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P.L. 2005, CHAPTER 332, *approved January 12, 2006*
Senate, No. 2125 (*First Reprint*)

1 AN ACT concerning criminal street gangs, amending P.L.1966, c.37,
2 supplementing chapter 1 of Title 53 of the Revised Statutes and
3 making an appropriation.

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

7
8 1. Section 3 of P.L.1966, c.37 (C.52:17B-5.3) is amended to read
9 as follows:

10 3. ¹a.¹ All local and county police authorities shall submit a
11 quarterly report to the Attorney General, on forms prescribed by the
12 Attorney General, which report shall contain the number and nature of
13 offenses committed within their respective jurisdictions, the disposition
14 of such matters, information relating to criminal street gang activities
15 within their respective jurisdictions, and such other information as the
16 Attorney General may require, respecting information relating to the
17 cause and prevention of crime, recidivism, the rehabilitation of
18 criminals and the proper administration of criminal justice.

19 ¹b. A law enforcement officer who responds to an offense
20 involving criminal street gang activity shall complete a gang related
21 incident offense report on a form prescribed by the Superintendent of
22 State Police. All information contained in the gang related incident
23 offense report shall be forwarded to the appropriate county bureau of
24 identification and to the Superintendent of State Police.¹

25 (cf: P.L.1966, c.37, s.3)

26
27 2. (New section) a. Upon the arrest of any person for a crime or
28 offense for which fingerprinting is required, the arresting officer shall
29 designate whether the crime or offense was related to criminal street
30 gang activity on the form used for the collection of fingerprints
31 pursuant to R.S.53:1-15. For the purposes of this section, a crime is
32 related to criminal street gang activity if the crime was committed for
33 the benefit of, at the direction of, or in association with a criminal
34 street gang as defined in subsection h. of N.J.S.2C:44-3.

35 b. The form used for the collection of fingerprints pursuant to
36 R.S.53:1-15 shall include a place for the arresting officer to designate
37 whether the crime or offense was related to criminal street gang
38 activity.

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 Senate floor amendments adopted June 20, 2005.

1 3. There is appropriated \$70,000 from the General Fund to the
2 Department of Law and Public Safety to effectuate the purposes of
3 this act.

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5 4. This act shall take effect on the first day of the ¹[~~sixth~~] seventh¹
6 month following enactment.

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11 Directs AG to include gang information in Uniform Crime Report,
12 requires gang information to be included on fingerprint card,
13 appropriates \$70,000.

SENATE, No. 2125

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED DECEMBER 13, 2004

Sponsored by:

Senator RONALD L. RICE

District 28 (Essex)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Co-Sponsored by:

Senator Turner

SYNOPSIS

Directs AG to include gang information in Uniform Crime Report, requires gang information to be included on fingerprint card, appropriates \$70,000.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/10/2005)

S2125 RICE, GILL

2

1 AN ACT concerning criminal street gangs, amending P.L.1966, c.37,
2 supplementing chapter 1 of Title 53 of the Revised Statutes and
3 making an appropriation.

4

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

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8 1. Section 3 of P.L.1966, c.37 (C.52:17B-5.3) is amended to read
9 as follows:

10 3. All local and county police authorities shall submit a quarterly
11 report to the Attorney General, on forms prescribed by the Attorney
12 General, which report shall contain the number and nature of offenses
13 committed within their respective jurisdictions, the disposition of such
14 matters, information relating to criminal street gang activities within
15 their respective jurisdictions, and such other information as the
16 Attorney General may require, respecting information relating to the
17 cause and prevention of crime, recidivism, the rehabilitation of
18 criminals and the proper administration of criminal justice.

19 (cf: P.L.1966, c.37, s.3)

20

21 2. (New section) a. Upon the arrest of any person for a crime or
22 offense for which fingerprinting is required, the arresting officer shall
23 designate whether the crime or offense was related to criminal street
24 gang activity on the form used for the collection of fingerprints
25 pursuant to R.S.53:1-15. For the purposes of this section, a crime is
26 related to criminal street gang activity if the crime was committed for
27 the benefit of, at the direction of, or in association with a criminal
28 street gang as defined in subsection h. of N.J.S.2C:44-3.

29 b. The form used for the collection of fingerprints pursuant to
30 R.S.53:1-15 shall include a place for the arresting officer to designate
31 whether the crime or offense was related to criminal street gang
32 activity.

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34 3. There is appropriated \$70,000 from the General Fund to the
35 Department of Law and Public Safety to effectuate the purposes of
36 this act.

37

38 4. This act shall take effect on the first day of the sixth month
39 following enactment.

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.

STATEMENT

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The purpose of this bill is to facilitate the sharing of information about criminal street gangs between police, prosecutors and policy-makers. The bill would make information relating to criminal street gang activities a part of the New Jersey Uniform Crime Reporting System and require fingerprint records to include a designation as to whether a crime was gang-related.

Including criminal street gang information in the Uniform Crime Reporting System will give law enforcement agencies and policy-makers a better understanding of where gangs are operating within the State. Under current law, the State Police, under the supervision of the Attorney General, prepare an annual report on crime in New Jersey for the Governor and the Legislature. The information in the report is a compilation of the criminal statistics and records submitted by every New Jersey law enforcement agency. Information relating to bias incidents and domestic violence are given special attention in the annual report. This bill would direct the Attorney General to give similar attention to the collection and reporting of information relating to criminal street gang activities.

The bill would also require fingerprint records to include a designation as to whether a crime was gang-related. The information would be forwarded to the State Bureau of Identification and used in compiling arrest records. Under current law, information about whether a crime is gang-related does not have to be reported to the State and, therefore, does not appear on the criminal history forms which are consulted by prosecutors and judges before sentencing offenders.

"Criminal street gang" is defined in subsection h. of N.J.S.2C:44-3 as three or more persons associated in fact. Persons are associated in fact if they:

- (1) have in common a group name, identifying sign, symbol, tattoo or other physical marking, style or dress or use hand signs or other indicia of association or common leadership; and
- (2) have committed, conspired or attempted to commit, either individually or in combination, and while engaging in gang related activity, two or more offenses of robbery, carjacking, aggravated assault, assault, aggravated sexual assault, arson, burglary, kidnapping, extortion or drug or weapons violations within the preceding three years.

The bill includes an appropriation of \$70,000 to the Department of Law and Public Safety for revising the existing fingerprint form and updating State Police computer systems to include the new information.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2125

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2005

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 2125 (1R).

The purpose of this bill is to facilitate the sharing of information about criminal street gangs between police, prosecutors and policy-makers. The bill would make information relating to criminal street gang activities a part of the New Jersey Uniform Crime Reporting System and require fingerprint records to include a designation as to whether a crime was gang-related.

Including criminal street gang information in the Uniform Crime Reporting System will give law enforcement agencies and policy-makers a better understanding of where gangs are operating within the State. Under current law, the State Police, under the supervision of the Attorney General, prepare an annual report on crime in New Jersey for the Governor and the Legislature. The information in the report is a compilation of the criminal statistics and records submitted by every New Jersey law enforcement agency. Information relating to bias incidents and domestic violence are given special attention in the annual report. This bill would direct the Attorney General to give similar attention to the collection and reporting of information relating to criminal street gang activities.

The bill would also require fingerprint records to include a designation as to whether a crime was gang-related. The information would be forwarded to the State Bureau of Identification and used in compiling arrest records. Under current law, information about whether a crime is gang-related does not have to be reported to the State and, therefore, does not appear on the criminal history forms which are consulted by prosecutors and judges before sentencing offenders.

"Criminal street gang" is defined in subsection h. of N.J.S.2C:44-3 as three or more persons associated in fact. Persons are associated in fact if they:

(1) have in common a group name, identifying sign, symbol, tattoo or other physical marking, style or dress or use hand signs or other indicia of association or common leadership; and

(2) have committed, conspired or attempted to commit, either individually or in combination, and while engaging in gang related activity, two or more offenses of robbery, carjacking, aggravated assault, assault, aggravated sexual

assault, arson, burglary, kidnapping, extortion or drug or weapons violations within the preceding three years.

The bill includes an appropriation of \$70,000 to the Department of Law and Public Safety for revising the existing fingerprint form and updating State Police computer systems to include the new information.

Senate Bill No.2125 (1R) is identical to Assembly Bill No. 4168 as amended and reported by the committee on this same date.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2125

STATE OF NEW JERSEY

DATED: MAY 23, 2005

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 2125.

The purpose of this bill is to facilitate the sharing of information about criminal street gangs between police, prosecutors and policy-makers. The bill would make information relating to criminal street gang activities a part of the New Jersey Uniform Crime Reporting System and require fingerprint records to include a designation as to whether a crime was gang-related.

Including criminal street gang information in the Uniform Crime Reporting System will give law enforcement agencies and policy-makers a better understanding of where gangs are operating within the State. Under current law, the State Police, under the supervision of the Attorney General, prepare an annual report on crime in New Jersey for the Governor and the Legislature. The information in the report is a compilation of the criminal statistics and records submitted by every New Jersey law enforcement agency. Information relating to bias incidents and domestic violence is given special attention in the annual report. This bill would direct the Attorney General to give similar attention to the collection and reporting of information relating to criminal street gang activities.

The bill would also require fingerprint records to include a designation as to whether a crime was gang-related. The information would be forwarded to the State Bureau of Identification and used in compiling arrest records. Under current law, information about whether a crime is gang-related does not have to be reported to the State and, therefore, does not appear on the criminal history forms which are consulted by prosecutors and judges before sentencing offenders.

"Criminal street gang" is defined in subsection h. of N.J.S.2C:44-3 as three or more persons associated in fact. Persons are associated in fact if they:

- (1) have in common a group name, identifying sign, symbol, tattoo or other physical marking, style or dress or use hand signs or other indicia of association or common leadership; and
- (2) have committed, conspired or attempted to commit, either

individually or in combination, and while engaging in gang related activity, two or more offenses of robbery, carjacking, aggravated assault, assault, aggravated sexual assault, arson, burglary, kidnapping, extortion or drug or weapons violations within the preceding three years.

The bill includes an appropriation of \$70,000 to the Department of Law and Public Safety for revising the existing fingerprint form and updating State Police computer systems to include the new information.

STATEMENT TO
SENATE, No. 2125

with Senate Floor Amendments
(Proposed By Senator RICE)

ADOPTED: JUNE 20, 2005

Senate Bill No. 2125 would facilitate the sharing of information about criminal street gangs between police, prosecutors and policy-makers. The bill makes information relating to criminal street gang activities a part of the New Jersey Uniform Crime Reporting System and require fingerprint records to include a designation as to whether a crime was gang-related.

These Senate amendments require a law enforcement officer who responds to an offense involving criminal street gang activity to complete a gang related incident offense report on a form prescribed by the Superintendent of State Police. All information contained in the gang related incident offense report would be forwarded to the appropriate county bureau of identification and to the Superintendent of State Police.

The amendments also revise the effective date of the bill.

ASSEMBLY, No. 4168

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED JUNE 13, 2005

Sponsored by:

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblyman BILL BARONI

District 14 (Mercer and Middlesex)

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

SYNOPSIS

Directs AG to include gang information in Uniform Crime Report, requires gang information to be included on fingerprint card, appropriates \$70,000.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/6/2005)

A4168 FISHER, BARONI

2

1 AN ACT concerning criminal street gangs, amending P.L.1966, c.37,
2 supplementing chapter 1 of Title 53 of the Revised Statutes and
3 making an appropriation.

4

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

7

8 1. Section 3 of P.L.1966, c.37 (C.52:17B-5.3) is amended to read
9 as follows:

10 3. All local and county police authorities shall submit a quarterly
11 report to the Attorney General, on forms prescribed by the Attorney
12 General, which report shall contain the number and nature of offenses
13 committed within their respective jurisdictions, the disposition of such
14 matters, information relating to criminal street gang activities within
15 their respective jurisdictions, and such other information as the
16 Attorney General may require, respecting information relating to the
17 cause and prevention of crime, recidivism, the rehabilitation of
18 criminals and the proper administration of criminal justice.

19 (cf: P.L.1966, c.37, s.3)

20

21 2. (New section) a. Upon the arrest of any person for a crime or
22 offense for which fingerprinting is required, the arresting officer shall
23 designate whether the crime or offense was related to criminal street
24 gang activity on the form used for the collection of fingerprints
25 pursuant to R.S.53:1-15. For the purposes of this section, a crime is
26 related to criminal street gang activity if the crime was committed for
27 the benefit of, at the direction of, or in association with a criminal
28 street gang as defined in subsection h. of N.J.S.2C:44-3.

29 b. The form used for the collection of fingerprints pursuant to
30 R.S.53:1-15 shall include a place for the arresting officer to designate
31 whether the crime or offense was related to criminal street gang
32 activity.

33

34 3. There is appropriated \$70,000 from the General Fund to the
35 Department of Law and Public Safety to effectuate the purposes of
36 this act.

37

38 4. This act shall take effect on the first day of the sixth month
39 following enactment.

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.

STATEMENT

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3 The purpose of this bill is to facilitate the sharing of information
4 about criminal street gangs between police, prosecutors and policy-
5 makers. The bill would make information relating to criminal street
6 gang activities a part of the New Jersey Uniform Crime Reporting
7 System and require fingerprint records to include a designation as to
8 whether a crime was gang-related.

9 Including criminal street gang information in the Uniform Crime
10 Reporting System will give law enforcement agencies and policy-
11 makers a better understanding of where gangs are operating within the
12 State. Under current law, the State Police, under the supervision of
13 the Attorney General, prepare an annual report on crime in New Jersey
14 for the Governor and the Legislature. The information in the report
15 is a compilation of the criminal statistics and records submitted by
16 every New Jersey law enforcement agency. Information relating to
17 bias incidents and domestic violence are given special attention in the
18 annual report. This bill would direct the Attorney General to give
19 similar attention to the collection and reporting of information relating
20 to criminal street gang activities.

21 The bill would also require fingerprint records to include a
22 designation as to whether a crime was gang-related. The information
23 would be forwarded to the State Bureau of Identification and used in
24 compiling arrest records. Under current law, information about
25 whether a crime is gang-related does not have to be reported to the
26 State and, therefore, does not appear on the criminal history forms
27 which are consulted by prosecutors and judges before sentencing
28 offenders.

29 "Criminal street gang" is defined in subsection h. of N.J.S.2C:44-3
30 as three or more persons associated in fact. Persons are associated in
31 fact if they:

32 (1) have in common a group name, identifying sign, symbol, tattoo
33 or other physical marking, style or dress or use hand signs or other
34 indicia of association or common leadership; and

35 (2) have committed, conspired or attempted to commit, either
36 individually or in combination, and while engaging in gang related
37 activity, two or more offenses of robbery, carjacking, aggravated
38 assault, assault, aggravated sexual assault, arson, burglary, kidnapping,
39 extortion or drug or weapons violations within the preceding three
40 years.

41 The bill includes an appropriation of \$70,000 to the Department of
42 Law and Public Safety for revising the existing fingerprint form and
43 updating State Police computer systems to include the new
44 information.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4168

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2005

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 4168.

The purpose of this bill is to facilitate the sharing of information about criminal street gangs between police, prosecutors and policy-makers. The bill would make information relating to criminal street gang activities a part of the New Jersey Uniform Crime Reporting System and require fingerprint records to include a designation as to whether a crime was gang-related.

Including criminal street gang information in the Uniform Crime Reporting System will give law enforcement agencies and policy-makers a better understanding of where gangs are operating within the State. Under current law, the State Police, under the supervision of the Attorney General, prepare an annual report on crime in New Jersey for the Governor and the Legislature. The information in the report is a compilation of the criminal statistics and records submitted by every New Jersey law enforcement agency. Information relating to bias incidents and domestic violence are given special attention in the annual report. This bill would direct the Attorney General to give similar attention to the collection and reporting of information relating to criminal street gang activities.

The bill would also require fingerprint records to include a designation as to whether a crime was gang-related. The information would be forwarded to the State Bureau of Identification and used in compiling arrest records. Under current law, information about whether a crime is gang-related does not have to be reported to the State and, therefore, does not appear on the criminal history forms which are consulted by prosecutors and judges before sentencing offenders.

"Criminal street gang" is defined in subsection h. of N.J.S.2C:44-3 as three or more persons associated in fact. Persons are associated in fact if they:

- (1) have in common a group name, identifying sign, symbol, tattoo or other physical marking, style or dress or use hand signs or other indicia of association or common leadership; and

- (2) have committed, conspired or attempted to commit, either

individually or in combination, and while engaging in gang related activity, two or more offenses of robbery, carjacking, aggravated assault, assault, aggravated sexual assault, arson, burglary, kidnapping, extortion or drug or weapons violations within the preceding three years.

The bill includes an appropriation of \$70,000 to the Department of Law and Public Safety for revising the existing fingerprint form and updating State Police computer systems to include the new information.

The committee amended the bill to require a law enforcement officer who responds to an offense involving criminal street gang activity to complete a gang related incident offense report on a form prescribed by the Superintendent of State Police. All information contained in the gang related incident offense report is to be forwarded to the appropriate county bureau of identification and to the Superintendent of State Police. The committee also amended the bill's effective date.

As amended by the committee, Assembly Bill No. 4168 is identical to Senate Bill No. 2125 (1R) which also was reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee adopted the following amendments:

1) to require a law enforcement officer who responds to an offense involving criminal street gang activity to complete a gang related incident offense report and forward that report to the appropriate county bureau of identification and to the Superintendent of State Police: and

2) to change the effective date from the six month following enactment to seven months following enactment.