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RWH/JA

P.L.2017, CHAPTER 156, *approved July 21, 2017*

Assembly, No. 1761

1 AN ACT concerning fencing activities involving stolen domestic
2 companion animals and amending P.L.1981, c.167.

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

6
7 1. Section 7 of P.L.1981, c.167 (C.2C:20-7.1) is amended to
8 read as follows:

9 7. Fencing. a. Possession of altered property. Any dealer in
10 property who knew or should have known that the identifying
11 features such as serial numbers and permanently affixed labels of
12 property in his possession have been removed or altered without the
13 consent of the manufacturer is guilty of possession of altered
14 property. It is a defense to a prosecution under this subsection that
15 a person lawfully possesses the usual indicia of ownership in
16 addition to mere possession.

17 b. (1) Dealing in stolen property. A person is guilty of dealing
18 in stolen property if he traffics in, or initiates, organizes, plans,
19 finances, directs, manages or supervises trafficking in stolen
20 property. This paragraph shall not apply to dealing in stolen
21 property consisting of a domestic companion animal, addressed in
22 paragraph (2) of this subsection.

23 (2) Dealing in stolen domestic companion animals. A person is
24 guilty of dealing in stolen domestic companion animals if he traffics
25 in, or initiates, organizes, plans, finances, directs, manages or
26 supervises trafficking in stolen property consisting of a domestic
27 companion animal.

28 c. **【The】** (1) For any violation of this section, other than
29 dealing in stolen domestic companion animals, the value of the
30 property involved in the violation 【of this section】 shall be
31 determined by the trier of fact 【. The】 for the purpose of
32 determining the grade of the offense, and the value of the property
33 involved in the violation 【of this section】 may be aggregated in
34 determining the grade of the offense where the acts or conduct
35 constituting a violation were committed pursuant to one scheme or
36 course of conduct, whether from the same person or several
37 persons.

38 (2) A violation of this section for dealing in stolen domestic
39 companion animals constitutes a crime of the third degree.

40 d. It is an affirmative defense to a prosecution under this
41 section that the actor:

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

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

6 e. In addition to the presumptions contained in **【N.J.S. 2C:20-**
7 **7b.】** subsection b. of N.J.S.2C:20-7, the following presumptions are
8 available in the prosecution for a fencing offense:

9 (1) Proof of the purchase or sale of property at a price
10 substantially below its fair market value, unless satisfactorily
11 explained, gives rise to an inference that the person buying or
12 selling the property knew that it had been stolen;

13 (2) Proof of the purchase or sale of property by a dealer in that
14 property, out of the regular course of business, or without the usual
15 indicia of ownership other than mere possession, or the property or
16 the job lot of which it is a part was bought, received, possessed or
17 controlled in broken succession of title, so that it cannot be traced,
18 by appropriate documents, in unbroken succession to the
19 manufacturer, in all cases where the regular course of business
20 reasonably indicates records of purchase, transfer or sale, unless
21 satisfactorily explained, gives rise to an inference that the person
22 buying or selling the property knew that it had been stolen; and

23 (3) Proof that a person buying or selling property of the sort
24 received obtained such property without having ascertained by
25 reasonable inquiry that the person from whom he obtained it had a
26 legal right to possess or control it gives rise to an inference that
27 such person knew that it had been stolen.

28 (cf: P.L.1981, c.167, s.7)

29

30 2. This act shall take effect immediately.

31

32

33

34

35 Creates fencing crime involving stolen domestic companion
36 animals.

ASSEMBLY, No. 1761

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman TIM EUSTACE

District 38 (Bergen and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

SYNOPSIS

Creates fencing crime involving stolen domestic companion animals.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/8/2016)

A1761 EUSTACE, MUKHERJI

2

1 AN ACT concerning fencing activities involving stolen domestic
2 companion animals and amending P.L.1981, c.167.

3

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

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7 1. Section 7 of P.L.1981, c.167 (C.2C:20-7.1) is amended to
8 read as follows:

9 7. Fencing. a. Possession of altered property. Any dealer in
10 property who knew or should have known that the identifying
11 features such as serial numbers and permanently affixed labels of
12 property in his possession have been removed or altered without the
13 consent of the manufacturer is guilty of possession of altered
14 property. It is a defense to a prosecution under this subsection that
15 a person lawfully possesses the usual indicia of ownership in
16 addition to mere possession.

17 b. (1) Dealing in stolen property. A person is guilty of dealing
18 in stolen property if he traffics in, or initiates, organizes, plans,
19 finances, directs, manages or supervises trafficking in stolen
20 property. This paragraph shall not apply to dealing in stolen
21 property consisting of a domestic companion animal, addressed in
22 paragraph (2) of this subsection.

23 (2) Dealing in stolen domestic companion animals. A person is
24 guilty of dealing in stolen domestic companion animals if he traffics
25 in, or initiates, organizes, plans, finances, directs, manages or
26 supervises trafficking in stolen property consisting of a domestic
27 companion animal.

28 c. **【The】** (1) For any violation of this section, other than
29 dealing in stolen domestic companion animals, the value of the
30 property involved in the violation 【of this section】 shall be
31 determined by the trier of fact 【. The】 for the purpose of
32 determining the grade of the offense, and the value of the property
33 involved in the violation 【of this section】 may be aggregated in
34 determining the grade of the offense where the acts or conduct
35 constituting a violation were committed pursuant to one scheme or
36 course of conduct, whether from the same person or several
37 persons.

38 (2) A violation of this section for dealing in stolen domestic
39 companion animals constitutes a crime of the third degree.

40 d. It is an affirmative defense to a prosecution under this
41 section that the actor:

42 (1) Was unaware that the property or service was that of
43 another;

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 (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.

4 e. In addition to the presumptions contained in [N.J.S. 2C:20-
5 7b.] subsection b. of N.J.S.2C:20-7, the following presumptions are
6 available in the prosecution for a fencing offense:

7 (1) Proof of the purchase or sale of property at a price
8 substantially below its fair market value, unless satisfactorily
9 explained, gives rise to an inference that the person buying or
10 selling the property knew that it had been stolen;

11 (2) Proof of the purchase or sale of property by a dealer in that
12 property, out of the regular course of business, or without the usual
13 indicia of ownership other than mere possession, or the property or
14 the job lot of which it is a part was bought, received, possessed or
15 controlled in broken succession of title, so that it cannot be traced,
16 by appropriate documents, in unbroken succession to the
17 manufacturer, in all cases where the regular course of business
18 reasonably indicates records of purchase, transfer or sale, unless
19 satisfactorily explained, gives rise to an inference that the person
20 buying or selling the property knew that it had been stolen; and

21 (3) Proof that a person buying or selling property of the sort
22 received obtained such property without having ascertained by
23 reasonable inquiry that the person from whom he obtained it had a
24 legal right to possess or control it gives rise to an inference that
25 such person knew that it had been stolen.

26 (cf: P.L.1981, c.167, s.7)

27

28 2. This act shall take effect immediately.

29

30

STATEMENT

31

32 This bill would create a specific crime for fencing involving a
33 stolen domestic companion animal. A person would be guilty of
34 such an act, referred to in the bill as “dealing in stolen domestic
35 companion animals,” if the person “traffics in, or initiates,
36 organizes, plans, finances, directs, manages or supervises
37 trafficking in stolen property consisting of a domestic companion
38 animal.”

39 Unlike the existing crime of dealing in stolen property, graded
40 anywhere from a disorderly persons offense up to a second degree
41 crime based upon the value of the property involved, fencing
42 involving a stolen domestic companion animal would be graded as a
43 crime of the third degree. This grading of the new fencing crime
44 corresponds to the third degree grading of theft of a domestic
45 companion animal as currently established under the law. See
46 N.J.S.2C:20-2, subsection b. Punishment for a third degree crime
47 could include a term of imprisonment of three to five years, a fine
48 of up to \$15,000, or both.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1761

STATE OF NEW JERSEY

DATED: MARCH 7, 2016

The Assembly Judiciary Committee reports favorably Assembly Bill No. 1761.

This bill would create a specific crime for fencing involving a stolen domestic companion animal. A person would be guilty of such an act, referred to in the bill as “dealing in stolen domestic companion animals,” if the person “traffics in, or initiates, organizes, plans, finances, directs, manages or supervises trafficking in stolen property consisting of a domestic companion animal.”

Unlike the existing crime of dealing in stolen property, graded anywhere from a disorderly persons offense up to a second degree crime based upon the value of the property involved, fencing involving a stolen domestic companion animal would be graded as a crime of the third degree. This grading of the new fencing crime corresponds to the third degree grading of theft of a domestic companion animal as currently established under the law. See subsection b. of N.J.S.2C:20-2. A crime of the third degree is generally punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1761

STATE OF NEW JERSEY

DATED: JUNE 20, 2016

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1761.

This bill creates a specific crime for fencing involving a stolen domestic companion animal. A person would be guilty of “dealing in stolen domestic companion animals,” as the crime is referred to in the bill, if the person “traffics in, or initiates, organizes, plans, finances, directs, manages or supervises trafficking in stolen property consisting of a domestic companion animal.”

Unlike the existing crime of dealing in stolen property, which is graded anywhere from a disorderly persons offense up to a second degree crime depending upon the value of the property involved, fencing involving a stolen domestic companion animal is a crime of the third degree, pursuant to the bill. This grading of the new fencing crime corresponds to the third degree grading of theft of a domestic companion animal under current law. A crime of the third degree is generally punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

FISCAL IMPACT:

The bill creates a specific crime for fencing involving a stolen domestic companion animal.” The Office of Legislative Services (OLS) states that because this is a new offense, there is no information with which to determine the cost of implementing this bill.

The OLS disagrees with the Administrative Office of the Courts’ (AOC) statement that the crimes enumerated in the bill would carry a mandatory minimum term of imprisonment because crimes of the third degree carry with them the presumption of non-incarceration for first time offenders. The OLS notes that the Judiciary would incur indeterminate costs to bring these cases to trial. In addition, the Department of Corrections (DOC) would incur minimal cost for housing offenders who are convicted for second and subsequent offenses.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1761

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 1761.

This bill creates a specific crime for fencing involving a stolen domestic companion animal. A person would be guilty of “dealing in stolen domestic companion animals,” as the crime is referred to in the bill, if the person “traffics in, or initiates, organizes, plans, finances, directs, manages or supervises trafficking in stolen property consisting of a domestic companion animal.”

Unlike the existing crime of dealing in stolen property, which is graded anywhere from a disorderly persons offense up to a second degree crime depending upon the value of the property involved, fencing involving a stolen domestic companion animal is a crime of the third degree, pursuant to the bill. This grading of the new fencing crime corresponds to the third degree grading of theft of a domestic companion animal under current law. A crime of the third degree is generally punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

As reported, this bill is identical to Senate Bill No. 332, as also reported by the committee.

FISCAL IMPACT:

The bill creates a specific crime for fencing involving a stolen domestic companion animal. The Office of Legislative Services (OLS) states that because this is a new offense, there is no information with which to determine the cost of implementing this bill.

The OLS disagrees with the Administrative Office of the Courts’ (AOC) statement that the crimes enumerated in the bill would carry a mandatory minimum term of imprisonment because crimes of the third degree carry with them the presumption of non-incarceration for first time offenders. The OLS notes that the Judiciary would incur indeterminate costs to bring these cases to trial. In addition, the Department of Corrections (DOC) would incur minimal cost for housing offenders who are convicted for second and subsequent offenses.

FISCAL NOTE
ASSEMBLY, No. 1761
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: JUNE 23, 2016

SUMMARY

Synopsis: Creates fencing crime involving stolen domestic companion animals.

Type of Impact: General Fund expenditure.

Agencies Affected: Judiciary, Department of Corrections

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) states that because this is a new offense, there is no information with which to determine the cost of implementing this bill. However, the OLS disagrees with the Administrative Office of the Courts' (AOC) statement that the crimes enumerated in the bill would carry a mandatory minimum term of imprisonment because crimes of the third degree carry with them the presumption of non-incarceration for first time offenders. The OLS notes that the Judiciary would incur indeterminate costs to bring these cases to trial. In addition, the Department of Corrections (DOC) would incur minimal cost for housing offenders who are convicted for second and subsequent offenses.
- The AOC states that the Judiciary is unable to estimate the number of cases that might fall under the provisions of the bill and the subsequent number of trials that might occur as a result of the bill's enactment. As a result it is not possible to estimate the potential fiscal impact.
- The bill would create a specific crime for fencing involving a stolen domestic companion animal. A person would be guilty of such an act, referred to in the bill as "dealing in stolen domestic companion animals," if the person "traffics in, or initiates, organizes, plans, finances, directs, manages or supervises trafficking in stolen property consisting of a domestic companion animal."

BILL DESCRIPTION

Assembly Bill No. 1761 of 2016 would create a specific crime for fencing involving a stolen domestic companion animal. A person would be guilty of such an act, referred to in the bill as “dealing in stolen domestic companion animals,” if the person “traffics in, or initiates, organizes, plans, finances, directs, manages or supervises trafficking in stolen property consisting of a domestic companion animal.”

Unlike the existing crime of dealing in stolen property, graded anywhere from a disorderly persons offense up to a second degree crime based upon the value of the property involved, fencing involving a stolen domestic companion animal would be graded as a crime of the third degree. This grading of the new fencing crime corresponds to the third degree grading of theft of a domestic companion animal as currently established under the law. A crime of the third degree is generally punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The AOC states that as the new crime created by this bill would carry a mandatory minimum term of imprisonment, there is the possibility the trial rate may increase, which would impact Judiciary resources. Unfortunately, the Judiciary cannot determine how many “dealing in stolen property” offenses have involved stolen domestic companion animals. Further, the Judiciary is unable to estimate how many defendants charged with this new crime would opt to go to trial. As a result, the Judiciary is unable to estimate the number of cases that might fall under the provisions of the new crime and the subsequent number of trials that might occur. In this regard, estimating the potential impact the bill would have on the Judiciary is not feasible.

OFFICE OF LEGISLATIVE SERVICES

The OLS states that because this is a new offense, there is no information with which to determine the cost of implementing this bill. However, the OLS disagrees with the Administrative Office of the Courts’ statement that the crimes enumerated in the bill would carry a mandatory minimum term of imprisonment because crimes of the third degree carry with them the presumption of non-incarceration for first time offenders. The OLS notes that the Judiciary would incur indeterminate costs to bring these cases to trial. In addition, the DOC would incur minimal cost for housing offenders who are convicted for second and subsequent offenses.

Section: Judiciary

*Analyst: Raughley, Anne C.
Principal Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

SENATE, No. 332

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Senator Cardinale

SYNOPSIS

Creates fencing crime involving stolen domestic companion animals.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/9/2016)

1 AN ACT concerning fencing activities involving stolen domestic
2 companion animals and amending P.L.1981, c.167.

3

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

6

7 1. Section 7 of P.L.1981, c.167 (C.2C:20-7.1) is amended to
8 read as follows:

9 7. Fencing. a. Possession of altered property. Any dealer in
10 property who knew or should have known that the identifying
11 features such as serial numbers and permanently affixed labels of
12 property in his possession have been removed or altered without the
13 consent of the manufacturer is guilty of possession of altered
14 property. It is a defense to a prosecution under this subsection that
15 a person lawfully possesses the usual indicia of ownership in
16 addition to mere possession.

17 b. (1) Dealing in stolen property. A person is guilty of dealing
18 in stolen property if he traffics in, or initiates, organizes, plans,
19 finances, directs, manages or supervises trafficking in stolen
20 property. This paragraph shall not apply to dealing in stolen
21 property consisting of a domestic companion animal, addressed in
22 paragraph (2) of this subsection.

23 (2) Dealing in stolen domestic companion animals. A person is
24 guilty of dealing in stolen domestic companion animals if he traffics
25 in, or initiates, organizes, plans, finances, directs, manages or
26 supervises trafficking in stolen property consisting of a domestic
27 companion animal.

28 c. **【The】** (1) For any violation of this section, other than
29 dealing in stolen domestic companion animals, the value of the
30 property involved in the violation 【of this section】 shall be
31 determined by the trier of fact 【. The】 for the purpose of
32 determining the grade of the offense, and the value of the property
33 involved in the violation 【of this section】 may be aggregated in
34 determining the grade of the offense where the acts or conduct
35 constituting a violation were committed pursuant to one scheme or
36 course of conduct, whether from the same person or several
37 persons.

38 (2) A violation of this section for dealing in stolen domestic
39 companion animals constitutes a crime of the third degree.

40 d. It is an affirmative defense to a prosecution under this
41 section that the actor:

42 (1) Was unaware that the property or service was that of
43 another;

44 (2) Acted under an honest claim of right to the property or
45 service involved or that he had a right to acquire or dispose of it as
46 he did.

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 e. In addition to the presumptions contained in **[N.J.S. 2C:20-**
2 **7b.]** subsection b. of N.J.S.2C:20-7, the following presumptions are
3 available in the prosecution for a fencing offense:

4 (1) Proof of the purchase or sale of property at a price
5 substantially below its fair market value, unless satisfactorily
6 explained, gives rise to an inference that the person buying or
7 selling the property knew that it had been stolen;

8 (2) Proof of the purchase or sale of property by a dealer in that
9 property, out of the regular course of business, or without the usual
10 indicia of ownership other than mere possession, or the property or
11 the job lot of which it is a part was bought, received, possessed or
12 controlled in broken succession of title, so that it cannot be traced,
13 by appropriate documents, in unbroken succession to the
14 manufacturer, in all cases where the regular course of business
15 reasonably indicates records of purchase, transfer or sale, unless
16 satisfactorily explained, gives rise to an inference that the person
17 buying or selling the property knew that it had been stolen; and

18 (3) Proof that a person buying or selling property of the sort
19 received obtained such property without having ascertained by
20 reasonable inquiry that the person from whom he obtained it had a
21 legal right to possess or control it gives rise to an inference that
22 such person knew that it had been stolen.

23 (cf: P.L.1981, c.167, s.7)

24

25 2. This act shall take effect immediately.

26

27

28

STATEMENT

29

30 This bill would create a specific crime for fencing involving a
31 stolen domestic companion animal. A person would be guilty of
32 such an act, referred to in the bill as “dealing in stolen domestic
33 companion animals,” if the person “traffics in, or initiates,
34 organizes, plans, finances, directs, manages or supervises
35 trafficking in stolen property consisting of a domestic companion
36 animal.”

37 Unlike the existing crime of dealing in stolen property, graded
38 anywhere from a disorderly persons offense up to a second degree
39 crime based upon the value of the property involved, fencing
40 involving a stolen domestic companion animal would be graded as a
41 crime of the third degree. This grading of the new fencing crime
42 corresponds to the third degree grading of theft of a domestic
43 companion animal as currently established under the law. See
44 N.J.S.2C:20-2, subsection b. Punishment for a third degree crime
45 could include a term of imprisonment of three to five years, a fine
46 of up to \$15,000, or both.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 332

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2016

The Senate Judiciary Committee reports favorably Senate Bill No. 332.

This bill would create a specific crime for fencing involving a stolen domestic companion animal. A person would be guilty of such an act, referred to in the bill as “dealing in stolen domestic companion animals,” if the person “traffics in, or initiates, organizes, plans, finances, directs, manages or supervises trafficking in stolen property consisting of a domestic companion animal.”

Unlike the existing crime of dealing in stolen property, graded anywhere from a disorderly persons offense up to a second degree crime based upon the value of the property involved, fencing involving a stolen domestic companion animal would be graded as a crime of the third degree. This grading of the new fencing crime corresponds to the third degree grading of theft of a domestic companion animal as currently established under the law. See N.J.S.2C:20-2, subsection b. Punishment for a third degree crime could include a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 332

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 332.

This bill creates a specific crime for fencing involving a stolen domestic companion animal. A person would be guilty of “dealing in stolen domestic companion animals,” as the crime is referred to in the bill, if the person “traffics in, or initiates, organizes, plans, finances, directs, manages or supervises trafficking in stolen property consisting of a domestic companion animal.”

Unlike the existing crime of dealing in stolen property, which is graded anywhere from a disorderly persons offense up to a second degree crime depending upon the value of the property involved, fencing involving a stolen domestic companion animal is a crime of the third degree, pursuant to the bill. This grading of the new fencing crime corresponds to the third degree grading of theft of a domestic companion animal under current law. A crime of the third degree is generally punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

As reported, this bill is identical to Assembly Bill No. 1761, as also reported by the committee.

FISCAL IMPACT:

The bill creates a specific crime for fencing involving a stolen domestic companion animal. The Office of Legislative Services (OLS) states that because this is a new offense, there is no information with which to determine the cost of implementing this bill.

The OLS disagrees with the Administrative Office of the Courts’ (AOC) statement that the crimes enumerated in the bill would carry a mandatory minimum term of imprisonment because crimes of the third degree carry with them the presumption of non-incarceration for first time offenders. The OLS notes that the Judiciary would incur indeterminate costs to bring these cases to trial. In addition, the Department of Corrections (DOC) would incur minimal cost for housing offenders who are convicted for second and subsequent offenses.

FISCAL NOTE
SENATE, No. 332
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: JUNE 23, 2016

SUMMARY

Synopsis: Creates fencing crime involving stolen domestic companion animals.

Type of Impact: General Fund expenditure.

Agencies Affected: Judiciary, Department of Corrections

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) states that because this is a new offense, there is no information with which to determine the cost of implementing this bill. However, the OLS disagrees with the Administrative Office of the Courts' (AOC) statement that the crimes enumerated in the bill would carry a mandatory minimum term of imprisonment because crimes of the third degree carry with them the presumption of non-incarceration for first time offenders. The OLS notes that the Judiciary would incur indeterminate costs to bring these cases to trial. In addition, the Department of Corrections (DOC) would incur minimal cost for housing offenders who are convicted for second and subsequent offenses.
- The AOC states that the Judiciary is unable to estimate the number of cases that might fall under the provisions of the bill and the subsequent number of trials that might occur as a result of the bill's enactment. As a result it is not possible to estimate the potential fiscal impact.
- The bill would create a specific crime for fencing involving a stolen domestic companion animal. A person would be guilty of such an act, referred to in the bill as "dealing in stolen domestic companion animals," if the person "traffics in, or initiates, organizes, plans, finances, directs, manages or supervises trafficking in stolen property consisting of a domestic companion animal."

BILL DESCRIPTION

Senate Bill No. 332 of 2016 would create a specific crime for fencing involving a stolen domestic companion animal. A person would be guilty of such an act, referred to in the bill as “dealing in stolen domestic companion animals,” if the person “traffics in, or initiates, organizes, plans, finances, directs, manages or supervises trafficking in stolen property consisting of a domestic companion animal.”

Unlike the existing crime of dealing in stolen property, graded anywhere from a disorderly persons offense up to a second degree crime based upon the value of the property involved, fencing involving a stolen domestic companion animal would be graded as a crime of the third degree. This grading of the new fencing crime corresponds to the third degree grading of theft of a domestic companion animal as currently established under the law. A crime of the third degree is generally punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The AOC states that as the new crime created by this bill would carry a mandatory minimum term of imprisonment, there is the possibility the trial rate may increase, which would impact Judiciary resources. Unfortunately, the Judiciary cannot determine how many “dealing in stolen property” offenses have involved stolen domestic companion animals. Further, the Judiciary is unable to estimate how many defendants charged with this new crime would opt to go to trial. As a result, the Judiciary is unable to estimate the number of cases that might fall under the provisions of the new crime and the subsequent number of trials that might occur. In this regard, estimating the potential impact the bill would have on the Judiciary is not feasible.

OFFICE OF LEGISLATIVE SERVICES

The OLS states that because this is a new offense, there is no information with which to determine the cost of implementing this bill. However, the OLS disagrees with the Administrative Office of the Courts’ statement that the crimes enumerated in the bill would carry a mandatory minimum term of imprisonment because crimes of the third degree carry with them the presumption of non-incarceration for first time offenders. The OLS notes that the Judiciary would incur indeterminate costs to bring these cases to trial. In addition, the DOC would incur minimal cost for housing offenders who are convicted for second and subsequent offenses.

Section: Judiciary

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Governor Christie Takes Action on Pending Legislation

Friday, July 21, 2017

Tags: [Bill Action](#)



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Trenton, NJ – Governor Chris Christie today took action on dozens of bills, including S-359/A-2320 (Codey, Vitale/Vainieri Huttle, Conaway, Jimenez, Lampitt, Jasey, Sumter), which raises the minimum age from 19 to 21 of a person to whom a vendor may sell, offer for sale, distribute, give or furnish tobacco products in New Jersey. This new law also amends various related statues concerning penalties, fines, signage requirements, non-face-to-face transactions, and enforcement provisions to reflect the increased minimum age.

“By raising the minimum age to purchase tobacco products to 21, we are giving young people more time to develop a maturity and better understanding of how dangerous smoking can be and that it is better to not start smoking in the first place,” Governor Christie said. “My mother died from the effects of smoking, and no one should lose their life due to any addictive substance. Additionally, the less people who develop costly tobacco habits that can cause health problems, such as lung cancer, heart disease and developmental issues, the less strain there will be on our healthcare system.”

Governor Christie also took action on pending legislation related to:

Further Addressing the Opioid Epidemic

Governor Christie signed four bills that continue New Jersey's leadership role in fighting the national opioid epidemic. The legislation that requires the Department of Human Services develop, maintain, and post on their website daily information about the number of open beds available in facilities in the state for people in need of mental health or substance use disorder treatment; help inform parents of student athletes and cheerleaders about the use and misuse of prescription opioids; allows hospice programs to accept the unused prescription medicines of their hospice patients for safe disposal and implements the use of current-day, sensitive terminology when referring to persons with substance use disorders or certain disabilities.

- **A-1662/S-2466 (Schaer, Vainieri Huttle, Coughlin, McKnight, Mukherji/Vitale, Allen)** - Requires development and maintenance of data dashboard report to advise of open bed availability in residential facilities providing behavioral health services
- **A-3944/S-2402 (Mazzeo, Lagana, Vainieri Huttle, Benson, Caride, Wimberly/Diegnan, Vitale)** - Requires DOE to develop educational fact sheet for distribution to parents of student-athletes and cheerleaders concerning use and misuse of prescription opioids
- **S-2970/A-4522 (Vitale, Diegnan/Lampitt, Vainieri Huttle, Jimenez)** - Allows hospice care programs to accept unused prescription medications for disposal under certain circumstances
- **S-2721/ACS for A-926 (Vitale, Whelan/Vainieri Huttle, Benson, Tucker, Eustace, McKnight, Mosquera)** - Implements person-first language and changes pejorative terminology referring to persons with certain disabilities or substance use disorders

Protecting and Preserving the Environment

The Governor also signed several bills to protect people and improve the quality of life by strengthening New Jersey's environment.

“These new laws will create more open space preservation opportunities, green energy solutions and safeguards to ensure quality drinking water for all New Jerseyans,” Governor Christie said. “They provide greater flexibility for counties and municipalities to use the roughly \$270 million open space tax dollars they collect each year for the intended mission of protecting New Jersey's environment, improving communities with more recreation and

conservation, and preventing overcrowding of our towns and schools. They also ensure reliable, sustainable and safe environmental infrastructure across the state, by investing nearly \$100 million in critical projects this year."

- **A-1645/S-195 (Schaer, Webber, Dancer, Pintor Marin/Kyrillos, Smith)** - Expands definition of "acquisition," for purposes of county and municipal open space trust funds, to include demolition, removal of debris, and restoration of lands being acquired
- **S-3352/A-5045 (Ruiz, Bateman/Oliver, Chaparro, Singleton, Lagana, Bramnick, Vainieri Huttie, Zwicker)** - Appropriates \$71,700,224 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects
- **S-3353/A-5046 (Greenstein, Thompson/Eustace, Land, Mukherji, Schaer, Bramnick, Vainieri Huttie, Wimberly)** - Appropriates \$12.3 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects
- **S-3354/A-5044 (Gordon, Allen/McKeon, Mazzeo, Muoio, Moriarty, Bramnick, Zwicker, Vainieri Huttie)** - Appropriates \$8,992,898 to DEP from constitutionally dedicated CBT revenues and various Green Acres funds for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes
- **S-3240/A-4996 (Greenstein, Codey/Mukherji, Mazzeo, Schaer, Holley, Land)** - Authorizes NJ Environmental Infrastructure Trust to expend certain sums to make loans for environmental infrastructure projects for FY2018
- **CC for S-3241/A-4998 (Smith, Codey/Eustace, Muoio, Moriarty, Conaway, Andrzejczak)** - Appropriates funds to DEP for environmental infrastructure projects for FY2018
- **S-3242/A-4997 (Gordon, Oroho/McKeon, Prieto)** - Clarifies procedures for approval of environmental and transportation infrastructure projects
- **S-3181/A-4756 (Smith, Diegnan/DeAngelo, Eustace, Gusciora)** - Permits solar electric power generation facility projects not having commenced commercial operation to retain designation through May 31, 2018 as connected to distribution system
- **S-2834/A-4569 (Sweeney, Greenstein, Bateman/Eustace, Karabinchak, McKeon, Vainieri Huttie, Benson, Muoio)** - The "Water Quality Accountability Act"; imposes certain testing, reporting, management, and infrastructure investment requirements on water purveyors

Governor Christie also took action on the following bills:

BILL SIGNINGS:

S-5/A-4925 (Vitale, Sweeney/Conaway, O'Scanlon, Houghtaling, Quijano, Giblin, DeAngelo, Munoz, Mukherji, A.M. Bucco) - Establishes data reporting requirements for emergency medical services providers and dispatch centers

SS SCS SCS for S-291, 652, 1954/ACS for A-1464 (Vitale, Whelan, Allen, Turner/Lampitt, Coughlin, Conaway, Vainieri Huttie, Lagana, Mukherji, Moriarty) - Authorizes health care providers to engage in telemedicine and telehealth

S-742/A-1205 (Beach/Mosquera, Holley, Wimberly, Jones) - Requires board of education to enter into agreement with law enforcement authorities regarding access to live video streams of public school buildings

S-1295/A-3701 (Vitale/Eustace, Munoz) - Amends and repeals sections of "Respiratory Care Practitioner Licensing Act"

S-1315/A-1839 (Vitale/Giblin, Wimberly, McKeon, Mukherji, Sumter) - Revises statutes regarding practice of physical therapy

S-1840/A-2085 (Ruiz, Gill/Mukherji, Oliver, McKnight) - Prohibits charging fee to stop publishing personal identifying information obtained through the criminal justice system

S-1913/A-2794 (Addiego, Greenstein/Lagana, Moriarty, Mukherji, Downey) - "Personal Information and Privacy Protection Act"; restricts collection and use of personal information by retail establishments for certain purposes

S-2058/A-671 (T. Kean, Pou/Munoz, Giblin, Mukherji, Moriarty) - Adds two nurse educators to the New Jersey Board of Nursing

S-2331/A-3962 (Codey, Vitale/Jasey, McKeon, Vainieri Huttie, Munoz, Mukherji, Mosquera, Lampitt) - Establishes tuition reimbursement program for certain psychiatrists who work in underserved areas or psychiatric hospitals in New Jersey

CC S-2403/A-3717 (Rice, Turner/Sumter, Vainieri Huttie, Lampitt, Downey) - Establishes Women's Vocational Training Pilot Program to promote economic self-sufficiency of low-income women through increased participation in high-wage, high-demand occupations; authorizes allocation of certain funds therefor

S-2452/A-4007 (Diegnan, Stack/Houghtaling, Downey, Mosquera, Mazzeo) - Requires Director of Division of Taxation to promulgate Property Taxpayer Bill of Rights

S-2577/A-4238 (Cunningham, Ruiz, Gordon/Sumter, Jasey, Muoio, Lagana, Downey, Benson) - Requires Higher Education Student Assistance Authority to provide annual New Jersey College Loans to Assist State Students Loan Program report to Governor and Legislature and develop student loan comparison information document to increase program transparency

S-2618/A-4691 (Cunningham, Pou/Caride, McKeon, Jasey, Giblin) - Requires institutions of higher education to enter into collective Statewide reverse transfer agreement

S-2819/A-4363 (Sweeney, Ruiz, Lesniak/Taliaferro, Andrzejczak, Lampitt, Mosquera, Holley, Quijano) - Creates "Nourishing Young Minds Initiative Fund" in Dept. of Agriculture to help pay for child food and nutrition programs

S-3027/A-4631 (Smith, Greenstein/Lampitt, Quijano, Eustace, Kennedy, Benson, Muoio, Zwicker, Mukherji) - Establishes State food waste reduction goal of 50 percent by 2030

S-3067/A-4652 (Ruiz, Vitale/Vainieri Huttie, Caride, Eustace, Jasey, Wimberly, Gusciora) - Requires Commissioner of Education to develop guidelines for school districts regarding transgender students

S-3176/A-4898 (Madden/Mukherji, Singleton) - Changes year used to calculate TDI and FLI employee taxes from most recent calendar year to most recent fiscal year

S-3191/A-3370 (Sweeney, Bateman/Burzichelli, Jones) - Extends voting rights of representatives of sending districts on receiving district board of education

S-3219/A-4859 (Sweeney, T. Kean, Greenstein, Holzapfel/Vainieri Huttie, Prieto, Downey) - Establishes additional penalties related to child pornography and expands crime to include portrayal of child in sexual manner; establishes crime of leader of child pornography network

S-3331/A-5039 (Cruz-Perez/Jones) - Authorizes State Treasurer to sell surplus real property in City of Camden, County of Camden to Camden County Improvement Authority

SJR-105/AJR-157 (Diegnan, Cruz-Perez, Sweeney/Pinkin, Karabinchak, Coughlin) - Designates August 29, 2017 as Governor James Florio Day in New Jersey

SJR-113/AJR-165 (Gordon/Vainieri Huttie, Chiaravalloti) - Clarifies intent of law subjecting PANYNJ to open public records and freedom of information laws in New Jersey and New York

A-222/S-2171 (DeAngelo, Giblin, Singleton, Holley, Benson/Bateman, Greenstein, Stack) - "New Jersey Library Construction Bond Act"; authorizes issuance of \$125,000,000 in general obligation bonds to finance capital projects at public libraries; appropriates \$5,000

A-373/S-607 (Auth, Vainieri Huttie, McGuckin, Schepisi, Peterson, Jimenez/Addiego, A.R. Bucco) - Requires life imprisonment without parole for persons convicted of the murder of a minor under the age of 18 in the course of the commission of a sex crime

A-555/S-1847 (Pinkin, Eustace/Diegnan) - Revises statutes concerning incorporation and governance of the Protestant Episcopal Church to remove gender-specific references

A-621/S-2328 (Lagana, Greenwald, Moriarty, Mosquera, Mukherji/Cruz-Perez, Turner) - Permits bowling alleys, including alleys licensed to sell alcoholic beverages, to conduct amusement games

A-1458/S-2449 (Lampitt, Mosquera, Downey, Singleton, Vainieri Huttie/Vitale, Ruiz) - Requires health care professionals engaged in prenatal care to provide parents of newborns with information on health insurance coverage for newborn children

A-1761/S-332 (Eustace, Mukherji, Gusciora/Scutari, Bateman) - Creates fencing crime involving stolen domestic companion animals

A-2060/S-2333 (Gusciora, Sumter, Oliver, Jasey, McKnight/Cruz-Perez, Turner) - Establishes process for consideration of offers from short sale buyers during residential mortgage foreclosures

A-2221/S-2453 (Benson, Russo, DeAngelo, A.M. Bucco/Diegnan, Greenstein) - Allows gross income taxpayers to use returns to make voluntary contributions to the Boy Scouts of America Councils in New Jersey

A-2441/S-2910 (Eustace, Gusciora, Kennedy, Mazzeo, Mukherji/Gordon, Turner) - Authorizes the Unclaimed Property Administrator to verify certain governmental debts before delivering abandoned property

A-2926/S-3197 (Greenwald, Vainieri Huttie, Schaer, Mukherji, Holley, Mosquera, Muoio, Sumter, Mazzeo/Cruz-Perez, Cunningham) - Repeals law suspending certain licenses, registrations and certifications for failure to repay student loans

A-2993/S-1305 (Conaway, Pinkin, Sumter, Wimberly, McKnight, Mukherji/Vitale, Madden) - Requires Medicaid coverage for diabetes self-management education, training, services, and equipment for patients diagnosed with diabetes, gestational diabetes, and pre-diabetes

A-3347/S-2242 (Wolfe, Holley, Jasey, McKnight, Wimberly/Diegnan) - Establishes New Jersey School Safety Specialist Academy in Department of Education and requires school districts to designate school safety specialist

A-3438/S-1564 (DeAngelo, Danielsens, Holley, Houghtaling, Downey, Wimberly, Quijano/Turner, Beach) - Requires initial determination of unemployment benefits to be made within three weeks of filing of claim

A-3463/S-2038 (Coughlin/Vitale, Codey) - Updates references to DOC and DHS and refers to persons receiving services from DHS

A-3686/S-2423 (McKeon, Jasey, Munoz, Vainieri Huttie, A.M. Bucco/Codey, Oroho) - Establishes new crime of strict liability vehicular homicide; renames existing vehicular homicide as reckless vehicular homicide; designated as Ralph and David's Law

A-4011/S-2887 (Jones, Barclay, Moriarty, Mosquera, Greenwald, Lampitt, Mazzeo, Chiaravalloti/Cruz-Perez, Beach) - Designates USS New Jersey as New Jersey State Ship

A-4081/S-2662 (Lampitt, Vainieri Huttle, Benson, Wimberly, Greenwald/Allen, Sweeney) - "Charlie's Law"; Establishes civil penalties for persons who interfere with or deny persons with disabilities accompanied by service or guide dogs access to places of public accommodation

A-4088/S-2567 (Schaer, Jasey, Benson, Wimberly/Cruz-Perez, Singer) - Establishes "High School to College Readiness Commission" to examine issues and develop recommendations to enhance student preparation for postsecondary education

A-4175/S-2808 (Caride, McKnight, Holley, Pintor Marin, Wimberly/Ruiz, Turner) -Requires Commissioner of Education to develop guidance on identifying English language learners for gifted and talented programs

A-4246/S-3194 (Dancer/Lesniak, Beck) - Decreases annual thoroughbred race dates to 50 minimum upon written consent from New Jersey Thoroughbred Horsemen's Association

A-4317/S-3206 (Prieto, Giblin/Diegnan) - Concerns violations of certain occupational licensing laws

A-4568/S-3017 (Vainieri Huttle, Eustace, Pinkin, Jasey, Johnson/Vitale, Ruiz) - Prohibits health insurers, SHBP, SEHBP, certain health care providers, and Medicaid from discriminating in providing coverage and services based on gender identity

A-4875/S-1996 (Muio, Gusciora/Beach, Van Drew) - Requires gubernatorial candidates' statements be posted online

A-4969/S-3281 (Oliver, Giblin, Jasey, McKnight, Schaer, Wimberly/Gill, Cunningham) - Establishes Montclair State University as public research university

ACS for A-4994/S-3314 (McKeon, Burzichelli, Singleton, Caride/Sarlo, Oroho) - Requires certain State and local government agency employees with access to federal tax information to undergo criminal history background checks

AJR-37/SJR-67 (Mosquera, Chaparro/Weinberg) - Designates June 21 of each year as "ASK Day" to promote children's health and gun safety

ACS for AJR-54/SJR-104 (Benson, Mosquera, Chiaravalloti, Holley, McKnight, Wimberly/Sweeney, Beach) - Designates April 2nd of each year as "World Autism Awareness Day"

AJR-72/SJR-31 (Gove, Rumpf, A.M. Bucco, Holley/A.R. Bucco) - Designates September 17 through September 23 of each year as "Constitution Week"

AJR-115/SJR-81 (Vainieri Huttle, Lampitt, Giblin, Benson/Diegnan, A.R. Bucco) - Designates third Friday in September of every year as Concussion Awareness Day

AJR-126/SJR-85 (Dancer, DeAngelo, Munoz, A.M. Bucco, Mukherji, Houghtaling, Downey/Allen, Madden) - Commemorates establishment and service of the New Jersey State Police and celebrates 95th anniversary of first graduating class

AJR-137/SJR-102 (Mazzeo/Whelan) - Urges United States President Trump, members of his administration, and Congress to oppose measures and actions to prohibit states from authorizing and conducting Internet gaming

BILLS VETOED:

SCS for S-1297, 1990/A-3751 (Vitale, Sweeney/Jasey, Coughlin) - **CONDITIONAL** - Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots

A-31/S-3315 (Prieto, Muio, Oliver, Schaer, Holley, Mukherji, Quijano, Wimberly, Pintor Marin/Vitale, Cruz-Perez) - **ABSOLUTE** - Increases amount of benefits under Work First New Jersey program by 30 percent over three years and according to Social Security cost of living increases thereafter

A-33/S-3316 (Muio, Vainieri Huttle, Mukherji, Oliver, Gusciora, Pintor Marin/Vitale, Cruz-Perez) - **ABSOLUTE** - Repeals family cap in Work First New Jersey program

A-320/S-1018 (Singleton, Vainieri Huttle, Munoz, Moriarty, Lampitt, Sumter, Mukherji/Weinberg, Cruz-Perez) - **CONDITIONAL** - Establishes minimum Medicaid reimbursement rate for personal care services

A-1139/S-2616 (Holley, McKnight, Munoz, Kennedy, Mukherji, Pintor Marin, Wimberly/Ruiz, Vitale) - **CONDITIONAL** - Prohibits sale of unsafe supplemental mattresses designed for children's products

A-2297/S-659 (Vainieri Huttle, Sumter, Mukherji, Caride, Downey, Zwicker, Wimberly/Turner, Allen) - **CONDITIONAL** - Requires health insurance coverage for contraceptives to include prescriptions for 12 months

A-3338/S-862 (Eustace, Lagana, Vainieri Huttle, Muio, Mukherji, Benson, Jimenez, Giblin, Moriarty, Lampitt/Stack, Weinberg) - **CONDITIONAL** - Dedicates one percent of cigarette and other tobacco products tax revenues to anti-smoking initiatives

ACS for A-3480, 4119/S-2536 (Downey, Lampitt, Schaer, Houghtaling, Benson, Singleton, Muio, DeAngelo/Gill, Weinberg) - **ABSOLUTE** - Concerns employer inquiries about worker's wage and salary experience

A-4253/S-2634 (Quijano, Mukherji, Vainieri Huttle, Eustace, Jones, McKeon/Weinberg, Diegnan) - CONDITIONAL - Establishes "New Jersey Nonprofit Security Grant Pilot Program"; appropriates \$3,000,000 over next three fiscal years

A-4453/S-2881 (Downey, Houghtaling/Ruiz) – CONDITIONAL - Requires pupils who reside on certain federal property to enroll in resident school district in accordance with schedule determined by executive county superintendent of schools

A-4496/S-2977 (Wimberly, Sumter, Lampitt/Lesniak) – CONDITIONAL - "Healthy Small Food Retailer Act"; provides funding to small food retailers to sell fresh and nutritious food; appropriates \$1 million

A-4587/SCS for S-2574 (Quijano, Vainieri Huttle, Mukherji, Giblin/Diegnan, Sarlo) – ABSOLUTE - Imposes State sales and use tax and hotel and motel occupancy fee on transient accommodations; authorizes various municipal taxes and fees on transient accommodations

A-4870/S-3226 (Prieto, Oliver, Quijano, Pintor Marin, Schaer, Vainieri Huttle, Eustace/Ruiz, Sweeney, Greenstein) – ABSOLUTE - "Safe Transportation Jobs and Fair Employment Rules Act"

ACS for A-4927/SCS for S-3085 (Prieto, Oliver, Gusciora, Jasey/Sweeney, Diegnan, Ruiz) – CONDITIONAL - Revises law concerning family leave, temporary disability and family temporary disability leave, and domestic or sexual violence safety leave

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