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IS 1/30/08

P.L. 2005, CHAPTER 316, *approved January 12, 2006*
Senate, No. 273

1 AN ACT concerning the criminal penalties for criminal mischief and
2 amending N.J.S.2C:17-3.

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:17-3 is amended to read as follows:

8 2C:17-3. Criminal Mischief. a. Offense defined. A person is guilty
9 of criminal mischief if he:

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

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

16 b. Grading. (1) Criminal mischief is a crime of the third degree if
17 the actor purposely or knowingly causes pecuniary loss of \$2,000.00
18 or more[, or a substantial interruption or impairment of public
19 communication, transportation, supply of water, gas or power, or
20 other public service].

21 (2) Criminal mischief is a crime of the fourth degree if the actor
22 causes pecuniary loss in excess of \$500.00 but less than \$2000.00. It
23 is a disorderly persons offense if the actor causes pecuniary loss of
24 \$500.00 or less.

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

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

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

9 (6) Criminal mischief is a crime of the third degree if the actor
10 tampers with a grave, crypt, mausoleum or other site where human
11 remains are stored or interred, with the purpose to desecrate, destroy
12 or steal such human remains or any part thereof.

13 (7) Criminal mischief is a crime of the third degree if the actor
14 purposely or knowingly causes a substantial interruption or impairment
15 of public communication, transportation, supply of water, oil, gas or
16 power, or other public service. Criminal mischief is a crime of the
17 second degree if the substantial interruption or impairment recklessly
18 causes death.

19 (8) Criminal mischief is a crime of the fourth degree if the actor
20 purposely or knowingly breaks, digs up, obstructs or otherwise
21 tampers with any pipes or mains for conducting gas, oil or water, or
22 any works erected for supplying buildings with gas, oil or water, or
23 any appurtenances or appendages therewith connected, or injures,
24 cuts, breaks down, destroys or otherwise tampers with any electric
25 light wires, poles or appurtenances, or any telephone,
26 telecommunications, cable television or telegraph wires, lines, cable or
27 appurtenances.

28 c. A person convicted of an offense of criminal mischief that
29 involves an act of graffiti may, in addition to any other penalty
30 imposed by the court, be required to pay to the owner of the damaged
31 property monetary restitution in the amount of the pecuniary damage
32 caused by the act of graffiti and to perform community service, which
33 shall include removing the graffiti from the property, if appropriate.
34 If community service is ordered, it shall be for either not less than 20
35 days or not less than the number of days necessary to remove the
36 graffiti from the property.

37 d. As used in this section:

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

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

43 (cf: P.L.1999, c.95, s.1)

44

45 2. This act shall take effect immediately.

1

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3 Upgrades the crime of criminal mischief under certain circumstances;

4 creates new offense.

SENATE, No. 273

STATE OF NEW JERSEY
211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Senator JOHN H. ADLER

District 6 (Camden)

Senator WILLIAM L. GORMLEY

District 2 (Atlantic)

SYNOPSIS

Upgrades the crime of criminal mischief under certain circumstances; creates new offense.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the criminal penalties for criminal mischief and
2 amending N.J.S.2C:17-3.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
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15 property of another so as to endanger person or property.

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18 or more[, or a substantial interruption or impairment of public
19 communication, transportation, supply of water, gas or power, or
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37 landing field, landing strip, heliport, helistop or any other aviation
38 facility; however, if the damage, removal or impediment of the device
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Matter underlined thus is new matter.

1 heliport, helistop or any other aviation facility; however if the
2 interference or tampering with the airport, landing field, landing strip,
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4 injury or damage to property, the actor is guilty of a crime of the third
5 degree, or if it recklessly causes a death, the actor is guilty of a crime
6 of the second degree.

7 (6) Criminal mischief is a crime of the third degree if the actor
8 tampers with a grave, crypt, mausoleum or other site where human
9 remains are stored or interred, with the purpose to desecrate, destroy
10 or steal such human remains or any part thereof.

11 (7) Criminal mischief is a crime of the third degree if the actor
12 purposely or knowingly causes a substantial interruption or impairment
13 of public communication, transportation, supply of water, oil, gas or
14 power, or other public service. Criminal mischief is a crime of the
15 second degree if the substantial interruption or impairment recklessly
16 causes death.

17 (8) Criminal mischief is a crime of the fourth degree if the actor
18 purposely or knowingly breaks, digs up, obstructs or otherwise
19 tampers with any pipes or mains for conducting gas, oil or water, or
20 any works erected for supplying buildings with gas, oil or water, or
21 any appurtenances or appendages therewith connected, or injures,
22 cuts, breaks down, destroys or otherwise tampers with any electric
23 light wires, poles or appurtenances, or any telephone,
24 telecommunications, cable television or telegraph wires, lines, cable or
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28 imposed by the court, be required to pay to the owner of the damaged
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33 days or not less than the number of days necessary to remove the
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37 mark or inscription on public or private real or personal property
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40 in an aerosol or similar spray container.

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43 2. This act shall take effect immediately.

STATEMENT

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Presently criminal mischief is graded as a crime of the third degree if the actor purposely or knowingly causes pecuniary loss of \$2,000.00 or more, or a substantial interruption or impairment of public communication, transportation, supply of water, oil, gas or power, or other public service. This bill upgrades the crime of criminal mischief to a crime of the second degree if the actor purposely or knowingly causes a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service or if the interruption or impairment recklessly causes a death or recklessly causes serious bodily injury. See new paragraph (7) of subsection b. of N.J.S. 2C:17-3.

The sponsor believes that a higher degree of crime is warranted in certain situations which are more "substantial," such as situations in which the interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service results in a death.

The bill also adds a crime of the fourth degree if the actor purposely or knowingly breaks, digs up, obstructs or otherwise tampers with any pipes or mains for conducting gas, oil or water, or any works erected for supplying buildings with gas, oil or water, or injures, cuts, breaks down, destroys or otherwise tampers with any electric light wires, poles or appurtenances, or any telephone, telecommunications, cable television or telegraph wires, lines, cable or appurtenances. See new paragraph (8) of subsection b. of N.J.S. 2C:17-3.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 273

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2005

The Assembly Judiciary Committee reports favorably Senate Bill No. 273.

Presently criminal mischief is graded as a crime of the third degree if the actor purposely or knowingly causes pecuniary loss of \$2,000.00 or more, or a substantial interruption or impairment of public communication, transportation, supply of water, oil, gas or power, or other public service. This bill upgrades the crime of criminal mischief to a crime of the second degree when the actor purposely or knowingly causes a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service if the interruption or impairment recklessly causes a death. See new paragraph (7) of subsection b. of N.J.S. 2C:17-3.

The bill also adds a crime of the fourth degree if the actor purposely or knowingly breaks, digs up, obstructs or otherwise tampers with any pipes or mains for conducting gas, oil or water, or any works erected for supplying buildings with gas, oil or water, or injures, cuts, breaks down, destroys or otherwise tampers with any electric light wires, poles or appurtenances, or any telephone, telecommunications, cable television or telegraph wires, lines, cable or appurtenances. See new paragraph (8) of subsection b. of N.J.S. 2C:17-3.

The bill would also clarify that it would be a crime of the fourth degree if the actor purposely or knowingly causes pecuniary loss in excess of \$500.00 but less than \$2000.00.

This bill is identical to Assembly Bill No. 2517.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 273

STATE OF NEW JERSEY

DATED: FEBRUARY 9, 2004

The Senate Judiciary Committee reports favorably Senate Bill No. 273.

Presently criminal mischief is graded as a crime of the third degree if the actor purposely or knowingly causes pecuniary loss of \$2,000.00 or more, or a substantial interruption or impairment of public communication, transportation, supply of water, oil, gas or power, or other public service. This bill upgrades the crime of criminal mischief to a crime of the second degree when the actor purposely or knowingly causes a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service if the interruption or impairment recklessly causes a death. See new paragraph (7) of subsection b. of N.J.S. 2C:17-3.

The bill also adds a crime of the fourth degree if the actor purposely or knowingly breaks, digs up, obstructs or otherwise tampers with any pipes or mains for conducting gas, oil or water, or any works erected for supplying buildings with gas, oil or water, or injures, cuts, breaks down, destroys or otherwise tampers with any electric light wires, poles or appurtenances, or any telephone, telecommunications, cable television or telegraph wires, lines, cable or appurtenances. See new paragraph (8) of subsection b. of N.J.S. 2C:17-3.

This bill was prefiled for introduction in the 2004 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 273
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: MARCH 25, 2004

SUMMARY

Synopsis: Upgrades the crime of criminal mischief under certain circumstances; creates new offense

Type of Impact: General Fund revenue and expenditure

Agencies Affected: Judiciary, Department of Corrections

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Minimal--See comments below		
State Revenue	Minimal--See comments below		

- * The bill upgrades the crime of criminal mischief to a crime of the second degree if the actor purposely or knowingly causes a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service or if the interruption or impairment recklessly causes a death. The penalty for a second degree crime is a fine of up to \$150,000 and a term or imprisonment of up to 5-10 years, or both.
- * The bill adds a crime of the fourth degree if the actor purposely or knowingly breaks, digs up, obstructs or otherwise tampers with any pipes or mains for conducting gas, oil or water, or any works erected for supplying buildings with gas, oil or water, or injures, cuts, breaks down, destroys or otherwise tampers with any electric light wires, poles or appurtenances, or any telephone, telecommunications, cable television or telegraph wires, lines, cable or appurtenances. The penalty for a fourth degree crime is a fine of up to \$10,000 and a term or imprisonment of up to 18 months or both. Conviction for fourth degree offenses carries with them the presumption of non-incarceration for first time offenders.
- * The Office of Legislative Services (OLS) cannot estimate if there would be additional incarcerations, however DOC data indicate that if incarcerations were necessary the cost of constructing one additional prison bed space is about \$80,000. The ongoing operating expenses of housing a State sentenced prison inmate is \$26,000 per year for the duration of that offender's incarceration.

- * Data provided by the Administrative Office of the Courts (AOC) indicate that during calendar year 2003 there were a total of 257 convictions for criminal mischief. However, this information does not indicate the number of convictions which would have fallen under the terms of this bill. As a result, it is not possible to estimate the fiscal impact cost of this bill.

BILL DESCRIPTION

Senate Bill No. 273 of 2004 upgrades the crime of criminal mischief to a crime of the second degree if the actor purposely or knowingly causes a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service or if the interruption or impairment recklessly causes a death. Presently criminal mischief is graded as a crime of the third degree if the actor purposely or knowingly causes pecuniary loss of \$2,000.00 or more, or a substantial interruption or impairment of public communication, transportation, supply of water, oil, gas or power, or other public service.

The bill also adds a crime of the fourth degree if the actor purposely or knowingly breaks, digs up, obstructs or otherwise tampers with any pipes or mains for conducting gas, oil or water, or any works erected for supplying buildings with gas, oil or water, or injures, cuts, breaks down, destroys or otherwise tampers with any electric light wires, poles or appurtenances, or any telephone, telecommunications, cable television or telegraph wires, lines, cable or appurtenances.

FISCAL ANALYSIS

EXECUTIVE BRANCH

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OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the Executive estimate and states that the penalty for a second degree crime is a fine of up to \$150,000 and a term or imprisonment of up to 5-10 years, or both; the penalty for a third degree crime is a fine of up to \$15,000 and a term of imprisonment of up to 3-5 years, or both; and the penalty for a fourth degree crime is a fine of up to \$10,000 and a term or imprisonment of up to 18 months or both. Conviction for third and fourth degree offenses carries with them the presumption of non-incarceration for first time offenders.

The OLS also notes that DOC data indicate that the cost of constructing one additional prison bed space is about \$80,000. The ongoing operating expenses of housing a State sentenced prison inmate is \$26,000 per year for the duration of that offender's incarceration.

S273

3

Section: *Judiciary*

Analyst: *Anne C. Raughley*
Lead Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 2517

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MARCH 11, 2004

Sponsored by:

Assemblywoman MARY T. PREVITE

District 6 (Camden)

Assemblyman DAVID R. MAYER

District 4 (Camden and Gloucester)

Co-Sponsored by:

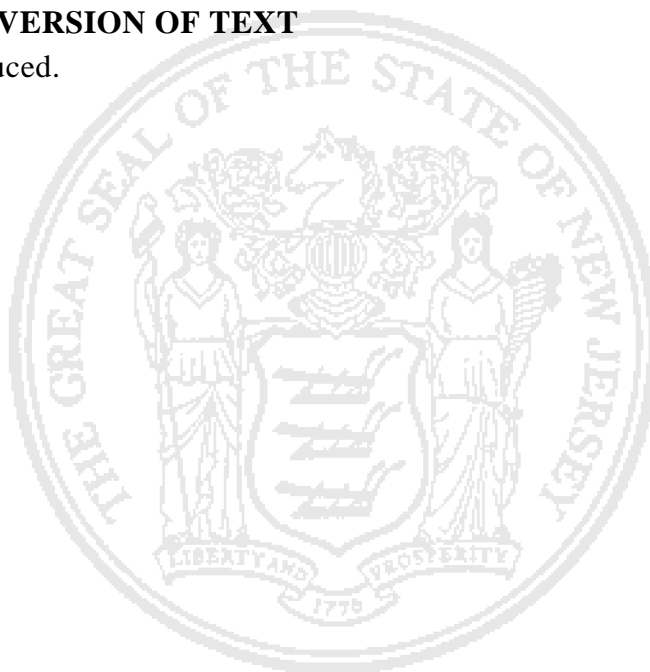
Assemblymen Blee and Scalera

SYNOPSIS

Upgrades the crime of criminal mischief under certain circumstances; creates new offense.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2006)

A2517 PREVITE, MAYER

2

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The bill also adds a crime of the fourth degree if the actor purposely or knowingly breaks, digs up, obstructs or otherwise tampers with any pipes or mains for conducting gas, oil or water, or any works erected for supplying buildings with gas, oil or water, or injures, cuts, breaks down, destroys or otherwise tampers with any electric light wires, poles or appurtenances, or any telephone, telecommunications, cable television or telegraph wires, lines, cable or appurtenances. See new paragraph (8) of subsection b. of N.J.S.2C:17-3.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2517

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2005

The Assembly Judiciary Committee reports favorably Assembly Bill No. 2517.

Presently criminal mischief is graded as a crime of the third degree if the actor purposely or knowingly causes pecuniary loss of \$2,000.00 or more, or a substantial interruption or impairment of public communication, transportation, supply of water, oil, gas or power, or other public service. This bill upgrades the crime of criminal mischief to a crime of the second degree when the actor purposely or knowingly causes a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service if the interruption or impairment recklessly causes a death. See new paragraph (7) of subsection b. of N.J.S.2C:17-3.

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This bill is identical to Senate Bill No. 273.