



**FLOOR AMENDMENT STATEMENT:** No  
**LEGISLATIVE FISCAL ESTIMATE:** Yes 02/14/2023  
03/03/2023

**S3389 (SCS)**

**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](http://www.njleg.state.nj.us))

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

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**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 101, *approved July 7, 2023*  
Assembly, No. 4931 (*First Reprint*)

1 **AN ACT** concerning theft of and receiving a stolen motor vehicle,  
2 supplementing Title 2C of the New Jersey Statutes, and  
3 amending various parts of the statutory law.

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

7  
8 1. (New section) Theft of a motor vehicle. a. A person  
9 commits the crime of theft of a motor vehicle if the person unlawfully  
10 takes, or exercises unlawful control over, another person's motor  
11 vehicle with the purpose to deprive that person of the motor vehicle.

12 b. Theft of a motor vehicle constitutes a crime of the second  
13 degree if the value of the motor vehicle involved is \$75,000 or more  
14 or if the theft involved more than one motor vehicle, otherwise it is  
15 a crime of the third degree.

16 c. The value of the motor vehicle involved in the theft shall be  
17 determined by the trier of fact. The amount shall include, but not  
18 be limited to, the amount of any State tax avoided, evaded, or  
19 otherwise unpaid, or improperly retained or disposed of. Amounts  
20 involved in thefts of motor vehicles committed pursuant to one  
21 scheme or course of conduct, whether from the same person or  
22 several persons, may be aggregated in determining the grade of the  
23 offense.

24  
25 2. (New section) a. Receiving a stolen motor vehicle. A  
26 person is guilty of receiving a stolen motor vehicle if the person  
27 knowingly receives or brings into this State a motor vehicle that is  
28 the property of another knowing that it has been stolen, or believing  
29 that it is probably stolen. Receiving a stolen motor vehicle is a  
30 crime of the second degree if the value of the motor vehicle is  
31 \$75,000 or more, otherwise it is a crime of the third degree.

32 b. It is an affirmative defense that the property was received  
33 with the purpose to restore it to the owner.

34 c. Permissive inference. The requisite knowledge or belief  
35 may be inferred in the case of a person who:

36 (1) is found in possession or control of two or more motor  
37 vehicles stolen on two or more separate occasions; or

38 (2) has received a stolen motor vehicle in another transaction  
39 within the year preceding the transaction charged; or

**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:

<sup>1</sup>Assembly ALP committee amendments adopted December 5, 2022.

1 (3) being a person in the business of buying or selling motor  
2 vehicles, acquires the motor vehicle without having ascertained by  
3 reasonable inquiry that the person from whom it was obtained had a  
4 legal right to possess and dispose of it; or

5 (4) is found in possession of a motor vehicle without proper  
6 documentation or other evidence of right to possession.

7 For the purposes of this section, "receiving" means acquiring  
8 possession, control or title, or lending on the security of the motor  
9 vehicle.

10  
11 3. (New section) Persistent stolen motor vehicle offender  
12 sentencing.

13 a. Upon request of the prosecutor, a person <sup>1</sup>who has been  
14 convicted of a crime pursuant to section 1 or 2 of P.L. \_\_\_\_\_,  
15 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill) or  
16 carjacking pursuant to section 1 of P.L.1993, c.221 (C.2C:15-2)<sup>1</sup>  
17 shall be sentenced to an extended term of imprisonment pursuant to  
18 N.J.S.2C:43-7 if the person <sup>1</sup>**[is]** has previously been<sup>1</sup> convicted  
19 <sup>1</sup>on two or more prior and separate occasions, regardless of the  
20 dates of the convictions,<sup>1</sup> of a crime pursuant to section 1 or 2 of  
21 P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this bill),  
22 carjacking pursuant to section 1 of P.L.1993, c.221 (C.2C:15-2),  
23 <sup>1</sup>theft or unlawful taking of a motor vehicle, receiving stolen  
24 property where the property involved is a motor vehicle,<sup>1</sup> or <sup>1</sup>a  
25 crime<sup>1</sup> under any statute of the United States, this State, or any  
26 other state for a crime that is substantially equivalent to any of the  
27 crimes enumerated in this subsection <sup>1</sup>**[,** committed on two or more  
28 prior and separate occasions regardless of the dates of the  
29 convictions<sup>1</sup>**]**.

30 b. The provisions of this section shall not apply unless the prior  
31 <sup>1</sup>**[conviction is]** convictions are<sup>1</sup> for <sup>1</sup>**[a crime]** crimes<sup>1</sup> committed  
32 on a separate occasion and the crime for which the defendant is  
33 being sentenced was committed either:

34 (1) within 10 years of the date of the defendant's last release  
35 from confinement for the commission of any crime; or

36 (2) within 10 years of the date of the commission of the most  
37 recent of the crimes <sup>1</sup>enumerated in subsection a. of this section<sup>1</sup> for  
38 which the defendant has a prior conviction.

39 c. The court shall not impose a sentence of imprisonment  
40 pursuant to this section, unless the ground therefor has been  
41 established at a hearing after the conviction of the defendant and on  
42 written notice to the defendant of the ground proposed. The  
43 defendant shall have the right to hear and controvert the evidence  
44 against him and to offer evidence upon the issue. Prior convictions  
45 shall be defined and proven in accordance with N.J.S.2C:44-4.

- 1       4. N.J.S.2C:20-2 is amended to read as follows:
- 2       2C:20-2. a. Consolidation of Theft and Computer Criminal  
3 Activity Offenses. Conduct denominated theft or computer  
4 criminal activity in this chapter constitutes a single offense, but  
5 each episode or transaction may be the subject of a separate  
6 prosecution and conviction. A charge of theft or computer criminal  
7 activity may be supported by evidence that it was committed in any  
8 manner that would be theft or computer criminal activity under this  
9 chapter, notwithstanding the specification of a different manner in  
10 the indictment or accusation, subject only to the power of the court  
11 to ensure fair trial by granting a bill of particulars, discovery, a  
12 continuance, or other appropriate relief where the conduct of the  
13 defense would be prejudiced by lack of fair notice or by surprise.
- 14       b. Grading of theft offenses.
- 15       (1) Theft constitutes a crime of the second degree if:
- 16       (a) The amount involved is \$75,000 or more;
- 17       (b) The property is taken by extortion;
- 18       (c) The property stolen is a controlled dangerous substance or  
19 controlled substance analog as defined in N.J.S.2C:35-2 and the  
20 quantity is in excess of one kilogram;
- 21       (d) The property stolen is a person's benefits under federal or  
22 State law, or from any other source, which the Department of  
23 Human Services or an agency acting on its behalf has budgeted for  
24 the person's health care and the amount involved is \$75,000 or  
25 more;
- 26       (e) The property stolen is human remains or any part thereof;  
27 except that, if the human remains are stolen by deception or  
28 falsification of a document by which a gift of all or part of a human  
29 body may be made pursuant to P.L.2008, c.50 (C.26:6-77 et al.), the  
30 theft constitutes a crime of the first degree; or
- 31       (f) It is in breach of an obligation by a person in his capacity as  
32 a fiduciary and the amount involved is \$50,000 or more.
- 33       (2) Theft constitutes a crime of the third degree if:
- 34       (a) The amount involved exceeds \$500 but is less than \$75,000;
- 35       (b) The property stolen is a firearm, **motor vehicle,** vessel,  
36 boat, horse, domestic companion animal or airplane;
- 37       (c) The property stolen is a controlled dangerous substance or  
38 controlled substance analog as defined in N.J.S.2C:35-2 and the  
39 amount involved is less than \$75,000 or is undetermined and the  
40 quantity is one kilogram or less;
- 41       (d) It is from the person of the victim;
- 42       (e) It is in breach of an obligation by a person in his capacity as  
43 a fiduciary and the amount involved is less than \$50,000;
- 44       (f) It is by threat not amounting to extortion;
- 45       (g) It is of a public record, writing or instrument kept, filed or  
46 deposited according to law with or in the keeping of any public  
47 office or public servant;

1 (h) The property stolen is a person's benefits under federal or  
2 State law, or from any other source, which the Department of  
3 Human Services or an agency acting on its behalf has budgeted for  
4 the person's health care and the amount involved is less than  
5 \$75,000;

6 (i) The property stolen is any real or personal property related  
7 to, necessary for, or derived from research, regardless of value,  
8 including, but not limited to, any sample, specimens and  
9 components thereof, research subject, including any warm-blooded  
10 or cold-blooded animals being used for research or intended for use  
11 in research, supplies, records, data or test results, prototypes or  
12 equipment, as well as any proprietary information or other type of  
13 information related to research;

14 (j) The property stolen is a New Jersey Prescription Blank as  
15 referred to in R.S.45:14-14;

16 (k) The property stolen consists of an access device or a defaced  
17 access device;

18 (l) The property stolen consists of anhydrous ammonia and the  
19 actor intends it to be used to manufacture methamphetamine; or

20 (m) The property stolen consists of a package delivered to a  
21 residential property by a cargo carrier and the amount involved is  
22 less than \$75,000 or is undetermined.

23 (3) Theft constitutes a crime of the fourth degree if the amount  
24 involved is at least \$200 but does not exceed \$500.

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

26 (a) The amount involved was less than \$200; or

27 (b) The property stolen is an electronic vehicle identification  
28 system transponder.

29 The amount involved in a theft or computer criminal activity  
30 shall be determined by the trier of fact. The amount shall include,  
31 but shall not be limited to, the amount of any State tax avoided,  
32 evaded or otherwise unpaid, improperly retained or disposed of.  
33 Amounts involved in thefts, thefts of motor vehicles, or computer  
34 criminal activities committed pursuant to one scheme or course of  
35 conduct, whether from the same person or several persons, may be  
36 aggregated in determining the grade of the offense.

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

39 (1) Was unaware that the property or service was that of  
40 another;

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

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

47 d. Theft from spouse. It is no defense that theft or computer  
48 criminal activity was from or committed against the actor's spouse,

1 except that misappropriation of household and personal effects, or  
2 other property normally accessible to both spouses, is theft or  
3 computer criminal activity only if it occurs after the parties have  
4 ceased living together.

5 (cf: P.L.2021, c.448, s.1)

6

7 5. N.J.S.2C:20-7 is amended to read as follows:

8 2C:20-7. Receiving Stolen Property.

9 a. Receiving. A person is guilty of theft if he knowingly  
10 receives or brings into this State movable property, other than a  
11 motor vehicle, of another knowing that it has been stolen, or  
12 believing that it is probably stolen. It is an affirmative defense that  
13 the property was received with purpose to restore it to the owner.  
14 "Receiving" means acquiring possession, control or title, or lending  
15 on the security of the property.

16 b. **【Presumption of knowledge.】** Permissive inference. The  
17 requisite knowledge or belief **【is presumed】** may be inferred in the  
18 case of a person who:

19 (1) Is found in possession or control of two or more items of  
20 property stolen on two or more separate occasions; or

21 (2) Has received stolen property in another transaction within  
22 the year preceding the transaction charged; or

23 (3) Being a person in the business of buying or selling property  
24 of the sort received, acquires the property without having  
25 ascertained by reasonable inquiry that the person from whom he  
26 obtained it had a legal right to possess and dispose of it; or

27 (4) Is found in possession of two or more defaced access  
28 devices; or

29 (5) Is found in possession of property of a cargo carrier without  
30 proper documentation or other evidence of right to possession.

31 (cf: P.L.2013, c.58, s.3)

32

33 6. Section 3 of P.L.1989, c.331 (C.34:8-44) is amended to read  
34 as follows:

35 3. In addition to any other procedure, condition or information  
36 required by this act:

37 a. Every applicant shall file a disclosure statement with the  
38 chief stating whether or not the applicant has been convicted of any  
39 crime, which for the purposes of this act shall mean a violation of  
40 any of the following provisions of the "New Jersey Code of  
41 Criminal Justice," Title 2C of the New Jersey Statutes as amended  
42 and supplemented, or the equivalent under the laws of any other  
43 jurisdiction:

44 (1) Any crime of the first degree;

45 (2) Any crime which is a second or third degree crime and is a  
46 violation of chapter 20 or 21 of Title 2C of the New Jersey Statutes;

47 or

1 (3) Any other crime which is a violation of N.J.S.2C:5-1, 2C:5-  
2 2, 2C:11-2 through 2C:11-4, 2C:12-1, 2C:12-3, 2C:13-1, 2C:14-2,  
3 2C:15-1, subsection a. or b. of 2C:17-1, subsection a. or b. of  
4 2C:17-2, 2C:18-2, 2C:20-1, 2C:20-2, 2C:20-4, 2C:20-5, 2C:20-7,  
5 section 1 or 2 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
6 Legislature as this bill), 2C:20-9, 2C:21-2 through 2C:21-4, 2C:21-  
7 6, 2C:21-7, 2C:21-12, 2C:21-14, 2C:21-15, or 2C:21-19, chapter 27  
8 or 28 of Title 2C of the New Jersey Statutes, N.J.S.2C:30-2, 2C:30-  
9 3, 2C:35-5, 2C:35-10, or 2C:37-1 through 2C:37-4.

10 b. Each disclosure statement may be reviewed and used by the  
11 director as grounds for denying licensure or registration, except that  
12 in cases in which the provisions of P.L.1968, c.282 (C.2A:168A-1  
13 et seq.) apply, the director shall comply with the requirements of  
14 that act.

15 c. An applicant who is denied licensure or registration pursuant  
16 to this section shall, upon a written request transmitted to the  
17 director within 30 calendar days of the denial, be afforded an  
18 opportunity for a hearing in the manner provided for contested  
19 cases pursuant to the "Administrative Procedure Act," P.L.1968,  
20 c.410 (C.52:14B-1 et seq.).

21 d. An applicant shall have the continuing duty to provide any  
22 assistance or information requested by the director, and to cooperate  
23 in any inquiry, investigation, or hearing conducted by the director.

24 e. If any of the information required to be included in the  
25 disclosure statement changes, or if any additional information  
26 should be added after the filing of the statement, the applicant shall  
27 provide that information to the chief, in writing, within 30 calendar  
28 days of the change or addition.

29 (cf: P.L.1989, c.331, s.3)

30

31 7. Section 9 of P.L.1939, c.369 (C.45:19-16) is amended to  
32 read as follows:

33 9. No holder of any unexpired license issued pursuant to this  
34 act shall knowingly employ in connection with his or its business in  
35 any capacity whatsoever, any person who has been convicted of a  
36 high misdemeanor or any of the following misdemeanors, or  
37 offenses, and who has not subsequent to such conviction received  
38 executive pardon therefor removing any civil disabilities incurred  
39 thereby, to wit:

40 (a) illegally using, carrying or possessing a pistol or other  
41 dangerous weapon;

42 (b) making or possessing burglar's instruments;

43 (c) buying or receiving stolen property or a stolen motor  
44 vehicle;

45 (d) unlawful entry of a building;

46 (e) aiding escape from prison;

47 (f) unlawfully possessing or distributing habit-forming narcotic  
48 drugs;

1 (g) any person whose private detective or investigator's license  
2 was revoked or application for such license was denied by the  
3 superintendent or by the authorities of any other State or territory  
4 because of conviction of any of the crimes or offenses specified in  
5 this section. Should the holder of an unexpired license falsely state  
6 or represent that a person is or has been in his employ, such false  
7 statement or misrepresentation shall be sufficient cause for the  
8 revocation of such license.

9 No person shall be employed by any holder of a license until he  
10 shall have executed and furnished to such license holder a verified  
11 statement, to be known as "employee's statement," setting forth:

12 (a) His full name, age, residence address, and place of and date  
13 of birth.

14 (b) The country of which he is a citizen.

15 (c) The business or occupation engaged in for the five years  
16 immediately preceding the date of the filing of the statement,  
17 setting forth the place or places where such business or occupation  
18 was engaged in, and the name or names of employers, if any.

19 (d) That he has not been convicted of a high misdemeanor or of  
20 any offense involving moral turpitude or of any of the  
21 misdemeanors or offenses described in this section.

22 (e) Such further information as the superintendent may by rule  
23 require to show the good character, competency, and integrity of the  
24 person executing the statement.

25 The employee shall submit to the Superintendent of State Police  
26 the employee's name, address, fingerprints and written consent for a  
27 criminal history background check to be performed. The  
28 superintendent is hereby authorized to exchange fingerprint data  
29 with and receive criminal history record information from the State  
30 Bureau of Identification in the Division of State Police and the  
31 Federal Bureau of Investigation consistent with applicable State and  
32 federal laws, rules and regulations. The applicant shall bear the  
33 cost for the criminal history background check, including all costs  
34 of administering and processing the check. If the superintendent  
35 finds that such person has been convicted of a first, second or third  
36 degree crime, or any other offense specified in this section, he shall  
37 immediately notify the holder of such license and shall also refer  
38 the matter to the prosecutor of the pleas of the county in which the  
39 employee resides. The superintendent may also from time to time  
40 cause such fingerprints to be checked against the fingerprints filed  
41 with the State bureau of identification or of other official fingerprint  
42 files within or without this State, and if he finds that such person  
43 has been convicted of a high misdemeanor or any other offense  
44 specified in this section he shall immediately notify the holder of  
45 such license and shall also refer the matter to the prosecutor of the  
46 pleas of the county in which the employee resides. The  
47 superintendent shall at all times be given access to and may from

1 time to time examine the fingerprints retained by the holder of a  
2 license as provided in this section.

3 If any holder of a license shall file with the superintendent the  
4 fingerprints of a person other than the person so employed, he shall  
5 be guilty of a misdemeanor.

6 (cf: P.L.2003, c.199, s.30)

7

8 8. Section 11 of P.L.1971, c.317 (52:4B-11) is amended to read  
9 as follows:

10 11. The Victims of Crime Compensation Office may order the  
11 payment of compensation in accordance with the provisions of  
12 P.L.1971, c.317 (C.52:4B-1 et seq.) for personal injury or death  
13 which resulted from:

14 a. an attempt to prevent the commission of crime or to arrest a  
15 suspected criminal or in aiding or attempting to aid a police officer  
16 to do so; or

17 b. the commission or attempt to commit any of the following  
18 offenses:

19 (1) aggravated assault;

20 (2) (Deleted by amendment, P.L.1995, c.135).

21 (3) threats to do bodily harm;

22 (4) lewd, indecent, or obscene acts;

23 (5) indecent acts with children;

24 (6) kidnapping;

25 (7) murder;

26 (8) manslaughter;

27 (9) aggravated sexual assault, sexual assault, aggravated  
28 criminal sexual contact, criminal sexual contact;

29 (10) any other crime involving violence including domestic  
30 violence as defined by section 3 of P.L.1981, c.426 (C.2C:25-3) or  
31 section 3 of P.L.1991, c.261 (C.2C:25-19);

32 (11) burglary;

33 (12) tampering with a cosmetic, drug or food product;

34 (13) a violation of human trafficking, section 1 of P.L.2005, c.77  
35 (C.2C:13-8); or

36 c. the commission of a violation of R.S.39:4-50, section 5 of  
37 P.L.1990, c.103 (C.39:3-10.13), section 19 of P.L.1954, c.236  
38 (C.12:7-34.19), or section 3 of P.L.1952, c.157 (C.12:7-46); or

39 d. theft of an automobile pursuant to N.J.S.2C:20-2 or section 1  
40 or 2 of P.L. , c. (C. ) (pending before the Legislature as this  
41 bill), eluding a law enforcement officer pursuant to subsection b. of  
42 N.J.S.2C:29-2 or unlawful taking of a motor vehicle pursuant to  
43 subsection b., c., or d. of N.J.S.2C:20-10 where injuries to the  
44 victim occur in the course of operating an automobile in furtherance  
45 of the offense; or

46 e. the commission of a violation of N.J.S.2C:16-1, bias  
47 intimidation; or

1 f. simple assault pursuant to N.J.S.2C:12-1 or disorderly  
2 conduct pursuant to N.J.S.2C:33-2; or

3 g. a motor vehicle accident resulting in injury or death where  
4 the driver of the vehicle left the scene of the accident in violation of  
5 R.S.39:4-129.

6 (cf: P.L.2019, c.380, s.7)

7

8 9. Section 6 of P.L.2017, c.324 (C.53:2-11) is amended to read  
9 as follows:

10 6. a. A person shall not act as a pier superintendent or as a hiring  
11 agent within the port of New York district in this State without first  
12 having obtained from the division a license to act as a pier  
13 superintendent or hiring agent, as the case may be, and a person  
14 shall not employ or engage another person to act as a pier  
15 superintendent or hiring agent who is not so licensed.

16 b. A license to act as a pier superintendent or hiring agent shall  
17 be issued only upon the written application, under oath, of the  
18 person proposing to employ or engage another person to act as a  
19 pier superintendent or hiring agent, verified by the prospective  
20 licensee as to the matters concerning the prospective licensee, and  
21 shall state the following:

22 (1) The full name and business address of the applicant;

23 (2) The full name, residence, business address, if any, place and  
24 date of birth, and social security number of the prospective licensee;

25 (3) The present and previous occupations of the prospective  
26 licensee, including the places where the person was employed and  
27 the names of the person's employers;

28 (4) Any further facts and evidence as may be required by the  
29 division to ascertain the character, integrity, and identity of the  
30 prospective licensee; and

31 (5) That if a license is issued to the prospective licensee, the  
32 applicant will employ the licensee as pier superintendent or hiring  
33 agent, as the case may be.

34 c. A license shall not be granted pursuant to this section:

35 (1) Unless the division shall be satisfied that the prospective  
36 licensee possesses good character and integrity;

37 (2) If the prospective licensee has, without subsequent pardon,  
38 been convicted by a court of the United States, or any State or  
39 territory thereof, of the commission of, or the attempt or conspiracy  
40 to commit, treason, murder, manslaughter, or any of the following  
41 offenses: illegally using, carrying, or possessing a pistol or other  
42 dangerous weapon; making or possessing burglar's instruments;  
43 buying or receiving stolen property or a stolen motor vehicle;  
44 unlawful entry of a building; aiding an escape from prison;  
45 unlawfully possessing, possessing with intent to distribute, sale, or  
46 distribution of a controlled dangerous substance or a controlled  
47 dangerous substance analog; or a violation prescribed in subsection  
48 g. of this section. Any prospective licensee ineligible for a license

1 by reason of any conviction under this paragraph may submit  
2 satisfactory evidence to the division that the prospective licensee  
3 has for a period of not less than five years, measured as hereinafter  
4 provided, and up to the time of application, so acted as to warrant  
5 the grant of a license, in which event the division may, in its  
6 discretion, issue an order removing that ineligibility. The five-year  
7 period shall be measured either from the date of payment of any  
8 fine imposed upon that person or the suspension of sentence or from  
9 the date of the person's unrevoked release from custody by parole,  
10 commutation, or termination of sentence; and

11 (3) If the prospective licensee knowingly or willfully advocates  
12 the desirability of overthrowing or destroying the government of the  
13 United States by force or violence or shall be a member of a group  
14 which advocates that desirability, knowing the purposes of a group  
15 having that advocacy.

16 d. When the application shall have been examined and further  
17 inquiry and investigation made as the division shall deem proper  
18 and when the division shall be satisfied therefrom that the  
19 prospective licensee possesses the qualifications and requirements  
20 prescribed in this section, the division shall issue and deliver to the  
21 prospective licensee a license to act as pier superintendent or hiring  
22 agent for the applicant, as the case may be, and shall inform the  
23 applicant of this action. The division may issue a temporary permit  
24 to any prospective licensee for a license issued under this section  
25 pending final action on an application made for that license. Any  
26 temporary permit shall be valid for a period not in excess of 30  
27 days.

28 e. A person shall not be licensed to act as a pier superintendent  
29 or hiring agent for more than one employer, except at a single pier  
30 or other waterfront terminal, but nothing in P.L.2017, c.324  
31 (C.32:23-229 et al.) shall be construed to limit in any way the  
32 number of pier superintendents or hiring agents any employer may  
33 employ.

34 f. A license granted pursuant to this section shall continue  
35 through the duration of the licensee's employment by the employer  
36 who shall have applied for the license.

37 g. Any license issued pursuant to this section may be revoked  
38 or suspended for a period as the division deems in the public  
39 interest or the licensee thereunder may be reprimanded for any of  
40 the following offenses:

41 (1) Conviction of a crime or act by the licensee or other cause  
42 which would require or permit the person's disqualification from  
43 receiving a license upon original application;

44 (2) Fraud, deceit, or misrepresentation in securing the license, or  
45 in the conduct of the licensed activity;

46 (3) Violation of any of the provisions of P.L.2017, c.324  
47 (C.32:23-229 et al.);

- 1 (4) Unlawfully possessing, possessing with intent to distribute,  
2 sale, or distribution of a controlled dangerous substance or a  
3 controlled dangerous substance analog;
- 4 (5) Employing, hiring, or procuring any person in violation of  
5 P.L.2017, c.324 (C.32:23-229 et al.) or inducing or otherwise aiding  
6 or abetting any person to violate the terms of P.L.2017, c.324  
7 (C.32:23-229 et al.);
- 8 (6) Paying, giving, causing to be paid or given or offering to pay  
9 or give to any person any valuable consideration to induce the other  
10 person to violate any provision of P.L.2017, c.324 (C.32:23-229 et  
11 al.) or to induce any public officer, agent, or employee to fail to  
12 perform the person's duty hereunder;
- 13 (7) Consorting with known criminals for an unlawful purpose;
- 14 (8) Transfer or surrender of possession of the license to any  
15 person either temporarily or permanently without satisfactory  
16 explanation;
- 17 (9) False impersonation of another licensee under P.L.2017,  
18 c.324 (C.32:23-229 et al.);
- 19 (10) Receipt or solicitation of anything of value from any person  
20 other than the licensee's employer as consideration for the selection  
21 or retention for employment of any longshoreman;
- 22 (11) Coercion of a longshoreman by threat of discrimination or  
23 violence or economic reprisal, to make purchases from or to utilize  
24 the services of any person;
- 25 (12) Lending any money to or borrowing any money from a  
26 longshoreman for which there is a charge of interest or other  
27 consideration; or
- 28 (13) Membership in a labor organization which represents  
29 longshoremen or port watchmen; but nothing in this section shall be  
30 deemed to prohibit pier superintendents or hiring agents from being  
31 represented by a labor organization or organizations which do not  
32 also represent longshoremen or port watchmen. The American  
33 Federation of Labor, the Congress of Industrial Organizations and  
34 any other similar federation, congress, or other organization of  
35 national or international occupational or industrial labor  
36 organizations shall not be considered an organization which  
37 represents longshoremen or port watchmen within the meaning of  
38 this section although one of the federated or constituent labor  
39 organizations thereof may represent longshoremen or port  
40 watchmen.
- 41 (cf: P.L.2017, c.324, s.6)

42  
43 10. Section 11 of P.L.2017, c.324 (C.53:2-16) is amended to  
44 read as follows:

45 11. a. The division shall establish within the longshoremen's  
46 register a list of all qualified longshoremen eligible, as hereinafter  
47 provided, for employment as checkers in the port of New York  
48 district in this State. A person shall not act as a checker within the

1 port of New York district in this State unless at the time the person  
2 is included in the longshoremen's register as a checker, and a person  
3 shall not employ another to work as a checker within the port of  
4 New York district in this State unless at the time such other person  
5 is included in the longshoremen's register as a checker.

6 b. Any person applying for inclusion in the longshoremen's  
7 register as a checker shall file at a place and in a manner as the  
8 division shall designate a written statement, signed, and verified by  
9 the applicant, setting forth the following:

10 (1) The full name, residence, place and date of birth, and social  
11 security number of the applicant;

12 (2) The present and previous occupations of the applicant,  
13 including the places where the applicant was employed and the  
14 names of the applicant's employers; and

15 (3) Any further facts and evidence as may be required by the  
16 authority to ascertain the character, integrity, and identity of the  
17 applicant.

18 c. A person shall not be included in the longshoremen's register  
19 as a checker:

20 (1) Unless the division shall be satisfied that the applicant  
21 possesses good character and integrity;

22 (2) If the applicant has, without subsequent pardon, been  
23 convicted by a court of the United States or any State or territory  
24 thereof, of the authority of, or the attempt or conspiracy to commit  
25 treason, murder, manslaughter, or any of the following offenses:  
26 illegally using, carrying or possessing a pistol or other dangerous  
27 weapon; making or possessing burglar's instruments; buying or  
28 receiving stolen property or a stolen motor vehicle; unlawful entry  
29 of a building; aiding an escape from prison; unlawfully possessing,  
30 possessing with intent to distribute, sale or distribution of a  
31 controlled dangerous substance or a controlled dangerous substance  
32 analog; petty larceny, where the evidence shows the property was  
33 stolen from a vessel, pier or other waterfront terminal; or a violation  
34 of P.L.2017, c.324 (C.32:23-229 et al.). An applicant ineligible for  
35 inclusion in the longshoremen's register as a checker by reason of a  
36 conviction may submit satisfactory evidence to the division that the  
37 applicant has for a period of not less than five years, measured as  
38 hereinafter provided, and up to the time of application, so acted as  
39 to warrant inclusion in the longshoremen's register as a checker, in  
40 which event the division may, in its discretion, issue an order  
41 removing the applicant's ineligibility. The five-year period shall be  
42 measured either from the date of payment of any fine imposed upon  
43 that person or the suspension of sentence or from the date of the  
44 person's unrevoked release from custody by parole, commutation, or  
45 termination of sentence; or

46 (3) If the applicant knowingly or willfully advocates the  
47 desirability of overthrowing or destroying the government of the  
48 United States by force or violence or shall be a member of a group

1 which advocates that desirability, knowing the purposes of the  
2 group advocating that desirability.

3 d. When the application shall have been examined and further  
4 inquiry and investigation made as the division shall deem proper  
5 and when the division shall be satisfied therefrom that the applicant  
6 possesses the qualifications and requirements prescribed by this  
7 section, the division shall include the applicant in the  
8 longshoremen's register as a checker. The division may permit  
9 temporary registration as a checker to any applicant under this  
10 section pending final action on an application made for temporary  
11 registration, under the terms and conditions as the division may  
12 prescribe, which shall be valid for a period to be fixed by the  
13 division, not in excess of six months.

14 e. The division shall have power to reprimand any checker  
15 registered under this section or to remove the person from the  
16 longshoremen's register as a checker for a period of time as the  
17 division deems in the public interest for any of the following  
18 offenses:

19 (1) Conviction of a crime or other cause which would permit  
20 disqualification of the person from inclusion in the longshoremen's  
21 register as a checker upon original application;

22 (2) Fraud, deceit, or misrepresentation in securing inclusion in  
23 the longshoremen's register as a checker or in the conduct of the  
24 registered activity;

25 (3) Violation of any of the provisions of P.L.2017, c.324  
26 (C.32:23-229 et al.);

27 (4) Unlawfully possessing, possessing with intent to distribute,  
28 sale, or distribution of a controlled dangerous substance or a  
29 controlled dangerous substance analog;

30 (5) Inducing or otherwise aiding or abetting any person to  
31 violate the terms of P.L.2017, c.324 (C.32:23-229 et al.);

32 (6) Paying, giving, causing to be paid or given, or offering to  
33 pay or give to any person any valuable consideration to induce the  
34 other person to violate any provision of P.L.2017, c.324 (C.32:23-  
35 229 et al.) or to induce any public officer, agent, or employee to fail  
36 to perform the person's duty under P.L.2017, c.324 (C.32:23-229 et  
37 al.);

38 (7) Consorting with known criminals for an unlawful purpose;

39 (8) Transfer or surrender of possession to any person either  
40 temporarily or permanently of any card or other means of  
41 identification issued by the division as evidence of inclusion in the  
42 longshoremen's register without satisfactory explanation; or

43 (9) False impersonation of another longshoreman or of another  
44 person licensed under P.L.2017, c.324 (C.32:23-229 et al.).

45 f. The division shall have the right to recover possession of  
46 any card or other means of identification issued as evidence of  
47 inclusion in the longshoremen's register as a checker in the event

1 that the holder thereof has been removed from the longshoremen's  
2 register as a checker.

3 g. Nothing contained in this section shall be construed to limit  
4 in any way any rights of labor reserved by section 23 of P.L.2017,  
5 c.324 (C.53:2-28).

6 (cf: P.L.2017, c.324, s.11)

7

8 11. Section 6 of P.L.2004, c.16 (C.56:8-141) is amended to read  
9 as follows:

10 6. In addition to any other procedure, condition or information  
11 required by this act:

12 a. Every applicant shall file a disclosure statement with the  
13 director stating whether the applicant has been convicted of any  
14 crime, which for the purposes of this act shall mean a violation of  
15 any of the following provisions of the "New Jersey Code of  
16 Criminal Justice," Title 2C of the New Jersey Statutes, or the  
17 equivalent under the laws of any other jurisdiction:

18 (1) Any crime of the first degree;

19 (2) Any crime which is a second or third degree crime and is a  
20 violation of chapter 20 or 21 of Title 2C of the New Jersey Statutes;  
21 or

22 (3) Any other crime which is a violation of N.J.S.2C:5-1, 2C:5-  
23 2, 2C:11-2 through 2C:11-4, 2C:12-1, 2C:12-3, 2C:13-1, 2C:14-2,  
24 2C:15-1, subsection a. or b. of 2C:17-1, subsection a. or b. of  
25 2C:17-2, 2C:18-2, 2C:20-4, 2C:20-5, 2C:20-7, section 1 or 2  
26 of P.L. , c. (C. ) (pending before the Legislature as this  
27 bill), 2C:20-9, 2C:21-2 through 2C:21-4, 2C:21-6, 2C:21-7, 2C:21-  
28 12, 2C:21-14, 2C:21-15, or 2C:21-19, chapter 27 or 28 of Title 2C  
29 of the New Jersey Statutes, N.J.S.2C:30-2, 2C:30-3, 2C:35-5,  
30 2C:35-10, 2C:37-1 through 2C:37-4.

31 b. The director may refuse to issue or may suspend or revoke  
32 any registration issued by him upon proof that the applicant or  
33 holder of the registration:

34 (1) Has obtained a registration through fraud, deception or  
35 misrepresentation;

36 (2) Has engaged in the use or employment of dishonesty, fraud,  
37 deception, misrepresentation, false promise or false pretense;

38 (3) Has engaged in gross negligence, gross malpractice or gross  
39 incompetence;

40 (4) Has engaged in repeated acts of negligence, malpractice or  
41 incompetence;

42 (5) Has engaged in professional or occupational misconduct as  
43 may be determined by the director;

44 (6) Has been convicted of any crime involving moral turpitude  
45 or any crime relating adversely to the activity regulated by this act.  
46 For the purpose of this subsection a plea of guilty, non vult, nolo  
47 contendere or any other such disposition of alleged criminal activity  
48 shall be deemed a conviction;

- 1 (7) Has had his authority to engage in the activity regulated by  
2 the director revoked or suspended by any other state, agency or  
3 authority for reasons consistent with this section;
- 4 (8) Has violated or failed to comply with the provisions of any  
5 act or regulation administered by the director;
- 6 (9) Is incapable, for medical or any other good cause, of  
7 discharging the functions of a licensee in a manner consistent with  
8 the public's health, safety and welfare.
- 9 c. An applicant whose registration is denied, suspended, or  
10 revoked pursuant to this section shall, upon a written request  
11 transmitted to the director within 30 calendar days of that action, be  
12 afforded an opportunity for a hearing in a manner provided for  
13 contested cases pursuant to the "Administrative Procedure Act,"  
14 P.L.1968, c.410 (C.52:14B-1 et seq.).
- 15 d. An applicant shall have the continuing duty to provide any  
16 assistance or information requested by the director, and to cooperate  
17 in any inquiry, investigation, or hearing conducted by the director.
- 18 e. If any of the information required to be included in the  
19 disclosure statement changes, or if additional information should be  
20 added after the filing of the statement, the applicant shall provide  
21 that information to the director, in writing, within 30 calendar days  
22 of the change or addition.
- 23 f. Notwithstanding the provisions of paragraph (6) of  
24 subsection b. of this section, no individual shall be disqualified  
25 from registration or shall have registration revoked on the basis of  
26 any conviction disclosed if the individual has affirmatively  
27 demonstrated to the director clear and convincing evidence of the  
28 individual's rehabilitation. In determining whether an individual  
29 has affirmatively demonstrated rehabilitation, the following factors  
30 shall be considered:
- 31 (1) The nature and responsibility of the position which the  
32 convicted individual would hold;
- 33 (2) The nature and seriousness of the offense;
- 34 (3) The circumstances under which the offense occurred;
- 35 (4) The date of the offense;
- 36 (5) The age of the individual when the offense was committed;
- 37 (6) Whether the offense was an isolated or repeated incident;
- 38 (7) Any social conditions which may have contributed to the  
39 offense; and
- 40 (8) Any evidence of rehabilitation, including good conduct in  
41 prison or in the community, counseling or psychiatric treatment  
42 received, acquisition of additional academic or vocational  
43 schooling, successful participation in correctional work-release  
44 programs, or the recommendation of persons who have had the  
45 individual under their supervision.
- 46 (cf: P.L.2004, c.16, s.6)

1       12. This act shall take effect immediately.

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6       Establishes crimes of theft of motor vehicle and receiving stolen  
7 motor vehicle as separate statutory provisions; provides extended  
8 sentences for certain persistent offenders.

# ASSEMBLY, No. 4931

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED NOVEMBER 21, 2022

**Sponsored by:**

**Assemblyman P. CHRISTOPHER TULLY**

**District 38 (Bergen and Passaic)**

**SYNOPSIS**

Establishes crimes of theft of motor vehicle and receiving stolen motor vehicle as separate statutory provisions; provides extended sentences for certain persistent offenders.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning theft of and receiving a stolen motor vehicle,  
2 supplementing Title 2C of the New Jersey Statutes, and  
3 amending various parts of the statutory law.

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

7  
8 1. (New section) Theft of a motor vehicle. a. A person  
9 commits the crime of theft of a motor vehicle if the person unlawfully  
10 takes, or exercises unlawful control over, another person's motor  
11 vehicle with the purpose to deprive that person of the motor vehicle.

12 b. Theft of a motor vehicle constitutes a crime of the second  
13 degree if the value of the motor vehicle involved is \$75,000 or more  
14 or if the theft involved more than one motor vehicle, otherwise it is  
15 a crime of the third degree.

16 c. The value of the motor vehicle involved in the theft shall be  
17 determined by the trier of fact. The amount shall include, but not  
18 be limited to, the amount of any State tax avoided, evaded, or  
19 otherwise unpaid, or improperly retained or disposed of. Amounts  
20 involved in thefts of motor vehicles committed pursuant to one  
21 scheme or course of conduct, whether from the same person or  
22 several persons, may be aggregated in determining the grade of the  
23 offense.

24  
25 2. (New section) a. Receiving a stolen motor vehicle. A  
26 person is guilty of receiving a stolen motor vehicle if the person  
27 knowingly receives or brings into this State a motor vehicle that is  
28 the property of another knowing that it has been stolen, or believing  
29 that it is probably stolen. Receiving a stolen motor vehicle is a  
30 crime of the second degree if the value of the motor vehicle is  
31 \$75,000 or more, otherwise it is a crime of the third degree.

32 b. It is an affirmative defense that the property was received  
33 with the purpose to restore it to the owner.

34 c. Permissive inference. The requisite knowledge or belief  
35 may be inferred in the case of a person who:

36 (1) is found in possession or control of two or more motor  
37 vehicles stolen on two or more separate occasions; or

38 (2) has received a stolen motor vehicle in another transaction  
39 within the year preceding the transaction charged; or

40 (3) being a person in the business of buying or selling motor  
41 vehicles, acquires the motor vehicle without having ascertained by  
42 reasonable inquiry that the person from whom it was obtained had a  
43 legal right to possess and dispose of it; or

44 (4) is found in possession of a motor vehicle without proper  
45 documentation or other evidence of right to possession.

**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 For the purposes of this section, “receiving” means acquiring  
2 possession, control or title, or lending on the security of the motor  
3 vehicle.

4  
5 3. (New section) Persistent stolen motor vehicle offender  
6 sentencing.

7 a. Upon request of the prosecutor, a person shall be sentenced to  
8 an extended term of imprisonment pursuant to N.J.S.2C:43-7 if the  
9 person is convicted of a crime pursuant to section 1 or 2 of P.L. ,

10 c. (C. ) (pending before the Legislature as this bill),  
11 carjacking pursuant to section 1 of P.L.1993, c.221 (C.2C:15-2), or  
12 under any statute of the United States, this State, or any other state  
13 for a crime that is substantially equivalent to any of the crimes  
14 enumerated in this subsection, committed on two or more prior and  
15 separate occasions regardless of the dates of the convictions.

16 b. The provisions of this section shall not apply unless the prior  
17 conviction is for a crime committed on a separate occasion and the  
18 crime for which the defendant is being sentenced was committed  
19 either:

20 (1) within 10 years of the date of the defendant’s last release  
21 from confinement for the commission of any crime; or

22 (2) within 10 years of the date of the commission of the most  
23 recent of the crimes for which the defendant has a prior conviction.

24 c. The court shall not impose a sentence of imprisonment  
25 pursuant to this section, unless the ground therefor has been  
26 established at a hearing after the conviction of the defendant and on  
27 written notice to the defendant of the ground proposed. The  
28 defendant shall have the right to hear and controvert the evidence  
29 against him and to offer evidence upon the issue. Prior convictions  
30 shall be defined and proven in accordance with N.J.S.2C:44-4.

31

32 4. N.J.S.2C:20-2 is amended to read as follows:

33 2C:20-2. a. Consolidation of Theft and Computer Criminal  
34 Activity Offenses. Conduct denominated theft or computer  
35 criminal activity in this chapter constitutes a single offense, but  
36 each episode or transaction may be the subject of a separate  
37 prosecution and conviction. A charge of theft or computer criminal  
38 activity may be supported by evidence that it was committed in any  
39 manner that would be theft or computer criminal activity under this  
40 chapter, notwithstanding the specification of a different manner in  
41 the indictment or accusation, subject only to the power of the court  
42 to ensure fair trial by granting a bill of particulars, discovery, a  
43 continuance, or other appropriate relief where the conduct of the  
44 defense would be prejudiced by lack of fair notice or by surprise.

45 b. Grading of theft offenses.

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

47 (a) The amount involved is \$75,000 or more;

48 (b) The property is taken by extortion;

- 1 (c) The property stolen is a controlled dangerous substance or  
2 controlled substance analog as defined in N.J.S.2C:35-2 and the  
3 quantity is in excess of one kilogram;
- 4 (d) The property stolen is a person's benefits under federal or  
5 State law, or from any other source, which the Department of  
6 Human Services or an agency acting on its behalf has budgeted for  
7 the person's health care and the amount involved is \$75,000 or  
8 more;
- 9 (e) The property stolen is human remains or any part thereof;  
10 except that, if the human remains are stolen by deception or  
11 falsification of a document by which a gift of all or part of a human  
12 body may be made pursuant to P.L.2008, c.50 (C.26:6-77 et al.), the  
13 theft constitutes a crime of the first degree; or
- 14 (f) It is in breach of an obligation by a person in his capacity as  
15 a fiduciary and the amount involved is \$50,000 or more.
- 16 (2) Theft constitutes a crime of the third degree if:
- 17 (a) The amount involved exceeds \$500 but is less than \$75,000;
- 18 (b) The property stolen is a firearm, [motor vehicle,] vessel,  
19 boat, horse, domestic companion animal or airplane;
- 20 (c) The property stolen is a controlled dangerous substance or  
21 controlled substance analog as defined in N.J.S.2C:35-2 and the  
22 amount involved is less than \$75,000 or is undetermined and the  
23 quantity is one kilogram or less;
- 24 (d) It is from the person of the victim;
- 25 (e) It is in breach of an obligation by a person in his capacity as  
26 a fiduciary and the amount involved is less than \$50,000;
- 27 (f) It is by threat not amounting to extortion;
- 28 (g) It is of a public record, writing or instrument kept, filed or  
29 deposited according to law with or in the keeping of any public  
30 office or public servant;
- 31 (h) The property stolen is a person's benefits under federal or  
32 State law, or from any other source, which the Department of  
33 Human Services or an agency acting on its behalf has budgeted for  
34 the person's health care and the amount involved is less than  
35 \$75,000;
- 36 (i) The property stolen is any real or personal property related  
37 to, necessary for, or derived from research, regardless of value,  
38 including, but not limited to, any sample, specimens and  
39 components thereof, research subject, including any warm-blooded  
40 or cold-blooded animals being used for research or intended for use  
41 in research, supplies, records, data or test results, prototypes or  
42 equipment, as well as any proprietary information or other type of  
43 information related to research;
- 44 (j) The property stolen is a New Jersey Prescription Blank as  
45 referred to in R.S.45:14-14;
- 46 (k) The property stolen consists of an access device or a defaced  
47 access device;

1 (l) The property stolen consists of anhydrous ammonia and the  
2 actor intends it to be used to manufacture methamphetamine; or

3 (m) The property stolen consists of a package delivered to a  
4 residential property by a cargo carrier and the amount involved is  
5 less than \$75,000 or is undetermined.

6 (3) Theft constitutes a crime of the fourth degree if the amount  
7 involved is at least \$200 but does not exceed \$500.

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

9 (a) The amount involved was less than \$200; or

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

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

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

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

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

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

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

36 (cf: P.L.2021, c.448, s.1)

37

38 5. N.J.S.2C:20-7 is amended to read as follows:

39 2C:20-7. Receiving Stolen Property.

40 a. Receiving. A person is guilty of theft if he knowingly  
41 receives or brings into this State movable property, other than a  
42 motor vehicle, of another knowing that it has been stolen, or  
43 believing that it is probably stolen. It is an affirmative defense that  
44 the property was received with purpose to restore it to the owner.  
45 "Receiving" means acquiring possession, control or title, or lending  
46 on the security of the property.

1       b. **【Presumption of knowledge.】** Permissive inference. The  
2 requisite knowledge or belief **【is presumed】** may be inferred in the  
3 case of a person who:

4       (1) Is found in possession or control of two or more items of  
5 property stolen on two or more separate occasions; or

6       (2) Has received stolen property in another transaction within  
7 the year preceding the transaction charged; or

8       (3) Being a person in the business of buying or selling property  
9 of the sort received, acquires the property without having  
10 ascertained by reasonable inquiry that the person from whom he  
11 obtained it had a legal right to possess and dispose of it; or

12       (4) Is found in possession of two or more defaced access  
13 devices; or

14       (5) Is found in possession of property of a cargo carrier without  
15 proper documentation or other evidence of right to possession.

16 (cf: P.L.2013, c.58, s.3)

17

18       6. Section 3 of P.L.1989, c.331 (C.34:8-44) is amended to read  
19 as follows:

20       3. In addition to any other procedure, condition or information  
21 required by this act:

22       a. Every applicant shall file a disclosure statement with the  
23 chief stating whether or not the applicant has been convicted of any  
24 crime, which for the purposes of this act shall mean a violation of  
25 any of the following provisions of the "New Jersey Code of  
26 Criminal Justice," Title 2C of the New Jersey Statutes as amended  
27 and supplemented, or the equivalent under the laws of any other  
28 jurisdiction:

29       (1) Any crime of the first degree;

30       (2) Any crime which is a second or third degree crime and is a  
31 violation of chapter 20 or 21 of Title 2C of the New Jersey Statutes;  
32 or

33       (3) Any other crime which is a violation of N.J.S.2C:5-1, 2C:5-  
34 2, 2C:11-2 through 2C:11-4, 2C:12-1, 2C:12-3, 2C:13-1, 2C:14-2,  
35 2C:15-1, subsection a. or b. of 2C:17-1, subsection a. or b. of  
36 2C:17-2, 2C:18-2, 2C:20-1, 2C:20-2, 2C:20-4, 2C:20-5, 2C:20-7,  
37 section 1 or 2 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
38 Legislature as this bill), 2C:20-9, 2C:21-2 through 2C:21-4, 2C:21-  
39 6, 2C:21-7, 2C:21-12, 2C:21-14, 2C:21-15, or 2C:21-19, chapter 27  
40 or 28 of Title 2C of the New Jersey Statutes, N.J.S.2C:30-2, 2C:30-  
41 3, 2C:35-5, 2C:35-10, or 2C:37-1 through 2C:37-4.

42       b. Each disclosure statement may be reviewed and used by the  
43 director as grounds for denying licensure or registration, except that  
44 in cases in which the provisions of P.L.1968, c.282 (C.2A:168A-1  
45 et seq.) apply, the director shall comply with the requirements of  
46 that act.

47       c. An applicant who is denied licensure or registration pursuant  
48 to this section shall, upon a written request transmitted to the

1 director within 30 calendar days of the denial, be afforded an  
2 opportunity for a hearing in the manner provided for contested  
3 cases pursuant to the "Administrative Procedure Act," P.L.1968,  
4 c.410 (C.52:14B-1 et seq.).

5 d. An applicant shall have the continuing duty to provide any  
6 assistance or information requested by the director, and to cooperate  
7 in any inquiry, investigation, or hearing conducted by the director.

8 e. If any of the information required to be included in the  
9 disclosure statement changes, or if any additional information  
10 should be added after the filing of the statement, the applicant shall  
11 provide that information to the chief, in writing, within 30 calendar  
12 days of the change or addition.

13 (cf: P.L.1989, c.331, s.3)

14

15 7. Section 9 of P.L.1939, c.369 (C.45:19-16) is amended to  
16 read as follows:

17 9. No holder of any unexpired license issued pursuant to this  
18 act shall knowingly employ in connection with his or its business in  
19 any capacity whatsoever, any person who has been convicted of a  
20 high misdemeanor or any of the following misdemeanors, or  
21 offenses, and who has not subsequent to such conviction received  
22 executive pardon therefor removing any civil disabilities incurred  
23 thereby, to wit:

24 (a) illegally using, carrying or possessing a pistol or other  
25 dangerous weapon;

26 (b) making or possessing burglar's instruments;

27 (c) buying or receiving stolen property or a stolen motor  
28 vehicle;

29 (d) unlawful entry of a building;

30 (e) aiding escape from prison;

31 (f) unlawfully possessing or distributing habit-forming narcotic  
32 drugs;

33 (g) any person whose private detective or investigator's license  
34 was revoked or application for such license was denied by the  
35 superintendent or by the authorities of any other State or territory  
36 because of conviction of any of the crimes or offenses specified in  
37 this section. Should the holder of an unexpired license falsely state  
38 or represent that a person is or has been in his employ, such false  
39 statement or misrepresentation shall be sufficient cause for the  
40 revocation of such license.

41 No person shall be employed by any holder of a license until he  
42 shall have executed and furnished to such license holder a verified  
43 statement, to be known as "employee's statement," setting forth:

44 (a) His full name, age, residence address, and place of and date  
45 of birth.

46 (b) The country of which he is a citizen.

47 (c) The business or occupation engaged in for the five years  
48 immediately preceding the date of the filing of the statement,

1 setting forth the place or places where such business or occupation  
2 was engaged in, and the name or names of employers, if any.

3 (d) That he has not been convicted of a high misdemeanor or of  
4 any offense involving moral turpitude or of any of the  
5 misdemeanors or offenses described in this section.

6 (e) Such further information as the superintendent may by rule  
7 require to show the good character, competency, and integrity of the  
8 person executing the statement.

9 The employee shall submit to the Superintendent of State Police  
10 the employee's name, address, fingerprints and written consent for a  
11 criminal history background check to be performed. The  
12 superintendent is hereby authorized to exchange fingerprint data  
13 with and receive criminal history record information from the State  
14 Bureau of Identification in the Division of State Police and the  
15 Federal Bureau of Investigation consistent with applicable State and  
16 federal laws, rules and regulations. The applicant shall bear the  
17 cost for the criminal history background check, including all costs  
18 of administering and processing the check. If the superintendent  
19 finds that such person has been convicted of a first, second or third  
20 degree crime, or any other offense specified in this section, he shall  
21 immediately notify the holder of such license and shall also refer  
22 the matter to the prosecutor of the pleas of the county in which the  
23 employee resides. The superintendent may also from time to time  
24 cause such fingerprints to be checked against the fingerprints filed  
25 with the State bureau of identification or of other official fingerprint  
26 files within or without this State, and if he finds that such person  
27 has been convicted of a high misdemeanor or any other offense  
28 specified in this section he shall immediately notify the holder of  
29 such license and shall also refer the matter to the prosecutor of the  
30 pleas of the county in which the employee resides. The  
31 superintendent shall at all times be given access to and may from  
32 time to time examine the fingerprints retained by the holder of a  
33 license as provided in this section.

34 If any holder of a license shall file with the superintendent the  
35 fingerprints of a person other than the person so employed, he shall  
36 be guilty of a misdemeanor.

37 (cf: P.L.2003, c.199, s.30)

38

39 8. Section 11 of P.L.1971, c.317 (52:4B-11) is amended to read  
40 as follows:

41 11. The Victims of Crime Compensation Office may order the  
42 payment of compensation in accordance with the provisions of  
43 P.L.1971, c.317 (C.52:4B-1 et seq.) for personal injury or death  
44 which resulted from:

45 a. an attempt to prevent the commission of crime or to arrest a  
46 suspected criminal or in aiding or attempting to aid a police officer  
47 to do so; or

1       b. the commission or attempt to commit any of the following  
2 offenses:

- 3       (1) aggravated assault;  
4       (2) (Deleted by amendment, P.L.1995, c.135).  
5       (3) threats to do bodily harm;  
6       (4) lewd, indecent, or obscene acts;  
7       (5) indecent acts with children;  
8       (6) kidnapping;  
9       (7) murder;  
10      (8) manslaughter;  
11      (9) aggravated sexual assault, sexual assault, aggravated  
12 criminal sexual contact, criminal sexual contact;  
13      (10) any other crime involving violence including domestic  
14 violence as defined by section 3 of P.L.1981, c.426 (C.2C:25-3) or  
15 section 3 of P.L.1991, c.261 (C.2C:25-19);  
16      (11) burglary;  
17      (12) tampering with a cosmetic, drug or food product;  
18      (13) a violation of human trafficking, section 1 of P.L.2005, c.77  
19 (C.2C:13-8); or

20       c. the commission of a violation of R.S.39:4-50, section 5 of  
21 P.L.1990, c.103 (C.39:3-10.13), section 19 of P.L.1954, c.236  
22 (C.12:7-34.19), or section 3 of P.L.1952, c.157 (C.12:7-46); or

23       d. theft of an automobile pursuant to N.J.S.2C:20-2 or section 1  
24 or 2 of P.L. , c. (C. ) (pending before the Legislature as this  
25 bill), eluding a law enforcement officer pursuant to subsection b. of  
26 N.J.S.2C:29-2 or unlawful taking of a motor vehicle pursuant to  
27 subsection b., c., or d. of N.J.S.2C:20-10 where injuries to the  
28 victim occur in the course of operating an automobile in furtherance  
29 of the offense; or

30       e. the commission of a violation of N.J.S.2C:16-1, bias  
31 intimidation; or

32       f. simple assault pursuant to N.J.S.2C:12-1 or disorderly  
33 conduct pursuant to N.J.S.2C:33-2; or

34       g. a motor vehicle accident resulting in injury or death where  
35 the driver of the vehicle left the scene of the accident in violation of  
36 R.S.39:4-129.

37 (cf: P.L.2019, c.380, s.7)

38  
39       9. Section 6 of P.L.2017, c.324 (C.53:2-11) is amended to read  
40 as follows:

41       6. a. A person shall not act as a pier superintendent or as a hiring  
42 agent within the port of New York district in this State without first  
43 having obtained from the division a license to act as a pier  
44 superintendent or hiring agent, as the case may be, and a person  
45 shall not employ or engage another person to act as a pier  
46 superintendent or hiring agent who is not so licensed.

47       b. A license to act as a pier superintendent or hiring agent shall  
48 be issued only upon the written application, under oath, of the

1 person proposing to employ or engage another person to act as a  
2 pier superintendent or hiring agent, verified by the prospective  
3 licensee as to the matters concerning the prospective licensee, and  
4 shall state the following:

- 5 (1) The full name and business address of the applicant;
- 6 (2) The full name, residence, business address, if any, place and  
7 date of birth, and social security number of the prospective licensee;
- 8 (3) The present and previous occupations of the prospective  
9 licensee, including the places where the person was employed and  
10 the names of the person's employers;
- 11 (4) Any further facts and evidence as may be required by the  
12 division to ascertain the character, integrity, and identity of the  
13 prospective licensee; and
- 14 (5) That if a license is issued to the prospective licensee, the  
15 applicant will employ the licensee as pier superintendent or hiring  
16 agent, as the case may be.

17 c. A license shall not be granted pursuant to this section:

- 18 (1) Unless the division shall be satisfied that the prospective  
19 licensee possesses good character and integrity;
- 20 (2) If the prospective licensee has, without subsequent pardon,  
21 been convicted by a court of the United States, or any State or  
22 territory thereof, of the commission of, or the attempt or conspiracy  
23 to commit, treason, murder, manslaughter, or any of the following  
24 offenses: illegally using, carrying, or possessing a pistol or other  
25 dangerous weapon; making or possessing burglar's instruments;  
26 buying or receiving stolen property or a stolen motor vehicle;  
27 unlawful entry of a building; aiding an escape from prison;  
28 unlawfully possessing, possessing with intent to distribute, sale, or  
29 distribution of a controlled dangerous substance or a controlled  
30 dangerous substance analog; or a violation prescribed in subsection  
31 g. of this section. Any prospective licensee ineligible for a license  
32 by reason of any conviction under this paragraph may submit  
33 satisfactory evidence to the division that the prospective licensee  
34 has for a period of not less than five years, measured as hereinafter  
35 provided, and up to the time of application, so acted as to warrant  
36 the grant of a license, in which event the division may, in its  
37 discretion, issue an order removing that ineligibility. The five-year  
38 period shall be measured either from the date of payment of any  
39 fine imposed upon that person or the suspension of sentence or from  
40 the date of the person's unrevoked release from custody by parole,  
41 commutation, or termination of sentence; and
- 42 (3) If the prospective licensee knowingly or willfully advocates  
43 the desirability of overthrowing or destroying the government of the  
44 United States by force or violence or shall be a member of a group  
45 which advocates that desirability, knowing the purposes of a group  
46 having that advocacy.

47 d. When the application shall have been examined and further  
48 inquiry and investigation made as the division shall deem proper

1 and when the division shall be satisfied therefrom that the  
2 prospective licensee possesses the qualifications and requirements  
3 prescribed in this section, the division shall issue and deliver to the  
4 prospective licensee a license to act as pier superintendent or hiring  
5 agent for the applicant, as the case may be, and shall inform the  
6 applicant of this action. The division may issue a temporary permit  
7 to any prospective licensee for a license issued under this section  
8 pending final action on an application made for that license. Any  
9 temporary permit shall be valid for a period not in excess of 30  
10 days.

11 e. A person shall not be licensed to act as a pier superintendent  
12 or hiring agent for more than one employer, except at a single pier  
13 or other waterfront terminal, but nothing in P.L.2017, c.324  
14 (C.32:23-229 et al.) shall be construed to limit in any way the  
15 number of pier superintendents or hiring agents any employer may  
16 employ.

17 f. A license granted pursuant to this section shall continue  
18 through the duration of the licensee's employment by the employer  
19 who shall have applied for the license.

20 g. Any license issued pursuant to this section may be revoked  
21 or suspended for a period as the division deems in the public  
22 interest or the licensee thereunder may be reprimanded for any of  
23 the following offenses:

24 (1) Conviction of a crime or act by the licensee or other cause  
25 which would require or permit the person's disqualification from  
26 receiving a license upon original application;

27 (2) Fraud, deceit, or misrepresentation in securing the license, or  
28 in the conduct of the licensed activity;

29 (3) Violation of any of the provisions of P.L.2017, c.324  
30 (C.32:23-229 et al.);

31 (4) Unlawfully possessing, possessing with intent to distribute,  
32 sale, or distribution of a controlled dangerous substance or a  
33 controlled dangerous substance analog;

34 (5) Employing, hiring, or procuring any person in violation of  
35 P.L.2017, c.324 (C.32:23-229 et al.) or inducing or otherwise aiding  
36 or abetting any person to violate the terms of P.L.2017, c.324  
37 (C.32:23-229 et al.);

38 (6) Paying, giving, causing to be paid or given or offering to pay  
39 or give to any person any valuable consideration to induce the other  
40 person to violate any provision of P.L.2017, c.324 (C.32:23-229 et  
41 al.) or to induce any public officer, agent, or employee to fail to  
42 perform the person's duty hereunder;

43 (7) Consorting with known criminals for an unlawful purpose;

44 (8) Transfer or surrender of possession of the license to any  
45 person either temporarily or permanently without satisfactory  
46 explanation;

47 (9) False impersonation of another licensee under P.L.2017,  
48 c.324 (C.32:23-229 et al.);

1 (10) Receipt or solicitation of anything of value from any person  
2 other than the licensee's employer as consideration for the selection  
3 or retention for employment of any longshoreman;

4 (11) Coercion of a longshoreman by threat of discrimination or  
5 violence or economic reprisal, to make purchases from or to utilize  
6 the services of any person;

7 (12) Lending any money to or borrowing any money from a  
8 longshoreman for which there is a charge of interest or other  
9 consideration; or

10 (13) Membership in a labor organization which represents  
11 longshoremen or port watchmen; but nothing in this section shall be  
12 deemed to prohibit pier superintendents or hiring agents from being  
13 represented by a labor organization or organizations which do not  
14 also represent longshoremen or port watchmen. The American  
15 Federation of Labor, the Congress of Industrial Organizations and  
16 any other similar federation, congress, or other organization of  
17 national or international occupational or industrial labor  
18 organizations shall not be considered an organization which  
19 represents longshoremen or port watchmen within the meaning of  
20 this section although one of the federated or constituent labor  
21 organizations thereof may represent longshoremen or port  
22 watchmen.

23 (cf: P.L.2017, c.324, s.6)

24

25 10. Section 11 of P.L.2017, c.324 (C.53:2-16) is amended to  
26 read as follows:

27 11. a. The division shall establish within the longshoremen's  
28 register a list of all qualified longshoremen eligible, as hereinafter  
29 provided, for employment as checkers in the port of New York  
30 district in this State. A person shall not act as a checker within the  
31 port of New York district in this State unless at the time the person  
32 is included in the longshoremen's register as a checker, and a person  
33 shall not employ another to work as a checker within the port of  
34 New York district in this State unless at the time such other person  
35 is included in the longshoremen's register as a checker.

36 b. Any person applying for inclusion in the longshoremen's  
37 register as a checker shall file at a place and in a manner as the  
38 division shall designate a written statement, signed, and verified by  
39 the applicant, setting forth the following:

40 (1) The full name, residence, place and date of birth, and social  
41 security number of the applicant;

42 (2) The present and previous occupations of the applicant,  
43 including the places where the applicant was employed and the  
44 names of the applicant's employers; and

45 (3) Any further facts and evidence as may be required by the  
46 authority to ascertain the character, integrity, and identity of the  
47 applicant.

1 c. A person shall not be included in the longshoremen's register  
2 as a checker:

3 (1) Unless the division shall be satisfied that the applicant  
4 possesses good character and integrity;

5 (2) If the applicant has, without subsequent pardon, been  
6 convicted by a court of the United States or any State or territory  
7 thereof, of the authority of, or the attempt or conspiracy to commit  
8 treason, murder, manslaughter, or any of the following offenses:  
9 illegally using, carrying or possessing a pistol or other dangerous  
10 weapon; making or possessing burglar's instruments; buying or  
11 receiving stolen property or a stolen motor vehicle; unlawful entry  
12 of a building; aiding an escape from prison; unlawfully possessing,  
13 possessing with intent to distribute, sale or distribution of a  
14 controlled dangerous substance or a controlled dangerous substance  
15 analog; petty larceny, where the evidence shows the property was  
16 stolen from a vessel, pier or other waterfront terminal; or a violation  
17 of P.L.2017, c.324 (C.32:23-229 et al.). An applicant ineligible for  
18 inclusion in the longshoremen's register as a checker by reason of a  
19 conviction may submit satisfactory evidence to the division that the  
20 applicant has for a period of not less than five years, measured as  
21 hereinafter provided, and up to the time of application, so acted as  
22 to warrant inclusion in the longshoremen's register as a checker, in  
23 which event the division may, in its discretion, issue an order  
24 removing the applicant's ineligibility. The five-year period shall be  
25 measured either from the date of payment of any fine imposed upon  
26 that person or the suspension of sentence or from the date of the  
27 person's unrevoked release from custody by parole, commutation, or  
28 termination of sentence; or

29 (3) If the applicant knowingly or willfully advocates the  
30 desirability of overthrowing or destroying the government of the  
31 United States by force or violence or shall be a member of a group  
32 which advocates that desirability, knowing the purposes of the  
33 group advocating that desirability.

34 d. When the application shall have been examined and further  
35 inquiry and investigation made as the division shall deem proper  
36 and when the division shall be satisfied therefrom that the applicant  
37 possesses the qualifications and requirements prescribed by this  
38 section, the division shall include the applicant in the  
39 longshoremen's register as a checker. The division may permit  
40 temporary registration as a checker to any applicant under this  
41 section pending final action on an application made for temporary  
42 registration, under the terms and conditions as the division may  
43 prescribe, which shall be valid for a period to be fixed by the  
44 division, not in excess of six months.

45 e. The division shall have power to reprimand any checker  
46 registered under this section or to remove the person from the  
47 longshoremen's register as a checker for a period of time as the

1 division deems in the public interest for any of the following  
2 offenses:

3 (1) Conviction of a crime or other cause which would permit  
4 disqualification of the person from inclusion in the longshoremen's  
5 register as a checker upon original application;

6 (2) Fraud, deceit, or misrepresentation in securing inclusion in  
7 the longshoremen's register as a checker or in the conduct of the  
8 registered activity;

9 (3) Violation of any of the provisions of P.L.2017, c.324  
10 (C.32:23-229 et al.);

11 (4) Unlawfully possessing, possessing with intent to distribute,  
12 sale, or distribution of a controlled dangerous substance or a  
13 controlled dangerous substance analog;

14 (5) Inducing or otherwise aiding or abetting any person to  
15 violate the terms of P.L.2017, c.324 (C.32:23-229 et al.);

16 (6) Paying, giving, causing to be paid or given, or offering to  
17 pay or give to any person any valuable consideration to induce the  
18 other person to violate any provision of P.L.2017, c.324 (C.32:23-  
19 229 et al.) or to induce any public officer, agent, or employee to fail  
20 to perform the person's duty under P.L.2017, c.324 (C.32:23-229 et  
21 al.);

22 (7) Consorting with known criminals for an unlawful purpose;

23 (8) Transfer or surrender of possession to any person either  
24 temporarily or permanently of any card or other means of  
25 identification issued by the division as evidence of inclusion in the  
26 longshoremen's register without satisfactory explanation; or

27 (9) False impersonation of another longshoreman or of another  
28 person licensed under P.L.2017, c.324 (C.32:23-229 et al.).

29 f. The division shall have the right to recover possession of  
30 any card or other means of identification issued as evidence of  
31 inclusion in the longshoremen's register as a checker in the event  
32 that the holder thereof has been removed from the longshoremen's  
33 register as a checker.

34 g. Nothing contained in this section shall be construed to limit  
35 in any way any rights of labor reserved by section 23 of P.L.2017,  
36 c.324 (C.53:2-28).

37 (cf: P.L.2017, c.324, s.11)

38

39 11. Section 6 of P.L.2004, c.16 (C.56:8-141) is amended to read  
40 as follows:

41 6. In addition to any other procedure, condition or information  
42 required by this act:

43 a. Every applicant shall file a disclosure statement with the  
44 director stating whether the applicant has been convicted of any  
45 crime, which for the purposes of this act shall mean a violation of  
46 any of the following provisions of the "New Jersey Code of  
47 Criminal Justice," Title 2C of the New Jersey Statutes, or the  
48 equivalent under the laws of any other jurisdiction:

- 1 (1) Any crime of the first degree;
- 2 (2) Any crime which is a second or third degree crime and is a  
3 violation of chapter 20 or 21 of Title 2C of the New Jersey Statutes;  
4 or
- 5 (3) Any other crime which is a violation of N.J.S.2C:5-1, 2C:5-  
6 2, 2C:11-2 through 2C:11-4, 2C:12-1, 2C:12-3, 2C:13-1, 2C:14-2,  
7 2C:15-1, subsection a. or b. of 2C:17-1, subsection a. or b. of  
8 2C:17-2, 2C:18-2, 2C:20-4, 2C:20-5, 2C:20-7, section 1 or 2 of P.L.  
9 , c. (C. ) (pending before the Legislature as this bill), 2C:20-  
10 9, 2C:21-2 through 2C:21-4, 2C:21-6, 2C:21-7, 2C:21-12, 2C:21-  
11 14, 2C:21-15, or 2C:21-19, chapter 27 or 28 of Title 2C of the New  
12 Jersey Statutes, N.J.S.2C:30-2, 2C:30-3, 2C:35-5, 2C:35-10, 2C:37-  
13 1 through 2C:37-4.
- 14 b. The director may refuse to issue or may suspend or revoke  
15 any registration issued by him upon proof that the applicant or  
16 holder of the registration:
- 17 (1) Has obtained a registration through fraud, deception or  
18 misrepresentation;
- 19 (2) Has engaged in the use or employment of dishonesty, fraud,  
20 deception, misrepresentation, false promise or false pretense;
- 21 (3) Has engaged in gross negligence, gross malpractice or gross  
22 incompetence;
- 23 (4) Has engaged in repeated acts of negligence, malpractice or  
24 incompetence;
- 25 (5) Has engaged in professional or occupational misconduct as  
26 may be determined by the director;
- 27 (6) Has been convicted of any crime involving moral turpitude  
28 or any crime relating adversely to the activity regulated by this act.  
29 For the purpose of this subsection a plea of guilty, non vult, nolo  
30 contendere or any other such disposition of alleged criminal activity  
31 shall be deemed a conviction;
- 32 (7) Has had his authority to engage in the activity regulated by  
33 the director revoked or suspended by any other state, agency or  
34 authority for reasons consistent with this section;
- 35 (8) Has violated or failed to comply with the provisions of any  
36 act or regulation administered by the director;
- 37 (9) Is incapable, for medical or any other good cause, of  
38 discharging the functions of a licensee in a manner consistent with  
39 the public's health, safety and welfare.
- 40 c. An applicant whose registration is denied, suspended, or  
41 revoked pursuant to this section shall, upon a written request  
42 transmitted to the director within 30 calendar days of that action, be  
43 afforded an opportunity for a hearing in a manner provided for  
44 contested cases pursuant to the "Administrative Procedure Act,"  
45 P.L.1968, c.410 (C.52:14B-1 et seq.).
- 46 d. An applicant shall have the continuing duty to provide any  
47 assistance or information requested by the director, and to cooperate  
48 in any inquiry, investigation, or hearing conducted by the director.

1 e. If any of the information required to be included in the  
2 disclosure statement changes, or if additional information should be  
3 added after the filing of the statement, the applicant shall provide  
4 that information to the director, in writing, within 30 calendar days  
5 of the change or addition.

6 f. Notwithstanding the provisions of paragraph (6) of  
7 subsection b. of this section, no individual shall be disqualified  
8 from registration or shall have registration revoked on the basis of  
9 any conviction disclosed if the individual has affirmatively  
10 demonstrated to the director clear and convincing evidence of the  
11 individual's rehabilitation. In determining whether an individual  
12 has affirmatively demonstrated rehabilitation, the following factors  
13 shall be considered:

14 (1) The nature and responsibility of the position which the  
15 convicted individual would hold;

16 (2) The nature and seriousness of the offense;

17 (3) The circumstances under which the offense occurred;

18 (4) The date of the offense;

19 (5) The age of the individual when the offense was committed;

20 (6) Whether the offense was an isolated or repeated incident;

21 (7) Any social conditions which may have contributed to the  
22 offense; and

23 (8) Any evidence of rehabilitation, including good conduct in  
24 prison or in the community, counseling or psychiatric treatment  
25 received, acquisition of additional academic or vocational  
26 schooling, successful participation in correctional work-release  
27 programs, or the recommendation of persons who have had the  
28 individual under their supervision.

29 (cf: P.L.2004, c.16, s.6)

30

31 12. This act shall take effect immediately.

32

33

34

#### STATEMENT

35

36 This bill establishes separate statutory provisions for the crimes  
37 of theft of a motor vehicle and receiving a stolen motor vehicle, and  
38 provides for extended sentences for certain persistent offenders.

39 Under current law, the penalties for theft of a motor vehicle are set  
40 forth in the State's general statute consolidating the crimes of theft and  
41 computer criminal activity offenses. Theft of a motor vehicle is a  
42 crime of the third degree, unless the value of the motor vehicle is  
43 greater than \$75,000, in which case it is a crime of the second degree.  
44 A crime of the third degree is punishable by three to five years  
45 imprisonment, a fine of up to \$15,000, or both. A crime of the second  
46 degree is punishable by a fine of up to \$150,000, a term of  
47 imprisonment of five to 10 years, or both. This bill establishes theft

1 of a motor vehicle as a separate offense, which will facilitate the  
2 tracking of motor vehicle theft crimes in this State.

3 Under current law, receiving a stolen vehicle, punishable under  
4 the general statute governing the receipt of stolen property, is a  
5 crime of the third degree. This bill establishes receiving a stolen  
6 motor vehicle as a separate offense, which will also facilitate the  
7 tracking of crimes of receiving stolen motor vehicles in this State.

8 Under the bill, a permissive inference may apply that a person  
9 had knowledge or a belief that they received a stolen motor vehicle  
10 in violation of the bill if the person: is found to be in possession or  
11 control of two or more motor vehicles stolen on two or more  
12 separate occasions; has received a stolen motor vehicle in another  
13 transaction within the year preceding the transaction charged; being  
14 a person in the business of buying or selling motor vehicles,  
15 acquires the motor vehicle without having ascertained by reasonable  
16 inquiry that the person from whom it was obtained had a legal right  
17 to possess and dispose of it; or is found in possession of a motor  
18 vehicle without proper documentation or other evidence of right to  
19 possession.

20 Under the bill, a person is a persistent motor vehicle offender if  
21 the person is convicted of theft of a motor vehicle, receiving a  
22 stolen motor vehicle, or carjacking on two or more prior and  
23 separate occasions, regardless of the dates of the convictions. A  
24 persistent offender may be sentenced to an extended term, upon  
25 motion of the prosecutor, if the prior conviction is for a crime  
26 committed on a separate occasion and the crime for which the  
27 person is being sentenced was committed either: within 10 years of  
28 the date of the defendant's last release from confinement for  
29 commission of any crime; or within 10 years of the date of the  
30 commission of the most recent of the crime for which the defendant  
31 has a prior conviction.

32 In addition, the bill updates the statutory provisions addressing  
33 the crime of receiving stolen property to also reference the crime of  
34 receiving a stolen motor vehicle set out in the bill.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 4931**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 5, 2022

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 4931 with committee amendments.

As amended and reported by the committee, Assembly Bill No. 4931 establishes separate statutory provisions for the crimes of theft of a motor vehicle and receiving a stolen motor vehicle, and provides for extended sentences for certain persistent offenders.

Under current law, the penalties for theft of a motor vehicle are set forth in the State's general statute consolidating theft and computer criminal activity offenses. Theft of a motor vehicle is a crime of the third degree, unless the value of the motor vehicle is greater than \$75,000, in which case it is a crime of the second degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. 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. The amended bill establishes theft of a motor vehicle as a separate offense, which will facilitate the tracking of motor vehicle theft crimes in this State. The penalties for theft of a motor vehicle remain the same as under current law with the exception that it is a crime of the second degree if the theft involves more than one vehicle.

Under current law, receiving a stolen motor vehicle, punishable under the general statute governing the receipt of stolen property, is a crime of the third degree, unless the value of the vehicle is \$75,000 or greater, in which case it is a crime of the second degree. This amended bill establishes receiving a stolen motor vehicle as a separate offense, which will also facilitate the tracking of crimes of receiving stolen motor vehicles in this State.

Under the amended bill, a permissive inference may apply that a person had knowledge or a belief that they received a stolen motor vehicle in violation of the bill if the person: is found to be in possession or control of two or more motor vehicles stolen on two or more separate occasions; has received a stolen motor vehicle in another transaction within the year preceding the transaction charged; being a person in the business of buying or selling motor vehicles, acquires the motor vehicle without having ascertained by reasonable inquiry that the person from whom it was obtained had a

legal right to possess and dispose of it; or is found in possession of a motor vehicle without proper documentation or other evidence of right to possession.

Under the amended bill, a person is a persistent motor vehicle offender if a person convicted of theft of a motor vehicle, receiving a stolen motor vehicle, or carjacking has previously been convicted of one of these crimes on two or more prior and separate occasions, regardless of the dates of the convictions. A persistent offender may be sentenced to an extended term, upon motion of the prosecutor, if the prior conviction is for a crime committed on a separate occasion and the crime for which the person is being sentenced was committed either: within 10 years of the date of the defendant's last release from confinement for commission of any crime; or within 10 years of the date of the commission of the most recent of the crimes enumerated in the amended bill for which the defendant has a prior conviction.

In addition, the amended bill updates the statutory provisions addressing the crime of receiving stolen property to also reference the crime of receiving a stolen motor vehicle set out in the amended bill.

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that a person may be sentenced as a persistent motor vehicle offender if, upon the request of the prosecutor, a person convicted of theft of a motor vehicle, receiving a stolen motor vehicle, or carjacking has previously been convicted of one of these crimes on two or more prior and separate occasions, regardless of the dates of the convictions.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

### ASSEMBLY, No. 4931

# STATE OF NEW JERSEY

DATED: MARCH 23, 2023

The Assembly Appropriations Committee reports favorably Assembly Bill Number 4931 (1R).

This bill establishes separate statutory provisions for the crimes of theft of a motor vehicle and receiving a stolen motor vehicle, and provides for extended sentences for certain persistent offenders.

Under current law, the penalties for theft of a motor vehicle are set forth in the State's general statute consolidating theft and computer criminal activity offenses. Theft of a motor vehicle is a crime of the third degree, unless the value of the motor vehicle is greater than \$75,000, in which case it is a crime of the second degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. 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. The amended bill establishes theft of a motor vehicle as a separate offense, which will facilitate the tracking of motor vehicle theft crimes in this State. The penalties for theft of a motor vehicle remain the same as under current law with the exception that it is a crime of the second degree if the theft involves more than one vehicle.

Under current law, receiving a stolen motor vehicle, punishable under the general statute governing the receipt of stolen property, is a crime of the third degree, unless the value of the vehicle is \$75,000 or greater, in which case it is a crime of the second degree. This amended bill establishes receiving a stolen motor vehicle as a separate offense, which will also facilitate the tracking of crimes of receiving stolen motor vehicles in this State.

Under the amended bill, a permissive inference may apply that a person had knowledge or a belief that they received a stolen motor vehicle in violation of the bill if the person: is found to be in possession or control of two or more motor vehicles stolen on two or more separate occasions; has received a stolen motor vehicle in another transaction within the year preceding the transaction charged; being a person in the business of buying or selling motor vehicles, acquires the motor vehicle without having ascertained by reasonable inquiry that the person from whom it was obtained had a legal right to possess and dispose of it; or is found in possession of

a motor vehicle without proper documentation or other evidence of right to possession.

Under the amended bill, a person is a persistent motor vehicle offender if a person convicted of theft of a motor vehicle, receiving a stolen motor vehicle, or carjacking has previously been convicted of one of these crimes on two or more prior and separate occasions, regardless of the dates of the convictions. A persistent offender may be sentenced to an extended term, upon motion of the prosecutor, if the prior conviction is for a crime committed on a separate occasion and the crime for which the person is being sentenced was committed either: within 10 years of the date of the defendant's last release from confinement for commission of any crime; or within 10 years of the date of the commission of the most recent of the crimes enumerated in the amended bill for which the defendant has a prior conviction.

In addition, the amended bill updates the statutory provisions addressing the crime of receiving stolen property to also reference the crime of receiving a stolen motor vehicle set out in the amended bill.

**FISCAL IMPACT:**

The Office of Legislative (OLS) determines that the Department of Corrections would incur additional annual costs under the bill if individuals were sentenced to longer prison terms than they otherwise would have been absent the bill's provisions.

The impact the bill may have on a defendant's willingness to plead guilty, the increase or decrease in the number of defendants offered a plea bargain or pleading to a lesser offense, or the impact on a trial rate related to crimes of theft of a motor vehicle cannot be determined. Consequently, the impact of the bill on the workload of the Judiciary, the Department of Law and Public Safety, the State Parole Board, and the Office of the Public Defender is also indeterminate.

# **RACIAL AND ETHNIC COMMUNITY CRIMINAL JUSTICE AND PUBLIC SAFETY IMPACT STATEMENT**

[First Reprint]

**ASSEMBLY, No. 4931**

**STATE OF NEW JERSEY  
220th LEGISLATURE**

**Synopsis:** Establishes crimes of theft of motor vehicle and receiving stolen motor vehicle as separate statutory provisions; provides extended sentences for certain persistent offenders.

## **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. 4931 (1R) establishes separate statutory provisions for the crimes of theft of a motor vehicle and receiving a stolen motor vehicle, and provides for extended sentences for certain persistent offenders.

Under current law, the penalties for theft of a motor vehicle are set forth in the State's general statute consolidating theft and computer criminal activity offenses. Theft of a motor vehicle is a crime of the third degree, unless the value of the motor vehicle is greater than \$75,000, in which case it is a crime of the second degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. 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. The bill establishes theft of a motor vehicle as a separate offense, which will facilitate the tracking of motor vehicle theft crimes in this State. Under the bill, the theft of a motor vehicle remains a crime of the third degree, however if the individual steals more than one vehicle it is a crime of the second degree.

Under current law, receiving a stolen motor vehicle, punishable under the general statute governing the receipt of stolen property, is a crime of the third degree, unless the value of the vehicle is \$75,000 or greater, in which case it is a crime of the second degree. The bill establishes receiving a stolen motor vehicle as a separate offense, which will facilitate the tracking of crimes of receiving stolen motor vehicles in this State.

Under the bill, a permissive inference may apply that a person had knowledge or a belief that they received a stolen motor vehicle in violation of the bill if the person: is found to be in possession or control of two or more motor vehicles stolen on two or more separate occasions; has received a stolen motor vehicle in another transaction within the year preceding the transaction charged; being a person in the business of buying or selling motor vehicles, acquires the motor vehicle without having ascertained by reasonable inquiry that the person from whom it was obtained had a legal right to possess and dispose of it; or is found in possession of a motor vehicle without proper documentation or other evidence of right to possession.

Under the bill, a person is a persistent motor vehicle offender if a person convicted of theft of a motor vehicle, receiving a stolen motor vehicle, or carjacking has previously been convicted of one of these crimes on two or more prior and separate occasions, regardless of the dates of the convictions. A persistent offender may be sentenced to an extended term, upon motion of the prosecutor, if the prior conviction is for a crime committed on a separate occasion and the crime for which the person is being sentenced was committed either: within 10 years of the date of the defendant’s last release from confinement for commission of any crime; or within 10 years of the date of the commission of the most recent of the crimes enumerated in the bill for which the defendant has a prior conviction.

In addition, the bill updates the statutory provisions addressing the crime of receiving stolen property to also reference the crime of receiving a stolen motor vehicle set out in the bill.

**Federal and State Census Information<sup>1</sup>**

	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 <sup>2</sup>	158,081	27.3%	38.5%	2.6%	1.4%	N/A	30.2%	N/A
Actual State Adult Inmate Population <sup>3</sup>	12,492	22.0%	61.0%	0.0%	1.0%	N/A	16.0 %	0.0 %

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

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

<sup>3</sup> 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.

**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 <sup>3</sup>	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:

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

	Degree	Arrests		Unique Persons		Charges		Convictions	
		2021	2022	2021	2022	2021	2022	2021	2022
2C:20-2 generally and as it relates to motor vehicles	2	9	20	9	20	9	20	2	2
	3	194	273	188	263	206	283	6	7
	4	109	124	107	124	111	127	7	3
	DP	13	8	13	8	13	8	5	3
	Unknown	2	4	2	3	2	4	1	1
2C:20-7 generally and as it relates to motor vehicles	3	1	0	1	0	1	0	1	0
	Blank	2996	3689	2743	3327	3172	3888	331	175

**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. 2C:20-2 includes 2C:20-2; 2C:20-2.3A; 2C:20-2.4A(1); 2C:20-2.6A; 2C:20-2B(1)(A); 2C:20-2B(1)(B); 2C:20-2B(1)(C); 2C:20-2B(1)(D); 2C:20-2B(1)(F); 2C:20-2B(2)(A); 2C:20-2B(2)(B); 2C:20-2B(2)(C); 2C:20-2B(2)(D); 2C:20-2B(2)(E); 2C:20-2B(2)(F); 2C:20-2B(2)(G); 2C:20-2B(2)(H); 2C:20-2B(2)(J); 2C:20-2B(2)(K); 2C:20-2B(3); 2C:20-2B(4); 2C:20-2B(4)(A). 2C:20-7 includes 2C:20-7; 2C:20-7.1A; 2C:20-7.1B; 2C:20-7.1B(1); 2C:20-7.1B(2); 2C:20-7A.

**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
2C:20-2	2		6	3			9	11			
2C:20-2	3	3	82	106		3	7	129	122	15	
2C:20-2	4	1	49	53		6		58	63	3	
2C:20-2	DP		7	5		1		3	5		
2C:20-2			2						4		
2C:20-7	3		1								
2C:20-7		35	1717	1119	5	120	44	2067	1427	2 149	

RECCJPSIS for ASSEMBLY, No. 4931 [1R]

	2021							2022				
	Statute	Degree	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
Charges	2C:20-2	2		6	3			9	11			
	2C:20-2	3	3	91	109		3	7	132	128		16
	2C:20-2	4	1	51	53		6		58	66		3
	2C:20-2	DP		7	5		1		3	5		
	2C:20-2			2						4		
	2C:20-7	3		1								
	2C:20-7			38	1790	1199	5	140	48	2183	1494	2

	2021							2022				
	Statute	Degree	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
Persons	2C:20-2	2		6	3			9	11			
	2C:20-2	3	3	80	102		3	5	125	118		15
	2C:20-2	4	1	47	53		6		58	63		3
	2C:20-2	DP		7	5		1		3	5		
	2C:20-2			2						3		
	2C:20-7	3		1								
	2C:20-7			33	1562	1032	4	112	43	1849	1298	2

	2021							2022				
	Statute	Degree	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
Convictions	2C:20-2	2		1	1				1	1		
	2C:20-2	3	1	2	1		2	1	3	1		2
	2C:20-2	4	0	2	3		2		1	1		1
	2C:20-2	DP		2	2		1		2	1		
	2C:20-2			1						1		
	2C:20-7	3		1								
	2C:20-7			4	174	137	0	16	3	95	68	1

**Note:** Hispanic ethnicity was not captured during the Live Scan process, which must meet federal data specifications.<sup>4</sup> 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.

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

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 pages 2 and 3, 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
<b>TOTAL</b>	<b>4,479</b>	<b>296</b>	<b>46</b>	<b>101</b>	<b>4,922</b>

# OF CHARGES FOR SELECTED STATUTES * FOR COMPLAINTS ISSUED IN 2022					
RACE	ETHNICITY **				
	BLANK **	N	U	Y	TOTAL
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
<b>TOTAL</b>	<b>4</b>	<b>4,440</b>	<b>392</b>	<b>1,442</b>	<b>6,278</b>

RECCJPSIS for ASSEMBLY, No. 4931 [1R]

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

<b>SELECTED STATUTES *</b>		
<b>STATUTE</b>	<b>DEGREE</b>	<b>DESCRIPTION</b>
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	RECEIVNG 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

**CORRECTED COPY**  
**LEGISLATIVE FISCAL ESTIMATE**

[First Reprint]

**ASSEMBLY, No. 4931**  
**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

DATED: FEBRUARY 13, 2023

**SUMMARY**

- Synopsis:** Establishes crimes of theft of motor vehicle and receiving stolen motor vehicle as separate statutory provisions; provides extended sentences for certain persistent offenders.
- Type of Impact:** Annual State expenditure increase.
- Agencies Affected:** Department of Corrections, State Parole Board, the Judiciary, Office of the Public Defender, Department of Law and Public Safety.

**Office of Legislative Services Estimate**

<b>Annual Fiscal Impact</b>	
<b>State Cost Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) determines that the Department of Corrections would incur additional annual costs under the bill if individuals were sentenced to longer prison terms than they otherwise would have been absent the bill's provisions.
- The impact the bill may have on a defendant's willingness to plead guilty, the increase or decrease in the number of defendants offered a plea bargain or pleading to a lesser offense, or the impact on the trial rate related to crimes of theft of a motor vehicle and receiving a stolen motor vehicle cannot be determined. Consequently, the impact of the bill on the workload of the Judiciary, the Department of Law and Public Safety, the State Parole Board, and the Office of the Public Defender is also indeterminate.

**BILL DESCRIPTION**

This bill establishes separate statutory provisions for the crimes of theft of a motor vehicle and receiving a stolen motor vehicle, and provides for extended sentences for certain persistent offenders. The penalties for theft of a motor vehicle remain the same as under current law

with the exception that it is a crime of the second degree if the theft involves more than one vehicle.

Under current law, receiving a stolen motor vehicle, punishable under the general statute governing the receipt of stolen property, is a crime of the third degree, unless the value of the vehicle is \$75,000 or greater, in which case it is a crime of the second degree. This bill establishes receiving a stolen motor vehicle as a separate offense. Also under the bill, a permissive inference may apply to certain persons with knowledge or belief that they received a stolen motor vehicle in violation of the bill.

Per the bill, a person is a persistent motor vehicle offender if a person convicted of theft of a motor vehicle, receiving a stolen motor vehicle, or carjacking has previously been convicted of one of these crimes on two or more prior and separate occasions, regardless of the dates of the convictions. Certain persistent offenders may be sentenced to an extended prison term, upon motion of the prosecutor and under certain circumstances.

## **FISCAL ANALYSIS**

### ***THE JUDICIARY***

The OLS has not received a formal fiscal note on this bill. However, upon request, the Judiciary indicated that it is unable to estimate the fiscal impact of the bill on the court system. The Judiciary cannot estimate the impact this bill may have on a defendant's willingness to plead guilty, the increase or decrease in the number of defendant's being offered a plea bargain or pleading to a lesser offense, or the possible increase or decrease in the trial rate.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS determines that the Department of Corrections would incur additional annual costs under the bill if individuals were sentenced to longer prison terms than they otherwise would have been absent the bill's provisions.

Theft of a motor vehicle is currently a crime of the second degree if the value of the motor vehicle involved is \$75,000 or more, otherwise it is a crime of the third degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. 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. Although the penalties for theft of a motor vehicle remain the same as under current law, this bill broadens current statute by establishing a crime of the second degree of a theft involving more than one motor vehicle. The bill's crime of the second degree for theft of more than one motor vehicle therefore would result in longer terms of incarceration and increased costs for the Department of Corrections. 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 bill also provides that a persistent stolen motor vehicle offender, as described in the bill, may be sentenced to an extended prison term, upon the motion of the prosecutor and under certain circumstances. Individuals sentenced to longer prison terms would generate additional costs to the Department of Corrections. In an informal estimate previously provided by the department, the average annual cost of housing an inmate in a State correctional facility is \$55,389, with a daily cost of \$151.75. The cost is based on FY 2021 actual expenditures and is

an average of all facilities, with an exception of the Special Treatment Unit at the Adult Diagnostic and Treatment Center that houses civilly committed residents.

The impact the bill may have on a defendant's willingness to plead guilty, the increase or decrease in the number of defendants offered a plea bargain or pleading to a lesser offense, or the impact on the trial rate related to crimes of theft of a motor vehicle and receiving a stolen motor vehicle cannot be determined. Consequently, the impact of the bill on the workload of the Judiciary, the Department of Law and Public safety, the State Parole Board, and the Office of the Public Defender is also indeterminate.

The OLS also notes that the costs under the bill may be offset somewhat by way of fines and penalties, though the State's ability to collect these 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.).

# SENATE, No. 2284

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 14, 2022

**Sponsored by:**

**Senator JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**Co-Sponsored by:**

**Senators Greenstein, Bramnick, Madden and Schepisi**

**SYNOPSIS**

Upgrades motor vehicle theft to second degree crime.

**CURRENT VERSION OF TEXT**

As introduced.



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

1 AN ACT increasing the degree of crime for motor vehicle theft and  
2 amending N.J.S.2C:20-2.

3

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

6

7 1. N.J.S.2C:20-2 is amended to read as follows:

8 2C:20-2. a. Consolidation of Theft and Computer Criminal  
9 Activity Offenses. Conduct denominated theft or computer  
10 criminal activity in this chapter constitutes a single offense, but  
11 each episode or transaction may be the subject of a separate  
12 prosecution and conviction. A charge of theft or computer criminal  
13 activity may be supported by evidence that it was committed in any  
14 manner that would be theft or computer criminal activity under this  
15 chapter, notwithstanding the specification of a different manner in  
16 the indictment or accusation, subject only to the power of the court  
17 to ensure fair trial by granting a bill of particulars, discovery, a  
18 continuance, or other appropriate relief where the conduct of the  
19 defense would be prejudiced by lack of fair notice or by surprise.

20 b. Grading of theft offenses.

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

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

23 (b) The property is taken by extortion;

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

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

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

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

39 (g) The property stolen is a motor vehicle.

40 (2) Theft constitutes a crime of the third degree if:

41 (a) The amount involved exceeds \$500.00 but is less than  
42 \$75,000.00;

43 (b) The property stolen is a firearm, **[ motor vehicle, ]** vessel,  
44 boat, horse, domestic companion animal or airplane;

**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 (c) The property stolen is a controlled dangerous substance or  
2 controlled substance analog as defined in N.J.S.2C:35-2 and the  
3 amount involved is less than \$75,000.00 or is undetermined and the  
4 quantity is one kilogram or less;

5 (d) It is from the person of the victim;

6 (e) It is in breach of an obligation by a person in his capacity as  
7 a fiduciary and the amount involved is less than \$50,000.00;

8 (f) It is by threat not amounting to extortion;

9 (g) It is of a public record, writing or instrument kept, filed or  
10 deposited according to law with or in the keeping of any public  
11 office or public servant;

12 (h) The property stolen is a person's benefits under federal or  
13 State law, or from any other source, which the Department of  
14 Human Services or an agency acting on its behalf has budgeted for  
15 the person's health care and the amount involved is less than  
16 \$75,000.00;

17 (i) The property stolen is any real or personal property related  
18 to, necessary for, or derived from research, regardless of value,  
19 including, but not limited to, any sample, specimens and  
20 components thereof, research subject, including any warm-blooded  
21 or cold-blooded animals being used for research or intended for use  
22 in research, supplies, records, data or test results, prototypes or  
23 equipment, as well as any proprietary information or other type of  
24 information related to research;

25 (j) The property stolen is a New Jersey Prescription Blank as  
26 referred to in R.S.45:14-14;

27 (k) The property stolen consists of an access device or a defaced  
28 access device; or

29 (l) The property stolen consists of anhydrous ammonia and the  
30 actor intends it to be used to manufacture methamphetamine.

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

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

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

35 (b) The property stolen is an electronic vehicle identification  
36 system transponder.

37 The amount involved in a theft or computer criminal activity  
38 shall be determined by the trier of fact. The amount shall include,  
39 but shall not be limited to, the amount of any State tax avoided,  
40 evaded or otherwise unpaid, improperly retained or disposed of.  
41 Amounts involved in thefts or computer criminal activities  
42 committed pursuant to one scheme or course of conduct, whether  
43 from the same person or several persons, may be aggregated in  
44 determining the grade of the offense.

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

47 (1) Was unaware that the property or service was that of  
48 another;

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

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

7 d. Theft from spouse. It is no defense that theft or computer  
8 criminal activity was from or committed against the actor's spouse,  
9 except that misappropriation of household and personal effects, or  
10 other property normally accessible to both spouses, is theft or  
11 computer criminal activity only if it occurs after the parties have  
12 ceased living together.

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

14

15 2. This act shall take effect immediately.

16

17

18

#### STATEMENT

19

20 This bill upgrades the crime of theft of a motor vehicle.

21 Currently, if the property stolen is a motor vehicle, the theft  
22 constitutes a crime of the third degree. Third degree crimes are  
23 punishable by 3 to 5 years imprisonment, up to a \$15,000 fine, or  
24 both.

25 This bill increases theft of a motor vehicle to a crime of the  
26 second degree. A crime of the second degree is punishable by up to  
27 5 to 10 years imprisonment, up to a \$150,000 fine, or both.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 2284**

**STATE OF NEW JERSEY**

DATED: DECEMBER 19, 2022

The Senate Judiciary Committee reports favorably Senate Bill No. 2284.

This bill would make the crime of theft of a motor vehicle a second-degree crime, regardless of the value of the vehicle stolen.

Under current law, theft of a motor vehicle is generally graded as a crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. See N.J.S.2C:20-2, subsection b., paragraph (2), subparagraph (b). However, if the value of the stolen motor vehicle (and its contents) is \$75,000 or more, the act may be graded as a crime of the second degree, punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both. See Id., subsection b., paragraph (1), subparagraph (a).

The bill would add motor vehicles to the list of categories of property for which the theft thereof would constitute a crime of the second degree, and as such every motor vehicle theft could be so graded, regardless of the value of the vehicle stolen.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 2284 and 3389**

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 13, 2023

The Senate Budget and Appropriations Committee reports favorably a committee substitute for Senate Bill No. 2284 and Senate Bill No. 3389.

This committee substitute establishes separate statutory provisions for the existing crimes of theft of a motor vehicle and knowingly receiving stolen property that is a motor vehicle, and provides for extended sentences for certain persistent offenders.

#### Theft of Motor Vehicle

Under current law, the theft of a motor vehicle is included in the State's general statute consolidating theft and computer criminal activity offenses. Theft of a motor vehicle is a crime of the third degree, unless the value of the motor vehicle is \$75,000 or more, in which case it is a crime of the second 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. 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.

The bill establishes theft of a motor vehicle as a separately allocated crime, apart from the general theft statute. The grading of the newly allocated crime would generally remain the same as under current law, so a theft of a motor vehicle valued at \$75,000 or more could be upgraded to a second-degree crime, but, unlike the current law, it would be a crime of the second degree if the theft involves more than one vehicle, regardless of the total value of the vehicles. As with the general theft statute, the determination of the amount involved in a motor vehicle theft, if a factor, would be determined by the trier of fact.

#### Receiving Stolen Property

Under current law, like the general theft statute, the general crime of knowingly receiving stolen property includes receiving a stolen motor vehicle. The crime of receiving a stolen motor vehicle is graded in the same manner as the crime of theft, as a crime of the third degree, but is a crime of the second degree if the motor vehicle is valued at \$75,000 or more. The bill establishes knowingly

receiving a stolen motor vehicle as a separately allocated crime, to be graded in the same manner as currently graded, with the \$75,000 threshold establishing the higher degree of crime.

Current law also provides for a legal presumption of knowledge regarding the stolen vehicle when a person: is found to be in possession or control of two or more items of property, stolen on two or more separate occasions; has received a stolen property in another transaction within the year preceding the transaction charged; or being a person in the business of buying or selling property of the sort received (motor vehicles), acquires the property without having ascertained by reasonable inquiry that the person from whom it was obtained had a legal right to possess and dispose of it, as well as two others not necessarily related to motor vehicles: the person is found in possession of two or more defaced access devices; and the person is found in possession of property of a cargo carrier without proper documentation or other evidence of right of possession. This presumption under current law is renamed as a permissive inference.

The permissive inferences of knowledge would apply to the separately allocated crime of receiving a stolen motor vehicle, but would be specifically applicable to activities related to motor vehicles and not items of property generally. Additionally, the bill would create a permissive inference for being in possession of a motor vehicle without proper documentation or other evidence of right of possession, which is based on the current law's presumption concerning property of a cargo carrier.

#### Persistent Stolen Motor Vehicle Offender

The bill would also provide for an extended sentence for a "persistent stolen motor vehicle offender." The bill establishes this person as someone convicted of the newly allocated crime of theft of a motor vehicle or knowingly receiving a motor vehicle, or for carjacking (which includes the unlawful taking by means of violence or threats of violence, or the person inside the vehicle remains inside at the time of the taking), who also has been previous convicted on two or more prior and separate occasions for one or more of those crimes, or any substantially equivalent crime in this State, another state, or the United States, regardless of the dates of the previous convictions.

The prosecutor could make a motion regarding the persistent offender, resulting in the person being sentenced to an extended term of imprisonment pursuant to N.J.S.2C:43-7. Generally, an extended term for a second-degree theft or receiving crime would be between 10 and 20 years (instead of the ordinary five to 10 years), and an extended term for a third-degree theft or receiving crime would be five to 10 years (instead of the ordinary three to five years). Carjacking is graded as a crime of the first degree, for

which an extended term would be between 20 years and life imprisonment (the standard term is between 10 and 20 years, with a mandatory minimum term of at least five years).

The extended term would only apply if the prior convictions were for two or more crimes committed on separate occasions, and the present crime for which the person is being sentenced was committed either:

- Within 10 years of the date of the person's last release from confinement for commission of any crime; or
- Within 10 years of the date of the commission of the most recent of the crimes listed above for which the person has a prior conviction.

#### Disclosures for Licenses and Certifications

Finally, the bill continues the current law's application disclosure and eligibility requirements for being licensed, certified, or employable in a variety of public and private professional occupations or trades regarding persons with a conviction for motor vehicle theft or receiving a stolen motor vehicle, by adding cross references to the new, separately allocated crimes throughout the statutory law concerning application disclosures and eligibility requirements to account for those crimes no longer being encompassed within the State's general theft and receiving stolen property statutes.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that the Department of Corrections would incur additional annual costs under the bill if individuals were sentenced to longer prison terms than they otherwise would have been absent the bill's provisions.

The impact the bill may have on a defendant's willingness to plead guilty, the increase or decrease in the number of defendants offered a plea bargain or pleading to a lesser offense, or the impact on the trial rate related to crimes of theft of a motor vehicle and receiving a stolen motor vehicle cannot be determined. Consequently, the impact of the bill on the workload of the Judiciary, the Department of Law and Public Safety, the State Parole Board, and the Office of the Public Defender is also indeterminate.

**CORRECTED COPY**  
**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 2284**  
**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

DATED: FEBRUARY 14, 2023

**SUMMARY**

- Synopsis:** Upgrades motor vehicle theft to second degree crime.
- Type of Impact:** Annual State expenditure and revenue increase.
- Agencies Affected:** Department of Corrections, State Parole Board, the Judiciary, Office of the Public Defender, Department of Law and Public Safety.

**Office of Legislative Services Estimate**

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

- The Office of Legislative Services (OLS) determines that the Department of Corrections would incur indeterminate annual costs under the bill as individuals are sentenced to longer prison terms than they otherwise would have been absent the bill's provisions.
- The impact the bill may have on a defendant's willingness to plead guilty, the increase or decrease in the number of defendants offered a plea bargain or pleading to a lesser offense, or the impact on the trial rate related to crimes of theft of a motor vehicle cannot be determined. Consequently, the impact of the bill on the workload of the Judiciary, the Department of Law and Public Safety, the State Parole Board, and the Office of the Public Defender is also indeterminate.
- The OLS also notes that the State may receive indeterminate revenue from fines imposed on individuals convicted of this crime; however, the State's ability to collect fines has historically been limited.

**BILL DESCRIPTION**

This bill would make the crime of theft of a motor vehicle a crime of the second degree, regardless of the value of the vehicle stolen.

Under current law, theft of a motor vehicle is generally graded as a crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. However, if the value of the stolen motor vehicle (and its contents) is \$75,000 or more, the act may be graded as a crime of the second degree, punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both.

The bill would add motor vehicles to the list of categories of property for which the theft thereof would constitute a crime of the second degree, and as such, every motor vehicle theft could be so graded, regardless of the value of the vehicle stolen.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS determines that the Department of Corrections would incur indeterminate annual costs under the bill if individuals are sentenced to longer prison terms than they otherwise would have been absent the bill's provisions.

The bill upgrades the crime of theft of a motor vehicle to a crime of the second degree. Under current statute, theft of a motor vehicle is a crime of the third degree and upgraded to a crime of the second degree only if the value of the stolen motor vehicle is \$75,000 or more. This bill removes the requirement on the value of the stolen property, making it a crime of the second degree regardless of the value of the stolen motor vehicle. Therefore, this bill will result in a longer period of incarceration for individuals convicted of motor vehicle theft. According to the Department of Corrections, the FY 2021 average annual cost of housing an inmate in a State correctional facility was \$55,389, with a daily cost of \$151.75.

The impact the bill may have on a defendant's willingness to plead guilty, the increase or decrease in the number of defendants offered a plea bargain or pleading to a lesser offense, or the impact on the trial rate related to crimes of theft of a motor vehicle cannot be determined. Consequently, the impact of the bill on the workload of the Judiciary, the Department of Law and Public Safety, the State Parole Board, and the Office of the Public Defender is also indeterminate.

The OLS also notes that the State may receive indeterminate revenue from fines imposed on individuals convicted of this crime; however, the State's ability to collect fines 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.).

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE, Nos. 2284 and 3389**  
**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

DATED: MARCH 3, 2023

**SUMMARY**

- Synopsis:** Establishes crimes of theft of motor vehicle and receiving stolen motor vehicle as separate statutory provisions; provides extended sentences for certain persistent offenders.
- Type of Impact:** Annual State expenditure and revenue increases.
- Agencies Affected:** Department of Corrections, State Parole Board, the Judiciary, Office of the Public Defender, Department of Law and Public Safety.

**Office of Legislative Services Estimate**

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

- The Office of Legislative Services (OLS) determines that the Department of Corrections would incur additional annual costs under the bill if individuals were sentenced to longer prison terms than they otherwise would have been absent the bill's provisions.
- The impact the bill may have on a defendant's willingness to plead guilty, the increase or decrease in the number of defendants offered a plea bargain or pleading to a lesser offense, or the impact on the trial rate related to crimes of theft of a motor vehicle and receiving a stolen motor vehicle cannot be determined. Consequently, the impact of the bill on the workload of the Judiciary, the Department of Law and Public Safety, the State Parole Board, and the Office of the Public Defender is also indeterminate.
- The OLS also notes the State may receive indeterminate revenue from fines imposed on individuals convicted of this crime; however, the State's ability to collect fines has historically been limited.

## **BILL DESCRIPTION**

This bill establishes separate statutory provisions for the crimes of theft of a motor vehicle and receiving a stolen motor vehicle, and provides for extended sentences for certain persistent offenders. The penalties for theft of a motor vehicle remain the same as under current law with the exception that it is a crime of the second degree if the theft involves more than one vehicle.

Under current law, receiving a stolen motor vehicle, punishable under the general statute governing the receipt of stolen property, is a crime of the third degree, unless the value of the vehicle is \$75,000 or greater, in which case it is a crime of the second degree. This bill establishes receiving a stolen motor vehicle as a separate offense. Also under the bill, a permissive inference may apply to certain persons with knowledge or belief that they received a stolen motor vehicle in violation of the bill.

Per the bill, a person is a persistent motor vehicle offender if a person convicted of theft of a motor vehicle, receiving a stolen motor vehicle, or carjacking previously has been convicted of one of these crimes on two or more prior and separate occasions, regardless of the dates of the convictions. Certain persistent offenders may be sentenced to an extended prison term, upon motion of the prosecutor and under certain circumstances.

## **FISCAL ANALYSIS**

### ***THE JUDICIARY***

The OLS has not received a formal fiscal note on this bill. However, upon request, the Judiciary indicated that it is unable to estimate the fiscal impact of the bill on the court system. The Judiciary cannot estimate the impact this bill may have on a defendant's willingness to plead guilty, the increase or decrease in the number of defendant's being offered a plea bargain or pleading to a lesser offense, or the possible increase or decrease in the trial rate.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS determines that the Department of Corrections would incur additional annual costs under the bill if individuals were sentenced to longer prison terms than they otherwise would have been absent the bill's provisions.

Theft of a motor vehicle is currently a crime of the second degree if the value of the motor vehicle involved is \$75,000 or more, otherwise it is a crime of the third degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. 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. Although the penalties for theft of a motor vehicle remain the same as under current law, this bill broadens current statute by establishing a crime of the second degree of a theft involving more than one motor vehicle regardless of the total value of the vehicles. The bill's crime of the second degree for theft of more than one motor vehicle therefore would result in longer terms of incarceration and increased costs for the Department of Corrections. 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 bill also provides that a persistent stolen motor vehicle offender, as described in the bill, may be sentenced to an extended prison term, upon the motion of the prosecutor and under certain circumstances. Individuals sentenced to longer prison terms would generate additional costs to the Department of Corrections. Generally, an extended term for a second-degree theft or receiving crime would be between 10 and 20 years (instead of the ordinary five to 10 years), and an extended term for a third-degree theft or receiving crime would be five to 10 years (instead of the ordinary three to five years). Carjacking is graded as a crime of the first degree, for which an extended term would be between 20 years and life imprisonment (the standard term is between 10 and 20 years, with a mandatory minimum term of at least five years). In an informal estimate previously provided by the department, the average annual cost of housing an inmate in a State correctional facility is \$55,389, with a daily cost of \$151.75. The cost is based on FY 2021 actual expenditures and is an average of all facilities, with an exception of the Special Treatment Unit at the Adult Diagnostic and Treatment Center that houses civilly committed residents.

The impact the bill may have on a defendant's willingness to plead guilty, the increase or decrease in the number of defendants offered a plea bargain or pleading to a lesser offense, or the impact on the trial rate related to crimes of theft of a motor vehicle and receiving a stolen motor vehicle cannot be determined. Consequently, the impact of the bill on the workload of the Judiciary, the Department of Law and Public safety, the State Parole Board, and the Office of the Public Defender is also indeterminate.

The OLS also notes that the costs under the bill may be offset somewhat by way of fines and penalties, though the State's ability to collect these has historically been limited.

*Section:           Judiciary*  
*Analyst:          Anuja Pande Joshi*  
*Senior Fiscal Analyst*  
*Approved:       Thomas Koenig*  
*Legislative Budget and Finance Officer*

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

# 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 court ramps 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 curbing 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 ensure 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.**