

2C:33-28 et al

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1999 **CHAPTER:** 160
NJSA: 2C:33-28 et al (Street gangs)
BILL NO: A994
SPONSOR(S): LeFevre & Cohen
DATE INTRODUCED: January 13, 1998
COMMITTEE: **ASSEMBLY:** Law and Public Safety
SENATE: Judiciary
AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: **ASSEMBLY:** June 10, 1999 June 24, 1999
SENATE: May 10, 1999 July 1, 1999
DATE OF APPROVAL: July 8, 1999

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Assembly Substitute - 2nd Reprint
(Amendments during passage denoted by superscript numbers)

SPONSORS STATEMENT: (Begins on page 4 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FLOOR AMENDMENT STATEMENTS: Yes

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: Yes

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

ASSEMBLY, No. 994

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman KENNETH C. LEFEVRE

District 2 (Atlantic)

Assemblyman NEIL M. COHEN

District 20 (Union)

Co-Sponsored by:

**Assemblyman Holzapel, Assemblywoman Crecco, Assemblymen
Conaway, Connors and T.Smith**

SYNOPSIS

Establishes criminal and enhanced penalties for street gang activity.

CURRENT VERSION OF TEXT

As Introduced.



(Sponsorship Updated As Of: 10/30/1998)

1 AN ACT concerning criminal street gangs and supplementing chapter
2 33 of Title 2C of the New Jersey Statutes.

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

6
7 1. As used in this act:

8 "Criminal street gang" means any ongoing organization, association,
9 or group of three or more persons, whether formal or informal, having
10 as one of its primary activities the commission of one or more of the
11 criminal acts enumerated in this section, having a common name or
12 common identifying sign or symbol, and having members who,
13 individually or collectively, engage in or have engaged in a pattern of
14 criminal activity.

15 "Pattern of criminal activity" means the commission or attempted
16 commission by an adult or juvenile of, or, in the case of an adult, a
17 conviction of, or, in the case of a juvenile, an adjudication of
18 delinquency for, any of the following crimes:

19 (1) aggravated assault, as provided for in subsection b. of
20 N.J.S.2C:12-1;

21 (2) robbery, as defined in N.J.S.2C:15-1;

22 (3) criminal homicide under N.J.S.2C:11-3, N.J.S.2C:11-4 or
23 N.J.S.2C:11-5;

24 (4) the unlawful manufacture, distribution or dispensing, or
25 possession with the intent to manufacture, distribute or dispense of a
26 controlled dangerous substance under chapter 35 of Title 2C of the
27 New Jersey Statutes;

28 (5) arson, as provided for in N.J.S.2C:17-1;

29 (6) tampering with or retaliating against witnesses or informants as
30 provided for in N.J.S.2C:28-5 or hindering one's own or another's
31 apprehension, prosecution, conviction or punishment as provided for
32 in N.J.S.2C:29-3;

33 (7) theft, as provided for in chapter 20 of Title 2C of the New
34 Jersey Statutes, if the amount involved exceeds \$10,000;

35 (8) theft of a motor vehicle, vessel, boat, horse or airplane, as
36 provided for in chapter 20 of Title 2C of the New Jersey Statutes;

37 (9) burglary, as defined in N.J.S.2C:18-2;

38 (10) sexual assault, as provided for in 2C:14-2;

39 (11) money laundering under N.J.S.2C:21-25;

40 (12) kidnapping, as defined in N.J.S.2C:13-1;

41 (13) extortion pursuant to N.J.S.2C:20-5;

42 (14) vandalism amounting to at least \$50,00 in damages under
43 N.J.S.2C:17-7 et seq., N.J.S.2C:18-5 or N.J.S.2C:33-14.1;

44 (15) carjacking, as defined in N.J.S.2C:15-2;

45 (16) weapons violations under N.J.S.2C:39-4, N.J.S.2C:39-5,
46 N.J.S.2C:39-9 and N.J.S.2C:39-10.

1 2. a. Notwithstanding any other provision of law to the contrary,
2 any person who actively participates in any criminal street gang with
3 knowledge that its members engage in or have engaged in a pattern of
4 criminal activity, and who wilfully promotes, furthers or assists in any
5 criminal conduct by members of that gang is guilty of a crime of the
6 fourth degree.

7 b. Any person convicted of an offense under subsection a. of this
8 section who is also convicted of an offense pursuant to N.J.S.2C:28-5
9 or N.J.S.2C:29-3 shall, in addition and consecutive to the penalties
10 prescribed for those crimes, be sentenced by the court to an extended
11 term of imprisonment as set forth in subsection a. of N.J.S.2C:43-7,
12 notwithstanding the provisions of N.J.S.2C:44-3.

13 c. Any person convicted for a second or subsequent offense under
14 subsection a. of this section shall, in addition and consecutive to the
15 penalty prescribed for the offense, be sentenced by the court to an
16 extended term of imprisonment as set forth in subsection a. of N.J.S.
17 2C:43-7, notwithstanding the provisions of N.J.S.2C:44-3.

18

19 3. a. Notwithstanding any other provision of law to the contrary,
20 any person who is convicted of a crime committed for the benefit of,
21 at the direction of, or in association with any criminal street gang, with
22 the specific intent to promote, further or assist in any criminal conduct
23 by members of that gang shall, upon conviction of that crime, in
24 addition and consecutive to the penalty prescribed for the crime, be
25 sentenced by the court to an extended term of imprisonment as set
26 forth in subsection a. of N.J.S.2C:43-7, notwithstanding the provisions
27 of N.J.S.2C:44-3.

28 b. If the crime described in subsection a. of this section is
29 committed on the grounds or within 1,000 feet of a public or
30 nonpublic school, the court shall, upon conviction of that crime, in
31 addition and consecutive to the penalty prescribed for the crime,
32 impose the extended term of imprisonment that would be imposed
33 under subsection a. of N.J.S.2C:43-7, notwithstanding the provisions
34 of N.J.S.2C:44-3, for a crime that is one grade or degree higher.

35

36 4. a. Any person who solicits or recruits another to actively
37 participate in a criminal street gang with the intent that the person
38 solicited or recruited promote, further or assist in criminal conduct by
39 a member of the criminal street gang commits a crime of the fourth
40 degree.

41 b. Any person who threatens another with physical violence on two
42 or more separate occasions within a 30-day period with the intent to
43 coerce, induce or solicit any person to actively participate in a criminal
44 street gang commits a crime of the third degree.

45 c. Any person who uses physical violence to coerce, induce or
46 solicit another to actively participate in any criminal street gang

1 commits a crime of the second degree.

2 d. Any person convicted of soliciting, recruiting, coercing or
3 threatening a person under 18 years of age pursuant to subsection a.,
4 b. or c. of this section shall, upon conviction of that crime, in addition
5 and consecutive to the penalty prescribed for the crime, be sentenced
6 by the court to an extended term of imprisonment as set forth in
7 subsection a. of N.J.S.2C:43-7, notwithstanding the provisions of
8 N.J.S.2C:44-3.

9
10 5. Any person who commits a crime at the direction, request,
11 command or urging of a member of a criminal street gang for the
12 purpose of completing or participating in an initiation ritual, ceremony
13 or requirement for membership in that criminal street gang shall be
14 sentenced by the court to an extended term of imprisonment as set
15 forth in subsection a. of N.J.S.2C:43-7, notwithstanding the provisions
16 of N.J.S.2C:44-3.

17
18 6. All proceeds of the illegal activities of a criminal street gang,
19 and all property, including, but not limited to, contraband, buildings
20 and money, used or intended or attempted to be used to facilitate the
21 criminal activity of any criminal street gang or of any criminal street
22 gang member are subject to seizure and forfeiture pursuant to
23 N.J.S.2C:64-1.

24
25 7. This act shall take effect immediately.

26

27

28

STATEMENT

29

30 This bill establishes criminal penalties for persons who participate
31 in a criminal street gang or recruit gang members. The bill also
32 provides for enhanced penalties for crimes related to criminal street
33 gang activity and makes the proceeds of criminal street gang activity
34 subject to seizure and forfeiture.

35 Specifically, the bill would make it a crime of the fourth degree for
36 a person who knows that the members of a criminal street gang engage
37 in a pattern of criminal gang activity to actively participate in that gang
38 and wilfully promote, further or assist in that criminal activity. Fourth-
39 degree crimes are punishable by a maximum term of imprisonment of
40 18 months, a maximum fine of \$7,500, or both.

41 The bill defines a criminal street gang as any ongoing formal or
42 informal organization, association or group of three or more persons,
43 with a common name or identifying sign or symbol, which has as one
44 of its primary activities the commission of one or more of certain
45 enumerated crimes and whose members, individually or collectively,
46 engage in or have engaged in a pattern of criminal activity. A "pattern

1 of criminal activity" is defined by the bill as the commission or
2 attempted commission by an adult or juvenile of, or, in the case of an
3 adult, a conviction of, or, in the case of a juvenile, an adjudication of
4 delinquency for, any of the following crimes: aggravated assault,
5 robbery, murder, manslaughter, death by auto, unlawful manufacture,
6 distribution or dispensing of, or possession with the intent to
7 manufacture, distribute or dispense, a controlled dangerous substance,
8 arson, tampering with or retaliating against witnesses or informants,
9 hindering one's own or another's apprehension, prosecution, conviction
10 or punishment, theft in an amount exceeding \$10,000, theft of a motor
11 vehicle, burglary, sexual assault, money laundering, kidnapping,
12 extortion, certain types of vandalism, carjacking and weapons
13 violations.

14 The bill also would make it a fourth-degree crime to solicit or
15 recruit someone to actively participate in a criminal street gang with
16 the intention that the recruited or solicited person promote, further or
17 assist in criminal conduct by its members. Under the bill, it would be
18 a third-degree crime to threaten a person with physical violence on
19 two or more occasions within 30 days in order to coerce, induce or
20 solicit that person to participate in a criminal street gang. Third-
21 degree crimes are punishable by a term of imprisonment of three-to-
22 five years, a fine of up to \$7,500, or both. A person who uses physical
23 violence to coerce, induce or solicit participation in a criminal street
24 gang would be charged with a second-degree crime under the bill. A
25 second-degree crime is punishable by a five-to-10 year term of
26 imprisonment, a fine of up to \$100,000, or both.

27 The bill further requires the courts to impose an extended term of
28 imprisonment in addition to the penalties imposed for a criminal
29 conviction in certain instances. For example, a person who is
30 convicted of the crime established by the bill of participating in
31 criminal street gang would be subject to an extended term of
32 imprisonment if that person commits that crime for a second or
33 subsequent time or if that person is also convicted under N.J.S.2C:28-
34 5 or N.J.S.2C:29-3. N.J.S.2C:28-5 makes it an offense to tamper with
35 or retaliate against witnesses or informants. N.J.S.2C:29-3 makes it
36 an offense to hinder one's own or another's apprehension, prosecution,
37 conviction or punishment.

38 An extended term would also be imposed on persons convicted of
39 a crime that was committed to benefit a criminal street gang, or at the
40 direction of or in association with a gang member, with the specific
41 intent of promoting, furthering or assisting in criminal conduct by the
42 gang's members. If this crime was committed on the grounds or within
43 1,000 feet of a public or nonpublic school, the extended term of
44 imprisonment imposed would be that which would be imposed for a
45 crime that is one degree higher. Persons who solicit, recruit or coerce
46 those under 18 years of age to join street gangs also would be subject

- 1 to extended terms of imprisonment. An extended term also would be
- 2 imposed on a person who commits a crime as part of an initiation
- 3 ritual of a criminal street gang.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 994

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1998

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 994.

Assembly Bill No. 994 makes it a crime of the fourth degree for a person who knows that the members of a criminal street gang engage in a pattern of criminal gang activity to participate actively in that gang and wilfully promote, further or assist in that criminal activity. Fourth-degree crimes are punishable by a maximum term of imprisonment of 18 months, a maximum fine of \$10,000, or both.

The bill defines a criminal street gang as any ongoing formal or informal organization, association or group of three or more persons, with a common name or identifying sign or symbol, which has as one of its primary activities the commission of one or more of certain enumerated crimes and whose members, individually or collectively, engage in or have engaged in a pattern of criminal activity. A "pattern of criminal activity" is defined by the bill as the commission or attempted commission by an adult or juvenile, or, in the case of an adult, a conviction of, or, in the case of a juvenile, an adjudication of delinquency for, any of the following crimes: aggravated assault, robbery, murder, manslaughter, death by auto, unlawful manufacture, distribution or dispensing of, or possession with the intent to manufacture, distribute or dispense, a controlled dangerous substance, arson, tampering with or retaliating against witnesses or informants, hindering one's own or another's apprehension, prosecution, conviction or punishment, theft in an amount exceeding \$10,000, theft of a motor vehicle, burglary, sexual assault, money laundering, kidnapping, extortion, certain types of vandalism, carjacking and weapons violations.

The bill also makes it a fourth-degree crime to solicit or recruit someone to actively participate in a criminal street gang with the intention that the recruited or solicited person promote, further or assist in criminal conduct by its members. Under the bill, it would be a third-degree crime to threaten a person with physical violence on two or more occasions within 30 days in order to coerce, induce or solicit that person to participate in a criminal street gang. Third-degree crimes are punishable by a term of imprisonment of three-to-five years, a fine of up to \$15,000, or both. A person who uses physical violence to coerce, induce or solicit participation in a criminal

street gang would be charged with a second-degree crime under the bill. A second-degree crime is punishable by a five-to-10 year term of imprisonment, a fine of up to \$150,000, or both.

The bill further requires courts to impose an extended term of imprisonment in addition to the penalties imposed for a criminal conviction in certain instances. For example, a person who is convicted of the crime established by the bill of participating in criminal street gang would be subject to an extended term of imprisonment if that person commits that crime for a second or subsequent time or if that person is also convicted under N.J.S.2C:28-5 or N.J.S.2C:29-3. N.J.S.2C:28-5 makes it an offense to tamper with or retaliate against witnesses or informants. N.J.S.2C:29-3 makes it an offense to hinder one's own or another's apprehension, prosecution, conviction or punishment.

The bill also specifies that an extended term is to be imposed on persons convicted of a crime that was committed to benefit a criminal street gang, or at the direction of or in association with a gang member, with the specific intent of promoting, furthering or assisting in criminal conduct by the gang's members. If this crime was committed on the grounds or within 1,000 feet of a public or nonpublic school, the extended term of imprisonment imposed would be that which would be imposed for a crime that is one degree higher. Persons who solicit, recruit or coerce those under 18 years of age to join street gangs also would be subject to extended terms of imprisonment. An extended term also would be imposed on a person who commits a crime as part of an initiation ritual of a criminal street gang.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY SUBSTITUTE FOR ASSEMBLY, No. 994

STATE OF NEW JERSEY

DATED: FEBRUARY 18, 1999

The Senate Judiciary Committee reports favorably Assembly Substitute for Assembly Bill No. 994.

Assembly Substitute for Assembly Bill No. 994 establishes enhanced penalties for crimes committed while a person was involved in criminal street gang related activity; establishes criminal penalties for recruiting gang members and provides for the imposition of an anti-drug profiteering penalty on persons who commit crimes while involved in street gang related activity.

A criminal street gang is defined in the bill as a group of three or more persons associated in fact. Individuals are associated in fact if they (1) share a group name, sign, symbol, tattoo or other physical marking or style of dress or use of hand signs or other indicia of association or common leadership and (2) individually or in combination with others have committed, conspired or attempted to commit, within the preceding three years, two or more enumerated offenses. The enumerated offenses include robbery, carjacking, aggravated assault, assault, aggravated sexual assault, sexual assault, arson, burglary, kidnapping, extortion, homicide or a drug or weapons offense.

The substitute requires that the sentencing court, upon application of the prosecuting attorney, sentence a defendant convicted of a crime to an extended term of imprisonment if the crime was committed while the defendant was involved in street gang related activity if the crime was committed for the benefit of, at the direction of, or in association with a criminal street gang. Under this provision, the court may not impose an extended term of imprisonment unless the defendant's gang involvement was established by a preponderance of the evidence.

The substitute also makes it a crime of the fourth degree for a person to solicit or recruit another to join or actively participate in a criminal street gang knowing or intending that the recruited person will promote, further, assist, plan, aid, agree or attempt to aid in the commission of criminal conduct by a member of the street gang.

The substitute additionally provides that a person who threatens another with bodily injury on two or more occasions within 30 days while recruiting for a street gang commits a crime of the third degree

and a person who inflicts significant bodily injury upon another while recruiting for a street gang commits a crime of the second degree.

The bill further requires a sentencing court, upon application of the prosecuting attorney, to impose an anti-drug profiteering penalty upon a defendant if the court finds by a preponderance of the evidence that the defendant was involved in criminal street gang related activity.

STATEMENT TO
ASSEMBLY SUBSTITUTE FOR
ASSEMBLY, No. 994

with Senate Floor Amendments
(Proposed By Senator ADLER)

ADOPTED: MAY 10, 1999

This substitute establishes enhanced penalties for crimes committed while a person was involved in criminal street gang related activity, establishes criminal penalties for persons who recruit gang members and provides for the imposition of an anti-drug profiteering penalty on persons who commit crimes while involved in criminal street gang related activity.

This floor amendment amends section 4 of the bill, concerning extended terms, to require that the defendant be "knowingly" involved in criminal street gang related activity when as an element of the offense. In addition, this floor amendment provides that it is an affirmative defense if the defendant had no knowledge of the other gang members' prior convictions for robbery, carjacking, aggravated assault, assault, aggravated sexual assault, sexual assault, arson, burglary, kidnapping, extortion, or a violation of chapter 11, sections 3, 4, 5, 6 or 7 of chapter 35 or chapter 39 of Title 2C of the New Jersey Statutes.

**ASSEMBLY SUBSTITUTE FOR
ASSEMBLY BILL NO. 994 (FIRST REPRINT)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Substitute for Assembly Bill No. 994 (First Reprint) with my recommendations for reconsideration.

SUMMARY OF THE BILL

This legislation creates a new fourth-degree offense of soliciting or recruiting another to join or participate in a criminal street gang. If the offender attempts to recruit another by making repeated threats to inflict bodily injury on the person, the crime is elevated to the third-degree level. If the offender, in fact, inflicts significant bodily injury on the other person, the offense is elevated to the second-degree level. In any case in which the offender solicits a minor to participate in street gang activity, the offender is subject to an extended term of imprisonment.

The term, "criminal street gang," specifically is defined to mean three or more persons associated in fact. Under the bill, individuals are associated in fact if (1) they have in common a group name or identifying sign, symbol, tattoo or other physical marking, style of dress or use of hand signs or other indicia of association or common leadership; and (2) individually or in combination with other members of a criminal street gang; while engaging in gang-related activity, have been convicted, within the preceding three years, of two or more previous offenses.

The bill also would permit the prosecutor to seek an extended term of imprisonment when an offender has committed a crime while engaged in street gang activity. Lastly, the bill authorizes courts to impose an anti-drug profiteering penalty in cases in which the defendant's crime involved street gang activity.

B. RECOMMENDED ACTION

I fully support the substantive proposals contained in this bill and commend the bill's sponsors for their efforts in crafting it. This legislation is intended to empower courts to impose strong sanctions – both in the form of lengthy prison sentences and monetary penalties – in order to deter and punish those who commit crimes as members of criminal street gangs and who recruit others to do so. Gang-related crime presents a grave risk to the public because such crimes are planned and accomplished by the concerted efforts of a group assembled for the principal purpose of engaging in unlawful activity. Criminal gangs plague the neighborhoods in which they operate and rob residents of their safety, security and the peaceful enjoyment of their homes.

I recognize the need for and agree with the bill's provisions regarding recruitment of others into a criminal street gang. I understand that criminal gang members often

recruit others to participate in their criminal practices through threats, intimidation and actual physical violence. It is particularly distressing that gang members target young people, often minors, for recruitment, after which they will be trained and directed by more “experienced” gang members to commit crimes. I am gratified that the sponsors specifically addressed this troublesome situation in the bill by providing for more severe sanctions when a juvenile is recruited into a criminal street gang.

Nevertheless, I feel compelled to return the bill with my recommendations for reconsideration because I am advised that changes are needed to ensure that the bill will reach these problems and provide effective tools to law enforcement and the courts to deter gang-related crime. My primary concern is the manner in which the bill defines the term, “criminal street gang.” This definition is critical because it applies to, and thus effects, all of the major provisions in the bill. In its present form, the bill requires that the offender, either individually or in combination with other members of the gang, have at least two prior convictions within the last three years for certain enumerated crimes committed while the offender was engaged in gang-related activity. I am advised that use of the term “conviction” is problematic for two reasons.

Specifically, I am advised that this requirement will exclude juvenile offenses from the predicate conduct that could be considered in determining whether a criminal street gang exists. This result will occur because, as a legal matter, juveniles whose charges are heard in the Family Part of the Superior Court are not “convicted” of crimes but instead are adjudicated delinquent. This result is unfortunate because adult street gang members often “recruit” juveniles to engage in gang-related criminal activity precisely because they are juveniles and therefore are less likely to have charges against them adjudicated in adult court.

Furthermore, a defendant’s knowledge of prior convictions does not have the same relation to whether a defendant knowingly is part of a criminal street gang as does the defendant’s knowledge of the gang members’ criminal activity. A defendant who witnessed other gang members commit gang-related crimes, and thus had direct knowledge of their participation in the crimes, could avoid conviction or the imposition of an extended sentence by asserting the rather technical defense that the offender did not know that the gang members had been convicted of the offenses.

For these reasons, I recommend that the bill's definition of criminal street gang be changed to require that gang members commit two or more of the enumerated offenses, but that the requirement of a conviction be deleted. For the same reasons, I also recommend deletion of the affirmative defense which would allow a defendant to avoid imposition of an extended term of imprisonment by establishing that he or she had no knowledge of gang members prior convictions.

I further recommend a very minor technical change in regard to the hearing requirement of the "extended term" provision in the final paragraph of Section 4, so that the language of that provision mirrors that of analogous "extended term" provisions. Lastly, a minor change. Lastly, a minor change also is recommended to Section 1 of the bill that requires that a person recruiting another to join a criminal street gang act with the "knowledge or intent" that the person being recruited will commit crimes. I am advised that the word "intent" is not defined in the New Jersey Code of Criminal Justice, which, instead, employs the equivalent term, "purpose." I therefore recommend that the term, "purpose" be used in this section of the bill.

Therefore, I herewith return Assembly Committee Substitute for Assembly Bill No. 994 (First Reprint) and recommend that it be amended as follows:

<u>Page 2, Section 1, Line 10:</u>	Delete "intent" insert "purpose"
<u>Page 2, Section 1, Line 14:</u>	Delete "intent" insert "purpose"
<u>Page 8, Section 4, Line 9:</u>	Delete "been convicted," insert "committed, conspired or attempted to commit"
<u>Page 8, Section 4, Line 10:</u>	Delete "of"
<u>Page 8, Section 4, Line 14:</u>	After "Statutes" insert ", regardless of whether the prior offenses have resulted in convictions"
<u>Page 8, Section 4, Lines 15:</u>	Delete "It is an"
<u>Page 8, Section 4, Lines 16-21:</u>	Delete in their entirety
<u>Page 8, Section 4, Line 23:</u>	After "the" insert "ground therefore has been established by a"
<u>Page 8, Section 4, Line 23:</u>	After "evidence" delete "for imposition has been"

Page 8, Section 4, Line 24:

Delete "established"

Respectfully,

Christine Todd Whitman
Governor

Attest:

Richard S. Mroz
Chief Counsel to the Governor

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Jayne O'Connor
Wendi Patella
609-777-2600

RELEASE: July 13, 1999

Gov. Christie Whitman today signed the following bills, which had been previously conditionally vetoed and returned to the Legislature with the Governor's recommended changes.

A-2804, sponsored by Assembly Members Christopher Bateman (R-Morris/Somerset) and Joel Weingarten (R-Essex/Union) and Senators Walter Kavanaugh (R-Morris/Somerset) and Peter Inverso (R- Mercer/Middlesex), modernizes New Jersey's trust laws by permitting interstate trust banking and allowing New Jersey-based institutions to offer new trust products, including dynasty trusts. The bill allows banks to delegate fundamental trust powers without requiring any adjustment in the commissions charged by the bank. The bill also repeals the Rule Against Perpetuities so that a trust could last forever as long as the trust documents allow the trustee to sell an absolute ownership interest in the trust assets. Currently the trust lasts for 21 years after the life of the last beneficiary. The Governor's recommended changes set forth an appropriate standard by which a bank can compensate third parties that are delegated non-investment trust duties.

A-994, sponsored by Assembly Members Kenneth LeFevre (R-Atlantic) and Neil Cohen (D-Union) makes it a fourth degree crime to solicit or recruit members into a criminal street gang. The Legislature accepted the Governor's conditional veto changes to the definition of criminal street gang member. As passed, the bill defined a criminal street gang as having at least two prior "convictions" within the last three years for certain crimes committed while engaged in gang activity. The Governor recommended changing the standard to gang members who have "committed, conspired, or attempted to commit" two or more of the enumerated offenses because technically juveniles who commit crimes are not convicted. The Governor pointed out that gangs often target juveniles because they are less likely to have charges against them adjudicated in adult court.