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

Assembly, No. 1576 (*Second Reprint*)

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

3

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

6

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

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

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

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

24

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

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

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted January 24, 2000.

² Senate SJU committee amendments adopted February 17, 2000.

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

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

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

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

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

22

23 3. This act shall take effect immediately.

24

25

26

27

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

ASSEMBLY, No. 1576

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman CHARLES "KEN" ZISA
District 37 (Bergen)

Co-Sponsored by:

Assemblywoman Previte and Assemblyman Greenwald

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1576 ZISA

2

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

3

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

6

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

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

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

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

24

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

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

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

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

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

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

Matter underlined thus is new matter.

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

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

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

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

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

19

20 3. This act shall take effect immediately.

21

22

23

STATEMENT

24

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

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

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

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1576

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 24, 2000

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

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

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

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

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

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1576

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 17, 2000

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

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

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

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

SENATE, No. 828

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED JANUARY 31, 2000

Sponsored by:

Senator JOHN H. ADLER

District 6 (Camden)

Senator ROBERT J. MARTIN

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Clarifies criminal statutes dealing with obstruction of justice and resisting arrest.

CURRENT VERSION OF TEXT

As introduced.



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

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

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

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

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

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

24

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

26 2C:29-2 Resisting Arrest; Eluding Officer.

27 a. A person is guilty of a disorderly persons offense if he, by any
28 means, including flight, purposely prevents or attempts to prevent a
29 law enforcement officer from effecting [a lawful] an arrest, except that
30 he is guilty of a crime of the fourth degree if he:

31 1. Uses or threatens to use physical force or violence against the
32 law enforcement officer or another; or

33 2. Uses any other means to create a substantial risk of causing
34 physical injury to the public servant or another.

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

40 b. Any person, while operating a motor vehicle on any street or
41 highway in this State or any vessel, as defined pursuant to section 2 of
42 P.L.1995, c.401 (C.12:7-71), on the waters of this State, who
43 knowingly flees or attempts to elude any police or law enforcement

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 officer after having received any signal from such officer to bring the
2 vehicle or vessel to a full stop commits a crime of the third degree;
3 except that, a person is guilty of a crime of the second degree if the
4 flight or attempt to elude creates a risk of death or injury to any
5 person. For purposes of this subsection, there shall be a permissive
6 inference that the flight or attempt to elude creates a risk of death or
7 injury to any person if the person's conduct involves a violation of
8 chapter 4 of Title 39 or chapter 7 of Title 12 of the Revised Statutes.
9 In addition to the penalty prescribed under this subsection or any other
10 section of law, the court shall order the suspension of that person's
11 driver's license, or privilege to operate a vessel, whichever is
12 appropriate, for a period of not less than six months or more than two
13 years.

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

27 Upon conviction the court shall collect forthwith the New Jersey
28 driver's licenses of the person and forward such license or licenses to
29 the Director of the Division of Motor Vehicles along with a report
30 indicating the first and last day of the suspension or postponement
31 period imposed by the court pursuant to this section. If the court is
32 for any reason unable to collect the license or licenses of the person,
33 the court shall cause a report of the conviction or adjudication of
34 delinquency to be filed with the director. That report shall include the
35 complete name, address, date of birth, eye color, and sex of the person
36 and shall indicate the first and last day of the suspension or
37 postponement period imposed by the court pursuant to this section.
38 The court shall inform the person orally and in writing that if the
39 person is convicted of personally operating a motor vehicle or a vessel,
40 whichever is appropriate, during the period of license suspension or
41 postponement imposed pursuant to this section the person shall, upon
42 conviction, be subject to the penalties set forth in R.S.39:3-40 or
43 section 14 of P.L.1995, c.401 (C.12:7-83), whichever is appropriate.
44 A person shall be required to acknowledge receipt of the written
45 notice in writing. Failure to receive a written notice or failure to
46 acknowledge in writing the receipt of a written notice shall not be a

1 defense to a subsequent charge of violation of R.S.39:3-40 or section
2 14 of P.L.1995, c.401 (C.12:7-83), whichever is appropriate. If the
3 person is the holder of a driver's or vessel operator's license from
4 another jurisdiction, the court shall not collect the license but shall
5 notify the director who shall notify the appropriate officials in the
6 licensing jurisdiction. The court shall, however, in accordance with the
7 provisions of this section, revoke the person's non-resident driving or
8 vessel operating privileges, whichever is appropriate, in this State.

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

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

13

14 3. This act shall take effect immediately.

15

16

17

STATEMENT

18

19 N.J.S.2C:29-1 prohibits a wide range of conduct intended to
20 impede or defeat the administration of justice or to obstruct other
21 governmental functions. Language in N.J.S.2C:29-1 specifically
22 exempts flight by a person charged with a crime and the refusal to
23 submit to arrest from the activities criminalized. This bill would clarify
24 that N.J.S.2C:29-1 is intended to prohibit flight when intended to
25 impair or prevent the administration of justice.

26 This bill would also clarify that N.J.S.2C:29-2 which prohibits
27 resisting arrest includes flight for the purpose of preventing or
28 attempting to prevent an arrest by a law enforcement officer.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 828

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 17, 2000

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 828.

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

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

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

Governor Signs Legislation

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

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

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

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

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

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

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