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P.L. 1999, CHAPTER 297, *approved December 23, 1999*
Assembly Committee Substitute (*First Reprint*) for
Assembly Nos. 1352 and 200

1 AN ACT concerning the giving of false information to law enforcement
2 officials and amending N.J.S.2C:29-3.

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:29-3 is amended to read as follows:

8 2C:29-3. Hindering Apprehension or Prosecution.

9 a. A person commits an offense if, with purpose to hinder the
10 detention, apprehension, investigation, prosecution, conviction or
11 punishment of another for an offense or violation of Title 39 of the
12 New Jersey Statutes¹ or a violation of chapter 33A of Title 17 of the
13 Revised Statutes¹ he:

14 (1) Harbors or conceals the other;

15 (2) Provides or aids in providing a weapon, money, transportation,
16 disguise or other means of avoiding discovery or apprehension or
17 effecting escape;

18 (3) Suppresses, by way of concealment or destruction, any
19 evidence of the crime, or tampers with a witness, informant, document
20 or other source of information, regardless of its admissibility in
21 evidence, which might aid in the discovery or apprehension of such
22 person or in the lodging of a charge against him;

23 (4) Warns the other of impending discovery or apprehension,
24 except that this paragraph does not apply to a warning given in
25 connection with an effort to bring another into compliance with law;

26 (5) Prevents or obstructs, by means of force, intimidation or
27 deception, anyone from performing an act which might aid in the
28 discovery or apprehension of such person or in the lodging of a charge
29 against him;

30 (6) Aids such person to protect or expeditiously profit from an
31 advantage derived from such crime; **[or]**¹ or¹

32 (7) ¹**[Volunteers]** Gives¹ false information to a law enforcement
33 officer ¹**[; or]**

34 (8) Provides false identifying information to a law enforcement
35 officer, including but not limited to a false name, address or date of
36 birth] or a civil State investigator assigned to the Office of the
37 Insurance Fraud Prosecutor established by section 32 of
38 P.L.1998, c.21 (C.17:33A-16)¹.

39 The offense is a crime of the third degree if the conduct which the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted May 24, 1999.

1 actor knows has been charged or is liable to be charged against the
2 person aided would constitute a crime of the second degree or greater,
3 unless the actor is a spouse, parent or child of the person aided, in
4 which case the offense is a crime of the fourth degree. The offense is
5 a crime of the fourth degree if such conduct would constitute a crime
6 of the third degree. Otherwise it is a disorderly persons offense.

7 b. A person commits an offense if, with purpose to hinder his own
8 detention, apprehension, investigation, prosecution, conviction or
9 punishment for an offense or violation of Title 39 of the New Jersey
10 Statutes¹ or a violation of chapter 33A of Title 17 of the Revised
11 Statutes¹, he:

12 (1) Suppresses, by way of concealment or destruction, any
13 evidence of the crime or tampers with a document or other source of
14 information, regardless of its admissibility in evidence, which might aid
15 in his discovery or apprehension or in the lodging of a charge against
16 him; or

17 (2) Prevents or obstructs by means of force or intimidation anyone
18 from performing an act which might aid in his discovery or
19 apprehension or in the lodging of a charge against him; or

20 (3) Prevents or obstructs by means of force, intimidation or
21 deception any witness or informant from providing testimony or
22 information, regardless of its admissibility, which might aid in his
23 discovery or apprehension or in the lodging of a charge against him;
24 **[or]¹ or¹**

25 (4) **¹[Volunteers]¹ Gives¹** false information to a law enforcement
26 officer **¹[; or**

27 **¹(5) Provides false identifying information to a law enforcement**
28 **¹officer, including but not limited to a false name, address or date of**
29 **¹birth]¹ or a civil State investigator assigned to the Office of the**
30 **¹Insurance Fraud Prosecutor established by section 32 of**
31 **¹P.L.1998, c.21 (C.17:33A-16)¹.**

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33 actor knows has been charged or is liable to be charged against him
34 would constitute a crime of the second degree or greater. The offense
35 is a crime of the fourth degree if such conduct would constitute a
36 crime of the third degree. Otherwise it is a disorderly persons offense.
37 (cf: P.L.1981, c.290, s.29)

38

39 2. This act shall take effect immediately.

40

41

42

43

44 Clarifies the crime of hindering a prosecution.

ASSEMBLY, No. 1352

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblywoman CAROL J. MURPHY

District 26 (Essex, Morris and Passaic)

Assemblyman ALAN M. AUGUSTINE

District 22 (Middlesex, Morris, Somerset and Union)

SYNOPSIS

Clarifies the crime of hindering a prosecution.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1352 MURPHY, AUGUSTINE

2

1 AN ACT concerning the giving of false information to law enforcement
2 officials and amending N.J.S.2C:29-3.

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7 1. N.J.S.2C:29-3 is amended to read as follows:

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12 New Jersey Statutes he:

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18 evidence of the crime, or tampers with a witness, informant, document
19 or other source of information, regardless of its admissibility in
20 evidence, which might aid in the discovery or apprehension of such
21 person or in the lodging of a charge against him;

22 (4) Warns the other of impending discovery or apprehension,
23 except that this paragraph does not apply to a warning given in
24 connection with an effort to bring another into compliance with law;

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26 deception, anyone from performing an act which might aid in the
27 discovery or apprehension of such person or in the lodging of a charge
28 against him;

29 (6) Aids such person to protect or expeditiously profit from an
30 advantage derived from such crime; **[or]**

31 (7) Volunteers false information to a law enforcement officer; or

32 (8) Provides false identifying information to a law enforcement
33 officer, including but not limited to a false name, address or date of
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36 actor knows has been charged or is liable to be charged against the
37 person aided would constitute a crime of the second degree or greater,
38 unless the actor is a spouse, parent or child of the person aided, in
39 which case the offense is a crime of the fourth degree. The offense is
40 a crime of the fourth degree if such conduct would constitute a crime
41 of the third degree. Otherwise it is a disorderly persons offense.

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43 detention, apprehension, investigation, prosecution, conviction or

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 punishment for an offense or violation of Title 39 of the New Jersey
2 Statutes , he:

3 (1) Suppresses, by way of concealment or destruction, any
4 evidence of the crime or tampers with a document or other source of
5 information, regardless of its admissibility in evidence, which might aid
6 in his discovery or apprehension or in the lodging of a charge against
7 him; or

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9 from performing an act which might aid in his discovery or
10 apprehension or in the lodging of a charge against him; or

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12 deception any witness or informant from providing testimony or
13 information, regardless of its admissibility, which might aid in his
14 discovery or apprehension or in the lodging of a charge against him;

15 **[or]**

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18 officer, including but not limited to a false name, address or date of
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25 (cf: P.L.1981, c.290, s.29)

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STATEMENT

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32 Currently, N.J.S.2C:29-3 provides that any person who hinders the
33 apprehension and prosecution of another by volunteering false
34 information to a law enforcement officer is guilty of an offense. This
35 bill clarifies that a person commits an offense also by providing false
36 information to law enforcement officials to hinder one's own or
37 another's lawful "detention" or "investigation" for an offense or a
38 violation of Title 39 of the New Jersey Statutes (motor vehicle
39 violations). In addition, the bill provides that a person would also be
40 guilty of an offense if that person provides false identifying
41 information to a law enforcement officer, including but not limited to
42 a false name, address or date of birth.

43 In State v. Valentin, 105 N.J.14 (1987), the Supreme Court held
44 that the use of the word "volunteer" is "too ambiguous to justify a
45 conviction" of a person who provides or gives a false or fictitious
46 name or other information in response to a police officer's inquiry

A1352 MURPHY, AUGUSTINE

4

1 "without a clarifying amendment." This bill provides the "clarifying
2 amendment."

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 1352 and 200**

STATE OF NEW JERSEY

DATED: MAY 20, 1999

The Assembly Judiciary Committee reports favorably a committee substitute for Assembly, Nos. 1352 and 200.

Currently, N.J.S.2C:29-3 provides that any person who hinders the apprehension and prosecution of another by volunteering false information to a law enforcement officer is guilty of an offense. This bill clarifies that a person commits an offense also by providing false information to law enforcement officials to hinder one's own or another's lawful "detention" or "investigation" for an offense or a violation of Title 39 of the New Jersey Statutes (motor vehicle violations). In addition, the bill provides that a person would also be guilty of an offense if that person provides false identifying information to a law enforcement officer, including but not limited to a false name, address or date of birth.

In State v. Valentin, 105 N.J.14 (1987), the Supreme Court held that the use of the word "volunteer" is "too ambiguous to justify a conviction" of a person who provides or gives a false or fictitious name or other information in response to a police officer's inquiry "without a clarifying amendment." This bill provides the "clarifying amendment."

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1352 and 200

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 1999

The Senate Judiciary Committee reports favorably Assembly Bill Nos. 1352 and 200 ACS (1R).

Under the provisions of N.J.S.A.2C:29-3, a person is guilty of hindering a prosecution of another if the person volunteers false information to a law enforcement officer. In State v. Valentin, 105 N.J. 14 (1987), the Supreme Court ruled that the word "volunteer" as used in N.J.S.A.2C:29-3 was "too ambiguous to justify a conviction" if a person provides or gives false information in response to a law enforcement officer's inquiry. In order to clarify the provisions of 2C:39-3, this bill would provide that a person is guilty of hindering a prosecution whenever a person gives false information to law enforcement officers in order to hinder the lawful investigation or detention for a criminal offense or a motor vehicle offense of himself or another person. The bill also provides that a person is guilty of hindering a prosecution if the person gives false information to a civil State investigator assigned to the Office of the Insurance Fraud Prosecutor.

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1352 AND 200

with Assembly Floor Amendments
(Proposed By Assemblywoman MURPHY)

ADOPTED: MAY 24, 1999

These floor amendments replace the word "volunteers" with the word "gives" in both subsection a. of N.J.S.2C:29-3 concerning false information for the purpose of hindering the apprehension of another and subsection b. of that section which concerns false information for the purpose of hindering one's own apprehension. The Office of the Attorney General has proposed these amendments suggesting that "volunteer" would only cover statements made in response to direct questioning.

The other change suggested by the Office of the Attorney General is the inclusion of civil investigators working in the Office of the Insurance Fraud Prosecutor in subsections a. and b. of N.J.S.2C:29-3. Certain investigators from the Department of Banking and Insurance are working with that prosecutor and may not fall within the definition of law enforcement officer. They are included herein for the situations in which persons seeking to hinder apprehension of another or their own apprehension for violations of chapter 33A of Title 17 may give false information to these investigators.

SENATE, No. 2143

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED SEPTEMBER 30, 1999

Sponsored by:

Senator JOHN J. MATHEUSSEN

District 4 (Camden and Gloucester)

SYNOPSIS

Clarifies the crime of hindering a prosecution.

CURRENT VERSION OF TEXT

As introduced.



S2143 MATHEUSSEN

2

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25 (cf: P.L.1981, c.290, s.29)

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STATEMENT

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46 name or other information in response to a police officer's inquiry
47 "without a clarifying amendment." This bill provides the "clarifying
48 amendment."

SENATE JUDICIARY COMMITTEE

STATEMENT TO

with committee amendments

SENATE, No. 2143

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 1999

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 2153.

Under the provisions of N.J.S.A.2C:29-3, a person is guilty of hindering a prosecution of another if the person volunteers false information to a law enforcement officer. In State v. Valentin, 105 N.J. 14 (1987), the Supreme Court ruled that the word "volunteer" as used in N.J.S.A.2C:29-3 was "too ambiguous to justify a conviction" if a person provides or gives false information in response to a law enforcement officer's inquiry. In order to clarify the provisions of 2C:39-3, this bill would, as amended, provide that a person is guilty of hindering a prosecution whenever a person gives false information to a law enforcement officers in order to hinder the lawful investigation or detention for a criminal offense or a motor vehicle offense of himself or another person. The bill also provides that a person is guilty of hindering a prosecution if the person gives false information to a civil State investigator assigned to the Office of the Insurance Fraud Prosecutor.

Office of the Governor
NEWS RELEASE

CONTACT: Jayne O'Connor
Laura Otterbourg
609-777-2600

RELEASE: December 23, 1999

Governor Signs Bill Protecting Senior Citizens from Fraud And Murder Victims' Rights, Among Other Legislation

Governor Christie Whitman today signed "Nielsa's Law" which amends the murder statute in New Jersey to permit the display of a photograph of a murder victim at the sentencing portion of the murder trial. The Governor also signed the Senior Citizens Fraudulent Claims Act that seeks to amend the New Jersey Consumer Fraud Act to impose heightened penalties against individuals who defraud senior citizens.

Neilsa's Law

"The passage of Nielsa's Law doesn't bring back Nielsa Mason or ease the tremendous pain and suffering of the Mason family, but I believe the bill will ensure that murder victims, who obviously can't be present at trial, are represented in a dignified matter," said Gov. Whitman. "It's something the Mason family wanted at the trial on their murdered daughter's behalf - and we listened to their pleas to make the system more accommodating for survivors."

This bill amends the murder statute to permit the display of a photograph of a murder victim at the sentencing portion of the murder trial, in capital and non-capital murders. It would authorize such a photograph to be shown to a jury during the death penalty phase of a capital case, as well as to a judge during the sentencing portion of a non-capital case.

It also amends the law that permits crime victims to make "victim impact" statements to the sentencing court - authorizing victims to display photographs as part of their victim impact statements to the court in homicide cases.

Under previous law, victims could make victim impact statements to the sentencing court and to the penalty phase jury in a death penalty case. The law was silent as to whether photographs could be displayed and, as a result, some courts permitted such displays while others prohibited them in the absence of statutory guidance on this subject. Nielsa's Law authorizes the Supreme Court to issue court rules governing these displays to ensure uniformity regarding the photo's size, the permissible duration of the display and where in the courtroom the display may take place.

Nielsa's Law, **A-17**, was sponsored by Assembly Members Jack Collins (R-Salem/Cumberland/Gloucester) and Melvin Cottrell (R-Burlington/Monmouth/Ocean) and Senators Diane B. Allen (R-Burlington/Camden), Dr. Gerald Cardinale (R-Bergen) and Raymond J. Zane (D-Salem/Cumberland/Gloucester).

Senior Citizens Fraudulent Claims Act

Referring to her passage of the Senior Citizens Fraudulent Claims Act, Gov. Whitman said "We need to protect the many faces in our New Jersey family - and that includes our elderly family members. Our state has one of the largest senior citizen populations in the nation - and it's growing. That's why I applaud this Act and its goal of protecting our seniors from fraud."

Introduced following a Feb.1997 report by the Division of Consumer Affairs' Elder Fraud Task Force, the Senior Citizens Fraudulent Claims Act applies to seniors over 60 years old and aims to amend the New Jersey Consumer Fraud Act through enhanced penalties for fraud.

If the Attorney General's Office were to successfully bring an action to enforce the Consumer Fraud Act on behalf of a senior citizen, the courts will now have to order restitution at twice the amount wrongfully acquired from the senior citizen. Also, any person who fails to make such a court-ordered restitution is subject to punishment for criminal contempt. The bill amends the Consumer Fraud Act to clarify that any penalties imposed under the Act are to be exclusive of (and in addition to) any monies or property that are ordered to be paid or restored.

The Senior Citizens Fraudulent Claims Act legislation, **A- 1512**, was sponsored by Assembly Members Joseph R. Malone (R-Burlington/Monmouth/Ocean) and Melvin Cottrell (R-Burlington/Monmouth/Ocean) and Senator Norman M. Robertson (R- Essex/Passaic).

In addition, Gov. Whitman signed today these pieces of legislation:

S-1235, sponsored by Senators Dr. Gerald Cardinale (R-Bergen) and Leonard T. Connors (R-Atlantic/Burlington/Ocean) and Assemblyman John V. Kelly (R-Bergen/Essex/Passaic), clarifies the 30-year rent control exemption for certain rental multiple dwelling units constructed without initial mortgage financing. The bill's purpose is to increase the availability of newly constructed rental housing for New Jersey residents and clarify the original intent of the Legislature in providing this exemption when it was enacted in 1987.

S-1808, sponsored by Senator Dr. Gerald Cardinale (R-Bergen) and Assembly Members Jeffrey W. Moran (R-Atlantic/Burlington/Ocean) and Anthony Impreveduto (D-Bergen/Hudson), exempts fair market value commercial leases and terminal rental adjustment clause (TRAC) leases from the provisions of the "Consumer Protection Leasing Act." The initiative is designed to increase leasing opportunities for State businesses as it recognizes that the consumer protections in the Act are not needed for businesses that establish "bargained-for" contracts. Most other states, including New York and California, exempt commercial leases from their leasing statutes.

ACS, A-1352 and A-200, sponsored by Assembly Members Carol J. Murphy (R-Essex/Morris/Passaic), Alan M. Augustine (R-Middlesex/Morris/Somerset/Union), George F. Geist (R-Camden/Gloucester), Nicholas Asselta (R-Cape May/Atlantic/Cumberland) and Charles K. Zisa (D-Bergen) and Senator John J. Matheussen (R-Camden/Gloucester), clarifies the crime of hindering a prosecution. Hindering is a crime of the third or fourth degree, or a disorderly persons offense, depending on the underlying circumstances. The bill amends the statute to say that hindering: 1) is when a person provides false information to a police officer regardless of whether the information is volunteered or is in response to an inquiry; (2) applies when false information is provided to hinder

detention or investigation of a criminal defense; and (3) includes false information given to a police officer connected with a violation of the motor vehicle laws and a civil State investigator in connection with the violation of the Fraud Prevention Act.

SCS, A-1793, sponsored by Assemblyman Paul DiGaetano (R-Bergen/Essex/Passaic), authorizes the creation of a non-lapsing recreation trust fund by counties and municipalities that have not established a board of recreation commissioners. The fund is to be used to offset the costs of operating county or municipal recreational programs. Currently, only counties or municipalities with an established board of recreation commissioners can create a dedicated fund for recreational purposes. The bill gives flexibility to those who do not wish to establish a full board of commissioners.

A-1172, sponsored by Assemblywoman Connie Myers (R-Warren/Hunterdon/Mercer) and Senators Diane B. Allen (R-Burlington/Camden) and William E. Schluter (R-Warren/Hunterdon/Mercer), creates procedures for the takeover of certain small sewer companies. The bill allows the Department of Environmental Protection and the Board of Public Utilities to order the takeover of a small sewer company where there is a record of significant, unresolved environmental violations. Currently, the BPU can order the takeover of a small water company by another public or private entity, if it determines that the former can't adequately serve its customers.

This legislation authorizes the DEP and BPU to order the acquisition of both a small water company and a small sewer company if either company has a record of significant, unresolved violations, provided both companies serve a common residential development, were established by a developer to service that development and are under common control and ownership.

Entities taking over a small water sewer company will not be held liable for prior environmental liabilities, including penalties or levies against the previous owner. Public entities will be given expedited access to capital financing provided by the Environmental Infrastructure Trust for upgrades necessary for the proper operation of the small sewer of water company.

A-2395, sponsored by Assembly Members David C. Russo (R-Bergen/Passaic) and John S. Wisniewski (D-Middlesex) and Senator Joseph A. Palaia (R-Monmouth), provides certain protections for dismissed non-tenured, certified school employees whose names are required to be maintained on a list. The list, maintained by the State Board of Examiners, contains the names and Social Security numbers of these employees, and the reason for dismissal.

The bill clarifies existing law by providing that a name will only be placed on the list if the employee is dismissed prior to the end of the year for just cause as a result of misconduct in office. If a disciplinary grievance arbitration is conducted, an employee's name can only be placed on the list if just cause due to misconduct is found by the arbitrator.

Also, an employee must be notified if his or her name is placed on the list and must be told when a chief school administrator seeks such information. The bill limits those who can obtain information from this list and says that a person may petition their name being included on the list to the Commissioner of Education. Finally, upon application a person's name will be removed if it has been on the list for at least three years.

Governor Whitman conditionally vetoed this legislation in June of this year. The Governor's recommendations were met and the legislation now clarifies the role of the Commissioner of Education. Specifically, the Commissioner can rule on whether a name is properly on a list, however it does not expand his jurisdiction in determining misconduct.