

2C 43-2.1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:43-2.1

(Auto theft -- convicted criminal responsible for cost of recovery and repairs)

LAWS OF: 1983

CHAPTER: 411

Bill No: A449

Sponsor(s): Girgenti, Pellecchia and Shusted

Date Introduced: Pre-filed

Committee: Assembly: Judiciary, Law, Public Safety and Defense

Senate: Judiciary

Amended during passage:

Yes

Amendments during passage denoted by asterisks

Date of Passage:

Assembly: April 25, 1983

Senate: December 15, 1983

Date of Approval: January 4, 1984

Following statements are attached if available:

Sponsor statement:

Yes

Committee statement:

Assembly

No

Senate

Yes

Fiscal Note:

No

Veto Message:

No

Message on Signing:

No

Following were printed:

Reports:

No

Hearings:

No

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ASSEMBLY, No. 449**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Assemblymen GIRGENTI, PELLECCIA and SHUSTED

AN ACT making persons convicted of offenses involving theft or unlawful taking of motor vehicles liable to the owners of the motor vehicles for expenses incurred in recovering the vehicles and for damages to them **and supplementing Title 2C of the New Jersey Statutes**.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. A person who is convicted of an offense involving the theft or
2 unlawful taking of a motor vehicle, in addition to any other fine,
3 penalty, or restitution which may be imposed by law, is liable to the
4 owner of the motor vehicle for any reasonable and necessary
5 expense incurred by the owner in recovering the motor vehicle
6 and for any damage to the motor vehicle prior to its recovery by
7 the owner. In **the sentencing** proceedings on the offense, the
8 owner may submit evidence of expenses incurred and damages
9 sustained. The court shall make a finding of the amount of ex-
10 penses incurred and damages sustained, and if the record does
11 not contain sufficient evidence to support such a finding, the court
12 may conduct a hearing upon the issue. The court shall order the
13 person convicted of the offense to make restitution to the owner
14 in the amount of the expenses and damages found by the court.
15 The court shall file a copy of the order with the clerk of the
16 Superior Court who shall enter upon his record of docketed
17 judgments the name of the convicted person as judgment debtor,
18 and of the owner as judgment creditor, a statement that the
19 restitution is ordered under this section, the amount of the
20 restitution, and the date of the order. This entry shall have the
21 same force as a judgment docketed in the Superior Court.

1 2. This act shall take effect immediately.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted April 11, 1983.**

STATEMENT

The purpose of this bill is to make the person who is convicted of stealing or unlawfully taking a motor vehicle liable for costs incurred by the owner of the vehicle to recover it and for any damage to the vehicle prior to its recovery by the owner.

Automobile theft is one of the most frequently committed crimes in our society. Often the person involved in the theft is a teenager who takes a car for a joyride. The victim of this crime not only suffers the loss of his vehicle, but often has to incur expenses, such as towing or storage charges, to recover it. Many times the vehicles are damaged and the owners are faced with the additional bother and expense of having the vehicles repaired. The new penal code makes restitution one of the options available in the disposition of criminal cases but restitution is not required. The owner also may bring a civil action for expenses or damages incurred as a result of the theft or taking. This would involve further expense for the owner and would probably take a considerable time before recovery could be obtained.

This bill would reduce significantly the burden that the crime of automobile theft places upon the owner of the vehicle, and place that burden where it properly belongs, with the criminal who steals the automobile. It requires restitution by a person convicted of an offense involving the theft or unlawful taking of a motor vehicle to the owner of the vehicle for recovery expenses and damages to the vehicle. It provides that the amount of the restitution be determined and ordered in the criminal proceeding on the offense. The restitution order would be docketed in the Superior Court and have the same force as a judgment docketed in that court.

A449(1983)

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 449

STATE OF NEW JERSEY

DATED: JUNE 27, 1983

This bill would provide that any person who is convicted of an offense involving the theft or unlawful taking of a motor vehicle would be liable to the owner of the motor vehicle for any expenses incurred by the owner in recovering the motor vehicle and for damage to the motor vehicle prior to recovery. The amount of expenses and damages would be determined during the sentencing proceeding and the order fixing that amount would be entered as a judgment against the defendant.