

2C:17-1

LEGISLATIVE HISTORY CHECKLIST

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(Arson)

NJSA: 2C:17-1

LAWS OF: 1997 CHAPTER: 108

BILL NO: A2166

SPONSOR(S): T. Smith and others

DATE INTRODUCED: June 20, 1996

COMMITTEE: ASSEMBLY: Judiciary

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by superscript numbers
First reprint enacted

DATE OF PASSAGE: ASSEMBLY: June 20, 1996

SENATE: April 21, 1997

DATE OF APPROVAL: June 2, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clipping--attached:

"Longer prison term ok'd for burning a house of worship," 6-3-97, Asbury Park Press."

KBP:pp

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[First Reprint]
ASSEMBLY, No. 2166

STATE OF NEW JERSEY

INTRODUCED JUNE 20, 1996

By Assemblymen T. SMITH, STEELE, DiGaetano, Doria,
Corodemus, Jones, Assemblywoman Turner, Assemblymen
Asselta, Blee, Cottrell, Geist, Gibson, LeFevre, Weingarten,
Bateman, Pascrell, Senators Palaia, Bryant and McGreevey

1 AN ACT concerning arson and amending N.J.S.2C:17-1.

2

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

5

6 1. N.J.S.2C:17-1 is amended to read as follows:
7 2C:17-1. Arson and related offenses.

8 a. Aggravated arson. A person is guilty of aggravated arson, a
9 crime of the second degree, if he starts a fire or causes an explosion,
10 whether on his own property or another's:

11 (1) Thereby purposely or knowingly placing another person in
12 danger of death or bodily injury; or

13 (2) With the purpose of destroying a building or structure of
14 another; or

15 (3) With the purpose of collecting insurance for the destruction or
16 damage to such property under circumstances which recklessly place
17 any other person in danger of death or bodily injury.

18 b. Arson. A person is guilty of arson, a crime of the third degree,
19 if he purposely starts a fire or causes an explosion, whether on his own
20 property or another's:

21 (1) Thereby recklessly placing another person in danger of death
22 or bodily injury; or

23 (2) Thereby recklessly placing a building or structure of another in
24 danger of damage or destruction; or

25 (3) With the purpose of collecting insurance for the destruction or
26 damage to such property.

27 c. Failure to control or report dangerous fire. A person who
28 knows that a fire is endangering life or a substantial amount 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted September 19, 1996.

1 property of another and either fails to take reasonable measures to put
2 out or control the fire, when he can do so without substantial risk to
3 himself, or to give prompt fire alarm, commits a crime of the fourth
4 degree if:

5 (1) He knows that he is under an official, contractual, or other
6 legal duty to prevent or combat the fire; or

7 (2) The fire was started, albeit lawfully, by him or with his assent,
8 or on property in his custody or control.

9 d. Any person who, directly or indirectly, pays or accepts any form
10 of consideration including, but not limited to, money or any other
11 pecuniary benefit, for the purpose of starting a fire or causing an
12 explosion in violation of this section commits a crime of the first
13 degree.

14 e. Notwithstanding the provisions of any section of this Title to the
15 contrary, if a person is convicted of aggravated arson pursuant to the
16 provisions of subsection a. of this section and the structure which was
17 the target of the offense was a health care facility or a physician's
18 office, the sentence imposed shall include a term of imprisonment.
19 The court may not suspend or make any other noncustodial disposition
20 of a person sentenced pursuant to the provisions of this subsection.

21 f. Definitions. "Structure" is defined in section 2C:18-1. Property
22 is that of another, for the purpose of this section, if any one other than
23 the actor has a possessory or proprietary interest therein. If a building
24 or structure is divided into separately occupied units, any unit not
25 occupied by the actor is an occupied structure of another.

26 As used in this section, "health care facility" means health care
27 facility as defined in section 2 of P.L.1971, c.136 (C.26:2H-2).

28 g. Notwithstanding the provisions of any section of this Title to the
29 contrary, if a person is convicted pursuant to the provisions of
30 subsection a., b. or d. of this section and the structure which was the
31 target of the offense was a church, synagogue, temple or other place
32 of public worship, ¹that person commits a crime of the first degree
33 and¹ the sentence imposed shall include a term of imprisonment. The
34 term of imprisonment shall include a minimum term of 15 years ¹ [for
35 a crime of the first degree, 10 years for a crime of the second degree,
36 five years for a crime of the third degree, or 18 months in the case of
37 a fourth degree crime]¹ , during which the defendant shall be ineligible
38 for parole. The court may not suspend or make any other noncustodial
39 disposition of a person sentenced pursuant to the provisions of this
40 subsection.

41 (cf: P.L.1991, c.498, s.1)

42

43 2. This act shall take effect immediately.

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2

3 Provides for mandatory terms of imprisonment for arson under certain

4 circumstances.

1 legal duty to prevent or combat the fire; or

2 (2) The fire was started, albeit lawfully, by him or with his assent,
3 or on property in his custody or control.

4 d. Any person who, directly or indirectly, pays or accepts any form
5 of consideration including, but not limited to, money or any other
6 pecuniary benefit, for the purpose of starting a fire or causing an
7 explosion in violation of this section commits a crime of the first
8 degree.

9 e. Notwithstanding the provisions of any section of this Title to the
10 contrary, if a person is convicted of aggravated arson pursuant to the
11 provisions of subsection a. of this section and the structure which was
12 the target of the offense was a health care facility or a physician's
13 office, the sentence imposed shall include a term of imprisonment.
14 The court may not suspend or make any other noncustodial disposition
15 of a person sentenced pursuant to the provisions of this subsection.

16 f. Definitions. "Structure" is defined in section 2C:18-1. Property
17 is that of another, for the purpose of this section, if any one other than
18 the actor has a possessory or proprietary interest therein. If a building
19 or structure is divided into separately occupied units, any unit not
20 occupied by the actor is an occupied structure of another.

21 As used in this section, "health care facility" means health care
22 facility as defined in section 2 of P.L.1971, c.136 (C.26:2H-2).

23 g. Notwithstanding the provisions of any section of this Title to the
24 contrary, if a person is convicted pursuant to the provisions of
25 subsection a., b. or d. of this section and the structure which was the
26 target of the offense was a church, synagogue, temple or other place
27 of public worship, the sentence imposed shall include a term of
28 imprisonment. The term of imprisonment shall include a minimum term
29 of 15 years for a crime of the first degree, 10 years for a crime of the
30 second degree, five years for a crime of the third degree, or 18 months
31 in the case of a fourth degree crime, during which the defendant shall
32 be ineligible for parole. The court may not suspend or make any other
33 noncustodial disposition of a person sentenced pursuant to the
34 provisions of this subsection.

35 (cf: P.L.1991, c.498, s.1)

36

37 2. This act shall take effect immediately.

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STATEMENT

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42 This bill would impose mandatory terms of imprisonment for the
43 crime of arson and other related offenses if the target of the crime was
44 a church, synagogue, temple or other place of worship.

45 Under the provisions of the bill, the term of imprisonment would
46 include a minimum term of imprisonment of five years, during which

1 time the defendant would be ineligible for parole, for arson a crime of
2 the third degree; a minimum term of imprisonment of 10 years, during
3 which time the defendant would be ineligible for parole, for aggravated
4 arson a crime of the second degree; and a minimum term of 15 years,
5 during which time the defendant would be ineligible for parole, when
6 a person commits a crime of the first degree by directly or indirectly
7 paying or accepting any consideration for the purpose of starting a fire
8 or causing an explosion. The bill also provides that the court may not
9 suspend or make any other noncustodial disposition of a person
10 sentenced under the provisions of the bill.

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15 Provides for mandatory terms of imprisonment for arson under certain
16 circumstances.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2166

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 1996

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2166.

As originally drafted, this bill would have imposed mandatory terms of imprisonment for the crime of arson depending on the degree of the crime if the target of the crime were a church, synagogue, temple or other place of worship.

The committee amended the bill to provide that if a person is convicted of arson and the structure which was the target of the offense is a church, synagogue, temple or other place of public worship that person would be guilty of a crime of the first degree. The amendments do not change the mandatory term of imprisonment of 15 years for this crime of the first degree which the bill in its original form would have imposed. However, the other mandatory terms are eliminated as unnecessary since any arson which targets a place of public worship will be a first degree crime under the amendments.

The bill also provides that the court may not suspend or make any other noncustodial disposition of a person sentenced under the provisions of the bill.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2166

STATE OF NEW JERSEY

DATED: DECEMBER 16, 1996

The Senate Judiciary Committee reports favorably Assembly Bill No. 2166.

This bill would classify arson where the target of the crime was a church, synagogue, temple or other place of worship as a crime of the first degree. The bill would also provide that the sentence of any person convicted of an arson involving a house of worship must include a mandatory, minimum term of imprisonment of 15 years during which the person would be ineligible for parole.

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-004

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RELEASE: MONDAY,
June 2, 1997

Gov. Christie Whitman Signs Legislation Elevating Arson at Places of Worship to Status of First-Degree Crime With Minimum Prison Term of 15 years

Gov. Christie Whitman today signed into law legislation elevating arson to a crime of the first degree in cases where places of worship are targeted.

"From the days of the Pilgrims, one of America's most cherished freedoms has been the freedom to worship according to one's beliefs," Whitman said. "In New Jersey, where our citizens come from a wide range of backgrounds and faiths, that freedom has enabled us to follow strong and diverse religious traditions. We are, as it were, many faiths, one family.

"Just last week, a church in Glassboro was the target of a suspicious fire. Burning a place of worship strikes at the very core of our values and beliefs. By signing this law today, we are letting it be known that in New Jersey we will not tolerate such acts of cowardice and intolerance," the Governor said.

"We cannot allow fear to compromise our freedoms," Whitman said. "We must do our best to prevent acts of violence against our houses of worship. Indeed, a church burning anywhere is a threat to communities of faith everywhere."

The legislation, A-2166, elevates arson to a first-degree crime when it targets a church, synagogue or other place of worship and requires the sentence imposed to be a prison term of at least 15 years without parole. The ordinary term for a crime of the first degree is a fixed term between ten and 20 years. However, the court may impose a mandatory minimum not to exceed one-half of that fixed term if it finds that aggravating factors substantially outweigh mitigating factors.

Prior to today, arson was a first degree crime only when it was committed for financial gain.