

## **New Jersey Obstruction Offense(s)**

### **1. What is New Jersey's law on the obstruction of law?**

The New Jersey obstruction law, N.J.S.A. 2C:29-1, provides as follows:

#### **N.J.S.A. 2C:29-1. Obstructing administration of law or other governmental function**

a. A person commits an offense if he purposely obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from lawfully performing an official function by means of flight, intimidation, force, violence, or physical interference or obstacle, or by means of any independently unlawful act. This section does not apply to failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.

b. An offense under this section is a crime of the fourth degree if the actor obstructs the detection or investigation of a crime or the prosecution of a person for a crime, otherwise it is a disorderly persons offense.

### **2. How can a person commit the offense of obstruction to justice?**

A person obstructs the offense of obstruction of the administration of law if he purposefully prevents a public official from performing his job. The public official is almost always a police officer. The defendant must also have as his conscious object to prevent the law performance of an official function by a public servant. The defendant must then take a substantial step in the court of conduct that is designed to cause the prevention.

N.J.S.A. 2C:29-1 restricts the specific types of conduct that can be used to try to prevent a public official from performing an official function. This law prohibits specific conduct to obstruct, impair or prevent the administration of law including: (1) flight; (2) intimidation; (3) force; (4) violence; (5) physical interference; (6) obstacle; and (7) other unlawful act.

It is important to emphasize that words alone are not enough to prevent or attempt the law performance of a governmental function by a public official (Police Officer.) Nonetheless, abusive words that are combined with physically threatening actions can constitute adequate evidence to support an attempted prevention.

### **3. How is the charge of obstruction of justice graded?**

The offense of obstruction to justice is a disorderly persons offense. However, it can be classified as a crime of the fourth degree when the defendant obstructs or prevents the detection, investigation or the prosecution of a crime.

It should be emphasized that there must be some affirmative act on the part of a defendant for a charge of obstruction to be proper. The suspect must engage in an affirmative act whose conscious object is to obstruct, impair or pervert the administration of law or other governmental function. Absent an affirmative act of this nature, a violation of N.J.S.A. 2C:29-1 cannot be established.

The offense of obstruction escalates to a fourth degree offense when the obstruction involves "detection or investigation of a crime or the prosecution of a person for a crime."

#### **4. When are New Jersey obstruction offenses charged?**

The criminal offense known as obstructing of the administration of law is often referred to as an obstruction charge. This charge is often charged when a person interferes with the police in New Jersey. A person can interfere with the police in several different scenarios and they are; resisting arrest, eluding arrest, hindering apprehension or prosecution, impersonating an officer, compounding, and tampering.

#### **5. What are the penalties for a conviction of obstruction to justice?**

Generally, obstruction is a disorderly person's offense. However, an offense may be upgraded to a fourth degree crime if the actor obstructs the detection or investigation of a crime or the prosecution of a person for a crime. A person can receive upon 6 months in prison for a DP obstruction charge. However, if a fourth degree obstruction charge is filed, then a defendant faces up to 18 months in prison.

The following penalties can be imposed for a conviction for a DP obstruction to justice;

- a. Fine range 0 to \$100
- b. VCCB Assessment \$50
- c. Safe Neighborhood Assessment \$75
- d. Court costs \$33
- e. Jail term 0 to 6 months
- f. Restitution to the victim

g. Probation.

h. Loss of driving privileges.