

(CORRECTED COPY)
CHAPTER 69

AN ACT concerning anachronistic, superseded, or invalidated statutory provisions, and amending and repealing various sections of the statutory law.

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

Repealer.

1. The following sections are repealed:

N.J.S.2A:82-20 through N.J.S.2A:82-22;

Section 8 of P.L.1995, c.251 (C.2C:33-25);

N.J.S.2C:40-2;

R.S.4:21-11 through R.S.4:21-13;

R.S.15:4-1 through R.S.15:4-4;

R.S.23:4-54;

R.S.26:4-10 and R.S.26:4-11;

R.S.26:4-42 through R.S.26:4-45;

R.S.26:4-50 through R.S.26:4-53;

R.S.26:4-57;

R.S.26:4-90 through R.S.26:4-92;

R.S.30:8-5 and R.S.30:8-6;

R.S.30:8-14;

R.S.30:8-35 and R.S.30:8-36;

R.S.30:9-28;

R.S.30:9-35 through R.S.30:9-38;

Section 2 of P.L.1946, c.223 (C.30:9-38.1);

R.S.30:9-39 through R.S.30:9-44;

Sections 1 and 2 of P.L.1950, c.242 (C.30:9-44.1 and C.30:9-44.2);

Section 2 of P.L.1953, c.148 (C.30:9-44.3);

R.S.30:9-61 through R.S.30:9-81;

R.S.30:9-85 and R.S.30:9-86;

N.J.S.40A:9-60 through N.J.S.40A:9-62;

R.S.48:18A-1 through R.S.48:18A-4; and

Sections 1 through 17 of P.L.1948, c.188 (C.56:7-1 through C.56:7-17).

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

Criminal mischief.

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

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

(2) Purposely, knowingly or recklessly tampers with tangible property of another so as to endanger person or property, including the damaging or destroying of a rental premises by a tenant in retaliation for institution of eviction proceedings.

b. Grading. (1) Criminal mischief is a crime of the third degree if the actor purposely or knowingly causes pecuniary loss of \$2,000.00 or more.

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

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

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

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

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

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

(8) Criminal mischief is 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 any appurtenances or appendages therewith connected, 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.

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

d. As used in this section:

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

e. A person convicted of an offense of criminal mischief that involves the damaging or destroying of a rental premises by a tenant in retaliation for institution of eviction proceedings, may, in addition to any other penalty imposed by the court, be required to pay

to the owner of the property monetary restitution in the amount of the pecuniary damage caused by the damage or destruction.

3. Section 7 of P.L.1995, c.251 (C.2C:33-24) is amended to read as follows:

“Act of graffiti.”

2C:33-24. As used in this chapter, “act of graffiti” means the drawing, painting or making any mark or inscription on public or private real or personal property without the permission of the owner.

4. N.J.S.15A:16-1 is amended to read as follows:

Acts saved from repeal.

15A:16-1. The following are saved from repeal:

R.S.15:1-6 is saved from repeal. This section deals with specially incorporated boards of trade;

R.S.15:1-23 is saved from repeal. This section preserves certain nonprofit corporations in existence prior to July 4, 1898;

R.S.15:5-1 to R.S.15:5-7 inclusive are saved from repeal. These sections provide for a procedure for owners to drain swamp and meadow grounds and provide assessments for their drainage;

"An act to enable the owners of tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in good repair," passed November 29, 1788, together with all amendments and supplements thereto which were saved from repeal by R.S.15:5-8 is saved from repeal;

P.L.1957, c.201 (C.15:5-8(58)) is saved from repeal. This act supplements "An act to enable the owners of tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in good repair," passed November 29, 1788;

P.L.1880, c.163, entitled "An act for incorporation of companies for draining and improving meadows and lands overflowed by tide water," together with the supplements thereto, saved from repeal by R.S.15:5-9, is saved from repeal;

"An act to enable two-thirds of the owners in value of any body or tract of salt marsh or meadow, within this State, using a common road to the fast land, to support the same," passed November 18, 1822 together with the supplement thereto, saved from repeal by R.S.15:5-10, is saved from repeal;

P.L.1881, c.146, entitled "An act to enable the owners of any island, or part thereof, to improve the same and to protect the same from damage by high tides," saved from repeal by R.S.15:5-11, is saved from repeal;

R.S.15:8-4 is saved from repeal. This section provides for the appointment by a volunteer fire company of members to perform police duties, their qualifications, and their power to arrest offenders;

R.S.15:8-5 is saved from repeal. This section provides for the issuance of exempt certificates to volunteer firemen on establishment of a paid fire department;

R.S.15:8-7 is saved from repeal. This section provides for disposition of accumulated fire department funds on expiration of the charter of the volunteer fire department;

R.S.15:11-7 and R.S.15:11-8 are saved from repeal. These sections deal with land acquisition rights of certain nonprofit corporations created for educational purposes, including the power to acquire by condemnation;

R.S.15:13-3 is saved from repeal. This section deals with the taxability of patriotic societies;

P.L.1969, c.291 (C.15:11-4.1) is saved from repeal. This section deals with trustees of certain colleges and universities created by special charter and authorizes the appointment or election of additional members to the board of trustees;

P.L.1975, c.26, ss.1 to 10 (C.15:18-15 to C.15:18-24 inclusive) are saved from repeal. These sections enacted the "Uniform Management of Institutional Funds Act";

P.L.1971, c.337, ss.1 to 6 (C.15:19-1 to C.15:19-6 inclusive) are saved from repeal. These sections deal with private foundations and split interest trusts as defined by the Internal Revenue Code of 1954, as amended and supplemented.

5. R.S.26:4-94 is amended to read as follows:

Penalties; recovery.

26:4-94. Any person who violates any of the provisions of this article, or any notice served thereunder, shall be liable to a penalty of five dollars (\$5.00) for the first offense, and not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each subsequent offense, to be recovered in a civil action brought by and in the name of the State Department or a local board. Penalties hereunder shall be enforced and collected pursuant to sections 26:3-72, 26:3-77 and 26:3-78 of the Revised Statutes.

6. R.S.39:4-85 is amended to read as follows:

Passing to left when overtaking; passing when in lines; passing on right.

39:4-85. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. If vehicles on the roadway are moving in two or more substantially continuous lines, the provisions of this paragraph and section 39:4-87 of this Title shall not be considered as prohibiting the vehicles in one line overtaking and passing the vehicles in another line either upon the right or left, nor shall those provisions be construed to prohibit drivers overtaking and passing upon the right another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle upon the right as provided in this section only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

7. R.S.39:4-87 is amended to read as follows:

Overtaken vehicle to give way.

39:4-87. The driver of a vehicle on a highway, about to be overtaken and passed by another vehicle, approaching from the rear, shall give way to the right in favor of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

8. This act shall take effect immediately.

Approved November 28, 2014.