

# SENATE, No. 399

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Senator JOSEPH PENNACCHIO**

**District 26 (Morris and Passaic)**

**Senator ROBERT W. SINGER**

**District 30 (Monmouth and Ocean)**

**Co-Sponsored by:**

**Senators Holzapfel, Testa and Stack**

**SYNOPSIS**

Broadens riot; enhances penalties for certain crimes committed during riot; creates new crimes of mob intimidation and cyber-intimidation by publication; establishes duty in municipality to permit law enforcement to respond appropriately.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 2/27/2024)**

1 AN ACT concerning riot and amending and supplementing various  
2 sections of law.

3

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

6

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

8 2C:33-1. Riot. a. **【**Riot. A person is guilty of riot if he  
9 participates with four or more others in a course of disorderly  
10 conduct as defined in section 2C:33-2a:

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

13 (2) With purpose to prevent or coerce official action; or

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

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

19 A person commits a riot if he participates in a violent public  
20 disturbance involving an assembly of three or more persons, acting  
21 with a common intent to assist each other in violent and disorderly  
22 conduct, resulting in:

23 (1) Injury to another person;

24 (2) Damage to property; or

25 (3) Imminent danger of injury to another person or damage to  
26 property.

27 A person who commits a riot when he or any other participant,  
28 known to him, uses or plans to use a firearm or other deadly weapon  
29 is guilty of a crime of the third degree. Otherwise riot is a crime of  
30 the fourth degree.

31 b. A person commits aggravated riot if, in the course of  
32 committing a riot, he:

33 (1) Participates with 25 or more other persons;

34 (2) Causes serious bodily injury to a person not participating in  
35 the riot;

36 (3) Causes property damage in excess of \$5,000;

37 (4) Displays, uses, threatens to use, or attempts to use a deadly  
38 weapon; or

39 (5) By force, or threat of force, endangers the safe movement of  
40 a vehicle traveling on a public street, highway, or road.

41 A person who commits aggravating riot is guilty of a crime of  
42 the second degree.

43 c. A person commits inciting a riot if he willfully incites  
44 another person to participate in a riot, resulting in a riot or imminent

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 danger of a riot. A person who commits inciting a riot is guilty of a  
2 crime of the third degree.

3 d. A person commits aggravated inciting a riot if he:

4 (1) Incites a riot resulting in serious bodily harm to another  
5 person not participating in the riot;

6 (2) Incites a riot resulting in property damage in excess of  
7 \$5,000; or

8 (3) Supplies a deadly weapon to another person or teaches  
9 another person to prepare a deadly weapon with intent that the  
10 deadly weapon be used in a riot for an unlawful purpose.

11 A person who commits aggravated inciting a riot is guilty of a  
12 crime of the second degree.

13 A person arrested for a violation of subsection a. through d. of  
14 this section shall be held in custody until brought before the court  
15 for a pretrial detention hearing.

16 Subsection a. through subsection d. of this section shall not be  
17 construed to prohibit constitutionally protected activity such as a  
18 peaceful protest.

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

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

28

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

30 2C:33-7. a. **[A]** It shall be unlawful for a person, [who,]  
31 having no legal privilege to do so, to purposely or recklessly  
32 **[obstructs]** obstruct any highway or other public passage whether  
33 alone or with others[, commits a petty disorderly persons offense].  
34 "Obstructs" means renders impassable without unreasonable  
35 inconvenience or hazard and shall include standing on or remaining  
36 in the street, highway, or road. No person shall be deemed **[guilty**  
37 **of recklessly obstructing]** in violation of this subsection solely  
38 because of a gathering of persons to hear him speak or otherwise  
39 communicate, or solely because of being a member of such a  
40 gathering.

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

44 (1) To prevent obstruction of a highway or other public passage;  
45 or

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

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

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

6  
7 3. N.J.S.2C:12-1 is amended to read as follows:

8 2C:12-1. Assault. a. Simple assault. A person is guilty of assault  
9 if the person:

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

12 (2) Negligently causes bodily injury to another with a deadly  
13 weapon; or

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

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

19 b. Aggravated assault. A person is guilty of aggravated assault  
20 if the person:

21 (1) Attempts to cause serious bodily injury to another, or causes  
22 injury purposely or knowingly or under circumstances manifesting  
23 extreme indifference to the value of human life recklessly causes  
24 such injury; or

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

27 (3) Recklessly causes bodily injury to another with a deadly  
28 weapon; or

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

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

35 (a) Any law enforcement officer acting in the performance of  
36 the officer's duties while in uniform or exhibiting evidence of  
37 authority or because of the officer's status as a law enforcement  
38 officer; or

39 (b) Any paid or volunteer firefighter acting in the performance  
40 of the firefighter's duties while in uniform or otherwise clearly  
41 identifiable as being engaged in the performance of the duties of a  
42 firefighter; or

43 (c) Any person engaged in emergency first-aid or medical  
44 services acting in the performance of the person's duties while in  
45 uniform or otherwise clearly identifiable as being engaged in the  
46 performance of emergency first-aid or medical services; or

47 (d) Any school board member, school administrator, teacher,  
48 school bus driver, or other employee of a public or nonpublic

1 school or school board while clearly identifiable as being engaged  
2 in the performance of the person's duties or because of the person's  
3 status as a member or employee of a public or nonpublic school or  
4 school board or any school bus driver employed by an operator  
5 under contract to a public or nonpublic school or school board while  
6 clearly identifiable as being engaged in the performance of the  
7 person's duties or because of the person's status as a school bus  
8 driver; or

9 (e) Any employee of the Division of Child Protection and  
10 Permanency while clearly identifiable as being engaged in the  
11 performance of the employee's duties or because of the status as an  
12 employee of the division; or

13 (f) Any justice of the Supreme Court, judge of the Superior  
14 Court, judge of the Tax Court or municipal judge while clearly  
15 identifiable as being engaged in the performance of judicial duties  
16 or because of the status as a member of the judiciary; or

17 (g) Any operator of a motorbus or the operator's supervisor or  
18 any employee of a rail passenger service while clearly identifiable  
19 as being engaged in the performance of the person's duties or  
20 because of the status as an operator of a motorbus or as the  
21 operator's supervisor or as an employee of a rail passenger service;  
22 or

23 (h) Any Department of Corrections employee, county  
24 correctional police officer, juvenile correctional police officer, State  
25 juvenile facility employee, juvenile detention staff member,  
26 juvenile detention officer, probation officer or any sheriff,  
27 undersheriff, or sheriff's officer acting in the performance of the  
28 person's duties while in uniform or exhibiting evidence of the  
29 person's authority or because of the status as a Department of  
30 Corrections employee, county correctional police officer, juvenile  
31 correctional police officer, State juvenile facility employee, juvenile  
32 detention staff member, juvenile detention officer, probation  
33 officer, sheriff, undersheriff, or sheriff's officer; or

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

43 (j) Any health care worker employed by a licensed health care  
44 facility to provide direct patient care, any health care professional  
45 licensed or otherwise authorized pursuant to Title 26 or Title 45 of  
46 the Revised Statutes to practice a health care profession, except a  
47 direct care worker at a State or county psychiatric hospital or State  
48 developmental center or veterans' memorial home, while clearly

- 1 identifiable as being engaged in the duties of providing direct  
2 patient care or practicing the health care profession; or
- 3 (k) Any direct care worker at a State or county psychiatric  
4 hospital or State developmental center or veterans' memorial home,  
5 while clearly identifiable as being engaged in the duties of  
6 providing direct patient care or practicing the health care  
7 profession, provided that the actor is not a patient or resident at the  
8 facility who is classified by the facility as having a mental illness or  
9 developmental disability; or
- 10 (6) Causes bodily injury to another person while fleeing or  
11 attempting to elude a law enforcement officer in violation of  
12 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
13 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
14 other provision of law to the contrary, a person shall be strictly  
15 liable for a violation of this paragraph upon proof of a violation of  
16 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
17 violation of subsection c. of N.J.S.2C:20-10 which resulted in  
18 bodily injury to another person; or
- 19 (7) Attempts to cause significant bodily injury to another or  
20 causes significant bodily injury purposely or knowingly or, under  
21 circumstances manifesting extreme indifference to the value of  
22 human life recklessly causes such significant bodily injury; or
- 23 (8) Causes bodily injury by knowingly or purposely starting a  
24 fire or causing an explosion in violation of N.J.S.2C:17-1 which  
25 results in bodily injury to any emergency services personnel  
26 involved in fire suppression activities, rendering emergency  
27 medical services resulting from the fire or explosion or rescue  
28 operations, or rendering any necessary assistance at the scene of the  
29 fire or explosion, including any bodily injury sustained while  
30 responding to the scene of a reported fire or explosion. For  
31 purposes of this paragraph, "emergency services personnel" shall  
32 include, but not be limited to, any paid or volunteer firefighter, any  
33 person engaged in emergency first-aid or medical services and any  
34 law enforcement officer. Notwithstanding any other provision of  
35 law to the contrary, a person shall be strictly liable for a violation of  
36 this paragraph upon proof of a violation of N.J.S.2C:17-1 which  
37 resulted in bodily injury to any emergency services personnel; or
- 38 (9) Knowingly, under circumstances manifesting extreme  
39 indifference to the value of human life, points or displays a firearm,  
40 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of  
41 a law enforcement officer; or
- 42 (10) Knowingly points, displays or uses an imitation firearm, as  
43 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a  
44 law enforcement officer with the purpose to intimidate, threaten, or  
45 attempt to put the officer in fear of bodily injury or for any unlawful  
46 purpose; or
- 47 (11) Uses or activates a laser sighting system or device, or a  
48 system or device which, in the manner used, would cause a

1 reasonable person to believe that it is a laser sighting system or  
2 device, against a law enforcement officer acting in the performance  
3 of the officer's duties while in uniform or exhibiting evidence of the  
4 officer's authority. As used in this paragraph, "laser sighting system  
5 or device" means any system or device that is integrated with or  
6 affixed to a firearm and emits a laser light beam that is used to  
7 assist in the sight alignment or aiming of the firearm; or

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

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

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

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

1 crime of the second degree. Aggravated assault under paragraph  
2 (14) of subsection b. of this section is a crime of the third degree.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

41 (cf:P.L.2021, c.172)

42

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

44 2C:17-3. a. Offense defined. A person is guilty of criminal  
45 mischief if he:

46 (1) Purposely or knowingly damages tangible property of  
47 another or damages tangible property of another recklessly or

1 negligently in the employment of fire, explosives or other  
2 dangerous means listed in subsection a. of N.J.S.2C:17-2; or  
3 (2) Purposely, knowingly or recklessly tampers with tangible  
4 property of another so as to endanger person or property, including  
5 the damaging or destroying of a rental premises by a tenant in  
6 retaliation for institution of eviction proceedings; or  
7 (3) Purposely, knowingly or recklessly, defaces, injures, or  
8 otherwise damages by any means a memorial or historic property,  
9 as defined in subsection d., and the value of the damage to the  
10 memorial or historic property is greater than \$200.00.  
11 b. Grading. (1) Criminal mischief is a crime of the third  
12 degree if the actor purposely or knowingly, or recklessly causes  
13 pecuniary loss of \$2,000.00 or more, or, if the pecuniary loss is to a  
14 memorial or historic property, and the value of the damage \$200.00  
15 or more.  
16 (2) Criminal mischief is a crime of the fourth degree if the actor  
17 causes pecuniary loss in excess of \$500.00 but less than \$2000.00.  
18 It is a disorderly persons offense if the actor causes pecuniary loss  
19 of \$500.00 or less.  
20 (3) Criminal mischief is a crime of the third degree if the actor  
21 damages, defaces, eradicates, alters, receives, releases or causes the  
22 loss of any research property used by the research facility, or  
23 otherwise causes physical disruption to the functioning of the  
24 research facility. The term "physical disruption" does not include  
25 any lawful activity that results from public, governmental, or  
26 research facility employee reaction to the disclosure of information  
27 about the research facility.  
28 (4) Criminal mischief is a crime of the fourth degree if the actor  
29 damages, removes or impairs the operation of any device, including,  
30 but not limited to, a sign, signal, light or other equipment, which  
31 serves to regulate or ensure the safety of air traffic at any airport,  
32 landing field, landing strip, heliport, helistop or any other aviation  
33 facility; however, if the damage, removal or impediment of the  
34 device recklessly causes bodily injury or damage to property, the  
35 actor is guilty of a crime of the third degree, or if it recklessly  
36 causes a death, the actor is guilty of a crime of the second degree.  
37 (5) Criminal mischief is a crime of the fourth degree if the actor  
38 interferes or tampers with any airport, landing field, landing strip,  
39 heliport, helistop or any other aviation facility; however if the  
40 interference or tampering with the airport, landing field, landing  
41 strip, heliport, helistop or other aviation facility recklessly causes  
42 bodily injury or damage to property, the actor is guilty of a crime of  
43 the third degree, or if it recklessly causes a death, the actor is guilty  
44 of a crime of the second degree.  
45 (6) Criminal mischief is a crime of the third degree if the actor  
46 tampers with a grave, crypt, mausoleum or other site where human  
47 remains are stored or interred, with the purpose to desecrate,  
48 destroy or steal such human remains or any part thereof.

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

7 (8) Criminal mischief is a crime of the fourth degree if the actor  
8 purposely or knowingly breaks, digs up, obstructs or otherwise  
9 tampers with any pipes or mains for conducting gas, oil or water, or  
10 any works erected for supplying buildings with gas, oil or water, or  
11 any appurtenances or appendages therewith connected, or injures,  
12 cuts, breaks down, destroys or otherwise tampers with any electric  
13 light wires, poles or appurtenances, or any telephone,  
14 telecommunications, cable television or telegraph wires, lines, cable  
15 or appurtenances.

16 c. (1) [A] Except as provided in paragraph (2) of this  
17 subsection , a person convicted of an offense of criminal mischief  
18 that involves an act of graffiti may, in addition to any other penalty  
19 imposed by the court, be required to pay to the owner of the  
20 damaged property monetary restitution in the amount of the  
21 pecuniary damage caused by the act of graffiti and to perform  
22 community service, which shall include removing the graffiti from  
23 the property, if appropriate. If community service is ordered, it  
24 shall be for either not less than 20 days or not less than the number  
25 of days necessary to remove the graffiti from the property.

26 (2) A court shall order any person convicted of violating  
27 paragraph (3) of subsection a. to pay restitution, which shall include  
28 the full cost of repair or replacement of such memorial or historic  
29 property.

30 d. As used in this section:

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

34 "Historic property" means any building, structure, site, or object  
35 that has been officially designated or approved for inclusion, or  
36 which meets the criteria for inclusion, in the New Jersey Register of  
37 Historic Places pursuant to P.L.1970, c.268  
38 (C.13:1B-15.128 et seq.) as a historic building, historic structure,  
39 historic site, or historic object through a federal, State, or local  
40 designation program.

41 "Memorial" means a plaque, statue, marker, flag, banner,  
42 cenotaph, religious symbol, painting, seal, tombstone, structure  
43 name, or display that is constructed and located with the intent of  
44 being permanently displayed or perpetually maintained; is dedicated  
45 to a historical person, an entity, an event, or a series of events; and  
46 honors or recounts the military service of any past or present United  
47 States Armed Forces military personnel, or the past or present

1 public service of a resident of the geographical area comprising the  
2 State or the United States.

3 e. A person convicted of an offense of criminal mischief that  
4 involves the damaging or destroying of a rental premises by a tenant  
5 in retaliation for institution of eviction proceedings, may, in  
6 addition to any other penalty imposed by the court, be required to  
7 pay to the owner of the property monetary restitution in the amount  
8 of the pecuniary damage caused by the damage or destruction.  
9 (cf: P.L.2014, c.69, s.2)

10

11 5. N.J.S.2C:18-2 is amended to read as follows:

12 2C:18-2. Burglary. a. Burglary defined. A person is guilty of  
13 burglary if, with purpose to commit an offense therein or thereon  
14 he:

15 (1) Enters a research facility, structure, or a separately secured  
16 or occupied portion thereof unless the structure was at the time  
17 open to the public or the actor is licensed or privileged to enter;

18 (2) Surreptitiously remains in a research facility, structure, or a  
19 separately secured or occupied portion thereof knowing that he is  
20 not licensed or privileged to do so; or

21 (3) Trespasses in or upon utility company property where public  
22 notice prohibiting trespass is given by conspicuous posting, or  
23 fencing or other enclosure manifestly designed to exclude intruders.

24 b. Grading. Burglary is a crime of the second degree if in the  
25 course of committing the offense, the actor:

26 (1) Purposely, knowingly or recklessly inflicts, attempts to  
27 inflict or threatens to inflict bodily injury on anyone; **[or]**

28 (2) Is armed with or displays what appear to be explosives or a  
29 deadly weapon; or

30 (3) Is committed during a riot or an aggravated riot and the  
31 perpetration of the burglary is facilitated by conditions arising from  
32 the riot.

33 Otherwise burglary is a crime of the third degree. An act shall  
34 be deemed "in the course of committing" an offense if it occurs in  
35 an attempt to commit an offense or in immediate flight after the  
36 attempt or commission. As used in this section, "conditions arising  
37 from the riot" means civil unrest, power outages, curfews, or a  
38 reduction in the presence of or response time for first responders or  
39 homeland security personnel. A person arrested for committing a  
40 burglary during a riot or aggravated riot may not be released until  
41 the person appears before a judge at a pretrial detention hearing.

42 (cf: P.L.2009, c.283, s.2)

43

44 6. N.J.S.2C:20-2 is amended to read as follows:

45 2C:20-2. a. Consolidation of Theft and Computer Criminal  
46 Activity Offenses. Conduct denominated theft or computer  
47 criminal activity in this chapter constitutes a single offense, but  
48 each episode or transaction may be the subject of a separate

1 prosecution and conviction. A charge of theft or computer criminal  
2 activity may be supported by evidence that it was committed in any  
3 manner that would be theft or computer criminal activity under this  
4 chapter, notwithstanding the specification of a different manner in  
5 the indictment or accusation, subject only to the power of the court  
6 to ensure fair trial by granting a bill of particulars, discovery, a  
7 continuance, or other appropriate relief where the conduct of the  
8 defense would be prejudiced by lack of fair notice or by surprise.

9 b. Grading of theft offenses.

10 (1) Theft constitutes a crime of the second degree if:

11 (a) The amount involved is \$75,000.00 or more;

12 (b) The property is taken by extortion;

13 (c) The property stolen is a controlled dangerous substance or  
14 controlled substance analog as defined in N.J.S.2C:35-2 and the  
15 quantity is in excess of one kilogram;

16 (d) The property stolen is a person's benefits under federal or  
17 State law, or from any other source, which the Department of  
18 Human Services or an agency acting on its behalf has budgeted for  
19 the person's health care and the amount involved is \$75,000.00 or  
20 more;

21 (e) The property stolen is human remains or any part thereof;  
22 except that, if the human remains are stolen by deception or  
23 falsification of a document by which a gift of all or part of a human  
24 body may be made pursuant to P.L.2008, c.50 (C.26:6-77 et al.), the  
25 theft constitutes a crime of the first degree; **[or]**

26 (f) It is in breach of an obligation by a person in his capacity as  
27 a fiduciary and the amount involved is \$50,000.00 or more;

28 (g) The property stolen is law enforcement equipment, valued at  
29 \$300 or more, that is taken from an authorized emergency vehicle,  
30 as defined in R.S.39:1-1. However, if the property is stolen during  
31 a riot or an aggravated riot prohibited under N.J.S.2C:33-1 and the  
32 perpetration of the theft is facilitated by conditions arising from the  
33 riot; the theft is committed after the declaration of emergency is  
34 made, and the perpetration of the theft is facilitated by conditions  
35 arising from the emergency, the theft is a crime of the second  
36 degree.

37 As used in this paragraph, the term "emergency medical  
38 equipment" means mechanical or electronic apparatus used to  
39 provide emergency services and care or to treat medical  
40 emergencies.

41 "Law enforcement equipment" means any property, device, or  
42 apparatus used by any law enforcement officer as defined in section  
43 3 of P.L.1993, c. 220 (C.52:17B-161) in the officer's official  
44 business.

45 "Conditions arising from the riot" means civil unrest, power  
46 outages, curfews, or a reduction in the presence of or response time  
47 for first responders or homeland security personnel.

- 1       “Conditions arising from the emergency” means civil unrest,  
2 power outages, curfews, voluntary or mandatory evacuations, or a  
3 reduction in the presence of or response time for first responders or  
4 homeland security personnel.
- 5       A person arrested for committing a theft during a riot or an  
6 aggravated riot may not be released until the person appears before  
7 a committing magistrate at a pretrial detention hearing.
- 8       (2) Theft constitutes a crime of the third degree if:
- 9       (a) The amount involved exceeds \$500.00 but is less than  
10 \$75,000.00;
- 11       (b) The property stolen is a firearm, motor vehicle, vessel, boat,  
12 horse, domestic companion animal or airplane;
- 13       (c) The property stolen is a controlled dangerous substance or  
14 controlled substance analog as defined in N.J.S.2C:35-2 and the  
15 amount involved is less than \$75,000.00 or is undetermined and the  
16 quantity is one kilogram or less;
- 17       (d) It is from the person of the victim;
- 18       (e) It is in breach of an obligation by a person in his capacity as  
19 a fiduciary and the amount involved is less than \$50,000.00;
- 20       (f) It is by threat not amounting to extortion;
- 21       (g) It is of a public record, writing or instrument kept, filed or  
22 deposited according to law with or in the keeping of any public  
23 office or public servant;
- 24       (h) The property stolen is a person's benefits under federal or  
25 State law, or from any other source, which the Department of  
26 Human Services or an agency acting on its behalf has budgeted for  
27 the person's health care and the amount involved is less than  
28 \$75,000.00;
- 29       (i) The property stolen is any real or personal property related  
30 to, necessary for, or derived from research, regardless of value,  
31 including, but not limited to, any sample, specimens and  
32 components thereof, research subject, including any warm-blooded  
33 or cold-blooded animals being used for research or intended for use  
34 in research, supplies, records, data or test results, prototypes or  
35 equipment, as well as any proprietary information or other type of  
36 information related to research;
- 37       (j) The property stolen is a New Jersey Prescription Blank as  
38 referred to in R.S.45:14-14;
- 39       (k) The property stolen consists of an access device or a defaced  
40 access device; **【or】**
- 41       (l) The property stolen consists of anhydrous ammonia and the  
42 actor intends it to be used to manufacture methamphetamine; or
- 43       (m) If the property is stolen during a riot or an aggravated riot  
44 prohibited under N.J.S.2C:33-1 and the perpetration of the theft is  
45 facilitated by conditions arising from the riot; the property is stolen  
46 after the declaration of emergency is made, and the perpetration of  
47 the theft is facilitated by conditions arising from the emergency, the  
48 offender commits a crime of the second degree.

1       As used in this paragraph, the terms “conditions arising from a  
2 riot” and “conditions arising from the emergency” have the same  
3 meanings as provided in subparagraph (g) of paragraph (1) of this  
4 subsection. A person arrested for committing a theft during a riot  
5 or an aggravated riot may not be released until the person appears  
6 before a judge of the Superior Court at a pretrial detention hearing.

7       (3) Theft constitutes a crime of the fourth degree if the amount  
8 involved is at least \$200.00 but does not exceed \$500.00.

9       (4) Theft constitutes a disorderly persons offense if:

10       (a) The amount involved was less than \$200.00; or

11       (b) The property stolen is an electronic vehicle identification  
12 system transponder.

13       The amount involved in a theft or computer criminal activity  
14 shall be determined by the trier of fact. The amount shall include,  
15 but shall not be limited to, the amount of any State tax avoided,  
16 evaded or otherwise unpaid, improperly retained or disposed of.  
17 Amounts involved in thefts or computer criminal activities  
18 committed pursuant to one scheme or course of conduct, whether  
19 from the same person or several persons, may be aggregated in  
20 determining the grade of the offense.

21       c. Claim of right. It is an affirmative defense to prosecution  
22 for theft that the actor:

23       (1) Was unaware that the property or service was that of  
24 another;

25       (2) Acted under an honest claim of right to the property or  
26 service involved or that he had a right to acquire or dispose of it as  
27 he did; or

28       (3) Took property exposed for sale, intending to purchase and  
29 pay for it promptly, or reasonably believing that the owner, if  
30 present, would have consented.

31       d. Theft from spouse. It is no defense that theft or computer  
32 criminal activity was from or committed against the actor's spouse,  
33 except that misappropriation of household and personal effects, or  
34 other property normally accessible to both spouses, is theft or  
35 computer criminal activity only if it occurs after the parties have  
36 ceased living together.

37 (cf: P.L.2013, c.58, s.2)

38

39       7. N.J.S.59:2-2 is amended to read as follows:

40       59:2-2. a. A public entity is liable for injury proximately caused  
41 by an act or omission of a public employee within the scope of his  
42 employment in the same manner and to the same extent as a private  
43 individual under like circumstances.

44       b. A public entity is not liable for an injury resulting from an  
45 act or omission of a public employee where the public employee is  
46 not liable.

47       c. A municipality has a duty to allow the municipal law  
48 enforcement agency to respond appropriately to protect persons and

1 property during a riot or an unlawful assembly based on the  
2 availability of adequate equipment to its municipal law enforcement  
3 officers and relevant State and federal laws. If the governing body  
4 of a municipality or a person authorized by the governing body of  
5 the municipality breaches that duty, the municipality is civilly liable  
6 for any damages including damages arising from personal injury,  
7 wrongful death, or property damages proximately caused by the  
8 municipality's breach of duty.

9 (cf: P.L.1972, c.45, s.59:2-2)

10

11 8. a. (New section) Mob intimidation. It is unlawful for a  
12 person, assembled with two or more other persons and acting with a  
13 common intent, to use force or threaten to use imminent force, to  
14 compel or induce, or attempt to compel or induce, another person to  
15 do or refrain from doing any act or to assume, abandon, or maintain  
16 a particular viewpoint against his or her will.

17 b. A person who violates subsection a. commits a disorderly  
18 persons offense.

19 c. A person arrested for a violation of this section shall be held  
20 in custody until brought before the court for a pretrial detention  
21 hearing.

22

23 9. (New section) Cyber-intimidation by publication. As used  
24 in this section, the term:

25 "Electronically publish" means to disseminate, post, or otherwise  
26 disclose information to an Internet site or forum.

27 "Harass" has the same meaning as provided in N.J.S.2C:33-4.

28 It is unlawful for a person to electronically publish another  
29 person's personal identification information with the intent to, or  
30 with the intent that a third party will use the information to:

31 Incite violence or commit a crime against the person; or

32 Threaten or harass the person, placing such person in reasonable  
33 fear of bodily harm.

34 A person who violates this section commits a crime of the fourth  
35 degree.

36

37 10. (New section) Affirmative defense in civil action; party  
38 convicted of riot.

39 a. In a civil action for damages for personal injury, wrongful  
40 death, or property damage, it is an affirmative defense that such  
41 action arose from an injury or damage sustained by a participant  
42 acting in furtherance of a riot. The affirmative defense authorized  
43 by this section shall be established by evidence that the participant  
44 has been convicted of a riot or an aggravated riot prohibited under  
45 N.J.S.2C:33-1 or by proof of the commission of such crime by a  
46 preponderance of the evidence.

47 b. In a civil action in which a defendant raises an affirmative  
48 defense under this section, the court must, on motion by the



1 defendant, stay the action during the pendency of a criminal action  
2 that forms the basis for the defense, unless the court finds that a  
3 conviction in the criminal action would not form a valid defense  
4 under this section.

5  
6 11. (New section) If the tentative budget of a municipality  
7 contains a funding reduction to the operating budget of the  
8 municipal law enforcement agency, the municipal attorney or a  
9 member of the governing body who objects to the funding  
10 reduction, may file an appeal to the Division of Local Government  
11 Services in the Department of Community Affairs within 30 days  
12 after the day the tentative budget is posted to the official website of  
13 the municipality.

14  
15 12. This act shall take effect immediately.

16

17

18 STATEMENT

19

20 This omnibus bill addresses riot and certain violent crime  
21 committed during the course of riot. Presently, a person is guilty of  
22 riot if he participates with four or more others in a course of  
23 disorderly conduct with an unlawful purpose, enumerated in the  
24 statute. This bill amends subsection b. of N.J.S.2C:33-1, riot, and  
25 expands the categories of riot to include aggravated riot, inciting a  
26 riot and aggravated inciting a riot. Under the bill, a person commits  
27 riot if the he participates in a violent public disturbance involving  
28 an assembly of three or more persons, acting with a common intent  
29 to assist each other in violent and disorderly conduct, resulting in  
30 (1) Injury to another person; (2) Damage to property; or (3)  
31 Imminent danger of injury to another person or damage to property.  
32 A person who commits a riot when he or any other participant,  
33 known to him, uses or plans to use a firearm or other deadly weapon  
34 is guilty of a crime of the third degree. A crime of the third degree  
35 is punishable by up to 5 years imprisonment, a fine of up to  
36 \$15,000, or both. Otherwise riot is a crime of the fourth degree. A  
37 crime of the fourth degree is punishable by up to 18 months  
38 imprisonment, a fine of up to \$10,000, or both.

39 New subsection b. is added to N.J.S.2C:33-1 to provide a person  
40 commits aggravated riot if, in the course of committing a riot, he:  
41 (1) Participates with 25 or more other persons; (2) Causes serious  
42 bodily injury to a person not participating in the riot; (3) Causes  
43 property damage in excess of \$5,000; (4) Displays, uses, threatens  
44 to use, or attempts to use a deadly weapon; or (5) By force, or threat  
45 of force, endangers the safe movement of a vehicle traveling on a  
46 public street, highway, or road. A person who commits aggravating  
47 riot commits a crime of the second degree. A crime of the second

1 degree is punishable by up to 10 years imprisonment, a fine of up to  
2 \$150,000, or both.

3 New subsection c. is added to N.J.S.2C:33-1 to provide a person  
4 commits inciting a riot if he willfully incites another person to  
5 participate in a riot, resulting in a riot or imminent danger of a riot.  
6 A person who commits inciting a riot commits a crime of the third  
7 degree.

8 New subsection d. is added to N.J.S.2C:33-1 to provide a person  
9 commits aggravated inciting a riot if he (1) Incites a riot resulting in  
10 serious bodily harm to another person not participating in the riot;  
11 (2) Incites a riot resulting in property damage in excess of \$5,000;  
12 or (3) Supplies a deadly weapon to another person or teaches  
13 another person to prepare a deadly weapon with intent that the  
14 deadly weapon be used in a riot for an unlawful purpose. A person  
15 who commits aggravated inciting a riot commits a crime of the  
16 second degree.

17 Under the bill, a person arrested for a violation of N.J.S.2C:33-1  
18 shall be held in custody until brought before the court for a pretrial  
19 detention hearing. The bill does not prohibit constitutionally  
20 protected activity such as a peaceful protest.

21 The bill amends N.J.S.2C:33-7, obstructing highways or other  
22 passages, to provide that it shall be unlawful for a person, having no  
23 legal privilege to do so, to purposely or recklessly obstruct any  
24 highway or other public passage whether alone or with others. No  
25 person shall be deemed in violation of this subsection solely  
26 because of a gathering of persons to hear him speak or otherwise  
27 communicate, or solely because of being a member of such a  
28 gathering. The amendment leaves intact subsection b. of  
29 N.J.S.2C:33-7, which concerns refusal to obey a reasonable official  
30 request or order to move.

31 The bill amends N.J.S.2C:12-1, Assault. Currently, paragraph  
32 (5) of subsection b. enumerates specific circumstances when  
33 aggravated assault occurs. This bill adds that a person is guilty of  
34 aggravated assault if he attempts to cause or purposely, knowingly  
35 or recklessly causes bodily injury to another in the course of a riot.  
36 Aggravated assault under this circumstance is a crime of the third  
37 degree, punishable by up to five years imprisonment, a fine of up to  
38 \$15,000, or both.

39 Paragraph (5) of subsection b. of N.J.S.2C:12-1 further elevates  
40 simple assault to aggravated assault when committed against certain  
41 categories of persons, including when committed against a law  
42 enforcement officer acting in the performance of the officer's duties  
43 while in uniform or exhibiting evidence of authority or because of  
44 the officer's status as a law enforcement officer, and is graded as a  
45 crime of the third degree. Under the bill, if, in the course of a riot,  
46 an object is thrown at certain emergency personnel including law  
47 enforcement officers, or if the emergency personnel is struck,  
48 whether or not with an object, the presumption of non-

1 imprisonment for a first offense of a crime of the third degree shall  
2 not apply, and a mandatory period of six months imprisonment shall  
3 apply.

4 The bill amends N.J.S.2C:17-3, criminal mischief, to add an  
5 additional category to the offense. Under the new provision, a  
6 person is guilty of criminal mischief if he without the consent of the  
7 owner thereof, willfully and maliciously defaces, injures, or  
8 otherwise damages by any means a memorial or historic property,  
9 and the value of the damage to the memorial or historic property is  
10 greater than \$200. The bill grades this offense as a crime of the  
11 third degree where the damage is to a memorial or historic property.  
12 The bill provides that “historic property” means any building,  
13 structure, site, or object that has been officially designated or  
14 approved for inclusion, or which meets the criteria for inclusion, in  
15 the New Jersey Register of Historic Places pursuant to P.L.1970,  
16 c.268 (C.13:1B-15.128 et seq.) as a historic building, historic  
17 structure, historic site, or historic object through a federal, state, or  
18 local designation program. “Memorial” means a plaque, statue,  
19 marker, flag, banner, cenotaph, religious symbol, painting, seal,  
20 tombstone, structure name, or display that is constructed and  
21 located with the intent of being permanently displayed or  
22 perpetually maintained; is dedicated to a historical person, an entity,  
23 an event, or a series of events; and honors or recounts the military  
24 service of any past or present United States Armed Forces military  
25 personnel, or the past or present public service of a resident of the  
26 geographical area comprising the state or the United States. A court  
27 shall order any person convicted of violating this provision to pay  
28 restitution, which shall include the full cost of repair or replacement  
29 of such memorial or historic property.

30 The bill amends N.J.S.A.2C:18-2, burglary, to add an additional  
31 circumstance to the grading scheme. Under the bill, burglary is a  
32 crime of the second degree if it occurs during a riot or an  
33 aggravated riot and the perpetration of the burglary is facilitated by  
34 conditions arising from the riot. The section is further amended to  
35 provide that “conditions arising from the riot,” means civil unrest,  
36 power outages, curfews, or a reduction in the presence of or  
37 response time for first responders or homeland security personnel.  
38 A person arrested for committing a burglary during a riot or  
39 aggravated riot may not be released until the person appears before  
40 a judge at a pretrial detention hearing.

41 The bill amends N.J.S.A.2C:20-2, theft, to add an additional  
42 circumstances to the grading scheme. Under the bill, theft is a  
43 crime of the second degree if the property stolen is law enforcement  
44 equipment, valued at \$300 or more, that is taken from an authorized  
45 emergency vehicle, as defined in R.S.39:1-1. “Emergency medical  
46 equipment” means mechanical or electronic apparatus used to  
47 provide emergency services and care or to treat medical  
48 emergencies. “Law enforcement equipment” means any property,

1 device, or apparatus used by any law enforcement officer as defined  
2 in section 3 of P.L.1993, c.220, (C.52:17B-161) in the officer's  
3 official business. If the property is stolen during a riot or an  
4 aggravated riot prohibited under section N.J.S.2C:33-1 and the  
5 perpetration of the theft is facilitated by conditions arising from the  
6 riot; the theft is committed after the declaration of emergency is  
7 made, and the perpetration of the theft is facilitated by conditions  
8 arising from the emergency, the theft is a crime of the second  
9 degree. Under the bill, the term "conditions arising from the riot"  
10 means civil unrest, power outages, curfews, or a reduction in the  
11 presence of or response time for first responders or homeland  
12 security personnel and the term "conditions arising from the  
13 emergency" means civil unrest, power outages, curfews, voluntary  
14 or mandatory evacuations, or a reduction in the presence of or  
15 response time for first responders or homeland security personnel.

16 Third degree theft is elevated to a crime of the second degree if  
17 the property is stolen during a riot or an aggravated riot prohibited  
18 under N.J.S.2C:33-1 and the perpetration of the theft is facilitated  
19 by conditions arising from the riot; the property is stolen after the  
20 declaration of emergency is made, and the perpetration of the theft  
21 is facilitated by conditions arising from the emergency.

22 A person arrested for committing a theft during a riot crime, or  
23 other crime amended by the bill, may not be released until the  
24 person appears before a judge at a pretrial detention hearing.

25 The bill amends N.J.S.59:2-2, concerning public entity liability  
26 to provide that a municipality has a duty to allow the municipal law  
27 enforcement agency to respond appropriately to protect persons and  
28 property during a riot or an unlawful assembly based on the  
29 availability of adequate equipment to its municipal law enforcement  
30 officers and relevant State and federal laws.

31 The bill creates the new offenses of mob intimidation and cyber-  
32 intimidation by publication. Under the bill, mob intimidation  
33 occurs when a person, assembled with two or more other persons  
34 and acting with a common intent, to use force or threaten to use  
35 imminent force, to compel or induce, or attempt to compel or  
36 induce, another person to do or refrain from doing any act or to  
37 assume, abandon, or maintain a particular viewpoint against his or  
38 her will. A person who violates this section commits a disorderly  
39 persons offense. A disorderly persons offense is punishable by up  
40 to 6 months imprisonment, a fine of up to \$1,000, or both. A  
41 person arrested for a violation of this section shall be held in  
42 custody until brought before the court for a pretrial detention  
43 hearing.

44 Under the bill, cyber-intimidation by publication occurs when a  
45 person electronically publishes another person's personal  
46 identification information with the intent to, or with the intent that a  
47 third party will use the information to (a) Incite violence or commit  
48 a crime against the person; or (b) Threaten or harass the person,

**S399 PENNACCHIO, SINGER**

21

1 placing such person in reasonable fear of bodily harm. A person  
2 who violates this subsection commits a crime of the fourth degree.  
3 The bill establishes an affirmative defense in action for personal  
4 injury, wrongful death, or property damage that action arose from  
5 an injury or damage sustained by a participant acting in furtherance  
6 of a riot.  
7 The bill establishes a procedure to appeal law enforcement  
8 funding reduction proposal in local budgets.  
9 This bill is modeled closely on Florida Laws ch.6; 2021 Fla. HB  
10 1.