

FLOOR AMENDMENT STATEMENT: Yes
LEGISLATIVE FISCAL ESTIMATE: Yes 02/10/2023
06/22/2023

S3345 (SCS/1R)

INTRODUCED BILL: (Includes sponsor(s) statement) Yes
COMMITTEE STATEMENT: **ASSEMBLY:** No
SENATE: Yes Judiciary

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No
LEGISLATIVE FISCAL ESTIMATE: Yes 02/13/2023

VETO MESSAGE: No
GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No
HEARINGS: No
NEWSPAPER ARTICLES: Yes

Brent Johnson and S.P. Sullivan - For South Jersey Times, 'Murphy signs laws aimed at fighting car thefts Officials touted the measures, but some progressive advocates have voiced opposition.', *South Jersey Times* (online), 9 Jul2023 003

CL/JA

P.L. 2023, CHAPTER 102, *approved July 7, 2023*
Assembly, No. 5034 (*First Reprint*)

1 AN ACT concerning automobile theft and amending P.L.1991, c.82.

2

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

5

6 1. Section 1 of P.L.1991, c.82 (C.2C:20-18) is amended to read as
7 follows:

8 1. a. A person is a leader of an auto theft trafficking network if
9 **[he]** the person conspires with others as an organizer, supervisor,
10 financier **[or]**, manager, or recruiter to engage for profit or to commit
11 other criminal activity in a scheme or course of conduct to unlawfully
12 take, dispose of, distribute, bring into, or transport in this State
13 automobiles or automobile parts as stolen property. Leader of auto
14 theft trafficking network is a crime of the **[second]** ¹**[first]** second¹
15 degree. Notwithstanding the provisions of subsection a. of
16 N.J.S.2C:43-3, the court may impose a fine not to exceed
17 **[\$250,000.00]** \$250,000 or five times the retail value of the
18 automobiles or automobile parts seized at the time of the arrest,
19 whichever is greater.

20 b. A person is a participant in an auto theft trafficking network if
21 the person conspires with others as a participant to engage for profit or
22 to commit other criminal activity in a scheme or course of conduct to
23 unlawfully take, dispose of, distribute, bring into, or transport in this
24 State automobiles or automobile parts as stolen property. Participant
25 in auto theft trafficking network is a crime of the ¹**[second]** third¹
26 degree. ¹**[Notwithstanding the provisions of subsection a. of**
27 **N.J.S.2C:43-3, the court may impose a fine not to exceed \$250,000 or**
28 **five times the retail value of the automobiles or automobile parts**
29 **seized at the time of the arrest, whichever is greater.]**¹

30 c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction
31 of leader of auto theft trafficking network or participant in auto theft
32 trafficking network shall not merge with the conviction for any offense
33 which is the object of the conspiracy. Nothing contained in this act
34 shall prohibit the court from imposing an extended term pursuant to
35 N.J.S.2C:43-7; nor shall this act be construed in any way to preclude
36 or limit the prosecution or conviction of any person for conspiracy
37 under N.J.S.2C:5-2, or any prosecution or conviction for any other
38 offense.

39 d. It shall not be necessary in any prosecution under this act for
40 the State to prove that any intended profit was actually realized. The

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted February 13, 2023.

1 trier of fact may infer that a particular scheme or course of conduct
2 was undertaken for profit from all of the attending circumstances,
3 including but not limited to the number of persons involved in the
4 scheme or course of conduct, the actor's net worth and **【his】**
5 expenditures in relation to **【his】** the actor's legitimate sources of
6 income, the number of automobiles or automobile parts involved, or
7 the amount of cash or currency involved.

8 e. It shall not be a defense to a prosecution under this act that the
9 automobile or automobile part was brought into or transported in this
10 State solely for ultimate distribution in another jurisdiction; nor shall it
11 be a defense that any profit was intended to be made in another
12 jurisdiction.

13 (cf: P.L.1991, c.82, s.1)

14

15 2. This act shall take effect immediately.

16

17

18

19

20 Expands crime of leader of auto theft trafficking network;
21 establishes third degree crime of participant in auto theft trafficking
22 network.

ASSEMBLY, No. 5034

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JANUARY 10, 2023

Sponsored by:

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

SYNOPSIS

Upgrades crime of leader of auto theft trafficking network; establishes second degree crime of participant in auto theft trafficking network.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/9/2023)

1 AN ACT concerning automobile theft and amending P.L.1991, c.82.

2

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

5

6 1. Section 1 of P.L.1991, c.82 (C.2C:20-18) is amended to read
7 as follows:

8 1. a. A person is a leader of an auto theft trafficking network if
9 **[he]** the person conspires with others as an organizer, supervisor,
10 financier **[or]**, manager, or recruiter to engage for profit or to
11 commit other criminal activity in a scheme or course of conduct to
12 unlawfully take, dispose of, distribute, bring into, or transport in
13 this State automobiles or automobile parts as stolen property.
14 Leader of auto theft trafficking network is a crime of the **[second]**
15 first degree. Notwithstanding the provisions of subsection a. of
16 N.J.S.2C:43-3, the court may impose a fine not to exceed
17 **[\$250,000.00]** \$500,000 or five times the retail value of the
18 automobiles or automobile parts seized at the time of the arrest,
19 whichever is greater.

20 b. A person is a participant in an auto theft trafficking network
21 if the person conspires with others as a participant to engage for
22 profit or to commit other criminal activity in a scheme or course of
23 conduct to unlawfully take, dispose of, distribute, bring into, or
24 transport in this State automobiles or automobile parts as stolen
25 property. Participant in auto theft trafficking network is a crime of
26 the second degree. Notwithstanding the provisions of subsection a.
27 of N.J.S.2C:43-3, the court may impose a fine not to exceed
28 \$250,000 or five times the retail value of the automobiles or
29 automobile parts seized at the time of the arrest, whichever is
30 greater.

31 c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction
32 of leader of auto theft trafficking network or participant in auto
33 theft trafficking network shall not merge with the conviction for any
34 offense which is the object of the conspiracy. Nothing contained in
35 this act shall prohibit the court from imposing an extended term
36 pursuant to N.J.S.2C:43-7; nor shall this act be construed in any
37 way to preclude or limit the prosecution or conviction of any person
38 for conspiracy under N.J.S.2C:5-2, or any prosecution or conviction
39 for any other offense.

40 d. It shall not be necessary in any prosecution under this act for
41 the State to prove that any intended profit was actually realized. The
42 trier of fact may infer that a particular scheme or course of conduct
43 was undertaken for profit from all of the attending circumstances,
44 including but not limited to the number of persons involved in the
45 scheme or course of conduct, the actor's net worth and **[his]**

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 expenditures in relation to **[his]** the actor's legitimate sources of
2 income, the number of automobiles or automobile parts involved, or
3 the amount of cash or currency involved.

4 e. It shall not be a defense to a prosecution under this act that
5 the automobile or automobile part was brought into or transported
6 in this State solely for ultimate distribution in another jurisdiction;
7 nor shall it be a defense that any profit was intended to be made in
8 another jurisdiction.

9 (cf: P.L.1991, c.82, s.1)

10

11 2. This act shall take effect immediately.

12

13

14

STATEMENT

15

16 This bill upgrades the crime of leader of auto theft trafficking
17 network and establishes a second degree crime of participant in auto
18 theft trafficking network.

19 Under current law, a person commits the crime of leader of auto
20 theft trafficking network, a crime of the second degree, if the person
21 conspires with others as an organizer, supervisor, financier, or
22 manager to engage for profit in a scheme or course of conduct to
23 unlawfully take, dispose of, distribute, bring into, or transport in
24 this State automobiles as stolen property. A crime of the second
25 degree is punishable by a fine of up to \$150,000, a term of
26 imprisonment of five to 10 years, or both. Under current law, for
27 this crime, a court may impose a fine not to exceed \$250,000 or five
28 times the retail value of the automobiles or automobile parts seized
29 at the time of the theft.

30 Under the bill, a person is a leader of an auto theft trafficking
31 network if the person conspires with others as an organizer,
32 supervisor, financier, manager, or recruiter to engage for profit or to
33 commit other criminal activity in a scheme or course of conduct to
34 unlawfully take, dispose of, distribute, bring into, or transport in
35 this State automobiles or automobile parts as stolen property. The
36 bill makes leader of auto theft trafficking network a crime of the
37 first degree. A crime of the first degree is punishable by a fine of
38 up to \$200,000, a term of imprisonment of 10-20 years, or both.
39 The bill provides that for a person convicted of this crime, the court
40 may impose a fine not to exceed \$500,000 or five times the retail
41 value of the automobiles or automobile parts seized at the time of
42 the arrest, whichever is greater.

43 The bill also establishes a new crime of participant in auto theft
44 trafficking network if a person conspires with others as a participant
45 to engage for profit or to commit other criminal activity in a scheme
46 or course of conduct to unlawfully take, dispose of, distribute, bring
47 into, or transport in this State automobiles or automobile parts as

A5034 TULLY, SPEIGHT

4

1 stolen property. Participant in auto theft trafficking network is a
2 crime of the second degree. The court may impose a fine on a
3 person convicted of this crime not to exceed \$250,000 or five times
4 the retail value of the automobiles or automobile parts seized at the
5 time of the arrest, whichever is greater.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5034

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2023

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 5034.

As amended and reported by the committee, Assembly Bill No. 5034 expands the crime of leader of auto theft trafficking network and establishes a third degree crime of participant in auto theft trafficking network.

Under current law, a person commits the crime of leader of auto theft trafficking network, a crime of the second degree, if the person conspires with others as an organizer, supervisor, financier, or manager to engage for profit in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles as stolen property. A crime of the second degree is punishable by a fine of up to \$150,000, a term of imprisonment of five to 10 years, or both. Under current law, for this crime, a court may impose a fine not to exceed \$250,000 or five times the retail value of the automobiles or automobile parts seized at the time of the theft.

Under the bill, a person is a leader of an auto theft trafficking network if the person conspires with others as an organizer, supervisor, financier, manager, or recruiter to engage for profit or to commit other criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property.

The bill establishes a new crime of participant in auto theft trafficking network if a person conspires with others as a participant to engage for profit or to commit other criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property. Participant in auto theft trafficking network is a crime of the third degree. A crime of the third degree is punishable by a fine of up to \$15,000, a term of imprisonment of three to five years, or both.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) remove the provision of the bill that upgrades the crime of leader of auto theft trafficking network to a crime of the first degree so

that a violation under the amended bill would remain a crime of the second degree; and

(2) provide that participant in an auto theft trafficking network is a crime of the third degree; and

(3) remove the provisions of the bill that provide for enhanced penalties for a crime of participant in an auto theft trafficking network.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 5034

STATE OF NEW JERSEY

DATED: MARCH 23, 2023

The Assembly Appropriations Committee reports favorably Assembly Bill Number 5034 (1R).

This bill expands the crime of leader of auto theft trafficking network and establishes a third degree crime of participant in auto theft trafficking network.

Under current law, a person commits the crime of leader of auto theft trafficking network, a crime of the second degree, if the person conspires with others as an organizer, supervisor, financier, or manager to engage for profit in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles as stolen property. A crime of the second degree is punishable by a fine of up to \$150,000, a term of imprisonment of five to 10 years, or both. Under current law, for this crime, a court may impose a fine not to exceed \$250,000 or five times the retail value of the automobiles or automobile parts seized at the time of the theft.

Under the bill, a person is a leader of an auto theft trafficking network if the person conspires with others as an organizer, supervisor, financier, manager, or recruiter to engage for profit or to commit other criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property.

The bill establishes a new crime of participant in auto theft trafficking network if a person conspires with others as a participant to engage for profit or to commit other criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property. Participant in auto theft trafficking network is a crime of the third degree. A crime of the third degree is punishable by a fine of up to \$15,000, a term of imprisonment of three to five years, or both.

FISCAL IMPACT:

The Office of Legislative Services (OLS) projects that this bill will result in annual State expenditure and revenue increases. The following State agencies would incur caseload and expenditure increases: i) the Department of Corrections would have to house more inmates in State prisons and the State Parole Board would have to

supervise their return to society; ii) the Department of Law and Public Safety would have to prosecute additional cases; iii) the Judiciary would have to adjudicate additional cases; and iv) the Office of the Public Defender would have to represent additional low-income criminal defendants.

The OLS does not have sufficient information on the potential increases in number of convictions and terms of imprisonment resulting from the bill's provisions and therefore is unable to estimate the costs to the State.

This bill expands the crime of leader of an auto theft trafficking network and establishes a third degree crime of participant in auto theft trafficking network. The OLS notes the State may receive indeterminate revenue from regular and enhanced fines imposed on individuals convicted of the crimes under this bill. However, the State's ability to collect criminal fines and penalties has historically been limited.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 5034

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: MARCH 27, 2023

SUMMARY

- Synopsis:** Expands crime of leader of auto theft trafficking network; establishes third degree crime of participant in auto theft trafficking network.
- Type of Impact:** Annual State expenditure and revenue increases.
- Agencies Affected:** Department of Corrections, State Parole Board, Department of Law and Public Safety, the Judiciary, Office of the Public Defender.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) projects that this bill will result in annual State expenditure and revenue increases. The following State agencies would incur caseload and expenditure increases: i) the Department of Corrections would have to house more inmates in State prisons and the State Parole Board would have to supervise their return to society; ii) the Department of Law and Public Safety would have to prosecute additional cases; iii) the Judiciary would have to adjudicate additional cases; and iv) the Office of the Public Defender would have to represent additional low-income criminal defendants.
- The OLS does not have sufficient information on the potential increases in number of convictions and terms of imprisonment resulting from the bill's provisions and therefore is unable to estimate the costs to the State.
- This bill expands the crime of leader of an auto theft trafficking network and establishes a third degree crime of participant in auto theft trafficking network. The OLS notes the State may receive indeterminate revenue from regular and enhanced fines imposed on individuals convicted of the crimes under this bill. However, the State's ability to collect criminal fines and penalties has historically been limited.

BILL DESCRIPTION

This bill expands the crime of leader of auto theft trafficking network and establishes a third degree crime of participant in auto theft trafficking network.

Under the bill, a person is a leader of an auto theft trafficking network if the person conspires with others as an organizer, supervisor, financier, manager, or recruiter to engage for profit or to commit other criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property.

The bill establishes a new crime of participant in auto theft trafficking network if a person conspires with others as a participant to engage for profit or to commit other criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property. Participant in auto theft trafficking network is a crime of the third degree.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects that this bill will result in annual State expenditure and revenue increases. The following State agencies would incur caseload and expenditure increases: i) the Department of Corrections would have to house more inmates and the State Parole Board would have to supervise their return to society; ii) the Department of Law and Public Safety would have to prosecute additional cases; iii) the Judiciary would have to adjudicate additional cases; and iv) the Office of the Public Defender would have to represent additional low-income criminal defendants.

Crime data made available on the official State website indicates that there were 10,279 motor vehicle thefts in 2020 and 4,962 motor vehicle thefts for the period January through June in 2021. However, the OLS does not have a breakdown on the sentencing of these offenders to ascertain how many are or are likely to be incarcerated in State prisons. According to statistics made available on the Department of Corrections website, as of January 2022, of the 12,492 inmates in State facilities, 526, or approximately four percent, were incarcerated for “property offenses,” which include burglary, arson, theft, forgery, embezzlement, and receiving or possessing stolen property. The data does not provide a breakdown by the number of motor vehicle thefts or number of offenders receiving stolen vehicles.

The OLS does not have sufficient information on the potential increases in number of convictions and terms of imprisonment resulting from the bill’s provisions and therefore is unable to estimate the costs to the State. Any increase in incarceration will result in increased costs to the Department of Corrections for housing inmates. In an informal estimate previously provided by the department, the average annual cost of housing an inmate in a State correctional facility was \$55,389 with a daily cost of \$151.75. The cost was based on FY 2021 actual expenditures and is an average of all facilities, not including the Special Treatment Unit at the Adult Diagnostic and Treatment Center that houses civilly committed residents. Any increase in incarceration under the bill also would result in increased costs to the State Parole Board to supervise the return to society of additional convicted persons.

The bill expands the scope of the crime of leader of an auto theft trafficking network to include automobile parts in addition to automobiles as stolen property, among other things. Currently, the crime of leader of an auto theft trafficking network is graded as a crime of the second degree. A crime of the second degree is punishable by a term of imprisonment of five to 10 years, a fine of \$150,000, or both. The bill, however, provides for an enhanced fine of up to \$250,000 or five times the retail value of the stolen automobile or automobile parts seized at the time of arrest, whichever amount is greater. The bill also establishes a new crime of participant in auto theft trafficking network if a person conspires with others as participant to engage for profit or to commit other criminal activity in a scheme to take or transport automobiles or automobile parts. Participant in auto theft trafficking network is a crime of the third degree. A crime of the third degree is punishable by a fine of up to \$15,000, a term of imprisonment of three to five years, or both. Generally, crimes of the third degree carry with them the presumption of non-incarceration for first time offenders. However, the presumption of non-incarceration does not apply to crimes of the third degree involving motor vehicle theft.

The OLS notes the State may receive indeterminate revenue from regular and enhanced fines imposed on individuals convicted of the crimes under this bill. However, the State's ability to collect criminal fines and penalties has historically been limited.

Section: Judiciary

Analyst: Anuja Pande Joshi
Senior Fiscal Analyst

Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

RACIAL AND ETHNIC COMMUNITY CRIMINAL JUSTICE AND PUBLIC SAFETY IMPACT STATEMENT

[First Reprint]

ASSEMBLY, No. 5034

**STATE OF NEW JERSEY
220th LEGISLATURE**

Synopsis: Expands crime of leader of auto theft trafficking network; establishes third degree crime of participant in auto theft trafficking network.

INTRODUCTION

The Office of Legislative Services does not develop or maintain source data concerning the criminal justice system in the State. The Office of Legislative Services makes reasonable efforts to obtain data from Executive Branch Departments and the Judiciary. This statement may reflect information provided by the United States Census Bureau, the Administrative Office of the Courts within the Judiciary, the New Jersey Department of Corrections, the New Jersey Office of the Attorney General, and the Juvenile Justice Commission in the New Jersey Department of Law and Public Safety. The publicly available data and the data provided by the responding departments and agencies contained within this statement allows for a general overview of the frequencies of events of interest (i.e. arrests, charges, and convictions) for racial and ethnic minorities for the crimes identified herein. This statement does not provide for an in-depth analysis of that data.

Additional data concerning recidivism rates and incarceration rates for the specific crimes addressed within this statement sorted by race and ethnicity is needed in order to make a conclusion on the impacts on racial and ethnic minorities. Additional data concerning the deterrent effects of similar laws of this type is needed to determine the impact on community criminal justice and public safety. It should be noted that the data needed may not currently be collected by the responding departments or agencies or may not exist.

BILL DESCRIPTION

Assembly Bill No. 5034 (1R) expands the crime of leader of auto theft trafficking network and establishes a third degree crime of participant in auto theft trafficking network.

Under current law, a person commits the crime of leader of auto theft trafficking network, a crime of the second degree, if the person conspires with others as an organizer, supervisor, financier, or manager to engage in a for-profit scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles as stolen property. Generally, a crime of the second degree is punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both. Under current law, for this crime, a court may impose a fine not to exceed \$250,000 or five times the retail value of the automobiles or automobile parts seized at the time of the theft.

Under the bill, a person is a leader of an auto theft trafficking network if the person conspires with others as an organizer, supervisor, financier, manager, or recruiter to engage for profit or to

commit other criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property.

The bill establishes a new crime of participant in auto theft trafficking network if a person conspires with others as a participant to engage for profit or to commit other criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property. Participant in auto theft trafficking network is a crime of the third degree. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

Federal and State Census Information¹

	Population	Caucasian	African American	Native American/ Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Hispanic	Two or More Races/Other
National Census Estimate	331,450,000	59.3%	13.6%	1.3%	6.1%	0.3%	18.9%	2.9%
State Census Estimate	9,289,000	53.5%	15.3%	0.7%	10.3%	0.1%	21.5%	2.4%

Federal and State Inmate Population Data

	Total Population	Caucasian	African American	Native American/ Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Hispanic	Other/ Unknown
Actual Federal Adult Inmate Population ²	158,081	27.3%	38.5%	2.6%	1.4%	N/A	30.2%	N/A
Actual State Adult Inmate Population ³	12,492	22.0%	61.0%	0.0%	1.0%	N/A	16.0 %	0.0 %

State Census and State Inmate Population Data

	Total Population	Caucasian	African American	Native American/ Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Hispanic	Other/ Unknown
State Census Estimate	9,289,000	53.5%	15.3%	0.7%	10.3%	0.1%	21.5%	2.4%
Actual State Adult Inmate Population ³	12,492	22.0%	61.0%	0.0%	1.0%	N/A	16.0%	0.0%

DATA PROVIDED BY THE EXECUTIVE BRANCH

The following data was provided, as a part of the submission, by the Office of the Attorney General:

¹ Publicly available data obtained from the federal census for national and State populations as of April 1, 2020.

² Publicly available data of federally sentenced persons in custody of the Federal Bureau of Prisons, as of February 18, 2023.

³ Publicly available data produced by the New Jersey Department of Corrections concerning the State inmate population on January 4, 2022. It has been reported by the New Jersey Department of Corrections that the Fiscal Year 2023 average daily population was 10,332 people. However, that number has not been sorted by race and ethnicity.

Arrest, Unique Persons, Charges, and Convictions for Specified Charges

	Degree	Arrests		Unique Persons		Charges		Convictions	
		2021	2022	2021	2022	2021	2022	2021	2022
2C:20-18	2	0	4	0	4	0	4	0	2

Note: Arrests are tabulated as an arrest of a Unique Person on a specific date. However, Unique Persons may have multiple arrests, charges, and convictions within this data set, as Unique persons may have committed multiple offenses that result in multiple charges and convictions or committed multiple offenses within the year that resulted in multiple arrests of the Unique Person.

Arrest, Unique Persons, Charges, and Convictions by Race

	Statute	Degree	2021					2022				
			Asian / Pacific Islander	Black or African American	White (incl. Hispanic white)	American Indian / Alaska Native	Unk./not provided	Asian / Pacific Islander	Black or African American	White (incl. Hispanic white)	American Indian / Alaska Native	Unk./not provided
Arrests	2C:20-18	2						2	2			
Charges	2C:20-18	2						2	2			
Persons	2C:20-18	2						2	2			
Convictions	2C:20-18	2						1	1			

Note: Hispanic ethnicity was not captured during the Live Scan process⁴, which must meet federal data specifications. The Administrative Office of the Courts created a separate data collection field for Hispanic origin in December 2021. However, this information is still pending addition to the data files available to OAG.

The following response was provided by the Juvenile Justice Commission:

The Juvenile Justice Commission (JJC) does not maintain or have direct access to detailed data on youth arrests, prosecutions, or adjudications (i.e. convictions). The JJC is not a prosecutorial agency. The JJC does not keep racial and ethnic data segregated by crimes for arrests, prosecutions, or adjudications for the juveniles committed to its care.

The Department of Corrections has made available to the public statistical data concerning the State inmate population categorized by race and ethnicity for 2022, which are reflected in the charts on page 2, and offenders by base offense for 2021 and 2022 in the following charts:

Offenders by Base Offense for 2021

Base Offense	Total		Male Offenders in Other Facilities		Youth Offenders		ADTC		Edna Mahan		Halfway Houses, County Jails, St. Francis	
	#	%	#	%	#	%	#	%	#	%	#	%
TOTAL OFFENDERS	12,808	100%	9,358	100%	1,321	100%	406	100%	404	100%	1,319	100%
Property Offenses	559	4%	362	4%	47	4%	0	0%	25	6%	125	9%

Offenders by Base Offense for 2022

Base Offense	Total		Male Offenders in Other Facilities		Youth Offenders		ADTC		Edna Mahan		Halfway Houses, County Jails, St. Francis	
	#	%	#	%	#	%	#	%	#	%	#	%
TOTAL OFFENDERS	12,492	100%	9,442	100%	1,139	100%	410	100%	408	100%	1,093	100%
Property Offenses	526	4%	375	4%	57	5%	0	0%	36	9%	58	5%

Note: In these tabulations, the base offense is the most serious offense at the time of admission. These figures reflect base or controlling offenses at admission only and do not include any offenses in addition to the base offense in the case of multiple sentences at admission. Property offenses include burglary, arson, theft, forgery, embezzlement, and receiving/possessing stolen property.

DATA PROVIDED BY THE JUDICIARY

The following data was provided by the Administrative Office of the Courts, which is the agency within the Judiciary responsible for the administration of court processes, rules promulgation, and data collection:

# OF CHARGES FOR SELECTED STATUTES * FOR COMPLAINTS ISSUED IN 2021					
RACE	ETHNICITY **				
	BLANK **	N	U	Y	TOTAL
AM IND/AK	9	0	0	0	9
ASIAN	61	0	0	0	61
BLACK	2,314	235	21	16	2,586
NOT ENTERED	119	0	0	0	119
OTHER	119	0	0	0	119
UNKNOWN	0	0	16	2	18
WHITE	1,857	61	9	83	2,010
TOTAL	4,479	296	46	101	4,922

⁴ The Live Scan process is the automated fingerprint information system that the State Bureau of Identification utilizes as centralized storage for criminal arrest fingerprints.

# OF CHARGES FOR SELECTED STATUTES * FOR COMPLAINTS ISSUED IN 2022					
RACE	ETHNICITY **				TOTAL
	BLANK **	N	U	Y	
AM IND/AK	0	8	1	2	11
ASIAN	0	88	2	5	95
BLACK	0	3,176	186	180	3,542
NAT HAW/PI	0	1	0	0	1
NOT ENTERED	2	0	0	0	2
OTHER	1	0	0	0	1
UNKNOWN	0	27	94	72	193
WHITE	1	1,140	109	1,183	2,433
TOTAL	4	4,440	392	1,442	6,278

** ETHNICITY	
CODE	DESCRIPTION
BLANK	ETHNICITY NOT ENTERED ON COMPLAINT
N	NOT HISPANIC OR LATINX
U	UNKNOWN
Y	HISPANIC OR LATINX

SELECTED STATUTES *		
STATUTE	DEGREE	DESCRIPTION
2C:15-2A(1)	1	CARJACKING-INFLICT BI OR USES FORCE UPON OCCUPANT
2C:15-2A(2)	1	CARJACKING-THREATEN OCCUPANT W/ BODILY INJURY
2C:15-2A(3)	1	CARJACKING: THREATENS/COMMITTS 1ST-2ND DEGREE CRIME
2C:15-2A(4)	1	CARJACKING AND RETAIN DRIVER OR OCCUPANT
2C:20-18	2	LEADER OF AUTO THEFT TRAFFICKING NETWORK
2C:20-2B(1)(A)	2	THEFT-VALUE \$75000+
2C:20-2B(2)(A)	3	THEFT-VALUE BETWEEN \$500-\$74,999
2C:20-2B(2)(B)	3	THEFT-FIREARM/MV/VESSEL/ BOAT/HORSE/PET/AIRPLANE
2C:20-7A	2	RECEIVING STOLEN PROP-KNOW PROP STOLEN-VAL 75000+ ETC
2C:20-7A	3	RECEIVING STOLEN PROP-KNOW PROP STOLEN-VAL 500-74999 ETC
2C:20-7A	4	RECEIVING STOLEN PROPERTY-VALUE \$200-\$499
2C:20-7A	D	RECEIVING STOLEN PROPERTY-VALUE LESS THAN \$200
2C:5-6A	4	MOTOR VEHICLE MASTER KEYS-KNOWINGLY POSS MASTER KEY

DATED: MARCH 1, 2023

SENATE, No. 3006

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2022

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

Co-Sponsored by:

**Senators Sacco, Oroho, Corrado, O'Scanlon, Holzapfel, Bramnick,
Singleton and Madden**

SYNOPSIS

Increases penalties for repeat convictions of certain motor vehicle related crimes; increases penalties for leader of auto theft trafficking network in certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/19/2022)

1 AN ACT concerning motor vehicle theft and amending various parts
2 of the statutory 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:43-6 is amended to read as follows:

8 2C:43-6. a. Except as otherwise provided, a person who has been
9 convicted of a crime may be sentenced to imprisonment, as follows:

10 (1) In the case of a crime of the first degree, for a specific term
11 of years which shall be fixed by the court and shall be between 10
12 years and 20 years;

13 (2) In the case of a crime of the second degree, for a specific
14 term of years which shall be fixed by the court and shall be between
15 five years and 10 years;

16 (3) In the case of a crime of the third degree, for a specific term
17 of years which shall be fixed by the court and shall be between
18 three years and five years;

19 (4) In the case of a crime of the fourth degree, for a specific
20 term which shall be fixed by the court and shall not exceed 18
21 months.

22 b. As part of a sentence for any crime, where the court is
23 clearly convinced that the aggravating factors substantially
24 outweigh the mitigating factors, as set forth in subsections a. and b.
25 of 2C:44-1, or the court finds that the aggravating factor set forth in
26 paragraph (5) of subsection a. of N.J.S.2C:44-1 applies, the court
27 may fix a minimum term not to exceed one-half of the term set
28 pursuant to subsection a., or one-half of the term set pursuant to a
29 maximum period of incarceration for a crime set forth in any statute
30 other than this code, during which the defendant shall not be
31 eligible for parole; provided that no defendant shall be eligible for
32 parole at a date earlier than otherwise provided by the law
33 governing parole.

34 c. A person who has been convicted under subsection b. or d.
35 of N.J.S.2C:39-3, subsection a. of N.J.S.2C:39-4, subsection a. of
36 section 1 of P.L.1998, c.26 (C.2C:39-4.1), subsection a., b., c., or f.
37 of N.J.S.2C:39-5, subsection a. or paragraph (2) or (3) of subsection
38 b. of section 6 of P.L.1979, c.179 (C.2C:39-7), or subsection a., b.,
39 e. or g. of N.J.S.2C:39-9, or of a crime under any of the following
40 sections: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-2a., 2C:14-
41 3a., 2C:15-1, 2C:18-2, 2C:29-5, who, while in the course of
42 committing or attempting to commit the crime, including the
43 immediate flight therefrom, used or was in possession of a firearm
44 as defined in 2C:39-1f., shall be sentenced to a term of
45 imprisonment by the court. The term of imprisonment shall include

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 the imposition of a minimum term. The minimum term shall be
2 fixed at one-half of the sentence imposed by the court or 42 months,
3 whichever is greater, or 18 months in the case of a fourth degree
4 crime, during which the defendant shall be ineligible for parole.

5 The minimum terms established by this section shall not prevent
6 the court from imposing presumptive terms of imprisonment
7 pursuant to 2C:44-1f. (1) except in cases of crimes of the fourth
8 degree.

9 A person who has been convicted of an offense enumerated by
10 this subsection and who used or possessed a firearm during its
11 commission, attempted commission or flight therefrom and who has
12 been previously convicted of an offense involving the use or
13 possession of a firearm as defined in 2C:44-3d., shall be sentenced
14 by the court to an extended term as authorized by 2C:43-7c.,
15 notwithstanding that extended terms are ordinarily discretionary
16 with the court.

17 d. (1) The court shall not impose a mandatory sentence
18 pursuant to subsection c. of this section, 2C:43-7c. or 2C:44-3d.,
19 unless the ground therefor has been established at a hearing. At the
20 hearing, which may occur at the time of sentencing, the prosecutor
21 shall establish by a preponderance of the evidence that the weapon
22 used or possessed was a firearm. In making its finding, the court
23 shall take judicial notice of any evidence, testimony or information
24 adduced at the trial, plea hearing, or other court proceedings and
25 shall also consider the presentence report and any other relevant
26 information.

27 (2) The court shall not impose a mandatory sentence pursuant to
28 subsection c. of this section for a violation of paragraph (2) of
29 subsection b. of N.J.S.2C:39-5; a violation of paragraph (2) of
30 subsection c. of N.J.S.2C:39-5, if that rifle or shotgun is in the
31 nature of an air gun, spring gun or pistol or other weapon of a
32 similar nature in which the propelling force is a spring, elastic band,
33 carbon dioxide, compressed or other gas or vapor, air or compressed
34 air, or is ignited by compressed air, and ejecting a bullet or missile
35 smaller than three-eighths of an inch in diameter, with sufficient
36 force to injure a person; or a violation of paragraph (1) of
37 subsection c. of N.J.S.2C:39-5.

38 e. A person convicted of a third or subsequent offense
39 involving State taxes under N.J.S.2C:20-9, N.J.S.2C:21-15, any
40 other provision of this code, or under any of the provisions of Title
41 54 of the Revised Statutes, or Title 54A of the New Jersey Statutes,
42 as amended and supplemented, shall be sentenced to a term of
43 imprisonment by the court. This shall not preclude an application
44 for and imposition of an extended term of imprisonment under
45 N.J.S.2C:44-3 if the provisions of that section are applicable to the
46 offender.

47 f. A person convicted of manufacturing, distributing,
48 dispensing or possessing with intent to distribute any dangerous

1 substance or controlled substance analog under N.J.S.2C:35-5, of
2 maintaining or operating a controlled dangerous substance
3 production facility under N.J.S.2C:35-4, of employing a juvenile in
4 a drug distribution scheme under N.J.S.2C:35-6, leader of a
5 narcotics trafficking network under N.J.S.2C:35-3, or of
6 distributing, dispensing or possessing with intent to distribute on or
7 near school property or buses under section 1 of P.L.1987, c.101
8 (C.2C:35-7), who has been previously convicted of manufacturing,
9 distributing, dispensing or possessing with intent to distribute a
10 controlled dangerous substance or controlled substance analog,
11 shall upon application of the prosecuting attorney be sentenced by
12 the court to an extended term as authorized by subsection c. of
13 N.J.S.2C:43-7, notwithstanding that extended terms are ordinarily
14 discretionary with the court. The term of imprisonment shall,
15 except as may be provided in N.J.S.2C:35-12, include the
16 imposition of a minimum term. The minimum term shall be fixed
17 at, or between, one-third and one-half of the sentence imposed by
18 the court or three years, whichever is greater, not less than seven
19 years if the person is convicted of a violation of N.J.S.2C:35-6, or
20 18 months in the case of a fourth degree crime, during which the
21 defendant shall be ineligible for parole.

22 The court shall not impose an extended term pursuant to this
23 subsection unless the ground therefor has been established at a
24 hearing. At the hearing, which may occur at the time of sentencing,
25 the prosecutor shall establish the ground therefor by a
26 preponderance of the evidence. In making its finding, the court shall
27 take judicial notice of any evidence, testimony or information
28 adduced at the trial, plea hearing, or other court proceedings and
29 shall also consider the presentence report and any other relevant
30 information.

31 For the purpose of this subsection, a previous conviction exists
32 where the actor has at any time been convicted under chapter 35 of
33 this title or Title 24 of the Revised Statutes or under any similar
34 statute of the United States, this State, or any other state for an
35 offense that is substantially equivalent to N.J.S.2C:35-3,
36 N.J.S.2C:35-4, N.J.S.2C:35-5, N.J.S.2C:35-6 or section 1 of
37 P.L.1987, c.101 (C.2C:35-7).

38 g. Any person who has been convicted under subsection a. of
39 N.J.S.2C:39-4 or of a crime under any of the following sections:
40 N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:12-1b., N.J.S.2C:13-1,
41 N.J.S.2C:14-2a., N.J.S.2C:14-3a., N.J.S.2C:15-1, N.J.S.2C:18-2,
42 N.J.S.2C:29-5, N.J.S.2C:35-5 who, while in the course of
43 committing or attempting to commit the crime, including the
44 immediate flight therefrom, used or was in possession of a machine
45 gun or assault firearm shall be sentenced to a term of imprisonment
46 by the court. The term of imprisonment shall include the
47 imposition of a minimum term. The minimum term shall be fixed at
48 10 years for a crime of the first or second degree, five years for a

1 crime of the third degree, or 18 months in the case of a fourth
2 degree crime, during which the defendant shall be ineligible for
3 parole.

4 The minimum terms established by this section shall not prevent
5 the court from imposing presumptive terms of imprisonment
6 pursuant to paragraph (1) of subsection f. of N.J.S.2C:44-1 for
7 crimes of the first degree.

8 A person who has been convicted of an offense enumerated in
9 this subsection and who used or possessed a machine gun or assault
10 firearm during its commission, attempted commission or flight
11 therefrom and who has been previously convicted of an offense
12 involving the use or possession of any firearm as defined in
13 subsection d. of N.J.S.2C:44-3, shall be sentenced by the court to an
14 extended term as authorized by subsection d. of N.J.S.2C:43-7,
15 notwithstanding that extended terms are ordinarily discretionary
16 with the court.

17 h. The court shall not impose a mandatory sentence pursuant to
18 subsection g. of this section, subsection d. of N.J.S.2C:43-7 or
19 N.J.S.2C:44-3, unless the ground therefor has been established at a
20 hearing. At the hearing, which may occur at the time of sentencing,
21 the prosecutor shall establish by a preponderance of the evidence
22 that the weapon used or possessed was a machine gun or assault
23 firearm. In making its finding, the court shall take judicial notice of
24 any evidence, testimony or information adduced at the trial, plea
25 hearing, or other court proceedings and shall also consider the
26 presentence report and any other relevant information.

27 i. A person who has been convicted under paragraph (6) of
28 subsection b. of 2C:12-1 of causing bodily injury while eluding
29 shall be sentenced to a term of imprisonment by the court. The
30 term of imprisonment shall include the imposition of a minimum
31 term. The minimum term shall be fixed at, or between one-third
32 and one-half of the sentence imposed by the court. The minimum
33 term established by this subsection shall not prevent the court from
34 imposing a presumptive term of imprisonment pursuant to
35 paragraph (1) of subsection f. of 2C:44-1.

36 j. A person convicted of theft of a motor vehicle pursuant to
37 subparagraph (b) of paragraph (2) of subsection b. of N.J.S.2C:20-2
38 or receiving stolen property that is a motor vehicle pursuant to
39 N.J.S.2C:20-7, and who has been previously convicted of theft of a
40 motor vehicle or receiving stolen property that is a vehicle, shall,
41 upon application of the prosecuting attorney, be sentenced by the
42 court to an extended term of imprisonment as authorized by
43 subsection a. of N.J.S.2C:43-7, notwithstanding that extended terms
44 ordinarily are discretionary with the court.

45 The court shall not impose an extended term pursuant to this
46 subsection unless the ground therefor has been established at a
47 hearing. At the hearing, which may occur at the time of sentencing,
48 the prosecutor shall establish the ground therefor by a

1 preponderance of the evidence. In making its finding, the court
2 shall take judicial notice of any evidence, testimony or information
3 adduced at the trial, plea hearing, or other court proceeding and also
4 shall consider the presentence report and any other relevant
5 information.

6 For the purposes of this subsection, a previous conviction exists
7 where the actor has at any time been convicted or adjudicated
8 delinquent for motor vehicle theft or receiving stolen property that
9 is a vehicle under chapter 20 of this Title or under any similar
10 statute of the United States, this State, or any other state for an
11 offense that is substantially equivalent to N.J.S.2C:20-2 or
12 receiving stolen property that is a motor vehicle pursuant to
13 N.J.S.2C:20-7.

14 (cf: P.L.2013, c.113, s.2)

15

16 2. N.J.S.2C:44-1 is amended to read as follows:

17 2C:44-1. a. In determining the appropriate sentence to be
18 imposed on a person who has been convicted of an offense, the
19 court shall consider the following aggravating circumstances:

20 (1) The nature and circumstances of the offense, and the role of
21 the actor in committing the offense, including whether or not it was
22 committed in an especially heinous, cruel, or depraved manner;

23 (2) The gravity and seriousness of harm inflicted on the victim,
24 including whether or not the defendant knew or reasonably should
25 have known that the victim of the offense was particularly
26 vulnerable or incapable of resistance due to advanced age, ill-
27 health, or extreme youth, or was for any other reason substantially
28 incapable of exercising normal physical or mental power of
29 resistance;

30 (3) The risk that the defendant will commit another offense;

31 (4) A lesser sentence will depreciate the seriousness of the
32 defendant's offense because it involved a breach of the public trust
33 under chapters 27 and 30 of this title, or the defendant took
34 advantage of a position of trust or confidence to commit the
35 offense;

36 (5) There is a substantial likelihood that the defendant is
37 involved in organized criminal activity;

38 (6) The extent of the defendant's prior criminal record and the
39 seriousness of the offenses of which the defendant has been
40 convicted;

41 (7) The defendant committed the offense pursuant to an
42 agreement to either pay or be paid for the commission of the
43 offense and the pecuniary incentive was beyond that inherent in the
44 offense itself;

45 (8) The defendant committed the offense against a police or
46 other law enforcement officer, correctional employee or firefighter,
47 acting in the performance of the officer, employee, or firefighter
48 duties while in uniform or exhibiting evidence of his authority; the

1 defendant committed the offense because of the status of the victim
2 as a public servant; or the defendant committed the offense against
3 a sports official, athletic coach or manager, acting in or immediately
4 following the performance of the person's duties or because of the
5 person's status as a sports official, coach or manager;

6 (9) The need for deterring the defendant and others from
7 violating the law;

8 (10) The offense involved fraudulent or deceptive practices
9 committed against any department or division of State government;

10 (11) The imposition of a fine, penalty, or order of restitution
11 without also imposing a term of imprisonment would be perceived
12 by the defendant or others merely as part of the cost of doing
13 business, or as an acceptable contingent business or operating
14 expense associated with the initial decision to resort to unlawful
15 practices;

16 (12) The defendant committed the offense against a person who
17 the defendant knew or should have known was 60 years of age or
18 older, or disabled;

19 (13) The defendant, while in the course of committing or
20 attempting to commit the crime, including the immediate flight
21 therefrom, used or was in possession of a stolen motor vehicle;

22 (14) The offense involved an act of domestic violence, as that
23 term is defined in subsection a. of section 3 of P.L.1991, c.261
24 (C.2C:25-19), committed in the presence of a child under 16 years
25 of age; and

26 (15) The offense involved an act of domestic violence, as that
27 term is defined in subsection a. of section 3 of P.L.1991, c.261
28 (C.2C:25-19) and the defendant committed at least one act of
29 domestic violence on more than one occasion.

30 b. In determining the appropriate sentence to be imposed on a
31 person who has been convicted of an offense, the court may
32 properly consider the following mitigating circumstances:

33 (1) The defendant's conduct neither caused nor threatened
34 serious harm;

35 (2) The defendant did not contemplate that the defendant's
36 conduct would cause or threaten serious harm;

37 (3) The defendant acted under a strong provocation;

38 (4) There were substantial grounds tending to excuse or justify
39 the defendant's conduct, though failing to establish a defense;

40 (5) The victim of the defendant's conduct induced or facilitated
41 its commission;

42 (6) The defendant has compensated or will compensate the
43 victim of the defendant's conduct for the damage or injury that the
44 victim sustained, or will participate in a program of community
45 service;

46 (7) The defendant has no history of prior delinquency or
47 criminal activity or has led a law-abiding life for a substantial
48 period of time before the commission of the present offense;

1 (8) The defendant's conduct was the result of circumstances
2 unlikely to recur;

3 (9) The character and attitude of the defendant indicate that the
4 defendant is unlikely to commit another offense;

5 (10) The defendant is particularly likely to respond affirmatively
6 to probationary treatment;

7 (11) The imprisonment of the defendant would entail excessive
8 hardship to the defendant or the defendant's dependents;

9 (12) The willingness of the defendant to cooperate with law
10 enforcement authorities;

11 (13) The conduct of a youthful defendant was substantially
12 influenced by another person more mature than the defendant; and

13 (14) The defendant was under 26 years of age at the time of the
14 commission of the offense.

15 c. (1) A plea of guilty by a defendant or failure to so plead shall
16 not be considered in withholding or imposing a sentence of
17 imprisonment.

18 (2) When imposing a sentence of imprisonment the court shall
19 consider the defendant's eligibility for release under the law
20 governing parole, including time credits awarded pursuant to Title
21 30 of the Revised Statutes, in determining the appropriate term of
22 imprisonment.

23 d. Presumption of imprisonment. The court shall deal with a
24 person who has been convicted of a crime of the first or second
25 degree, or a crime of the third degree where the court finds that the
26 aggravating factor in paragraph (5), (14), or (15) of subsection a. of
27 this section applies, by imposing a sentence of imprisonment unless,
28 having regard to the character and condition of the defendant, it is
29 of the opinion that the defendant's imprisonment would be a serious
30 injustice which overrides the need to deter such conduct by others.
31 Notwithstanding the provisions of subsection e. of this section, the
32 court shall deal with a person who has been convicted of theft of a
33 motor vehicle, **【or of the】** unlawful taking of a motor vehicle, or
34 receiving stolen property that is a motor vehicle and who has
35 previously been convicted of **【either offense】** one of these offenses
36 by imposing a sentence of imprisonment that is subject to an
37 extended term as authorized pursuant to subsection a. of
38 N.J.S.2C:43-7 and subsection j. of N.J.S.2C:43-6 unless, having
39 regard to the character and condition of the defendant, it is of the
40 opinion that imprisonment would be a serious injustice which
41 overrides the need to deter such conduct by others.

42 e. The court shall deal with a person convicted of an offense
43 other than a crime of the first or second degree, who has not
44 previously been convicted of an offense, without imposing a
45 sentence of imprisonment unless, having regard to the nature and
46 circumstances of the offense and the history, character, and
47 condition of the defendant, it is of the opinion that imprisonment is
48 necessary for the protection of the public under the criteria set forth

1 in subsection a. of this section, except that this subsection shall not
2 apply if the court finds that the aggravating factor in paragraph (5),
3 (14) or (15) of subsection a. of this section applies or if the person
4 is convicted of any of the following crimes of the third degree: theft
5 of a motor vehicle; unlawful taking of a motor vehicle; eluding;
6 strict liability vehicular homicide pursuant to section 1 of P.L.2017,
7 c.165 (C.2C:11-5.3); if the person is convicted of a crime of the
8 third degree constituting use of a false government document in
9 violation of subsection c. of section 1 of P.L.1983, c.565 (C.2C:21-
10 2.1); if the person is convicted of a crime of the third degree
11 constituting distribution, manufacture or possession of an item
12 containing personal identifying information in violation of
13 subsection b. of section 6 of P.L.2003, c.184 (C.2C:21-17.3); if the
14 person is convicted of a crime of the third or fourth degree
15 constituting bias intimidation in violation of N.J.S.2C:16-1; if the
16 person is convicted of a crime of the third degree under paragraph
17 (12) of subsection b. of N.J.S.2C:12-1 or section 2 of P.L.1997,
18 c.111 (C.2C:12-1.1); or if the person is convicted of a crime of the
19 third or fourth degree under the provisions of section 1 or 2 of
20 P.L.2007, c.341 (C.2C:33-29 or C.2C:33-30).

21 f. Presumptive Sentences. (1) Except for the crime of murder,
22 unless the preponderance of aggravating or mitigating factors, as set
23 forth in subsections a. and b. of this section, weighs in favor of a
24 higher or lower term within the limits provided in N.J.S.2C:43-6,
25 when a court determines that a sentence of imprisonment is
26 warranted, it shall impose sentence as follows:

27 (a) To a term of 20 years for aggravated manslaughter or
28 kidnapping pursuant to paragraph (1) of subsection c. of
29 N.J.S.2C:13-1 when the offense constitutes a crime of the first
30 degree;

31 (b) Except as provided in subparagraph (a) of this paragraph to a
32 term of 15 years for a crime of the first degree;

33 (c) To a term of seven years for a crime of the second degree;

34 (d) To a term of four years for a crime of the third degree; and

35 (e) To a term of nine months for a crime of the fourth degree.

36 In imposing a minimum term pursuant to subsection b. of
37 N.J.S.2C:43-6, the sentencing court shall specifically place on the
38 record the aggravating factors set forth in this section which justify
39 the imposition of a minimum term.

40 Unless the preponderance of mitigating factors set forth in
41 subsection b. weighs in favor of a lower term within the limits
42 authorized, sentences imposed pursuant to paragraph (1) of
43 subsection a. of N.J.S.2C:43-7 shall have a presumptive term of life
44 imprisonment. Unless the preponderance of aggravating and
45 mitigating factors set forth in subsections a. and b. of this section
46 weighs in favor of a higher or lower term within the limits
47 authorized, sentences imposed pursuant to paragraph (2) of
48 subsection a. of N.J.S.2C:43-7 shall have a presumptive term of 50

1 years' imprisonment; sentences imposed pursuant to paragraph (3)
2 of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of
3 15 years' imprisonment; and sentences imposed pursuant to
4 paragraph (4) of subsection a. of N.J.S.2C:43-7 shall have a
5 presumptive term of seven years' imprisonment.

6 In imposing a minimum term pursuant to subsection b. of
7 N.J.S.2C:43-7, the sentencing court shall specifically place on the
8 record the aggravating factors set forth in this section which justify
9 the imposition of a minimum term.

10 (2) In cases of convictions for crimes of the first or second
11 degree where the court is clearly convinced that the mitigating
12 factors substantially outweigh the aggravating factors and where the
13 interest of justice demands, the court may sentence the defendant to
14 a term appropriate to a crime of one degree lower than that of the
15 crime for which the defendant was convicted. If the court does
16 impose sentence pursuant to this paragraph, or if the court imposes
17 a noncustodial or probationary sentence upon conviction for a crime
18 of the first or second degree, the sentence shall not become final for
19 10 days in order to permit the appeal of the sentence by the
20 prosecution.

21 g. Imposition of Noncustodial Sentences in Certain Cases. If
22 the court, in considering the aggravating factors set forth in
23 subsection a. of this section, finds the aggravating factor in
24 paragraph (2), (5), (10), or (12) of subsection a. of this section and
25 does not impose a custodial sentence, the court shall specifically
26 place on the record the mitigating factors which justify the
27 imposition of a noncustodial sentence.

28 h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-
29 11), the presumption of imprisonment as provided in subsection d.
30 of this section shall not preclude the admission of a person to the
31 Intensive Supervision Program, established pursuant to the Rules
32 Governing the Courts of the State of New Jersey.
33 (cf: P.L.2020, c.110, s.1)

34
35 3. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
36 read as follows:

37 24. Disposition of delinquency cases. a. In determining the
38 appropriate disposition for a juvenile adjudicated delinquent the
39 court shall weigh the following factors:

40 (1) The nature and circumstances of the offense;

41 (2) The degree of injury to persons or damage to property
42 caused by the juvenile's offense;

43 (3) The juvenile's age, previous record, prior social service
44 received, and out-of-home placement history;

45 (4) Whether the disposition supports family strength,
46 responsibility, and unity and the well-being and physical safety of
47 the juvenile;

1 (5) Whether the disposition provides for reasonable
2 participation by the child's parent, guardian, or custodian, provided,
3 however, that the failure of a parent or parents to cooperate in the
4 disposition shall not be weighed against the juvenile in arriving at
5 an appropriate disposition;

6 (6) Whether the disposition recognizes and treats the unique
7 physical, psychological, and social characteristics and needs of the
8 child;

9 (7) Whether the disposition contributes to the developmental
10 needs of the child, including the academic and social needs of the
11 child where the child has intellectual disabilities or learning
12 disabilities;

13 (8) Any other circumstances related to the offense and the
14 juvenile's social history as deemed appropriate by the court;

15 (9) The impact of the offense on the victim or victims;

16 (10) The impact of the offense on the community; and

17 (11) The threat to the safety of the public or any individual posed
18 by the child.

19 b. If a juvenile is adjudged delinquent, and except to the extent
20 that an additional specific disposition is required pursuant to this
21 section, the court, in accordance with subsection i. of section 2 of
22 P.L.1982, c.77 (C.2A:4A-21), may order incarceration pursuant to
23 section 25 of P.L.1982, c.77 (C.2A:4A-44) or the court may order
24 any one or more of the following dispositions:

25 (1) Adjourn formal entry of disposition of the case for a period
26 not to exceed 12 months for the purpose of determining whether the
27 juvenile makes a satisfactory adjustment, and if during the period of
28 continuance the juvenile makes such an adjustment, dismiss the
29 complaint;

30 (2) Release the juvenile to the supervision of the juvenile's
31 parent or guardian;

32 (3) Place the juvenile on probation to the chief probation officer
33 of the county or to any other suitable person who agrees to accept
34 the duty of probation supervision for a period not to exceed three
35 years upon such written conditions as the court deems will aid
36 rehabilitation of the juvenile;

37 (4) Transfer custody of the juvenile to any relative or other
38 person determined by the court to be qualified to care for the
39 juvenile;

40 (5) Place the juvenile under the care and responsibility of the
41 Department of Children and Families so that the commissioner may
42 designate a division or organizational unit in the department
43 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of
44 providing services in or out of the home. Within 14 days, unless for
45 good cause shown, but not later than 30 days, the Department of
46 Children and Families shall submit to the court a service plan,
47 which shall be presumed valid, detailing the specifics of any
48 disposition order. The plan shall be developed within the limits of

1 fiscal and other resources available to the department. If the court
2 determines that the service plan is inappropriate, given existing
3 resources, the department may request a hearing on that
4 determination;

5 (6) Place the juvenile under the care and custody of the
6 Commissioner of Children and Families for the purpose of
7 receiving the services of the Division of Children's System of Care
8 of that department, provided that the juvenile has been determined
9 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-
10 25.4);

11 (7) Commit the juvenile, pursuant to applicable laws and the
12 Rules of Court governing civil commitment, to the Department of
13 Children and Families under the responsibility of the Division of
14 Children's System of Care for the purpose of placement in a suitable
15 public or private hospital or other residential facility for the
16 treatment of persons who are mentally ill, on the ground that the
17 juvenile is in need of involuntary commitment;

18 (8) (Deleted by amendment, P.L.2019, c.363)

19 (9) Order the juvenile to make restitution to a person or entity
20 who has suffered loss resulting from personal injuries or damage to
21 property as a result of the offense for which the juvenile has been
22 adjudicated delinquent. The court may determine the reasonable
23 amount, terms, and conditions of restitution. If the juvenile
24 participated in the offense with other persons, the participants shall
25 be jointly and severally responsible for the payment of restitution.
26 The court shall not require a juvenile to make full or partial
27 restitution if the juvenile reasonably satisfies the court that the
28 juvenile does not have the means to make restitution and could not
29 reasonably acquire the means to pay restitution;

30 (10) Order that the juvenile perform community services under
31 the supervision of a probation division or other agency or individual
32 deemed appropriate by the court. Such services shall be
33 compulsory and reasonable in terms of nature and duration. Such
34 services may be performed without compensation, provided that any
35 money earned by the juvenile from the performance of community
36 services may be applied towards any payment of restitution or fine
37 which the court has ordered the juvenile to pay;

38 (11) Order that the juvenile participate in work programs which
39 are designed to provide job skills and specific employment training
40 to enhance the employability of job participants. Such programs
41 may be without compensation, provided that any money earned by
42 the juvenile from participation in a work program may be applied
43 towards any payment of restitution or fine which the court has
44 ordered the juvenile to pay;

45 (12) Order that the juvenile participate in programs emphasizing
46 self-reliance, such as intensive outdoor programs teaching survival
47 skills, including but not limited to camping, hiking, and other
48 appropriate activities;

1 (13) Order that the juvenile participate in a program of academic
2 or vocational education or counseling, such as a youth service
3 bureau, requiring attendance at sessions designed to afford access to
4 opportunities for normal growth and development. This may
5 require attendance after school, evenings, and weekends;

6 (14) Place the juvenile in a suitable residential or nonresidential
7 program for the treatment of alcohol or narcotic abuse, provided
8 that the juvenile has been determined to be in need of such services;

9 (15) Order the parent or guardian of the juvenile to participate in
10 appropriate programs or services when the court has found either
11 that such person's omission or conduct was a significant
12 contributing factor towards the commission of the delinquent act,
13 or, under its authority to enforce litigant's rights, that such person's
14 omission or conduct has been a significant contributing factor
15 towards the ineffective implementation of a court order previously
16 entered in relation to the juvenile;

17 (16) (a) Place the juvenile in a nonresidential program operated
18 by a public or private agency, providing intensive services to
19 juveniles for specified hours, which may include education,
20 counseling to the juvenile and the juvenile's family if appropriate,
21 vocational training, employment counseling, work, or other
22 services;

23 (b) Place the juvenile under the custody of the Juvenile Justice
24 Commission established pursuant to section 2 of P.L.1995, c.284
25 (C.52:17B-170) for placement with any private group home or
26 private residential facility with which the commission has entered
27 into a purchase of service contract;

28 (17) Instead of or in addition to any disposition made according
29 to this section, the court may postpone, suspend, or revoke for a
30 period not to exceed two years the driver's license, registration
31 certificate, or both of any juvenile who used a motor vehicle in the
32 course of committing an act for which the juvenile was adjudicated
33 delinquent. In imposing this disposition and in deciding the duration
34 of the postponement, suspension, or revocation, the court shall
35 consider the circumstances of the act for which the juvenile was
36 adjudicated delinquent and the potential effect of the loss of driving
37 privileges on the juvenile's ability to be rehabilitated. Any
38 postponement, suspension, or revocation shall be imposed
39 consecutively with any custodial commitment;

40 (18) Order that the juvenile satisfy any other conditions
41 reasonably related to the rehabilitation of the juvenile;

42 (19) Order a parent or guardian who has failed or neglected to
43 exercise reasonable supervision or control of a juvenile who has
44 been adjudicated delinquent to make restitution to any person or
45 entity who has suffered a loss as a result of that offense. The court
46 may determine the reasonable amount, terms, and conditions of
47 restitution; or

1 (20) Place the juvenile, if eligible, in an appropriate juvenile
2 offender program established pursuant to P.L.1997, c.81 (C.30:8-61
3 et al.).

4 c. (1) If the county in which the juvenile has been adjudicated
5 delinquent has a juvenile detention facility meeting the physical and
6 program standards established pursuant to this subsection by the
7 Juvenile Justice Commission, the court may, in addition to any of
8 the dispositions not involving placement out of the home
9 enumerated in this section, incarcerate the juvenile in the youth
10 detention facility in that county for a term not to exceed 60
11 consecutive days. The decision by the court to incarcerate a
12 juvenile shall be made in accordance with subsection i. of section 2
13 of P.L.1982, c.77 (C.2A:4A-21). Counties which do not operate
14 their own juvenile detention facilities may contract for the use of
15 approved commitment programs with counties with which they
16 have established agreements for the use of pre-disposition juvenile
17 detention facilities. The Juvenile Justice Commission shall
18 promulgate such rules and regulations from time to time as deemed
19 necessary to establish minimum physical facility and program
20 standards for the use of juvenile detention facilities pursuant to this
21 subsection.

22 (2) A juvenile shall not be incarcerated in any county detention
23 facility unless the county has entered into an agreement with the
24 Juvenile Justice Commission concerning the use of the facility for
25 sentenced juveniles. Upon agreement with the county, the Juvenile
26 Justice Commission shall certify detention facilities which may
27 receive juveniles sentenced pursuant to this subsection and shall
28 specify the capacity of the facility that may be made available to
29 receive such juveniles; provided, however, that in no event shall the
30 number of juveniles incarcerated pursuant to this subsection exceed
31 50% of the maximum capacity of the facility.

32 (3) The court may fix a term of incarceration under this
33 subsection that is in accordance with subsection i. of section 2 of
34 P.L.1982, c.77 (C.2A:4A-21) and:

35 (a) The act for which the juvenile was adjudicated delinquent, if
36 committed by an adult, would have constituted a crime or repetitive
37 disorderly persons offense;

38 (b) Incarceration of the juvenile is consistent with the goals of
39 public safety, accountability, and rehabilitation and the court is
40 clearly convinced that the aggravating factors substantially
41 outweigh the mitigating factors as set forth in section 25 of
42 P.L.1982, c.77 (C.2A:4A-44); and

43 (c) The detention facility has been certified for admission of
44 adjudicated juveniles pursuant to paragraph (2).

45 (4) If as a result of incarceration of adjudicated juveniles
46 pursuant to this subsection, a county is required to transport a
47 predisposition juvenile to a juvenile detention facility in another

1 county, the costs of such transportation shall be borne by the
2 Juvenile Justice Commission.

3 d. Whenever the court imposes a disposition upon an
4 adjudicated delinquent which requires the juvenile to perform a
5 community service, restitution, or to participate in any other
6 program provided for in this section other than subsection c., the
7 duration of the juvenile's mandatory participation in such
8 alternative programs shall extend for a period consistent with the
9 program goal for the juvenile and shall in no event exceed one year
10 beyond the maximum duration permissible for the delinquent if the
11 juvenile had been committed to a term of incarceration.

12 e. In addition to any disposition the court may impose pursuant
13 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the
14 following orders shall be included in dispositions of the
15 adjudications set forth below:

16 (1) An order to perform community service pursuant to
17 paragraph (10) of subsection b. of this section for a period of at
18 least 60 days, if the juvenile has been adjudicated delinquent for an
19 act which, if committed by an adult, would constitute the crime of
20 theft of a motor vehicle, receiving stolen property that is a motor
21 vehicle, or the crime of unlawful taking of a motor vehicle in
22 violation of subsection c. of N.J.S.2C:20-10, or the third degree
23 crime of eluding in violation of subsection b. of N.J.S.2C:29-2; and

24 (2) (Deleted by amendment, P.L.2019, c.363)

25 (3) An order to perform community service pursuant to
26 paragraph (10) of subsection b. of this section for a period of at
27 least 30 days, if the juvenile has been adjudicated delinquent for an
28 act which, if committed by an adult, would constitute the fourth
29 degree crime of unlawful taking of a motor vehicle in violation of
30 subsection b. of N.J.S.2C:20-10; and

31 (4) (Deleted by amendment, P.L.2019, c.363)

32 (5) An order of incarceration for a term of the duration
33 authorized pursuant to this section or section 25 of P.L.1982, c.77
34 (C.2A-4A-44) shall include a mandatory minimum term of 60 days
35 during which the juvenile shall be ineligible for parole if the
36 juvenile has been adjudicated delinquent for an act which, if
37 committed by an adult, would constitute the second degree crime of
38 eluding in violation of subsection b. of N.J.S.2C:29-2, theft of a
39 motor vehicle, or receiving stolen property that is a motor vehicle,
40 and the juvenile has previously been adjudicated delinquent for an
41 act, which if committed by an adult, would constitute unlawful
42 taking of a motor vehicle or theft of a motor vehicle or receiving
43 stolen property that is a motor vehicle.

44 f. (1) (Deleted by amendment, P.L.2019, c.363)

45 (2) (Deleted by amendment, P.L.2019, c.363)

46 (3) (Deleted by amendment, P.L.2019, c.363)

47 g. Whenever the court imposes a disposition upon an
48 adjudicated delinquent which requires the juvenile to perform a

1 community service, restitution, or to participate in any other
2 program provided for in this section, the order shall include
3 provisions which provide balanced attention to the protection of the
4 community, accountability for offenses committed, fostering
5 interaction and dialogue between the offender, victim, and
6 community and the development of competencies to enable the
7 child to become a responsible and productive member of the
8 community.

9 (cf: P.L.2021, c.342, s.1)

10
11 4. Section 1 of P.L.1991, c.82 (C.2C:20-18) is amended to read
12 as follows:

13 A person is a leader of an auto theft trafficking network if he
14 conspires with others as an organizer, supervisor, financier or
15 manager, to engage for profit in a scheme or course of conduct to
16 unlawfully take, dispose of, distribute, bring into or transport in this
17 State automobiles as stolen property.

18 a. Leader of auto theft trafficking network is a crime of the
19 second degree. Notwithstanding the provisions of subsection a. of
20 N.J.S.2C:43-3, the court may impose a fine not to exceed
21 \$250,000.00 or five times the retail value of the automobiles seized
22 at the time of the arrest, whichever is greater.

23 b. Leader of auto theft trafficking network is a crime of the
24 first degree if a person conspires with others including a person 17
25 years of age or younger as an organizer, supervisor, financier, or
26 manager, to engage for profit in a scheme or course of conduct to
27 unlawfully take, dispose of, distribute, bring into or transport in this
28 State automobiles as stolen property. It shall not be a defense to a
29 prosecution under this section that the actor mistakenly believed
30 that the person which the actor organized, supervised, financed, or
31 managed was older than 17 years of age, even if such mistaken
32 belief was reasonable. Notwithstanding the provision of subsection
33 a of N.J.S.2C:43-3, the court may impose a fine not to exceed
34 \$500,000 or five times the retail value of the automobiles seized at
35 the time of arrest, whichever is greater.

36 Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of
37 leader of auto theft trafficking network shall not merge with the
38 conviction for any offense which is the object of the conspiracy.
39 Nothing contained in this act shall prohibit the court from imposing
40 an extended term pursuant to N.J.S.2C:43-7; nor shall this act be
41 construed in any way to preclude or limit the prosecution or
42 conviction of any person for conspiracy under N.J.S.2C:5-2, or any
43 prosecution or conviction for any other offense.

44 It shall not be necessary in any prosecution under this act for the
45 State to prove that any intended profit was actually realized. The
46 trier of fact may infer that a particular scheme or course of conduct
47 was undertaken for profit from all of the attending circumstances,
48 including but not limited to the number of persons involved in the

1 scheme or course of conduct, the actor's net worth and his
2 expenditures in relation to his legitimate sources of income, the
3 number of automobiles involved, or the amount of cash or currency
4 involved.

5 It shall not be a defense to a prosecution under this act that the
6 automobile was brought into or transported in this State solely for
7 ultimate distribution in another jurisdiction; nor shall it be a defense
8 that any profit was intended to be made in another jurisdiction.

9 (cf: P.L.1991, c.82, s.1)

10

11 5. This act shall take effect immediately.

12

13 STATEMENT

14

15 This bill increases the time of incarceration an individual may
16 receive when committing motor vehicle crimes.

17 This bill enhances criminal penalties for repeat offenders of the
18 motor vehicle crimes of theft of a motor vehicle and receiving
19 stolen property that is a motor vehicle by subjecting these offenders
20 to extended terms of imprisonment. An extended term, upon
21 motion by the prosecutor, increases the term of imprisonment for
22 theft of a motor vehicle or receiving stolen property that is a motor
23 vehicle to five to 10 years, equivalent to a second-degree crime.
24 The court is required to establish the ground for an extended term
25 by a preponderance of the evidence.

26 The bill also amends N.J.S.A.2A:4A-43 to include receiving
27 stolen property that is a motor vehicle as a crime that requires a
28 juvenile to receive 60 days community service.

29 The bill requires a minimum 60 day period of incarceration for a
30 juvenile who commits the second degree crime of eluding, theft of
31 motor vehicle, or receiving stolen property that is a motor vehicle
32 and who has previously been adjudicated delinquent for an act of
33 motor vehicle theft or receiving stolen property that is a motor
34 vehicle.

35 Finally, the bill makes it a first degree crime for a leader of an
36 auto theft trafficking network to conspire with others including a
37 person 17 years of age or younger to engage for profit in a scheme
38 or course of conduct to unlawfully take, dispose of, distribute ,
39 bring into or transport in this State automobiles as stolen property.
40 In addition to imprisonment and a fine, the court may impose a fine
41 not to exceed \$500,000 or five times the retail value of the
42 automobiles seized at the time of arrest, whichever is greater. The
43 mistaken belief that the person was over 17 years of age is not a
44 defense to the crime. A first-degree crime is punishable by 10 to 20
45 years imprisonment, a \$200,000 fine, or both.

46 It is the intent of the sponsor to contend with the growing issue
47 of car theft in the State and reduce the connected rise in violent
48 crime.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 3006

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 19, 2022

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 3006.

This bill, as amended, would increase penalties for several different crimes associated with motor vehicle thefts. Specifically, the bill addresses repeat adult offenders and leaders of auto theft trafficking networks whose networks include persons 17 years of age or younger.

Repeat Adult Offender

The bill would provide that a person convicted of third-degree theft of a motor vehicle pursuant to subparagraph (b) of paragraph (2) of subsection b. of N.J.S.2C:20-2 or receiving stolen property that is a motor vehicle pursuant to N.J.S.2C:20-7 (graded the same as the crime of theft), and who was previously convicted of either such crime or a similar act, would be subject to an extended term of imprisonment if moved for by the prosecuting attorney. Upon the prosecutor's application, a hearing would be conducted to establish the grounds for imposing the extended term, and a previous "conviction" could be found on the basis of a conviction or adjudication of delinquency for theft or receiving stolen property that is a motor vehicle, or a conviction or adjudication under any similar statute that is substantially equivalent in this State, any other state, or the United States. Under N.J.S.2C:43-7, an extended term of imprisonment for a crime of the third degree is five to 10 years; the ordinary term of imprisonment is set at three to five years. The fine for a crime of the third degree is up to \$15,000.

Repeat offenders are already subject to a presumption of imprisonment for a second or subsequent conviction for theft or unlawful taking of a motor vehicle when previously convicted of either such crime. The bill includes receiving stolen property that is a motor vehicle on the list of crimes for which a convicted repeat offender, with a previous theft, unlawful taking, or receiving conviction, would be subject to a presumption of imprisonment. Additionally, the repeat offender's new conviction would result in an extended term of imprisonment being imposed.

Leader of an Auto Theft Trafficking Network

The bill would upgrade the crime of leader of an auto theft trafficking network to a crime of the first degree, if the person who is the leader organizes, supervises, finances, or manages as part of the network any person who is 17 years of age or younger. A first-degree crime is punishable by a term of imprisonment of 10 to 20 years, and while a fine of up to \$200,000 may ordinarily be imposed for this degree of crime in addition to or in lieu of imprisonment, the bill instead provides for an enhanced fine not to exceed \$500,000 or five times the retail value of the motor vehicles seized at the time of arrest, whichever amount is greater. Currently, the crime is graded as a second-degree crime, which is punishable by a term of imprisonment of five to 10 years, an enhanced fine of up to \$250,000 (the ordinary fine is up to \$150,000) or alternatively five times the retail value of the motor vehicles seized, or both imprisonment and a fine.

It would not be a defense to a prosecution for the upgraded crime of the first degree involving a person who is 17 years of age or younger that the defendant mistakenly believed that person to be older than 17 years of age, even if such mistaken belief was reasonable.

The committee amendments to the bill:

- eliminate any changes proposed under the bill as introduced which would have increased penalties for first-time and repeat juvenile delinquents. First-time delinquents would have been subject to an order to perform community service for at least 60 days for committing an act, which if committed by an adult, would constitute receiving stolen property that is a motor vehicle. Repeat delinquents would have been subject to a mandatory minimum term of imprisonment of 60 days, when the act constituted knowingly eluding a law enforcement officer, motor vehicle theft, or receiving stolen property that is a motor vehicle and the delinquent was previously adjudicated for theft or unlawful taking of a motor vehicle.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 3006 and 3345**

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2023

The Senate Budget and Appropriations Committee reports favorably the Senate Committee Substitute for Senate Bill Nos. 3306 and 3345.

This committee substitute establishes the crimes of participant in auto theft trafficking network and persistent auto theft trafficking offender, expands the crime of leader of auto theft trafficking network, and upgrades a crime that involves the use of a juvenile to commit the crime.

Under current law, a person commits the crime of leader of an auto theft trafficking network, a crime of the second degree, if the person conspires with others as an organizer, supervisor, financier, or manager to engage for profit in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State motor vehicles as stolen property. This crime currently is punishable by a term of imprisonment of five to 10 years, an enhanced fine of up to \$250,000 or five times the retail value of the motor vehicles seized at the time of arrest, whichever amount is greater, or both imprisonment and a fine.

Under the committee substitute, a person would be guilty of the crime of leader of an auto theft trafficking network if the person conspires with one or more other person as an organizer, supervisor, financier, manager, or recruiter to engage for profit or to commit other criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property.

The provisions of the committee substitute upgrade the crime of leader of an auto theft trafficking network to a crime of the first degree, punishable by a term of imprisonment of 10 to 20 years, if a person, while engaging in a course of conduct which constitutes leader of an auto theft trafficking network, under the committee substitute, uses, solicits, directs, hires, employs, or recruits a person 17 years of age or younger to join or actively participate in the network. It is not a defense to a prosecution that the actor mistakenly believed that the person who the actor used, solicited, directed, hired, employed, or recruited was older than 17 years of age, even if the mistaken belief was reasonable. The court may impose a fine not to exceed \$250,000

or five times the retail value of the automobiles or automobile parts seized at the time of arrest, whichever is greater.

A person is guilty of the crime of participant in an auto theft trafficking network, under the committee substitute, if the person engages in or conspires with others in any capacity, other than as a leader of an auto trafficking network, to engage for profit or to commit criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property. Participant in auto theft trafficking network is a crime of the third degree.

Under the committee substitute, participant in an auto theft trafficking network is upgraded to a crime of the second degree if a person who is at least 18 years of age is a participant in an auto theft trafficking network and: knowingly uses, solicits, directs, hires, employs, or recruits a person 17 years of age or younger to commit a violation of participant in an auto theft trafficking network under the substitute; or participates in an auto theft trafficking network that also includes a person 17 years of age or younger who is a participant in the network. It is not a defense to a prosecution that the actor did not know that a person 17 years of age or younger was a participant, or mistakenly believed that the person was 18 years of age or older, even if the mistaken belief was reasonable. For a crime of participant in an auto theft trafficking network, the court may impose a fine not to exceed \$100,000 or five times the retail value of the automobiles or automobile parts seized at the time of the arrest, whichever is greater.

The substitute also provides that a person convicted of a crime of leader of an auto theft trafficking network or participant in an auto theft trafficking network is to be sentenced to an extended term of imprisonment if the person has previously been convicted on two or more prior and separate occasions, regardless of the dates of the convictions, of leader of, or participant in, an auto theft trafficking network, or a crime under any statute of the United States, this State, or any other state that is substantially equivalent to any of those crimes. These provisions of the substitute would not apply unless the prior convictions are for crimes committed on a separate occasion and the crime for which the defendant is being sentenced was committed either: within 10 years of the date of the defendant's last release from confinement for the commission of any crime; or within 10 years of the date of the commission of the most recent of the crimes enumerated in the substitute for which the defendant has a prior conviction. The court is not to sentence a defendant to imprisonment as a persistent auto theft trafficking offender unless the ground therefor has been established at a hearing after the conviction of the defendant and on written notice to the defendant of the ground proposed.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that this bill would generate indeterminate additional costs mainly for the Department of Corrections and the Judiciary. The bill establishes, expands, and upgrades certain auto theft crimes. The OLS does not have sufficient information to quantify the fiscal impact, but the department may incur additional annual costs for housing more inmates and possibly for longer terms of incarceration. The Judiciary's workload may increase if it adjudicates additional cases as a result of the bill's provisions. The State may also receive indeterminate revenue from enhanced fines and penalties imposed on individuals convicted of these crimes; however, the State's ability to collect criminal fines and penalties has historically been limited.

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 3006 and 3345
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: JUNE 22, 2023

SUMMARY

- Synopsis:** Establishes crimes of participant in auto theft trafficking network and persistent auto theft trafficking offender; upgrades auto theft trafficking crimes involving juvenile.
- Type of Impact:** Annual State expenditure and revenue increases.
- Agencies Affected:** Department of Corrections, State Parole Board, Department of Law and Public Safety, the Judiciary, Office of the Public Defender.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) projects that this bill will result in annual State expenditure and revenue increases. The bill establishes the crimes of participant in auto theft trafficking network and persistent auto theft trafficking offender, expands the crime of leader of auto theft trafficking network, and upgrades a crime that involves the use of a juvenile to commit the crime. Therefore, the following State agencies would incur caseload and expenditure increases: i) the Department of Corrections would have to house additional inmates and possibly for longer terms of imprisonment and the State Parole Board would have to supervise their return to society; ii) the Department of Law and Public Safety would have to prosecute additional cases if the upgraded penalties create a reluctance on the part of a defendant to enter a guilty plea; iii) the Judiciary would have to adjudicate additional cases; and iv) the Office of the Public Defender would have to represent additional low-income criminal defendants.
- The OLS does not have sufficient information on the potential increases in number of convictions and terms of imprisonment resulting from the bill’s provisions and therefore is unable to estimate the costs to the State.

- The OLS notes the State may receive indeterminate revenue from regular and enhanced fines imposed on individuals convicted of crimes under the bills. However, the State's ability to collect criminal fines and penalties has historically been limited.

BILL DESCRIPTION

Under the bill, a person would be guilty of the crime of leader of an auto theft trafficking network if the person conspires with one or more other person as an organizer, supervisor, financier, manager, or recruiter to engage for profit or to commit other criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property.

The bill upgrades the crime of leader of an auto theft trafficking network to a crime of the first degree, punishable by a term of imprisonment of 10 to 20 years, if a person, while engaging in a course of conduct which constitutes leader of an auto theft trafficking network, uses, solicits, directs, hires, employs, or recruits a person 17 years of age or younger to join or actively participate in the network. The court may impose a fine not to exceed \$250,000 or five times the retail value of the automobiles or automobile parts seized at the time of arrest, whichever is greater.

Under the bill, a person is guilty of the crime of participant in an auto theft trafficking network, if the person engages in or conspires with others in any capacity, other than as a leader of an auto trafficking network, to engage for profit or to commit criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property. Participant in auto theft trafficking network is a crime of the third degree.

Further, participant in an auto theft trafficking network is upgraded to a crime of the second degree if a person who is at least 18 years of age is a participant in an auto theft trafficking network and: knowingly uses, solicits, directs, hires, employs, or recruits a person 17 years of age or younger to commit a violation of participant in an auto theft trafficking network; or participates in an auto theft trafficking network that also includes a person 17 years of age or younger who is a participant in the network. For a crime of participant in an auto theft trafficking network, the court may impose a fine not to exceed \$100,000 or five times the retail value of the automobiles or automobile parts seized at the time of the arrest, whichever is greater.

The bill also provides that a person convicted of a crime of leader of an auto theft trafficking network or participant in an auto theft trafficking network is to be sentenced to an extended term of imprisonment if the person has previously been convicted on two or more prior and separate occasions, regardless of the dates of the convictions, of leader of, or participant in, an auto theft trafficking network, or a crime under any statute of the United States, this State, or any other state that is substantially equivalent to any of those crimes.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects that this bill will result in annual State expenditure and revenue increases. This bill establishes the crimes of participant in auto theft trafficking network and persistent auto theft trafficking offender, expands the crime of leader of auto theft trafficking network, and upgrades a crime that involves the use of a juvenile to commit the crime. The following State agencies would incur caseload and expenditure increases: i) the Department of Corrections would have to house more inmates and possibly for longer terms of imprisonment and the State Parole Board would have to supervise their return to society; ii) the Department of Law and Public Safety would have to prosecute additional cases if the upgraded penalties create a reluctance on the part of a defendant to enter a guilty plea; iii) the Judiciary would have to adjudicate additional cases; and iv) the Office of the Public Defender would have to represent additional low-income criminal defendants.

Crime data made available on the official State website indicates that there were 10,279 motor vehicle thefts in 2020 and 4,962 motor vehicle thefts for the period January through June in 2021. However, the OLS does not have a breakdown on the sentencing of these offenders to ascertain how many are or are likely to be incarcerated in State prisons. According to statistics made available on the Department of Corrections website, as of January 2022, of the 12,492 inmates in State facilities, 526, or four percent, were incarcerated for “property offenses,” which include burglary, arson, theft, forgery, embezzlement, and receiving or possessing stolen property. The data does not provide a breakdown by the number of motor vehicle thefts or number of offenders receiving stolen vehicles.

The OLS does not have sufficient information on the potential increases in number of convictions and terms of imprisonment resulting from the bill’s provisions and therefore is unable to estimate the costs to the State. Any increase in incarceration will result in increased costs to the Department of Corrections for housing inmates. In an informal estimate previously provided by the department, the average annual cost of housing an inmate in a State correctional facility was \$55,389 with a daily cost of \$151.75. The cost was based on FY 2021 actual expenditures and is an average of all facilities, not including the Special Treatment Unit at the Adult Diagnostic and Treatment Center that houses civilly committed residents. Any increase in incarceration under the bill also would result in increased costs to the State Parole Board to supervise the return to society of additional convicted persons.

This bill expands the crime of leader of an auto theft trafficking network to include automobile parts as stolen property in addition to automobiles. While it continues to be a crime of the second degree as under current statute, there may be more offenders with the expanded crimes covered under this bill. Generally, a crime of the second degree is punishable by a fine of up to \$15,000, a term of imprisonment of five to 10 years, or both. However, under current statute and the provisions of this bill, an enhanced fine of up to \$250,000 or five times the retail value of the automobile or automobile parts seized at the time of arrest, whichever amount is greater, may apply.

The bill upgrades the crime of leader of an auto theft trafficking network to a crime of the first degree when engaging a person 17 or younger in the network. Generally, a crime of the first degree is punishable by a term of imprisonment of 10 to 20 years, a fine of up to \$200,000, or both. The bill, however, provides for an enhanced fine of up to \$250,000 or five times the retail value of the stolen automobile or automobile parts seized at the time of arrest, whichever amount is greater.

The bill establishes the crimes of participant in auto theft trafficking network and persistent auto theft trafficking offender which could result in extended terms of incarceration and enhanced fines.

The OLS notes the State may receive indeterminate revenue from regular and enhanced fines imposed on individuals convicted of the crimes under this bill. However, the State's ability to collect criminal fines and penalties has historically been limited.

Section: Judiciary

*Analyst: Anuja Pande Joshi
Senior Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 3006 STATE OF NEW JERSEY 220th LEGISLATURE

DATED: FEBRUARY 10, 2023

SUMMARY

- Synopsis:** Increases penalties for repeat convictions of certain motor vehicle related crimes; increases penalties for leader of auto theft trafficking network in certain circumstances.
- Type of Impact:** Annual State expenditure and revenue increases.
- Agencies Affected:** Department of Corrections, State Parole Board, Department of Law and Public Safety, the Judiciary, Office of the Public Defender.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) projects that this bill will result in annual State expenditure and revenue increases. The following State agencies would incur caseload and expenditure increases: i) the Department of Corrections would have to house more inmates for longer terms of imprisonment and the State Parole Board would have to supervise their return to society; ii) the Department of Law and Public Safety would have to prosecute additional cases if the increased penalties create a reluctance on the part of a defendant to enter a guilty plea; iii) the Judiciary would have to adjudicate additional cases; and iv) the Office of the Public Defender would have to represent additional low-income criminal defendants.
- The OLS does not have sufficient information on the potential increases in number of convictions and terms of imprisonment resulting from the bill's provisions and therefore is unable to estimate the costs to the State.
- The bill would upgrade the crime of leader of an auto theft trafficking network from a second degree crime to a crime of the first degree and provides for an enhanced fine of up to \$500,000 for engaging a person 17 years of age or younger in the network. Generally, a crime of the first degree is punishable by a term of imprisonment of 10 to 20 years and a fine of up to \$200,000.

The OLS notes the State may receive indeterminate revenue from regular and enhanced fines imposed on individuals convicted of the crimes under this bill. However, the State's ability to collect criminal fines and penalties has historically been limited.

BILL DESCRIPTION

This bill would increase penalties for several different crimes associated with motor vehicle thefts. Specifically, the bill addresses repeat adult offenders and leaders of auto theft trafficking networks whose networks engage persons 17 years of age or younger.

The bill provides for an extended term of imprisonment if moved for by the prosecuting attorney for certain third degree auto thefts. Further, the bill includes receiving stolen property that is a motor vehicle on the list of crimes for which certain convicted repeat offenders will be subject to a presumption of imprisonment and possibly an extended term of imprisonment. The bill also upgrades the crime of leader of an auto theft trafficking network from a crime of the second degree to a crime of the first degree if the leader includes a person 17 years of age or younger in the network.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects that this bill will result in annual State expenditure and revenue increases. The following State agencies would incur caseload and expenditure increases: i) the Department of Corrections would have to house more inmates for longer terms of imprisonment and the State Parole Board would have to supervise their return to society; ii) the Department of Law and Public Safety would have to prosecute additional cases if the increased penalties create a reluctance on the part of a defendant to enter a guilty plea; iii) the Judiciary would have to adjudicate additional cases; and iv) the Office of the Public Defender would have to represent additional low-income criminal defendants.

Crime data made available on the official State website indicates that there were 10,279 motor vehicle thefts in 2020 and 4,962 motor vehicle thefts for the period January through June in 2021. However, the OLS does not have a breakdown on the sentencing of these offenders to ascertain how many are or are likely to be incarcerated in State prisons. According to statistics made available on the Department of Corrections website, as of January 2022, of the 12,492 inmates in State facilities, 526, or four percent, were incarcerated for "property offenses," which include burglary, arson, theft, forgery, embezzlement, and receiving or possessing stolen property. The data does not provide a breakdown by the number of motor vehicle thefts or number of offenders receiving stolen vehicles.

The OLS does not have sufficient information on the potential increases in number of convictions and terms of imprisonment resulting from the bill's provisions and therefore is unable

to estimate the costs to the State. Any increase in incarceration will result in increased costs to the Department of Corrections for housing inmates. In an informal estimate previously provided by the department, the average annual cost of housing an inmate in a State correctional facility was \$55,389 with a daily cost of \$151.75. The cost was based on FY 2021 actual expenditures and is an average of all facilities, not including the Special Treatment Unit at the Adult Diagnostic and Treatment Center that houses civilly committed residents. Any increase in incarceration under the bill also would result in increased costs to the State Parole Board to supervise the return to society of additional convicted persons.

The bill would upgrade the crime of leader of an auto theft trafficking network from a second degree crime to a crime of the first degree and provides for an enhanced fine of up to \$500,000 for engaging a person 17 years of age or younger in the network. A crime of the second degree is punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both. A first degree crime is punishable by a term of imprisonment of 10 to 20 years, and while a fine of up to \$200,000 may generally be imposed for this degree of crime in addition to or instead of imprisonment, the bill provides for an enhanced fine of up to \$500,000 or five times the retail value of the motor vehicles seized at the time of arrest, whichever amount is greater. The upgraded crime may result in longer prison terms and therefore additional costs to the State.

The OLS notes the State may receive indeterminate revenue from regular and enhanced fines imposed on individuals convicted of the crimes under this bill. However, the State's ability to collect criminal fines and penalties has historically been limited.

Section: Judiciary

Analyst: Anuja Pande Joshi
Associate Fiscal Analyst

Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 3006 and 3345

with Senate Floor Amendments
(Proposed by Senator CODEY)

ADOPTED: JUNE 20, 2023

These floor amendments eliminate the provisions of the bill concerning persistent auto theft trafficking offender sentencing, and make technical changes to the bill.

Governor Murphy Toughens Laws Against Auto Theft

07/7/2023

Continues the Work of the Administration to Combat Auto Theft

LONG BRANCH – Governor Phil Murphy today signed a series of bills to continue the fight to combat auto theft in New Jersey. The four bills strengthen the criminal penalties associated with auto theft, with a particular focus on persistent, repeat offenders and large-scale automobile trafficking networks.

“Every person should be able to feel safe and secure in the communities they call home. That is why over the past year we have taken serious steps to crack down on the troubling in auto thefts,” said **Governor Murphy**. “Today’s comprehensive bill signing is an additional step in the right direction. I am grateful to our legislative leaders for recognizing the seriousness of this issue and for taking swift action to bring these bills to my desk. Together, we will continue to work with our partners in law enforcement to keep New Jerseyans safe.”

“More than 1 million vehicles are stolen across the U.S. every year. In New Jersey, we are focused on reducing those numbers and this incredibly comprehensive package of bills will give law enforcement the means to do just that,” said **Attorney General Matthew J. Platkin**. “Thank you to Gov. Murphy and the Legislature for recognizing the need to give our law enforcement officers and agencies these additional tools. Working with our partners at the local, state and federal level, we are in a greater position to cut the number of vehicle thefts and better protect our residents.”

A4930/S3390 expands criminal penalties related to the illegal use of motor vehicle master keys. Motor vehicle master keys are key fobs or computer programs that have the ability to operate the locks or start a motor vehicle. Under the bill, individuals who knowingly possess one of these devices or programs for unlawful purposes or advertise these devices or programs knowing that such items are commonly used for unlawful purposes will be guilty of a fourth-degree crime. These provisions do not apply to law enforcement personnel, insurance organizations, or leasing business entities.

A4931/S2284 establishes the crimes of theft of a motor vehicle and receiving a stolen motor vehicle as separate statutory provisions resulting in either a second- or a third-degree crime, depending on the value of the car. Additionally, the bill provides for extended sentences for certain persistent motor vehicle offenders. If an individual has been convicted on or more prior, separate occasions of carjacking theft, unlawful taking of a motor vehicle, or receiving stolen property that is a motor vehicle, then that individual may be subject to an extended term of imprisonment upon request of the prosecutor.

A5034/S3006 expands the crime of “leader of auto theft trafficking network” by amending the definition of said “leader” to include persons who conspire with others as participant to engage for profit or to commit other criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport motor vehicle or motor vehicle parts as stolen property. The bill also establishes that the “participant in auto theft network” will result in a third-degree crime.

A5189/S3777 eliminates the presumption of pretrial release for defendants charged with certain motor vehicle theft offenses if the defendant was arrested or convicted of a prior motor vehicle theft offense within the 90-day period preceding the charge. Under the bill, the presumption of pretrial release would not apply to an eligible defendant charged with theft of or unlawful taking of a motor vehicle or receiving stolen property where the property involved is a motor vehicle if on one or more prior and separate occasions during the 90-day period preceding the charge, the defendant was arrested for or convicted of theft of or unlawful taking of a motor vehicle; receiving stolen property where the property involved is a motor vehicle; or a crime under any statute of the United States, this State, or any other state that is substantially equivalent to any of the crimes listed above.

In the past year, the Murphy Administration has taken several steps to address the problem of auto thefts.

Earlier this year, the Governor signed S249/A2210, making it more difficult for bad actors to sell stolen catalytic converters to scrap yards and making it easier for law enforcement to identify, locate, and prosecute violators. Attorney General Matthew J. Platkin also announced in April 2023 that 34 law enforcement agencies in 21 counties and the New Jersey State Police (NJSP) will receive grant funding to acquire or expand automated license plate recognition (ALPR) technology across the state, building on Governor Murphy’s 2022 \$10 million investment in the technology to reduce violent crime and auto theft in New Jersey through the federal American Rescue Plan (ARP) State Fiscal Recovery Fund.

Auto theft measures taken in the last year have proven to be successful, resulting in a 10 percent decrease in auto thefts from January through May of this year compared to that same period last year, and a 10 percent decrease in auto thefts for the last four months of 2022 compared to those same months in 2021.

In the recently signed Fiscal Year 2024 budget, \$2 million more was allocated to increase the investment in statewide pretrial services, which will expand social service offerings at arraignment to programming support for people awaiting trial.

The primary sponsors of these bills, which passed unanimously in both houses, were Senator Gopal, Senator Lagana, Senator Sarlo, Senator Codey, Senator Bucco, Assemblyman Swain, Assemblywoman Atkins, Assemblywoman Speight, Assemblywoman Flynn, and Assemblyman Thomson.

“The rate of auto-thefts over the past two years threatens the property and safety of New Jersey residents and places an added strain on law enforcement,” said **Senator Vin Gopal**. “It is crucial we take decisive and creative action to deter car thieves while also providing additional support to the law enforcement departments and our prosecutors’ offices who are already working hard to curb this disturbing trend.”

“In New Jersey, the vast majority of residents depend on their cars to get back and forth to work, to get their kids to school, or to go wherever they need to be. These bills offer new ways of thinking, and new ways of attacking the car theft problem in our state, by focusing resources on several fronts, and, when necessary, strengthening laws to make would-be perpetrators think twice before stealing another person’s automobile,” said **Senator Joseph Lagana**.

“Car thefts and related crimes are an ongoing threat to the safety and security of diverse communities throughout the state,” said **Senator Paul Sarlo**. “This legislation will work to take down on offenders, prevent thefts, and take down the criminal networks of car thieves.”

“In recent years, our communities have been plagued with the crimes of car thefts, with the thefts primarily being done by repeat offenders,” said **Senator Richard Codey**. “These are often sophisticated, well-financed, well-organized business operations, more or less corporations. If we want to get serious about busting up these operations and making headway on car thefts, we must go after the captains of these rings, and not merely be content with arresting the teen-age perpetrators who may be in their service.”

“I am pleased that Governor Murphy signed this bipartisan legislation to address the epidemic of motor vehicle thefts in New Jersey. This law sends a powerful message that if you commit the crime, you will be caught and you will serve time,” said **Senator Minority Leader Anthony M. Bucco**. “Unlawful activities related to car thefts and stolen car parts have increased throughout the state since 2020. With the signing of this legislation, we are enacting a plan to hold auto theft traffickers and their criminal networks accountable for their heinous crimes.”

“Since the onset of the pandemic, our State has seen the most significant increase in auto thefts to date,” said **Assemblyman Christopher Tully**. “New Jersey residents deserve immediate protection, which is why we have taken steps to develop smart, sensible policies that safeguard our residents and their property while punishing those responsible. The measures being signed into law today will strengthen our laws and keep our neighborhoods safe.”

“The majority of families in New Jersey rely on their cars to get where they need to go, be it for work, school or leisure. That is why it is critical to respond to the recent surge in car theft with thoughtful, effective policies that will stop repeat offenders who lead car theft trafficking networks,” said **Assemblywoman Lisa Swain**. “These new laws take aim at car theft and that for too long have preyed upon New Jersey communities, clearly sending the message that actions have consequences.”

"The uptick in car thefts throughout the state has created serious cause for concern among law enforcement officers and New Jersey families," said **Assemblyman Reginald Atkins**. "People deserve to feel safe and secure in their communities, but that isn't possible when the threat of property theft looms over them. By updating our laws, we are addressing technological advances that aid in these crimes and giving our courts the tools needed to put an end to car thefts."

"Over the past few years, law enforcement officers throughout New Jersey have felt the added strain caused by car thefts and our residents have worried that their property could be the next target," said **Assemblywoman Shanique Speight**. "I am proud to sponsor legislation being signed into law today. This is a start to ending car thefts and giving New Jersey families peace of mind."

"This new law thoughtfully targets the car theft crisis occurring throughout New Jersey communities by providing the necessary support law enforcement has called for to address 'catch and release' policies that have enabled car theft rings to flourish," said **Assemblywoman Vicky Flynn**. "Tackling the rise in car thefts was one of the first issues I took on as a member of the Legislature, so it is particularly rewarding to see this bill signed into law. Protecting the hardworking people of New Jersey and their property is a commitment I will continue to honor as I celebrate this significant step toward a safer tomorrow."

"Empowering the courts to close the door on repeat car thieves will help put an end to the crime cycle in New Jersey," said **Assemblyman Ned Thomson**. "In order to provide residents the peace of mind they deserve and protect them from falling victim to career criminals, New Jersey must take a tougher approach. The signing of this law demonstrates how both sides of the aisle can come together to prioritize public safety and ensure the justice system holds these offenders accountable."

"Car thefts are a personal and sometimes violent attack on an innocent victim," said **Peter Andreyev, Executive Vice President, New Jersey State PBA**. "The bills signed today will allow law enforcement to target the leaders of these theft rings and make sure that repeat offenders are properly adjudicated. On behalf of the New Jersey State PBA, I would like to thank Governor Murphy and the bill sponsors for their support on this serious public safety issue."

"I commend the Governor and Legislature for taking swift action to combat this very important bipartisan issue," said **Long Branch Mayor John Pallone**. "In Long Branch public safety is our primary responsibility and with these laws in place, it gives our law enforcement officers the ability to protect and serve our town and ensure auto theft offenders are brought to justice."

"I applaud the Senate and the Governor for approving the set of bills that will greatly enhance the safety and security of residents," said **Mine Hill Mayor Sam Morris**. "These bills will help crack down and bring accountability to those who prey on the public. The legislation goes far toward beating the technical and skilled car thieves advanced technology. Good to everyone involved."

"New Jersey is plagued by an epidemic of auto theft. I commend the legislature for taking action and the governor for signing these bills into law," said **Mount Arlington Mayor Mic Stanzilis**. "I urge the public to help stem the tide of auto theft by locking their cars and not leaving the keys and key fob in their automobiles."

"I would like to thank our Legislature for passing this package of bills and to Governor Murphy for signing this important legislation to help combat the out of control auto theft crisis in our State," said **Jefferson Mayor Eric F. Wilsusen**. "As a retired Deputy Chief of Police, I know these new laws will give our law enforcement a few more tools in their toolbox to better control auto theft that has affected all our communities throughout New Jersey."

"Kudos to our legislators and to our Governor for passing and signing this critical legislation into law which is long overdue," said **East Hanover Mayor Joseph Pannullo**. "It is essential for both law enforcement officers and prosecutors who can now better work together to make all of us safer."

"These bills aptly address our ongoing concerns for our municipality's public safety," said **Millburn Mayor Maggee Miggins**. "We find the unanimous approvals very meaningful and are grateful to both the Governor and the Legislature."

"The auto thefts have reached epidemic proportions. It cannot be addressed solely in the communities where the thefts are occurring, it must be addressed from the cities where they young are recruited, to suburbs where the cars are stolen to the final destination of the vehicles," said **Madison Mayor Robert H. Conley**. "This series of bills does exactly that. As a mayor in a community that has been hit with the rash of thefts, these bills are the support we need. I thank the legislature for their overwhelming support for the bills and for Governor Murphy for signing them into law."

"I believe these bills, once they become law, will assist law enforcement and prosecutors in trying to curb the theft of autos and auto parts," said **Totowa Mayor John Coiro**.

"I thank Governor Murphy and our State Legislature for recognizing and working to address a problem in a bipartisan way that Mayors and local police departments have been combatting for a while," said **Hamilton Township Mayor Jeff Martin**. "Repeat offenders, and those profiting off their crimes, will now face far more significant penalties for their crimes and be less likely to be released on bail to continue to commit these crimes."

"I want to thank Governor Murphy for taking these important steps towards strengthening auto theft prevention laws," said **Prospect Park Mayor Mohamed Khairullah**. "This is one area where Republicans and Democrats alike are united and gives our law enforcement community the necessary resources to stop auto thefts, protect our residents and ensure public safety in our town and every town across the state."

"It's no secret that communities across New Jersey have been struggling to combat widespread auto thefts for years," said **Morris Township Mayor Mark Gyorfy**. "I applaud the passage of these bipartisan measures by our state lawmakers and thank Governor Murphy for his support to strengthen law enforcement's ability to stem this concerning trend and make communities like Morris Township safer for all residents."

"As Mayor, representing the Montville Township Committee, we support legislation that has a positive impact on crime," said **Montville Mayor Matt Kayne**. "Auto theft continues to be occurring at a high incident rate. These bills are a positive step forward in the effort to fight auto theft. I support these bills and want to thank our lawmakers for this body of work."

"The bills that Governor Murphy is signing is a big step in assisting Law Enforcement in combating the on-going crime of auto theft," said **Montville Police Chief Andrew Caggiano**. "These bills give law enforcement the ability to specifically ensure that the repeat offenders committing auto theft are not automatically released through pretrial release and are held accountable after conviction. As the Chief of Police for the Montville Township Police Department, I support these bills and applaud our legislators for their efforts."

"Auto theft has become a major concern across the State of New Jersey. It's an issue we hear about from residents every single day," said **Woodland Park Mayor Keith Kazmark**. "I thank Governor Murphy and the State Legislature for working on and signing this series of bills to address this important issue. Safety must be our number one priority, without it we have no quality of life."

"Over the past few years, we have witnessed a rise in auto thefts, an issue that is not subject to just one community in our state," said **Ewing Mayor Bert Steinmann**. "I am grateful to Governor Murphy and the state legislature for their continued efforts to support us as we work to combat this epidemic here in Ewing."

"The bipartisan measure from Trenton to raise the stakes for major crime rings who focus on auto theft is welcome news to all communities across New Jersey," said **Mendham Borough Mayor Christine Glassner**. "Law enforcement officials now have a powerful new tool to combat auto theft and bring criminal accountability to the leaders of these pyramid crime schemes and throw them in prison where they belong. In addition to supporting our cops working the streets and prosecutors who use the full scope of their authority to red violent and costly crimes in our state, all New Jerseyans can appreciate this important step to fight crime by our leaders in Trenton."

"I applaud Governor Murphy for signing the bills sponsored by Senators Codey, Bucco, Sarlo, Lagana and Gopal. Stiffening the consequences for actors who commit these crimes is paramount to giving municipalities and law enforcement the upper hand in combating auto theft. It is refreshing to witness our state legislators collaborate for the betterment of residents regardless of party affiliation," said **Roseland Mayor James Spango**. "The statewide auto theft issue affects all municipalities and NJ residents and puts the safety of the public and police at risk everyday. Harsher penalties for those committing these crimes will improve the quality of life for all of us."

"I want to thank Governor Murphy and the Legislature for working together in a bipartisan effort to address this critical issue affecting not just Long Hill but towns across New Jersey."

Jersey," **said Long Hill Mayor Scott Lavender.** "These laws will empower our law enforcement officers and prosecutors to effectively protect our communities and ensure criminals held accountable to the fullest extent of the law."

"Across the State, an increase in vehicle thefts and related crimes are impacting the quality of life for our citizens. Even quiet suburban communities like Bridgewater are not immune to this rise, despite the best efforts of our dedicated Police Department. That is why I completely support this bi-partisan package of bills. The individual's committing these crimes need to know that New Jersey takes these offenses seriously and, when you are caught, you will pay the price," **said Bridgewater Mayor Matt Moench.**