad
33 crossing warning signal or protection device, including, but not limited
34 to safety gates, electric bell, electric sign or any other alarm or
35 protection system authorized by the Commissioner of Transportation,
36 which is required under the provisions of R.S.48:12-54 or
37 R.S.48:2-29, shall, for a first offense, be guilty of a **【disorderly**
38 **persons offense】** crime of the fourth degree; however, if '【if】' the
39 defacement, damage, obstruction or impediment of the crossing
40 warning signal or protection device 'recklessly' causes bodily injury
41 or damage to property, the actor is guilty of a crime of the third
42 degree, or if it 'recklessly' causes a death, the actor is guilty of a
43 crime of the second degree. **【For any subsequent violation of this act,**
44 **the offender shall be guilty of a crime of the fourth degree.】**

45 (cf: P.L.1991, c.335, s.1)

1 ¹ [3. Section 30 of P.L.1938, c.48 (C.6:1-49) is amended to read
2 as follows:

3 30. Malicious interference with aviation facilities.

4 Any person who shall ~~willfully and maliciously~~ **knowingly**
5 interfere or tamper with any airport, landing field, landing strip,
6 heliport, helistop, or any other aviation facility ~~], or the equipment~~
7 thereof, shall be] **is guilty of a [misdemeanor] crime of the fourth**
8 **degree; however, if the interference or tampering with the airport,**
9 **landing field, landing strip, heliport, helistop or other aviation facilitiy**
10 **causes bodily injury or damage to property, the actor is guilty of a**
11 **crime of the third degree, or if it causes a death, the actor is guilty of**
12 **a crime of the second degree.**

13 (cf: P.L.1971, c.118, s.5)]¹

14

15 ¹ [4.] 3.¹ (New section) A person who purposely, knowingly,
16 recklessly or negligently defaces, injures or removes an official traffic
17 sign or signal described in Title 39 of the Revised Statutes is guilty of
18 a disorderly persons offense.

19 If a juvenile who is adjudicated delinquent for an act which, if
20 committed by an adult, would constitute a violation of this section is
21 assessed a fine and the court determines that the juvenile is unable to
22 pay the fine, the juvenile's parents or legal guardian shall be
23 responsible for the imposed fine.

24

25 ¹ [5.] 4.¹ Section 6 of P.L.1941, c.345 (C.39:4-183.5) ¹ [is] **and**
26 **section 30 of P.L.1938, c.48 (C.6:1-49) are**¹ hereby repealed.

27

28 ¹ [6.] 5.¹ This act shall take effect immediately.

ASSEMBLY, No. 726

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman PAUL KRAMER

District 14 (Mercer and Middlesex)

Assemblyman ALEX DECROCE

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Increases penalties for stealing or damaging airport, traffic, or railroad crossing signs or equipment.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning certain theft and vandalism, amending
2 N.J.S.2C:17-3, P.L.1991, c.335 and P.L.1938, c.48, supplementing
3 Title 2C of the New Jersey Statutes and repealing section 6 of
4 P.L.1941, c.345.

5

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

8

9 1. N.J.S.2C:17-3 is amended to read as follows:

10 2C:17-3. Criminal Mischief. a. Offense defined. A person is
11 guilty of criminal mischief if he:

12 (1) Purposely or knowingly damages tangible property of another
13 or damages tangible property of another recklessly or negligently in
14 the employment of fire, explosives or other dangerous means listed in
15 subsection a. of N.J.S.2C:17-2; or

16 (2) Purposely or recklessly tampers with tangible property of
17 another so as to endanger person or property.

18 b. Grading. (1) Criminal mischief is a crime of the third degree if
19 the actor purposely causes pecuniary loss of \$2,000.00 or more, or a
20 substantial interruption or impairment of public communication,
21 transportation [including, but not limited to, the defacement, injury
22 or removal of an official traffic sign or signal], supply of water, gas
23 or power, or other public service.

24 (2) Criminal mischief is a crime of the fourth degree if the actor
25 causes pecuniary loss in excess of \$500.00 but less than \$2,000.00, or
26 a disorderly persons offense if he causes pecuniary loss of \$500.00 or
27 less.

28 (3) Criminal mischief is a crime of the third degree if the actor
29 damages, defaces, eradicates, alters, receives, releases or causes the
30 loss of any research property used by the research facility, or
31 otherwise causes physical disruption to the functioning of the research
32 facility. The term "physical disruption" does not include any lawful
33 activity that results from public, governmental, or research facility
34 employee reaction to the disclosure of information about the research
35 facility.

36 (4) Criminal mischief is a crime of the fourth degree if the actor
37 damages, removes or impairs the operation of any device, including,
38 but not limited to, a sign, signal, light or other equipment, which
39 serves to regulate or ensure the safety of air traffic at any airport,
40 landing field, landing strip, heliport, helistop or any other aviation
41 facility; however, if the damage, removal or impediment of the device
42 causes bodily injury or damage to property, the actor is guilty of a
43 crime of the third degree, or if it causes a death, the actor is guilty of

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 a crime of the second degree.

2 c. A person convicted of an offense of criminal mischief that
3 involves an act of graffiti may, in addition to any other penalty
4 imposed by the court, be required to pay to the owner of the damaged
5 property monetary restitution in the amount of the pecuniary damage
6 caused by the act of graffiti and to perform community service, which
7 shall include removing the graffiti from the property, if appropriate.
8 If community service is ordered, it shall be for either not less than 20
9 days or not less than the number of days necessary to remove the
10 graffiti from the property.

11 d. As used in this section:

12 (1) "Act of graffiti" means the drawing, painting or making of any
13 mark or inscription on public or private real or personal property
14 without the permission of the owner.

15 (2) "Spray paint" means any paint or pigmented substance that is
16 in an aerosol or similar spray container.

17 (cf: P.L.1995, c.251, s.1)

18

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

21 1. Any person who purposely, knowingly or recklessly defaces,
22 damages, obstructs or otherwise impairs the operation of any railroad
23 crossing warning signal or protection device, including, but not limited
24 to safety gates, electric bell, electric sign or any other alarm or
25 protection system authorized by the Commissioner of Transportation,
26 which is required under the provisions of R.S.48:12-54 or
27 R.S.48:2-29, shall, for a first offense, be guilty of a **【disorderly**
28 **persons offense】** crime of the fourth degree; however, if if the
29 defacement, damage, obstruction or impediment of the crossing
30 warning signal or protection device causes bodily injury or damage to
31 property, the actor is guilty of a crime of the third degree, or if it
32 causes a death, the actor is guilty of a crime of the second degree.

33 **【For any subsequent violation of this act, the offender shall be guilty**
34 **of a crime of the fourth degree.】**

35 (cf: P.L.1991, c.335)

36

37 3. Section 30 of P.L.1938, c.48 (C.6:1-49) is amended to read as
38 follows:

39 30. Malicious interference with avigation facilities.

40 Any person who shall **【willfully and maliciously】** knowingly
41 interfere or tamper with any airport, landing field, landing strip,
42 heliport, helistop, or any other avigation facility 【, or the equipment
43 thereof, shall be】 is guilty of a 【misdemeanor】 crime of the fourth
44 degree; however, if the interference or tampering with the airport,
45 landing field, landing strip, heliport, helistop or other avigation facilitiy
46 causes bodily injury or damage to property, the actor is guilty of a

1 crime of the third degree, or if it causes a death, the actor is guilty of
2 a crime of the second degree.

3 (cf: P.L.1971, c.118, s.5)

4

5 4. (New section) A person who purposely, knowingly, recklessly
6 or negligently defaces, injures or removes an official traffic sign or
7 signal described in Title 39 of the Revised Statutes is guilty of a
8 disorderly persons offense.

9 If a juvenile who is adjudicated delinquent for an act which, if
10 committed by an adult, would constitute a violation of this section is
11 assessed a fine and the court determines that the juvenile is unable to
12 pay the fine, the juvenile's parents or legal guardian shall be
13 responsible for the imposed fine.

14

15 5. Section 6 of P.L.1941, c.345 (C.39:4-183.5) is hereby repealed.

16

17 6. This act shall take effect immediately.

18

19

20 STATEMENT

21

22 This bill would upgrade the offense of stealing, vandalizing or
23 damaging safety devices, such as signs and signals, at airports, on
24 roadways, and at railroad crossings.

25 Although these acts have potentially deadly consequences, current
26 law often allows offenders to be treated lightly. For example, a person
27 who creates an incalculable risk of danger by stealing light bulbs from
28 the light fixtures at an airport landing strip is guilty of only a
29 disorderly persons offense, "criminal mischief" (N.J.S.A.2C:17-3), if
30 the actual monetary loss he causes is less than \$500. Similarly, a
31 person who steals or damages a traffic sign or traffic signal is guilty
32 only of a minor offense, equivalent to a petty disorderly persons
33 offense, for "damaging or removing traffic signs or signals" pursuant
34 to N.J.S.A.39:4-183.5, as long as that person did not "purposely"
35 cause a "substantial interruption or impairment of public
36 transportation."

37 By contrast, a person who does *purposely* cause a *substantial*
38 interruption or impairment of public transportation is guilty of a crime
39 of the third degree pursuant to N.J.S.A.2C:17-3, but the difficulty of
40 proving this level of intent makes convictions rare. Under the bill,
41 however, convictions would be easier to obtain, since the bill changes
42 the level of intent needed for conviction from "purposely" to
43 "knowingly." The bill provides that it would be a crime of the fourth
44 degree to knowingly remove or deface an official sign, signal or other
45 equipment at an airport, roadway, or railroad crossing. If the person's
46 actions cause bodily injury or property damage, the person would be

1 guilty of a crime of the third degree; if the person's actions cause a
2 death, the person would be guilty of a crime of the second degree.
3 Thus, under the bill, the person who steals light bulbs from the light
4 fixtures at an airport landing strip would be guilty of, at least, a crime
5 of the fourth degree (rather than a disorderly persons offense, as is the
6 case under current law.)

7 The bill also repeals N.J.S.A.39:4-183.5, replacing it with a
8 provision in Title 2C, the Criminal Code, which would make it a
9 disorderly persons offense to damage or remove a traffic sign or signal
10 recklessly or negligently. A disorderly persons offense is punishable
11 by a term of imprisonment of up to six months or a fine of up to
12 \$1,000, or both.

13 The bill also upgrades the offense of interfering or tampering with
14 airports, landing fields or similar facilities. Currently this offense is the
15 equivalent of a crime of the fourth degree. Under the bill, the offense
16 would remain a crime of the fourth degree if no injury or property
17 damage results, but would constitute a crime of the third degree if the
18 interference or tampering causes an injury or property damage and if
19 it causes a death, it would constitute a crime of the second degree.

20 A crime of the fourth degree is punishable by a term of
21 imprisonment of up to 18 months or a fine of up to \$7,500 or both; a
22 crime of the third degree, by a term of imprisonment of up to three to
23 five years or a fine of up to \$7,500 or both; and a crime of the second
24 degree, by a term of imprisonment of up to five to ten years or a fine
25 of up to \$100,000 or both.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 726

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 29, 1998

The Assembly Transportation Committee reports favorably Assembly Bill No. 726 with committee amendments.

This amended bill would upgrade the offense of stealing, vandalizing or damaging safety devices, such as signs and signals, at airports, on roadways, and at railroad crossings.

Although these acts have potentially deadly consequences, current law often allows offenders to be treated lightly. For example, a person who creates an incalculable risk of danger by stealing light bulbs from the light fixtures at an airport landing strip is guilty of only a disorderly persons offense, "criminal mischief" (N.J.S.2C:17-3), if the actual monetary loss he causes is less than \$500. Similarly, a person who steals or damages a traffic sign or traffic signal is guilty only of a minor offense, equivalent to a petty disorderly persons offense, for "damaging or removing traffic signs or signals" pursuant to N.J.S.A.39:4-183.5, as long as that person did not "purposely" cause a "substantial interruption or impairment of public transportation."

By contrast, a person who does *purposely* cause a *substantial* interruption or impairment of public transportation is guilty of a crime of the third degree pursuant to N.J.S.2C:17-3, but the difficulty of proving this level of intent makes convictions rare. Under the bill, however, convictions would be easier to obtain, since the bill changes the level of intent needed for conviction from "purposely" to "knowingly." The bill provides that it would be a crime of the fourth degree to knowingly remove or deface an official sign, signal or other equipment at an airport, roadway, or railroad crossing. If the person's actions cause bodily injury or property damage, the person would be guilty of a crime of the third degree; if the person's actions cause a death, the person would be guilty of a crime of the second degree. Thus, under the bill, the person who steals light bulbs from the light fixtures at an airport landing strip would be guilty of, at least, a crime of the fourth degree (rather than a disorderly persons offense, as is the case under current law.)

The bill repeals N.J.S.A.39:4-183.5, replacing it with a provision in Title 2C, the Criminal Code, which would make it a disorderly persons offense to damage or remove a traffic sign or signal recklessly

or negligently. A disorderly persons offense is punishable by a term of imprisonment of up to six months or a fine of up to \$1,000, or both.

As amended, the bill also upgrades the offense of interfering or tampering with airports, landing fields or similar facilities and incorporates this offense into Title 2C. Currently this offense is the equivalent of a crime of the fourth degree. Under the bill, the offense would remain a crime of the fourth degree if no injury or property damage results, but would constitute a crime of the third degree if the interference or tampering causes an injury or property damage and if it causes a death, it would constitute a crime of the second degree.

A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months or a fine of up to \$7,500 or both; a crime of the third degree, by a term of imprisonment of up to three to five years or a fine of up to \$7,500 or both; and a crime of the second degree, by a term of imprisonment of up to five to ten years or a fine of up to \$100,000 or both.

The committee adopted amendments technical in nature to clarify the bill's provisions.

This bill was pre-filed for introduction in the 1998 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

[Corrected Copy]

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 726

STATE OF NEW JERSEY

DATED: MAY 21, 1998

The Senate Transportation Committee reports favorably Assembly Bill No. 726 (1R).

This bill would upgrade the offense of stealing, vandalizing or damaging safety devices, such as signs and signals, at airports, on roadways, and at railroad crossings.

Although these acts have potentially deadly consequences, current law often allows offenders to be treated lightly. For example, a person who creates an incalculable risk of danger by stealing light bulbs from the light fixtures at an airport landing strip is guilty of only a disorderly persons offense, "criminal mischief" (N.J.S.2C:17-3), if the actual monetary loss he causes is less than \$500. Similarly, a person who steals or damages a traffic sign or traffic signal is guilty only of a minor offense, equivalent to a petty disorderly persons offense, for "damaging or removing traffic signs or signals" pursuant to N.J.S.A.39:4-183.5, as long as that person did not "purposely" cause a "substantial interruption or impairment of public transportation."

By contrast, a person who does *purposely* cause a *substantial* interruption or impairment of public transportation is guilty of a crime of the third degree pursuant to N.J.S.2C:17-3, but the difficulty of proving this level of intent makes convictions rare. Under the bill, however, convictions would be easier to obtain, since the bill changes the level of intent needed for conviction from "purposely" to "knowingly." The bill provides that it would be a crime of the fourth degree to knowingly remove or deface an official sign, signal or other equipment at an airport or railroad crossing. If the person's actions cause bodily injury or property damage, the person would be guilty of a crime of the third degree; if the person's actions cause a death, the person would be guilty of a crime of the second degree. Thus, under the bill, the person who steals light bulbs from the light fixtures at an airport landing strip would be guilty of, at least, a crime of the fourth degree (rather than a disorderly persons offense, as is the case under current law.)

The bill repeals N.J.S.A.39:4-183.5, replacing it with a provision in Title 2C, the Criminal Code, which would make it a disorderly persons offense to damage or remove a traffic sign or signal recklessly or negligently. A disorderly persons offense is punishable by a term of imprisonment of up to six months or a fine of up to \$1,000, or both.

The bill also upgrades the offense of interfering or tampering with airports, landing fields or similar facilities and incorporates this offense into Title 2C. Currently this offense is the equivalent of a crime of the fourth degree. Under the bill, the offense would remain a crime of the fourth degree if no injury or property damage results, but would constitute a crime of the third degree if the interference or tampering causes an injury or property damage and if it causes a death, it would constitute a crime of the second degree.

A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months or a fine of up to \$7,500 or both; a crime of the third degree, by a term of imprisonment of up to three to five years or a fine of up to \$7,500 or both; and a crime of the second degree, by a term of imprisonment of up to five to ten years or a fine of up to \$100,000 or both.

This bill is identical to S-923, released by the committee on the same date.

SENATE, No. 923

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MARCH 23, 1998

Sponsored by:

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

SYNOPSIS

Increases penalties for stealing or damaging airport, traffic, or railroad crossing signs or equipment.

CURRENT VERSION OF TEXT

As introduced.



S923 INVERSO

2

1 AN ACT concerning certain theft and vandalism, amending
2 N.J.S.2C:17-3 and P.L.1991 c.335, supplementing Title 2C of the
3 New Jersey Statutes and repealing section 6 of P.L.1941, c.345 and
4 section 30 of P.L.1938, c.48.

5

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

8

9 1. N.J.S.2C:17-3 is amended to read as follows:

10 2C:17-3. Criminal Mischief. a. Offense defined. A person is
11 guilty of criminal mischief if he:

12 (1) Purposely or knowingly damages tangible property of another
13 or damages tangible property of another recklessly or negligently in
14 the employment of fire, explosives or other dangerous means listed in
15 subsection a. of N.J.S.2C:17-2; or

16 (2) Purposely, knowingly or recklessly tampers with tangible
17 property of another so as to endanger person or property.

18 b. Grading. (1) Criminal mischief is a crime of the third degree if
19 the actor purposely or knowingly causes pecuniary loss of \$2,000.00
20 or more, or a substantial interruption or impairment of public
21 communication, transportation[(including, but not limited to, the
22 defacement, injury or removal of an official traffic sign or signal)],
23 supply of water, gas or power, or other public service.

24 (2) Criminal mischief is a crime of the fourth degree if the actor
25 causes pecuniary loss in excess of \$500.00 [but less than \$2,000.00,
26 or] . It is a disorderly persons offense if [he] the actor causes
27 pecuniary loss of \$500.00 or less.

28 (3) Criminal mischief is a crime of the third degree if the actor
29 damages, defaces, eradicates, alters, receives, releases or causes the
30 loss of any research property used by the research facility, or
31 otherwise causes physical disruption to the functioning of the research
32 facility. The term "physical disruption" does not include any lawful
33 activity that results from public, governmental, or research facility
34 employee reaction to the disclosure of information about the research
35 facility.

36 (4) Criminal mischief is a crime of the fourth degree if the actor
37 damages, removes or impairs the operation of any device, including,
38 but not limited to, a sign, signal, light or other equipment, which
39 serves to regulate or ensure the safety of air traffic at any airport,
40 landing field, landing strip, heliport, helistop or any other aviation
41 facility; however, if the damage, removal or impediment of the device
42 recklessly causes bodily injury or damage to property, the actor is

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 guilty of a crime of the third degree, or if it recklessly causes a death,
2 the actor is guilty of a crime of the second degree.

3 (5) Criminal mischief is a crime of the fourth degree if the actor
4 interferes or tampers with any airport, landing field, landing strip,
5 heliport, helistop or any other aviation facility; however if the
6 interference or tampering with the airport, landing field, landing strip,
7 heliport, helistop or other aviation facility recklessly causes bodily
8 injury or damage to property, the actor is guilty of a crime of the third
9 degree, or if it recklessly causes a death, the actor is guilty of a crime
10 of the second degree.

11 c. A person convicted of an offense of criminal mischief that
12 involves an act of graffiti may, in addition to any other penalty
13 imposed by the court, be required to pay to the owner of the damaged
14 property monetary restitution in the amount of the pecuniary damage
15 caused by the act of graffiti and to perform community service, which
16 shall include removing the graffiti from the property, if appropriate.
17 If community service is ordered, it shall be for either not less than 20
18 days or not less than the number of days necessary to remove the
19 graffiti from the property.

20 d. As used in this section:

21 (1) "Act of graffiti" means the drawing, painting or making of any
22 mark or inscription on public or private real or personal property
23 without the permission of the owner.

24 (2) "Spray paint" means any paint or pigmented substance that is
25 in an aerosol or similar spray container.

26 (cf: P.L.1995, c.251, s.1)

27

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

30 1. Any person who purposely, knowingly or recklessly defaces,
31 damages, obstructs or otherwise impairs the operation of any railroad
32 crossing warning signal or protection device, including, but not limited
33 to safety gates, electric bell, electric sign or any other alarm or
34 protection system authorized by the Commissioner of Transportation,
35 which is required under the provisions of R.S.48:12-54 or
36 R.S.48:2-29, shall, for a first offense, be guilty of a **[disorderly**
37 **persons offense]** crime of the fourth degree; however, if the
38 defacement, damage, obstruction or impediment of the crossing
39 warning signal or protection device recklessly causes bodily injury or
40 damage to property, the actor is guilty of a crime of the third degree,
41 or if it recklessly causes a death, the actor is guilty of a crime of the
42 second degree. [For any subsequent violation of this act, the offender
43 shall be guilty of a crime of the fourth degree.]

44 (cf: P.L.1991, c.335, s.1)

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1 3. (New section) A person who purposely, knowingly, recklessly
2 or negligently defaces, injures or removes an official traffic sign or
3 signal described in Title 39 of the Revised Statutes is guilty of a
4 disorderly persons offense.

5 If a juvenile who is adjudicated delinquent for an act which, if
6 committed by an adult, would constitute a violation of this section is
7 assessed a fine and the court determines that the juvenile is unable to
8 pay the fine, the juvenile's parents or legal guardian shall be
9 responsible for the imposed fine.

10
11 4. Section 6 of P.L.1941, c.345 (C.39:4-183.5) and section 30 of
12 P.L.1938, c.48 (C.6:1-49) are hereby repealed.

13
14 5. This act shall take effect immediately.
15
16

17 STATEMENT
18

19 This bill would upgrade the offense of stealing, vandalizing or
20 damaging safety devices, such as signs and signals, at airports, on
21 roadways, and at railroad crossings.

22 Although these acts have potentially deadly consequences, current
23 law often allows offenders to be treated lightly. For example, a person
24 who creates an incalculable risk of danger by stealing light bulbs from
25 the light fixtures at an airport landing strip is guilty of only a
26 disorderly persons offense, "criminal mischief" (N.J.S.2C:17-3), if the
27 actual monetary loss he causes is less than \$500. Similarly, a person
28 who steals or damages a traffic sign or traffic signal is guilty only of
29 a minor offense, equivalent to a petty disorderly persons offense, for
30 "damaging or removing traffic signs or signals" pursuant to
31 N.J.S.A.39:4-183.5, as long as that person did not "purposely" cause
32 a "substantial interruption or impairment of public transportation."

33 By contrast, a person who does *purposely* cause a *substantial*
34 interruption or impairment of public transportation is guilty of a crime
35 of the third degree pursuant to N.J.S.2C:17-3, but the difficulty of
36 proving this level of intent makes convictions rare. Under the bill,
37 however, convictions would be easier to obtain, since the bill changes
38 the level of intent needed for conviction from "purposely" to
39 "knowingly." The bill provides that it would be a crime of the fourth
40 degree to knowingly remove or deface an official sign, signal or other
41 equipment at an airport, roadway, or railroad crossing. If the person's
42 actions cause bodily injury or property damage, the person would be
43 guilty of a crime of the third degree; if the person's actions cause a
44 death, the person would be guilty of a crime of the second degree.
45 Thus, under the bill, the person who steals light bulbs from the light
46 fixtures at an airport landing strip would be guilty of, at least, a crime

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1 of the fourth degree (rather than a disorderly persons offense, as is the
2 case under current law.)

3 The bill repeals N.J.S.A.39:4-183.5, replacing it with a provision in
4 Title 2C, the Criminal Code, which would make it a disorderly persons
5 offense to damage or remove a traffic sign or signal recklessly or
6 negligently. A disorderly persons offense is punishable by a term of
7 imprisonment of up to six months or a fine of up to \$1,000, or both.

8 The bill also upgrades the offense of interfering or tampering with
9 airports, landing fields or similar facilities and incorporates this offense
10 into Title 2C. Currently this offense is the equivalent of a crime of the
11 fourth degree. Under the bill, the offense would remain a crime of the
12 fourth degree if no injury or property damage results, but would
13 constitute a crime of the third degree if the interference or tampering
14 causes an injury or property damage. If it causes a death, the offense
15 would constitute a crime of the second degree.

16 A crime of the fourth degree is punishable by a term of
17 imprisonment of up to 18 months or a fine of up to \$10,000 or both;
18 a crime of the third degree, by a term of imprisonment of up to three
19 to five years or a fine of up to \$15,000 or both; and a crime of the
20 second degree, by a term of imprisonment of up to five to ten years or
21 a fine of up to \$150,000 or both.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 923

STATE OF NEW JERSEY

DATED: MAY 21, 1998

The Senate Transportation Committee reports favorably Senate Bill No. 923.

This bill would upgrade the offense of stealing, vandalizing or damaging safety devices, such as signs and signals, at airports, on roadways, and at railroad crossings.

Although these acts have potentially deadly consequences, current law often allows offenders to be treated lightly. For example, a person who creates an incalculable risk of danger by stealing light bulbs from the light fixtures at an airport landing strip is guilty of only a disorderly persons offense, "criminal mischief" (N.J.S.2C:17-3), if the actual monetary loss he causes is less than \$500. Similarly, a person who steals or damages a traffic sign or traffic signal is guilty only of a minor offense, equivalent to a petty disorderly persons offense, for "damaging or removing traffic signs or signals" pursuant to N.J.S.A.39:4-183.5, as long as that person did not "purposely" cause a "substantial interruption or impairment of public transportation."

By contrast, a person who does *purposely* cause a *substantial* interruption or impairment of public transportation is guilty of a crime of the third degree pursuant to N.J.S.2C:17-3, but the difficulty of proving this level of intent makes convictions rare. Under the bill, however, convictions would be easier to obtain, since the bill changes the level of intent needed for conviction from "purposely" to "knowingly." The bill provides that it would be a crime of the fourth degree to knowingly remove or deface an official sign, signal or other equipment at an airport or railroad crossing. If the person's actions cause bodily injury or property damage, the person would be guilty of a crime of the third degree; if the person's actions cause a death, the person would be guilty of a crime of the second degree. Thus, under the bill, the person who steals light bulbs from the light fixtures at an airport landing strip would be guilty of, at least, a crime of the fourth degree (rather than a disorderly persons offense, as is the case under current law.)

The bill repeals N.J.S.A.39:4-183.5, replacing it with a provision in Title 2C, the Criminal Code, which would make it a disorderly persons offense to damage or remove a traffic sign or signal recklessly or negligently. A disorderly persons offense is punishable by a term of imprisonment of up to six months or a fine of up to \$1,000, or both.

The bill also upgrades the offense of interfering or tampering with airports, landing fields or similar facilities and incorporates this offense into Title 2C. Currently this offense is the equivalent of a crime of the fourth degree. Under the bill, the offense would remain a crime of the fourth degree if no injury or property damage results, but would constitute a crime of the third degree if the interference or tampering causes an injury or property damage and if it causes a death, it would constitute a crime of the second degree.

A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months or a fine of up to \$7,500 or both; a crime of the third degree, by a term of imprisonment of up to three to five years or a fine of up to \$7,500 or both; and a crime of the second degree, by a term of imprisonment of up to five to ten years or a fine of up to \$100,000 or both.

This bill is identical to A-726(1R), released by the committee on the same date.

Office of the Governor
NEWS RELEASE

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TRENTON, NJ 08625

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RELEASE: July 10, 1998

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

A-726, sponsored by Assembly members Paul Kramer (R- Mercer/Middlesex) and Alex De Croce (R-Essex/Morris/Passaic) and Senator Peter Inverso (R-Mercer/Middlesex), increases penalties for stealing or damaging airport, traffic, or railroad crossing signs or equipment. The bill which originated in response to a rash of incidents at Robbinsville Airport, is intended to appropriately punish acts that have potentially dangerous consequences. The bill will make it a crime of the fourth degree to deface, injure or remove an official traffic sign, light or safety device at any airport, landing field or similar facility. If the actor recklessly causes bodily injury or property damage, the offense would be a crime of the third degree. If the actor recklessly causes death, it would be a crime of the second degree. Previous law provided that such criminal mischief was punishable based upon the cost of property damage, with punishment ranging from disorderly conduct to a third-degree charge for the most severe offense.

The bill also upgrades penalties for vandalism of railroad warning signals to crimes of the fourth degree. The bill also makes such actions a crime of the third degree in cases causing bodily injury or property damage and a crime of the second degree for cases causing death.

The bill shifts the violation of tampering with a traffic signal or sign from the jurisdiction of motor vehicle law to the criminal code, and makes the offense punishable as a disorderly persons offense.

SCS-351, sponsored by Senator Louis Bassano (R-Essex/Union), eliminates late filing penalty for motor fuel use tax returns showing no liability. The bill is intended to ensure that individuals who are not liable for any tax during the stated period are exempted from penalties imposed for late filings. Additionally, the bill gives the Director of the Division of Motor Vehicles the ability to waive late fees in cases where there is reasonable cause for a late filing or underpayment.

A-2065, sponsored by Assembly Members David Wolfe (R- Monmouth/Ocean) and Joseph doria (D-Hudson) and Senators Joseph Palaia (R-Monmouth) and Robert Martin (R-Essex/Morris/ Passaic), authorizes boards of education to enter into sale and lease-back contracts on certain instructional materials. The bill will apply to textbooks and non-consumable instructional materials. The bill is intended to provide boards of education with more contractual and fiscal flexibility to ensure the efficient management of school resources.

S-652, sponsored by Senators Norm Robertson (R-Essex/Passaic) and Henry McNamara (R-Bergen/Passaic) and Assembly Members Gerald Zecker (R-

Essex/Passaic) and Nelli Pou (D-Passaic), allows members of the Passaic County Employees' Retirement System who elect to participate in Social Security to remain in the retirement system.

A-176, sponsored by Assembly Members George Geist (R- Camden/Gloucester) and Gerald Luongo (R-Camden/Gloucester), transfers a small, unpopulated parcel of land from the Township of Washington in Gloucester County to the Township of Gloucester in Camden County. The transfer of the land, owned by the New Jersey Water Company, clears the way for the historical preservation and recreational use of Blackwood Lake. Under an agreement between the two municipalities, Gloucester Township will take control of the lake in order to clean and restore it for recreational use.

S-233, sponsored by Senator James Cafiero, (R-Cape May/Atlantic/Cumberland), Assembly Members John Gibson (R-Cape May/Atlantic/Cumberland), and Assemblyman Nicholas Asselta (R-Cape May/Atlantic/Cumberland), requires the Uniform Crime Report to include, in addition to the regular statistics, an alternative calculation that takes into account the seasonal population of resort municipalities. The law was proposed by several beach communities which feel their per capita crime statistics are superficially high because only year-round residents were considered when calculating statistics in the Uniform Crime Report. The alternative calculation will be published in addition to the normal per capita crime statistics.

A-2294, sponsored by Assembly members Kip Bateman (R- Morris/Somerset) and Pete Biondi (R-Morris/ Somerset) and Senators Walter Kavanaugh (R- Morris/Somerset) and Diane Allen (R- Burlington/Camden), authorizes the sale of certain surplus state real property in Montgomery Township, Somerset County. The bill will allow for the sale of the state's interest in land and improvements known as the North Princeton Developmental Center. A 12- acre portion of the property, including four buildings, will be purchased by the Montgomery Township Department of Education. The remaining property will be sold by the Department of Treasury. The Department of Treasury will work with Montgomery Township to identify appropriate uses and purchasers.