

ASSEMBLY, No. 4652

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 25, 2024

Sponsored by:

Assemblyman DAN HUTCHISON
District 4 (Atlantic, Camden and Gloucester)

Co-Sponsored by:

Assemblyman Spearman

SYNOPSIS

Establishes offense of inciting public brawl; upgrades penalty for disorderly conduct in certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/28/2024)

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1 AN ACT concerning public brawls and disorderly conduct and
2 amending N.J.S.2C:33-1 and N.J.S.2C:33-2.

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

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

8 2C:33-1. a. Riot. A person is guilty of riot if **[he]** the person
9 participates with four or more **[others]** other persons in a course of
10 disorderly conduct as defined in **[section 2C:33-2a]** subsection a.
11 of N.J.S.2C:33-2:

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.

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

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

28 c. Public Brawl. A person is guilty of inciting a public brawl if
29 the person acts with purpose to organize or promote a group of four
30 or more other persons to engage in a course of disorderly conduct as
31 defined in subsection a. of N.J.S.2C:33-2. Inciting a public brawl is
32 a crime of the fourth degree if the person acts with purpose to
33 disrupt or cause a disturbance at a public gathering or event or
34 knowing that a disruption or disturbance is likely to occur;
35 otherwise, it is a disorderly persons offense. Notwithstanding the
36 provisions of N.J.S.2C:1-8, a conviction of inciting a public brawl
37 shall not merge with the offense of riot pursuant to subsection a. of
38 this section or disorderly conduct pursuant to subsection a. of
39 N.J.S.2C:33-2.

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

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

43 2C:33-2. Disorderly Conduct. a. Improper behavior. **[A]**
44 Except as otherwise provided in subsection c. of this section, a
45 person is guilty of a petty disorderly persons offense **[,]** , if with

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 purpose to cause public inconvenience, annoyance or alarm, or
2 recklessly creating a risk thereof **[he]**, the person:

3 (1) Engages in fighting or threatening, or in violent or
4 tumultuous behavior; or

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

7 b. Offensive language. A person is guilty of a petty
8 disorderly persons offense if, in a public place, and with purpose to
9 offend the sensibilities of a hearer or in reckless disregard of the
10 probability of so doing, he addresses unreasonably loud and
11 offensively coarse or abusive language, given the circumstances of
12 the person present and the setting of the utterance, to any person
13 present.

14 c. Concealing identity. A person who attempts to conceal or
15 conceals the person's identity while engaging in a course of
16 disorderly conduct, as defined in subsection a. of this section, with
17 purpose to hinder prosecution or avoid apprehension is guilty of a
18 disorderly persons offense.

19 d Disturbance at a public gathering. A person who acts with
20 purpose to disrupt or cause a disturbance at a public gathering or
21 event is guilty of a disorderly persons offense.

22 "Public" means affecting or likely to affect persons in a place to
23 which the public or a substantial group has access; among the
24 places included are highways, transport facilities, schools, prisons,
25 apartment houses, places of business or amusement, or any
26 neighborhood.

27 (cf: N.J.S.2C:33-2)

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29 3. This act shall take effect immediately.

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STATEMENT

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34 This bill creates the offense of inciting a public brawl and
35 upgrades the penalty for engaging in disorderly conduct under
36 certain circumstances.

37 Under the bill, a person is guilty of inciting a public brawl if the
38 person acts with purpose to organize or promote a group of four or
39 more other persons to engage in a course of disorderly conduct.
40 Inciting a public brawl is a crime of the fourth degree if the person
41 acts with purpose to disrupt or cause a disturbance at a public
42 gathering or event or knowing that a disruption or disturbance is
43 likely to occur; otherwise, it is a disorderly persons offense.

44 Additionally, the bill provides that a person who attempts to
45 conceal or conceals the person's identity while engaging in a course
46 of disorderly conduct, with purpose to hinder prosecution or avoid
47 apprehension is guilty of a disorderly persons offense. The bill also
48 establishes that a person commits disorderly conduct by acting with

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1 purpose to disrupt or cause a disturbance at a public gathering or
2 event and is guilty of a disorderly persons offense. Under current
3 law, a person who engages in a course of disorderly conduct
4 commits a petty disorderly persons offense.

5 A fourth degree crime is punishable by up to 18 months
6 imprisonment, a fine of up to \$10,000, or both. A person who
7 commits a fourth degree crime may be eligible for entry into a
8 pretrial intervention program (PTI). The courts sets the conditions
9 of PTI, which may include random drug screening, community
10 service, mental health or substance abuse evaluations, and
11 compliance with treatment recommendations. A disorderly persons
12 offense is punishable by a term of imprisonment of up to six
13 months, a fine of up to \$1,000 or both. A petty disorderly persons
14 offense is punishable by imprisonment of up to 30 days, a fine of up
15 to \$500, or both. In the case of citations issued for petty disorderly
16 and disorderly persons offenses, appearance in court is mandatory.