

1978 PENAL CODE

2C:17 — 1. Arson and Related Offenses.

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

- (1) Thereby purposely or knowingly placing another person in danger death or bodily injury:
- (2) With the purpose of destroying a building or occupied structure of another; or
- (3) With the purpose of collecting insurance for the destruction or damage to such property under circumstances which recklessly place any other person in danger of death or bodily injury.

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

- (1) Thereby recklessly placing another person in danger of death of bodily injury; or
- (2) Thereby recklessly placing a building or occupied structure of another in danger of damage or destruction; or
- (3) With the purpose of collecting insurance for the destruction or damage to such property.

c. Failure to control or report dangerous fire. A person who knows that a fire is endangering life or a substantial amount of property of another and fails to take reasonable measure to put out or control the fire, when he can do so without substantial risk to himself, or to give prompt fire alarm, commits a crime of the fourth degree if:

- (1) He knows that he is under an official, contractual, or other legal duty to prevent or combat the fire; or
- (2) The fire was started, albeit lawfully, by him or with his assent, or, on property in his custody or control.

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

e. Definitions. "Occupied structure" is defined in section 2C:18—

1. Property is that of another, for the purpose of this section. If anyone other than the actor has a possessor or proprietary interest therein. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an occupied structure of another.

2C:17 — 2. Causing or Risking Widespread Injury or Damage.

a. A person who purposely or knowingly causes an explosion, fire, flood, avalanche, collapse of a building, release of poison gas, radioactive material or any other harmful or destructive substance or otherwise causes widespread injury or damage, commits a crime of the second degree.

b. A person who recklessly causes widespread injury or damage is guilty of a crime of the third degree.

c. A person who recklessly creates a risk of widespread injury or damage commits a crime of the fourth degree even if no such injury or damage occurs.

d. A person who knowingly or recklessly fails to take reasonable measures to prevent or mitigate widespread injury or damage commits a crime of the fourth degree if:

(1) He knows that he is under an official, contractual or other legal duty to take such measures; or

(2) He did or assented to the act causing or threatening the injury or damage.

e. For purposes of this section, widespread injury or damage means serious bodily injury to 10 or more people or damage to 10 or more habitations or to a building which would normally have contained 50 or more persons at the time of the offense.

2C:17 — 3. Criminal Mischief.

a. Offense defined. A person is guilty of criminal mischief if he:

(1) Damages tangible property of another purposely, recklessly, or negligently in the employment of fire, explosives, or other dangerous means listed in section 2C:17 — 2a; or

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

b. Grading. Criminal mischief is a crime of the third degree if the actor purposely causes pecuniary loss in excess of \$2,000.00, or a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service. It is a crime of the fourth degree if the actor causes pecuniary loss in excess of \$500.00, or a disorderly persons offense if he causes pecuniary loss of less than \$500.00.