

# 2C:20-4

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2003           **CHAPTER:** 43  
**NJSA:** 2C:20-4           (Fraudulent solicitation for charitable purposes)  
**BILL NO:** S1826           (Substituted for A2953)

**SPONSOR(S):** Coniglio and others

**DATE INTRODUCED:** September 19, 2002

**COMMITTEE:**           **ASSEMBLY:** Consumer Affairs  
  **SENATE:** Law and Public Safety

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**           **ASSEMBLY:** February 10, 2003  
  **SENATE:** February 27, 2003

**DATE OF APPROVAL:** April 16, 2003

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (1st reprint enacted)  
(Amendments during passage denoted by superscript numbers)

**S1826**  
**SPONSORS STATEMENT:** (Begins on page 2 of original bill)           Yes  
**COMMITTEE STATEMENT:**                         **ASSEMBLY:**           Yes  
  **SENATE:**           Yes  
**FLOOR AMENDMENT STATEMENTS:**           No  
**LEGISLATIVE FISCAL ESTIMATE:**           No

**A2953**  
**SPONSORS STATEMENT:** (Begins on page 2 of original bill)           Yes  
  Bill and Sponsors Statement identical to S1826  
**COMMITTEE STATEMENT:**                         **ASSEMBLY:**           Yes  
  Identical to Assembly Statement to S1826  
  **SENATE:**           No  
**FLOOR AMENDMENT STATEMENTS:**           No  
**LEGISLATIVE FISCAL ESTIMATE:**           No  
**VETO MESSAGE:**           No  
**GOVERNOR’S PRESS RELEASE ON SIGNING:**           No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

P.L. 2003, CHAPTER 43, *approved April 16, 2003*  
Senate, No. 1826 (*First Reprint*)

1 AN ACT concerning <sup>1</sup>[theft by fraudulent solicitation and  
2 supplementing Title 2C of the New Jersey Statutes] the solicitation  
3 or collection of funds for a charitable purpose and amending  
4 N.J.S.2C:20-4<sup>1</sup>.

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

8  
9 <sup>1</sup>[1. A person is guilty of theft by fraudulent solicitation if he  
10 solicits or collects funds for a charitable organization as defined in  
11 section 3 of P.L.1994, c.16 (C.45:17A-20) and deals with the funds  
12 obtained as his own and fails to make the required disposition for the  
13 charitable purpose.]<sup>1</sup>

14  
15 <sup>1</sup>1. N.J.S.2C:20-4 is amended to read as follows:

16 2C:20-4. Theft by deception

17 A person is guilty of theft if he purposely obtains property of  
18 another by deception. A person deceives if he purposely:

19 a. Creates or reinforces a false impression, including false  
20 impressions as to law, value, intention or other state of mind, and  
21 including, but not limited to, a false impression that the person is  
22 soliciting or collecting funds for a charitable purpose; but deception  
23 as to a person's intention to perform a promise shall not be inferred  
24 from the fact alone that he did not subsequently perform the promise;

25 b. Prevents another from acquiring information which would affect  
26 his judgment of a transaction; or

27 c. Fails to correct a false impression which the deceiver previously  
28 created or reinforced, or which the deceiver knows to be influencing  
29 another to whom he stands in a fiduciary or confidential relationship.

30 The term "deceive" does not, however, include falsity as to  
31 matters having no pecuniary significance, or puffing or exaggeration  
32 by statements unlikely to deceive ordinary persons in the group  
33 addressed.<sup>1</sup>

34 (cf: P.L.1978,c.95,s.2C:20-4)

35  
36 2. This act shall take effect immediately.

37

38

39

40 Criminalizes fraudulent solicitation and collection of funds on behalf  
41 of charities.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly ACO committee amendments adopted January 9, 2003.

**SENATE, No. 1826**

**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

INTRODUCED SEPTEMBER 19, 2002

**Sponsored by:**

**Senator JOSEPH CONIGLIO**

**District 38 (Bergen)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Salem, Cumberland and Gloucester)**

**Co-Sponsored by:**

**Senators Baer and Matheussen**

**SYNOPSIS**

Criminalizes fraudulent solicitation and collection of funds on behalf of charities.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/15/2002)**

1 AN ACT concerning theft by fraudulent solicitation and supplementing  
2 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. A person is guilty of theft by fraudulent solicitation if he solicits  
8 or collects funds for a charitable organization as defined in section 3  
9 of P.L.1994, c.16 (C.45:17A-20) and deals with the funds obtained as  
10 his own and fails to make the required disposition for the charitable  
11 purpose.

12

13 2. This act shall take effect immediately.

14

15

16

STATEMENT

17

18 This bill criminalizes the fraudulent solicitation or collection of  
19 funds on behalf of a charitable organization. The bill specifies that a  
20 person is guilty of a crime of fraudulent solicitation if he solicits or  
21 collects funds for a charitable organization and deals with the funds  
22 obtained as his own and fails to make the required disposition for the  
23 charitable purpose.

# ASSEMBLY CONSUMER AFFAIRS COMMITTEE

## STATEMENT TO

### **SENATE, No. 1826**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 9, 2003

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Senate Bill No. 1826.

As amended by the committee, Senate Bill No. 1826 amends N.J.S.2C:20-4 to provide that a person who purposely obtains the property of another by creating or reinforcing the false impression that funds are being solicited or collected for a charitable purpose is guilty of theft by deception.

As received by the committee, the bill supplemented Title 2C of the New Jersey Statutes to establish a new crime: the fraudulent solicitation or collection of funds on behalf of a charitable organization. Under that version of the bill, a person would be guilty of the crime of fraudulent solicitation if he solicited or collected funds for a charitable organization and treated those funds as if they were his own and failed to properly dispose or utilize the funds for the charitable purpose for which they were solicited or collected.

The penalty imposed for committing theft by deception is set forth in N.J.S.2C:20-2. Under that statute, the penalty is determined by the amount of money the person deceptively solicited or collected, based on the following scale:

- (1) \$75,000 or more would constitute a crime of the second degree;
- (2) more than \$500, but less than \$75,000 would constitute a crime of the third degree;
- (3) at least \$200, but not exceeding \$500 would constitute a crime of the fourth degree; and
- (4) less than \$200 would constitute a disorderly persons offense.

As amended by the committee, Senate Bill No. 1826 is identical to Assembly Bill No. 2953, as amended.

#### **COMMITTEE AMENDMENTS:**

Amends N.J.S.2C:20-4 to provide that the fraudulent solicitation or collection of funds on behalf of a charitable organization constitutes the crime of theft by deception, rather than creating a new and separate crime.



SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 1826**

**STATE OF NEW JERSEY**

DATED: OCTOBER 28, 2002

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 1826.

This bill criminalizes the fraudulent solicitation or collection of funds on behalf of a charitable organization. The bill specifies that a person is guilty of the crime of fraudulent solicitation if he solicits or collects funds for a charitable organization and deals with the funds obtained as his own and fails to make the required disposition for the charitable purpose.

It is the committee's understanding that the penalty imposed on a violator would be determined by the grading of theft offenses pursuant to N.J.S.2C:20-2. Theft offenses are graded based upon the value of the funds or property taken by the perpetrator.



# ASSEMBLY, No. 2953

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED OCTOBER 28, 2002

**Sponsored by:**

**Assemblyman JEFF VAN DREW**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman PAUL SARLO**

**District 36 (Bergen, Essex and Passaic)**

**Co-Sponsored by:**

**Assemblyman Gear**

**SYNOPSIS**

Criminalizes fraudulent solicitation and collection of funds on behalf of charities.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/10/2003)**

1 AN ACT concerning theft by fraudulent solicitation and supplementing  
2 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. A person is guilty of theft by fraudulent solicitation if he solicits  
8 or collects funds for a charitable organization as defined in section 3  
9 of P.L.1994, c.16 (C.45:17A-20) and deals with the funds obtained as  
10 his own and fails to make the required disposition for the charitable  
11 purpose.

12

13 2. This act shall take effect immediately.

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STATEMENT

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18 This bill criminalizes the fraudulent solicitation or collection of  
19 funds on behalf of a charitable organization. The bill specifies that a  
20 person is guilty of a crime of fraudulent solicitation if he solicits or  
21 collects funds for a charitable organization and deals with the funds  
22 obtained as his own and fails to make the required disposition for the  
23 charitable purpose.

# ASSEMBLY CONSUMER AFFAIRS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2953**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 9, 2003

The Assembly Consumer Affairs Committee reports favorably and with committee amendments Assembly Bill No. 2953.

As amended by the committee, Assembly Bill No. 2953 amends N.J.S.2C:20-4 to provide that a person who purposely obtains the property of another by creating or reinforcing the false impression that funds are being solicited or collected for a charitable purpose is guilty of theft by deception.

As received by the committee, the bill supplemented Title 2C of the New Jersey Statutes to establish a new crime: the fraudulent solicitation or collection of funds on behalf of a charitable organization. Under that version of the bill, a person would be guilty of the crime of fraudulent solicitation if he solicited or collected funds for a charitable organization and treated those funds as if they were his own and failed to properly dispose or utilize the funds for the charitable purpose for which they were solicited or collected.

The penalty imposed for committing theft by deception is set forth in N.J.S.2C:20-2. Under that statute, the penalty is determined by the amount of money the person deceptively solicited or collected, based on the following scale:

- (1) \$75,000 or more would constitute a crime of the second degree;
- (2) more than \$500, but less than \$75,000 would constitute a crime of the third degree;
- (3) at least \$200, but not exceeding \$500 would constitute a crime of the fourth degree; and
- (4) less than \$200 would constitute a disorderly persons offense.

As amended by the committee, Assembly Bill No. 2953 is identical to Senate Bill No. 1826, as amended.

#### **COMMITTEE AMENDMENTS:**

Amends N.J.S.2C:20-4 to provide that the fraudulent solicitation or collection of funds on behalf of a charitable organization constitutes the crime of theft by deception, rather than creating a new and separate crime.