

**ASSEMBLY, No. 4610**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED JUNE 20, 2024

**Sponsored by:**

**Assemblyman GREGORY P. MCGUCKIN**

**District 10 (Monmouth and Ocean)**

**Co-Sponsored by:**

**Assemblyman Sauickie**

**SYNOPSIS**

Broadens offenses of riot and disorderly conduct; enhances penalties for public monument destruction; addresses riot victim assaults; creates crime of promotion of violent, disorderly assembly.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/24/2024)**

1 AN ACT concerning riot and related offenses and revising various  
2 parts of the statutory law and supplementing Title 2C of the New  
3 Jersey Statutes.

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

7  
8 1. N.J.S.2C:33-1 is amended to read as follows:

9 2C:33-1. Riot; Failure to Disburse. a. Riot. A person is guilty  
10 of riot if he participates with four or more others in a course of  
11 disorderly conduct as defined in section 2C:33-2a:

12 (1) With purpose to commit or facilitate the commission of a  
13 crime;

14 (2) With purpose to prevent or coerce official action; **[or]**

15 (3) When he or any other participant, known to him, uses or  
16 plans to use a firearm or other deadly weapon; or

17 (4) When he, with six or more others, causes damage to property  
18 or injury to another person.

19 Riot if committed under circumstances set forth in paragraph (3)  
20 or paragraph (4) is a crime of the third degree. Otherwise riot is a  
21 crime of the fourth degree.

22 b. Failure of disorderly persons to disperse upon official order.  
23 Where five or more persons are participating in a course of  
24 disorderly conduct as defined in section 2C:33-2 a. likely to cause  
25 substantial harm, a peace officer or other public servant engaged in  
26 executing or enforcing the law may order the participants and others  
27 in the immediate vicinity to disperse. A person who refuses or  
28 knowingly fails to obey such an order commits a disorderly persons  
29 offense.

30 (cf: P.L.1981, c.290, s.35)

31

32 2. N.J.S.2C:33-2 is amended to read as follows:

33 2C:33-2. Disorderly Conduct. a. Improper behavior. A  
34 person is guilty of a petty disorderly persons offense, if with  
35 purpose to cause public inconvenience, annoyance or alarm, or  
36 recklessly creating a risk thereof he

37 (1) Engages in fighting or threatening, or in violent or  
38 tumultuous behavior; or

39 (2) Creates a hazardous or physically dangerous condition by  
40 any act which serves no legitimate purpose of the actor.

41 b. Offensive language. A person is guilty of a petty disorderly  
42 persons offense if, in a public place, and with purpose to offend the  
43 sensibilities of a hearer or in reckless disregard of the probability of  
44 so doing, he addresses unreasonably loud and offensively coarse or  
45 abusive language, given the circumstances of the person present and  
46 the setting of the utterance, to any person present.

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

Matter underlined thus is new matter.

1 "Public" means affecting or likely to affect persons in a place to  
2 which the public or a substantial group has access; among the  
3 places included are highways, transport facilities, schools, prisons,  
4 apartment houses, places of business or amusement, or any  
5 neighborhood.

6 c. A person is guilty of a crime of the fourth degree if during a  
7 riot he commits a violation of this section in a place of public  
8 accommodation, resort or amusement.

9 "Place of public accommodation, resort or amusement" shall  
10 have the same meaning as in R.S.10:1-5.

11 (cf: P.L.1978, c.95, s.2C:33-2)

12

13 3. N.J.S.2C:33-7 is amended to read as follows:

14 2C:33-7. Obstructing Highways and Other Public Passages. a.

15 A person, who, having no legal privilege to do so, purposely or  
16 recklessly obstructs any highway or other public passage whether  
17 alone or with others, commits a petty disorderly persons offense. A  
18 person who violates this section in a course of riot as defined in  
19 N.J.S.2C:33-1 or disorderly conduct as defined in subsection a. of  
20 N.J.S.2C:33-2, commits a crime of the fourth degree. "Obstructs"  
21 means renders impassable without unreasonable inconvenience or  
22 hazard. No person shall be deemed guilty of recklessly obstructing  
23 in violation of this subsection solely because of a gathering of  
24 persons to hear him speak or otherwise communicate, or solely  
25 because of being a member of such a gathering.

26 b. A person in a gathering commits a petty disorderly persons  
27 offense if he refuses to obey a reasonable official request or order to  
28 move:

29 (1) To prevent obstruction of a highway or other public passage;  
30 or

31 (2) To maintain public safety by dispersing those gathered in  
32 dangerous proximity to a fire or other hazard.

33 An order to move, addressed to a person whose speech or other  
34 lawful behavior attracts an obstructing audience, shall not be  
35 deemed reasonable if the obstruction can be readily remedied by  
36 police control of the size or location of the gathering.

37 (cf: P.L.1978, c.95, s.2C:33-7)

38

39 4. N.J.S.2C:33-9 is amended to read as follows:

40 2C:33-9. Desecration of venerated objects. A person commits a  
41 disorderly persons offense if he purposely desecrates any public  
42 monument, insignia, symbol, or structure, or place of worship or  
43 burial. It is a crime of the fourth degree if the desecration occurs  
44 during the course of a riot. "Desecrate" means defacing, damaging,  
45 destroying, toppling or polluting.

46 (cf: P.L.1978, c.95, s.2C:33-9)

1 5. N.J.S.2C:12-1 is amended to read as follows:

2 2C:12-1. Assault. a. Simple assault. A person is guilty of  
3 assault if the person:

4 (1) Attempts to cause or purposely, knowingly or recklessly  
5 causes bodily injury to another; or

6 (2) Negligently causes bodily injury to another with a deadly  
7 weapon; or

8 (3) Attempts by physical menace to put another in fear of  
9 imminent serious bodily injury.

10 Simple assault is a disorderly persons offense unless committed  
11 in a fight or scuffle entered into by mutual consent, in which case it  
12 is a petty disorderly persons offense.

13 b. Aggravated assault. A person is guilty of aggravated assault  
14 if the person:

15 (1) Attempts to cause serious bodily injury to another, or causes  
16 injury purposely or knowingly or under circumstances manifesting  
17 extreme indifference to the value of human life recklessly causes  
18 such injury; or

19 (2) Attempts to cause or purposely or knowingly causes bodily  
20 injury to another with a deadly weapon; or

21 (3) Recklessly causes bodily injury to another with a deadly  
22 weapon; or

23 (4) Knowingly under circumstances manifesting extreme  
24 indifference to the value of human life points a firearm, as defined  
25 in subsection f. of N.J.S.2C:39-1, at or in the direction of another,  
26 whether or not the actor believes it to be loaded; or

27 (5) Commits a simple assault as defined in paragraph (1), (2), or  
28 (3) of subsection a. of this section upon:

29 (a) Any law enforcement officer acting in the performance of  
30 the officer's duties while in uniform or exhibiting evidence of  
31 authority or because of the officer's status as a law enforcement  
32 officer; or

33 (b) Any paid or volunteer firefighter acting in the performance  
34 of the firefighter's duties while in uniform or otherwise clearly  
35 identifiable as being engaged in the performance of the duties of a  
36 firefighter; or

37 (c) Any person engaged in emergency first-aid or medical  
38 services acting in the performance of the person's duties while in  
39 uniform or otherwise clearly identifiable as being engaged in the  
40 performance of emergency first-aid or medical services; or

41 (d) Any school board member, school administrator, teacher,  
42 school bus driver, or other employee of a public or nonpublic  
43 school or school board while clearly identifiable as being engaged  
44 in the performance of the person's duties or because of the person's  
45 status as a member or employee of a public or nonpublic school or  
46 school board or any school bus driver employed by an operator  
47 under contract to a public or nonpublic school or school board while  
48 clearly identifiable as being engaged in the performance of the

1 person's duties or because of the person's status as a school bus  
2 driver; or

3 (e) Any employee of the Division of Child Protection and  
4 Permanency while clearly identifiable as being engaged in the  
5 performance of the employee's duties or because of the status as an  
6 employee of the division; or

7 (f) Any justice of the Supreme Court, judge of the Superior  
8 Court, judge of the Tax Court or municipal judge while clearly  
9 identifiable as being engaged in the performance of judicial duties  
10 or because of the status as a member of the judiciary; or

11 (g) Any operator of a motorbus or the operator's supervisor or  
12 any employee of a rail passenger service while clearly identifiable  
13 as being engaged in the performance of the person's duties or  
14 because of the status as an operator of a motorbus or as the  
15 operator's supervisor or as an employee of a rail passenger service;  
16 or

17 (h) Any Department of Corrections employee, county  
18 correctional police officer, juvenile correctional police officer, State  
19 juvenile facility employee, juvenile detention staff member,  
20 juvenile detention officer, probation officer or any sheriff,  
21 undersheriff, or sheriff's officer acting in the performance of the  
22 person's duties while in uniform or exhibiting evidence of the  
23 person's authority or because of the status as a Department of  
24 Corrections employee, county correctional police officer, juvenile  
25 correctional police officer, State juvenile facility employee, juvenile  
26 detention staff member, juvenile detention officer, probation  
27 officer, sheriff, undersheriff, or sheriff's officer; or

28 (i) Any employee, including any person employed under  
29 contract, of a utility company as defined in section 2 of P.L.1971,  
30 c.224 (C.2A:42-86) or a cable television company subject to the  
31 provisions of the "Cable Television Act," P.L.1972, c.186  
32 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in  
33 the performance of the employee's duties in regard to connecting,  
34 disconnecting, or repairing or attempting to connect, disconnect, or  
35 repair any gas, electric, or water utility, or cable television or  
36 telecommunication service; or

37 (j) Any health care worker employed by a licensed health care  
38 facility to provide direct patient care, any health care professional  
39 licensed or otherwise authorized pursuant to Title 26 or Title 45 of  
40 the Revised Statutes to practice a health care profession, except a  
41 direct care worker at a State or county psychiatric hospital or State  
42 developmental center or veterans' memorial home, while clearly  
43 identifiable as being engaged in the duties of providing direct  
44 patient care or practicing the health care profession; or

45 (k) Any direct care worker at a State or county psychiatric  
46 hospital or State developmental center or veterans' memorial home,  
47 while clearly identifiable as being engaged in the duties of  
48 providing direct patient care or practicing the health care

1 profession, provided that the actor is not a patient or resident at the  
2 facility who is classified by the facility as having a mental illness or  
3 developmental disability; or

4 (6) Causes bodily injury to another person while fleeing or  
5 attempting to elude a law enforcement officer in violation of  
6 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
7 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
8 other provision of law to the contrary, a person shall be strictly  
9 liable for a violation of this paragraph upon proof of a violation of  
10 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
11 violation of subsection c. of N.J.S.2C:20-10 which resulted in  
12 bodily injury to another person; or

13 (7) Attempts to cause significant bodily injury to another or  
14 causes significant bodily injury purposely or knowingly or, under  
15 circumstances manifesting extreme indifference to the value of  
16 human life recklessly causes such significant bodily injury; or

17 (8) Causes bodily injury by knowingly or purposely starting a  
18 fire or causing an explosion in violation of N.J.S.2C:17-1 which  
19 results in bodily injury to any emergency services personnel  
20 involved in fire suppression activities, rendering emergency  
21 medical services resulting from the fire or explosion or rescue  
22 operations, or rendering any necessary assistance at the scene of the  
23 fire or explosion, including any bodily injury sustained while  
24 responding to the scene of a reported fire or explosion. For  
25 purposes of this paragraph, "emergency services personnel" shall  
26 include, but not be limited to, any paid or volunteer firefighter, any  
27 person engaged in emergency first-aid or medical services and any  
28 law enforcement officer. Notwithstanding any other provision of  
29 law to the contrary, a person shall be strictly liable for a violation of  
30 this paragraph upon proof of a violation of N.J.S.2C:17-1 which  
31 resulted in bodily injury to any emergency services personnel; or

32 (9) Knowingly, under circumstances manifesting extreme  
33 indifference to the value of human life, points or displays a firearm,  
34 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of  
35 a law enforcement officer; or

36 (10) Knowingly points, displays or uses an imitation firearm, as  
37 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a  
38 law enforcement officer with the purpose to intimidate, threaten, or  
39 attempt to put the officer in fear of bodily injury or for any unlawful  
40 purpose; or

41 (11) Uses or activates a laser sighting system or device, or a  
42 system or device which, in the manner used, would cause a  
43 reasonable person to believe that it is a laser sighting system or  
44 device, against a law enforcement officer acting in the performance  
45 of the officer's duties while in uniform or exhibiting evidence of the  
46 officer's authority. As used in this paragraph, "laser sighting system  
47 or device" means any system or device that is integrated with or

1 affixed to a firearm and emits a laser light beam that is used to  
2 assist in the sight alignment or aiming of the firearm; or

3 (12) Attempts to cause significant bodily injury or causes  
4 significant bodily injury purposely or knowingly or, under  
5 circumstances manifesting extreme indifference to the value of  
6 human life, recklessly causes significant bodily injury to a person  
7 who, with respect to the actor, meets the definition of a victim of  
8 domestic violence, as defined in subsection d. of section 3 of  
9 P.L.1991, c.261 (C.2C:25-19); or

10 (13) Knowingly or, under circumstances manifesting extreme  
11 indifference to the value of human life, recklessly obstructs the  
12 breathing or blood circulation of a person who, with respect to the  
13 actor, meets the definition of a victim of domestic violence, as  
14 defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-  
15 19), by applying pressure on the throat or neck or blocking the nose  
16 or mouth of such person, thereby causing or attempting to cause  
17 bodily injury;

18 (14) Attempts to cause or purposely, knowingly or recklessly  
19 causes bodily injury to another in the course of a riot.

20 Aggravated assault under paragraphs (1) and (6) of subsection b.  
21 of this section is a crime of the second degree; under paragraphs  
22 (2), (7), (9), and (10) of subsection b. of this section is a crime of  
23 the third degree; under paragraphs (3) and (4) of subsection b. of  
24 this section is a crime of the fourth degree; and under paragraph (5)  
25 of subsection b. of this section is a crime of the third degree if the  
26 victim suffers bodily injury, or if, during the course of a riot, an  
27 object is thrown at or strikes a law enforcement officer, described in  
28 subparagraph (a) of paragraph (5) of this subsection, or the law  
29 enforcement officer is otherwise struck, the presumption of non-  
30 imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a first  
31 offense of a crime of the third degree shall not apply, and a  
32 mandatory period of six months imprisonment shall apply,  
33 otherwise it is a crime of the fourth degree, except that any  
34 aggravated assault under subparagraph (g) of paragraph (5) of  
35 subsection b. of this section shall be a crime of the third degree.  
36 Aggravated assault under paragraph (8) of subsection b. of this  
37 section is a crime of the third degree if the victim suffers bodily  
38 injury; if the victim suffers significant bodily injury or serious  
39 bodily injury it is a crime of the second degree. Aggravated assault  
40 under paragraph (11) of subsection b. of this section is a crime of  
41 the third degree. Aggravated assault under paragraph (12) of  
42 subsection b. of this section is a crime of the third degree but the  
43 presumption of non-imprisonment set forth in subsection e. of  
44 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall  
45 not apply. Aggravated assault under paragraph (13) of subsection  
46 b. of this section is a crime of the second degree. Aggravated  
47 assault under paragraph (14) of this subsection is a crime of the  
48 third degree.

1 c. (1) A person is guilty of assault by auto or vessel when the  
2 person drives a vehicle or vessel recklessly and causes either  
3 serious bodily injury or bodily injury to another. Assault by auto or  
4 vessel is a crime of the fourth degree if serious bodily injury results  
5 and is a disorderly persons offense if bodily injury results. Proof  
6 that the defendant was operating a hand-held wireless telephone  
7 while driving a motor vehicle in violation of section 1 of P.L.2003,  
8 c.310 (C.39:4-97.3) may give rise to an inference that the defendant  
9 was driving recklessly.

10 (2) Assault by auto or vessel is a crime of the third degree if the  
11 person drives the vehicle while in violation of R.S.39:4-50 or  
12 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily  
13 injury results and is a crime of the fourth degree if the person drives  
14 the vehicle while in violation of R.S.39:4-50 or section 2 of  
15 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

16 (3) Assault by auto or vessel is a crime of the second degree if  
17 serious bodily injury results from the defendant operating the auto  
18 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,  
19 c.512 (C.39:4-50.4a) while:

20 (a) on any school property used for school purposes which is  
21 owned by or leased to any elementary or secondary school or school  
22 board, or within 1,000 feet of such school property;

23 (b) driving through a school crossing as defined in R.S.39:1-1 if  
24 the municipality, by ordinance or resolution, has designated the  
25 school crossing as such; or

26 (c) driving through a school crossing as defined in R.S.39:1-1  
27 knowing that juveniles are present if the municipality has not  
28 designated the school crossing as such by ordinance or resolution.

29 Assault by auto or vessel is a crime of the third degree if bodily  
30 injury results from the defendant operating the auto or vessel in  
31 violation of this paragraph.

32 A map or true copy of a map depicting the location and  
33 boundaries of the area on or within 1,000 feet of any property used  
34 for school purposes which is owned by or leased to any elementary  
35 or secondary school or school board produced pursuant to section 1  
36 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under  
37 subparagraph (a) of paragraph (3) of this subsection.

38 It shall be no defense to a prosecution for a violation of  
39 subparagraph (a) or (b) of paragraph (3) of this subsection that the  
40 defendant was unaware that the prohibited conduct took place while  
41 on or within 1,000 feet of any school property or while driving  
42 through a school crossing. Nor shall it be a defense to a prosecution  
43 under subparagraph (a) or (b) of paragraph (3) of this subsection  
44 that no juveniles were present on the school property or crossing  
45 zone at the time of the offense or that the school was not in session.

46 (4) Assault by auto or vessel is a crime of the third degree if the  
47 person purposely drives a vehicle in an aggressive manner directed  
48 at another vehicle and serious bodily injury results and is a crime of



1 the fourth degree if the person purposely drives a vehicle in an  
2 aggressive manner directed at another vehicle and bodily injury  
3 results. For purposes of this paragraph, "driving a vehicle in an  
4 aggressive manner" shall include, but is not limited to,  
5 unexpectedly altering the speed of the vehicle, making improper or  
6 erratic traffic lane changes, disregarding traffic control devices,  
7 failing to yield the right of way, or following another vehicle too  
8 closely.

9 As used in this subsection, "vessel" means a means of  
10 conveyance for travel on water and propelled otherwise than by  
11 muscular power.

12 d. A person who is employed by a facility as defined in section  
13 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as  
14 defined in paragraph (1) or (2) of subsection a. of this section upon  
15 an institutionalized elderly person as defined in section 2 of  
16 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth  
17 degree.

18 e. (Deleted by amendment, P.L.2001, c.443).

19 f. A person who commits a simple assault as defined in  
20 paragraph (1), (2), or (3) of subsection a. of this section in the  
21 presence of a child under 16 years of age at a school or community  
22 sponsored youth sports event is guilty of a crime of the fourth  
23 degree. The defendant shall be strictly liable upon proof that the  
24 offense occurred, in fact, in the presence of a child under 16 years  
25 of age. It shall not be a defense that the defendant did not know  
26 that the child was present or reasonably believed that the child was  
27 16 years of age or older. The provisions of this subsection shall not  
28 be construed to create any liability on the part of a participant in a  
29 youth sports event or to abrogate any immunity or defense available  
30 to a participant in a youth sports event. As used in this act, "school  
31 or community sponsored youth sports event" means a competition,  
32 practice, or instructional event involving one or more  
33 interscholastic sports teams or youth sports teams organized  
34 pursuant to a nonprofit or similar charter or which are member  
35 teams in a youth league organized by or affiliated with a county or  
36 municipal recreation department and shall not include collegiate,  
37 semi-professional or professional sporting events.

38 (cf: P.L.2021, c.352, s.1)

39

40 6. (New section) Crime of promotion of violent, disorderly  
41 assembly. a. A person promotes violent, disorderly assembly if he  
42 conspires with others as an organizer, supervisor, financier or  
43 manager to commit any crime specified in chapters 11 through 18,  
44 20, 33, 35, or 37 of Title 2C of the New Jersey Statutes;  
45 N.J.S.2C:34-1; N.J.S.2C:39-3; N.J.S.2C:39-4; section 1 of  
46 P.L.1998, c.26 (C.2C:39-4.1); N.J.S.2C:39-5; or N.J.S.2C:39-9 in  
47 the course of a riot or at the site of a peaceable assembly.

1       b. Grading. Promotion of violent, disorderly assembly is a  
2 crime of one degree higher than the most serious underlying crime  
3 referred to in subsection a. of this section, except that where the  
4 underlying offense is a crime of the first degree, promotion of  
5 violent, disorderly assembly is a first degree crime and the  
6 defendant, upon conviction, and notwithstanding the provisions of  
7 paragraph (1) of subsection a of N.J.S.2C:43-6, shall be sentenced  
8 to an ordinary term of imprisonment between 15 and 30 years.

9  
10       7. This act shall take effect immediately.

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13

STATEMENT

14

15       In light of the exponentially greater risk of injury and damage  
16 caused by crowd-based destructive behavior, this omnibus bill  
17 addresses certain crimes committed during the course of riot or  
18 crowd-based behavior. Presently, under N.J.S.A.2C:33-1, a person  
19 is guilty of riot if he participates with four or more others in a  
20 course of disorderly conduct with an unlawful purpose, enumerated  
21 in the statute. This bill amends N.J.S.A.2C:33-1 to expand the  
22 categories of unlawful purposes to include when the actor, with six  
23 or more others, causes damage to property or injury to another.  
24 Riot under these circumstances is a crime of the fourth degree  
25 punishable by up to 18 months imprisonment, a fine of up to  
26 \$10,000, or both.

27       The bill amends N.J.S.A.2C:33-2, Disorderly Conduct, which  
28 currently provides that a person commits a petty disorderly persons  
29 offense if he commits certain prohibited acts. This bill creates a  
30 new subsection c. to provide that a person commits a crime of the  
31 fourth degree if, during a riot, he engages in disorderly conduct in a  
32 place of public accommodation, resort or amusement. Under the  
33 bill, "Place of public accommodation, resort or amusement"  
34 includes any inn, tavern, road house or hotel, whether for  
35 entertainment of transient guests or accommodation of those  
36 seeking health, recreation or rest; any restaurant, eating house, or  
37 place where food is sold for consumption on the premises; any  
38 place maintained for sale of ice cream, ice and fruit preparations or  
39 their derivatives, soda water or confections, or where any beverages  
40 of any kind are retailed for consumption on the premises; any  
41 garage, any public conveyance operated on land or water, and  
42 stations and terminals thereof; any public bathhouse, public  
43 boardwalk, public seashore accommodation; any theater, or other  
44 place of public amusement, motion-picture house, airdrome, music  
45 hall, roof garden, skating rink, amusement and recreation park, fair,  
46 bowling alley, gymnasium, shooting gallery, billiard and pool  
47 parlor; any dispensary, clinic, hospital, public library, kindergarten,  
48 primary and secondary school, high school, academy, college and

1 university, or any educational institution under the supervision of  
2 the regents of the State of New Jersey. Under these circumstances,  
3 the offense is a crime of the fourth degree.

4 The bill amends N.J.S.A.2C:33-7, Obstructing highways and  
5 other public passages, to elevate the offense to a crime of the fourth  
6 degree if a person, who, having no legal privilege to do so,  
7 purposely or recklessly obstructs any highway or other public  
8 passage in the course of committing riot or disorderly conduct.

9 The bill amends N.J.S.2C:33-9, Desecration of venerated objects,  
10 to elevate the offense to a crime of the fourth degree if the  
11 desecration occurs during a riot. The term desecrate is clarified to  
12 include conduct such as actual destruction or the toppling of a  
13 monument.

14 The bill amends N.J.S.2C:12-1, Assault. Currently, the statute  
15 enumerates the circumstances when aggravated assault occurs; this  
16 bill adds the additional circumstance. Under the bill, a person is  
17 guilty of aggravated assault if he attempts to cause or purposely,  
18 knowingly or recklessly causes bodily injury to another in the  
19 course of a riot. Aggravated assault under this circumstance is a  
20 crime of the third degree, punishable by three to five years  
21 imprisonment, a fine of up to \$15,000, or both.

22 Additionally, paragraph (5) of subsection b. of N.J.S.A.2C:12-1  
23 elevates simple assault to aggravated assault when committed  
24 against certain categories of persons, including when committed  
25 against a law enforcement officer acting in the performance of the  
26 officer's duties while in uniform or exhibiting evidence of authority  
27 or because of the officer's status as a law enforcement officer, and  
28 is graded as a crime of the third degree. Under the bill, if, in the  
29 course of a riot, an object is thrown at a law enforcement officer, or  
30 if the law enforcement officer is struck, whether or not with an  
31 object, the presumption of non-imprisonment for a first offense of a  
32 crime of the third degree shall not apply, and a mandatory period of  
33 six months imprisonment shall apply.

34 The bill creates the new crime of promotion of violent,  
35 disorderly assembly. A person promotes violent, disorderly  
36 assembly if he conspires with others as an organizer, supervisor,  
37 financier or manager to commit any crime specified in chapters 11  
38 through 18, 20, 33, 35, or 37 of Title 2C of the New Jersey Statutes;  
39 N.J.S.2C:34-1; N.J.S.2C:39-3; N.J.S.2C:39-4; section 1 of  
40 P.L.1998, c.26 (C.2C:39-4.1); N.J.S.2C:39-5; or N.J.S.2C:39-9 in  
41 the course of a riot or at the site of a peaceable assembly.  
42 Promotion of violent, disorderly assembly is a crime of one degree  
43 higher than the most serious underlying crime referred to in  
44 subsection a. of this section, except that where the underlying  
45 offense is a crime of the first degree, promotion of violent,  
46 disorderly assembly is a first degree crime and the defendant, upon  
47 conviction, and notwithstanding the provisions of paragraph (1) of

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1 subsection a of N.J.S.2C:43-6, shall be sentenced to an ordinary  
2 term of imprisonment between 15 and 30 years.

3 This bill is based upon a legislation concept entitled,  
4 “Combatting Violence, Disorder and Looting and Law Enforcement  
5 Protection Act,” articulated in the media concerning an  
6 announcement made by Florida Governor Ron DeSantis.