

[Second Reprint]

ASSEMBLY, No. 4652

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 25, 2024

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O'Scanlon, Greenstein, Assemblymen Stanley, Sampson, Senators
Holzapfel, Diegnan and Amato**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended on May 15, 2025 by the General Assembly pursuant to the Governor's recommendations.

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.

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. 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 ²: (1)² the person acts with purpose to ²[organize or promote]
30 incite²

31 a group of four or more other persons ²imminently² to engage in a
32 course of disorderly conduct as defined in ¹[subsection]
33 subsections¹ a. ¹or d.¹ of N.J.S.2C:33-2 ²or acts with purpose to
34 produce such imminent course of disorderly conduct by a group of
35 four or more persons; and

36 (2) the person's actions are likely to incite or produce such
37 imminent course of disorderly conduct by a group of four or more
38 persons².

39 Inciting a public brawl is a crime of the fourth degree if the
40 person acts with purpose to ²[disrupt or cause a disturbance at a

otherwise, it is a disorderly persons offense. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of inciting a public brawl shall not merge with the offense of riot pursuant to subsection a. of this section or disorderly conduct pursuant to ²[subsection a.] subsections a. or d.² of N.J.S.2C:33-2.

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

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

2C:33-2. Disorderly Conduct. a. Improper behavior. [A] Except as otherwise provided in subsection c. of this section, a person is guilty of a petty disorderly persons offense [.] if with purpose to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof [he] , the person:

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

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

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

c. Concealing identity. A person who attempts to conceal or conceals the person's identity ²by wearing a mask or disguise² while engaging in a course of disorderly conduct, as defined in subsection a. of this section, with purpose to ²instill fear,² hinder prosecution ^{2, 2} or avoid apprehension is guilty of a disorderly persons offense.

d. Disturbance at a public gathering. A person who acts with purpose to disrupt or cause a disturbance at a public gathering or event

¹or who engages in behavior knowing that it will disrupt or cause a disturbance at a public gathering or event¹ is guilty of a disorderly persons offense. ²For purposes of this subsection, a person who wears a mask or disguise solely for medical, religious, or expressive purposes shall not be deemed to have acted with purpose to instill fear, hinder prosecution, or avoid apprehension.²

"Public" means affecting or likely to affect persons in a place to