

LEGISLATIVE FISCAL ESTIMATE:

No

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

RWH/JA

P.L. 2021, CHAPTER 298, *approved November 8, 2021*
 Assembly, No. 4831

1 AN ACT concerning the classification of offenses committed in
 2 other jurisdictions, amending N.J.S.2C:1-4 and N.J.S.2C:44-4
 3 and supplementing Title 2C of the New Jersey Statutes.
 4

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

8 1. N.J.S.2C:1-4 is amended to read as follows:
 9 2C:1-4. Classes of Offenses.

10 a. (1) An offense defined by this code or by any other statute
 11 of this State, for which a sentence of imprisonment in excess of 6
 12 months is authorized, constitutes a crime within the meaning of the
 13 Constitution of this State. Crimes are designated in this code as
 14 being of the first, second, third or fourth degree.

15 (2) An offense defined by the laws of any other jurisdiction, for
 16 which a sentence of imprisonment in excess of one year is
 17 authorized, shall be considered in this State to be a crime when a
 18 reference is made by this code, or by any other statute of this State,
 19 to such offense.

20 b. (1) An offense is a disorderly persons offense if it is so
 21 designated in this code or in a statute other than this code. An
 22 offense is a petty disorderly persons offense if it is so designated in
 23 this code or in a statute other than this code. Disorderly persons
 24 offenses and petty disorderly persons offenses are petty offenses
 25 and are not crimes within the meaning of the Constitution of this
 26 State. There shall be no right to indictment by a grand jury nor any
 27 right to trial by jury on such offenses. Conviction of such offenses
 28 shall not give rise to any disability or legal disadvantage based on
 29 conviction of a crime.

30 (2) (a) An offense defined by the laws of any other jurisdiction,
 31 for which a sentence of imprisonment of one year or less, but more
 32 than 30 days, is authorized, shall be considered in this State to be a
 33 disorderly persons offense when a reference is made by this code,
 34 or by any other statute of this State, to such offense.

35 (b) An offense defined by the laws of any other jurisdiction, for
 36 which a sentence of imprisonment of 30 days or less is authorized,
 37 shall be considered in this State to be a petty disorderly persons
 38 offense when a reference is made by this code, or by any other
 39 statute of this State, to such offense.

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

Matter underlined thus is new matter.

1 c. An offense defined by any statute of this State other than
2 this code shall be classified as provided in this section or in section
3 2C:43-1 and, except as provided in section 2C:1-5b and chapter 43,
4 the sentence that may be imposed upon conviction thereof shall
5 hereafter be governed by this code. Insofar as any provision of this
6 State outside the code declares an offense to be a misdemeanor
7 when such offense specifically provides a maximum penalty of 6
8 months' imprisonment or less, whether or not in combination with a
9 fine, such provision shall constitute a disorderly persons offense.

10 d. Subject to the provisions of section 2C:43-1, reference in
11 any statute, rule, or regulation of this State outside the code to the
12 term "high misdemeanor" shall mean crimes of the first, second, or
13 third degree and reference to the term "misdemeanor" shall mean
14 all crimes.

15 (cf: P.L.1981, c.290, s.1)

16

17 2. N.J.S.2C:44-4 is amended to read as follows:

18 2C:44-4. Definition of Prior Conviction; Conviction in Another
19 Jurisdiction; Proof of Prior Conviction.

20 a. Prior conviction of an offense. An adjudication by a court
21 of competent jurisdiction that the defendant committed an offense
22 constitutes a prior conviction.

23 b. Prior conviction of a crime. An adjudication by a court of
24 competent jurisdiction that the defendant committed a crime
25 constitutes a prior conviction, although sentence or the execution
26 thereof was suspended, provided that the time to appeal has expired
27 and that the defendant was not pardoned on the ground of
28 innocence.

29 c. Prior conviction in another jurisdiction. A conviction in
30 another jurisdiction shall constitute a prior conviction of a crime if a
31 sentence of imprisonment in excess of **【6 months】** one year was
32 authorized under the law of the other jurisdiction.

33 d. Proof of prior conviction. Any prior conviction may be
34 proved by any evidence, including fingerprint records made in
35 connection with arrest, conviction or imprisonment, that reasonably
36 satisfies the court that the defendant was convicted.

37 (cf: P.L.1979, c.178, s.96)

38

39 3. (New section) When a provision in Title 2C of the New
40 Jersey Statutes, any other statute, rule, regulation, or ordinance of
41 this State, or any certification or application form promulgated
42 thereunder, refers to a conviction of "a similar crime in another
43 state," a conviction under the laws of "any other state or the United
44 States," a conviction under the laws of "any other jurisdiction," or
45 contains similar phrasing referring to a conviction of a criminal
46 offense outside this State, the conviction shall be construed in this
47 State as a crime, disorderly persons offense, or petty disorderly
48 persons offense, as set forth in paragraph (2) of subsection a. of

1 N.J.S.2C:1-4, paragraph (2) of subsection b. of N.J.S.2C:1-4, and
2 subsection c. of N.J.S.2C:44-4.

3

4 4. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill would clarify the classification in this State of criminal
10 offenses committed in other states or under federal law.

11 Many statutes in New Jersey refer to criminal offenses
12 committed in other jurisdictions. Many application forms and
13 certifications ask the applicant whether he has been convicted of a
14 crime in New Jersey “or in any other jurisdiction” or whether he has
15 been convicted of a “similar crime in any other state.” The problem
16 is, a crime as defined in this State may be punishable by a
17 completely different term of imprisonment than the counterpart
18 crime in other states or under federal law. Such counterpart, based
19 on the possible prison sentence, may not be graded as a crime in
20 this State, but instead as a disorderly persons or petty disorderly
21 persons offense. This creates confusion for the public.

22 In New Jersey, a person may be convicted of a crime of the first,
23 second, third, or fourth degree, or convicted of a disorderly persons
24 offense or petty disorderly persons offense. Disorderly persons and
25 petty disorderly persons offenses are not crimes. The lowest
26 penalty for a conviction of a crime in this State is for a crime of the
27 fourth degree, punishable by a term of imprisonment of up to 18
28 months. A disorderly persons offense is punishable by a term of
29 imprisonment of up to six months, and a petty disorderly persons
30 offense by a term of up to 30 days. By contrast, federal law and
31 most other states use the classifications “felonies” and
32 “misdemeanors” instead of New Jersey’s “crimes” and “offenses.”
33 Under these other systems, a “felony” is generally punishable by a
34 term of imprisonment of more than one year. A “misdemeanor” is
35 generally punishable by a term of imprisonment of one year or less.

36 This bill would provide that a conviction in a jurisdiction other
37 than New Jersey would be considered in this State to be a
38 conviction of a crime if the other jurisdiction authorizes a sentence
39 of imprisonment of more than one year for the conviction. A
40 conviction in a jurisdiction other than New Jersey would be
41 considered in this State to be a conviction of a disorderly persons
42 offense if the other jurisdiction authorizes a sentence of
43 imprisonment of one year or less, but more than 30 days. A
44 conviction in a jurisdiction other than New Jersey would be
45 considered in this State to be a conviction of a petty disorderly
46 persons offense if the other jurisdiction authorizes a sentence of
47 imprisonment of 30 days or less.

1 The bill also specifies that when a provision in Title 2C of the
2 New Jersey Statutes, any other statute, rule, regulation, or ordinance
3 of this State, or any certification or application form promulgated
4 thereunder, refers to a conviction of “a similar crime in another
5 state,” a conviction under the laws of “any other state or the United
6 States,” a conviction under the laws of “any other jurisdiction,” or
7 contains similar phrasing referring to a conviction of a criminal
8 offense outside this State, the conviction would be construed in this
9 State as a crime, disorderly persons offense, or petty disorderly
10 persons offense in accordance with the provisions set out above.

11

12

13

14

15 Clarifies classification in this State of criminal offenses
16 committed in other states or under federal law.

ASSEMBLY, No. 4831

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED OCTOBER 19, 2020

Sponsored by:

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

Assemblyman JAMES J. KENNEDY

District 22 (Middlesex, Somerset and Union)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Clarifies classification in this State of criminal offenses committed in other states or under federal law.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2021)

1 AN ACT concerning the classification of offenses committed in
2 other jurisdictions, amending N.J.S.2C:1-4 and N.J.S.2C:44-4
3 and supplementing Title 2C of the New Jersey Statutes.

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

7
8 1. N.J.S.2C:1-4 is amended to read as follows:
9 2C:1-4. Classes of Offenses.

10 a. (1) An offense defined by this code or by any other statute
11 of this State, for which a sentence of imprisonment in excess of 6
12 months is authorized, constitutes a crime within the meaning of the
13 Constitution of this State. Crimes are designated in this code as
14 being of the first, second, third or fourth degree.

15 (2) An offense defined by the laws of any other jurisdiction, for
16 which a sentence of imprisonment in excess of one year is
17 authorized, shall be considered in this State to be a crime when a
18 reference is made by this code, or by any other statute of this State,
19 to such offense.

20 b. (1) An offense is a disorderly persons offense if it is so
21 designated in this code or in a statute other than this code. An
22 offense is a petty disorderly persons offense if it is so designated in
23 this code or in a statute other than this code. Disorderly persons
24 offenses and petty disorderly persons offenses are petty offenses
25 and are not crimes within the meaning of the Constitution of this
26 State. There shall be no right to indictment by a grand jury nor any
27 right to trial by jury on such offenses. Conviction of such offenses
28 shall not give rise to any disability or legal disadvantage based on
29 conviction of a crime.

30 (2) (a) An offense defined by the laws of any other jurisdiction,
31 for which a sentence of imprisonment of one year or less, but more
32 than 30 days, is authorized, shall be considered in this State to be a
33 disorderly persons offense when a reference is made by this code,
34 or by any other statute of this State, to such offense.

35 (b) An offense defined by the laws of any other jurisdiction, for
36 which a sentence of imprisonment of 30 days or less is authorized,
37 shall be considered in this State to be a petty disorderly persons
38 offense when a reference is made by this code, or by any other
39 statute of this State, to such offense.

40 c. An offense defined by any statute of this State other than
41 this code shall be classified as provided in this section or in section
42 2C:43-1 and, except as provided in section 2C:1-5b and chapter 43,
43 the sentence that may be imposed upon conviction thereof shall
44 hereafter be governed by this code. Insofar as any provision of this
45 State outside the code declares an offense to be a misdemeanor

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

Matter underlined thus is new matter.

1 when such offense specifically provides a maximum penalty of 6
2 months' imprisonment or less, whether or not in combination with a
3 fine, such provision shall constitute a disorderly persons offense.

4 d. Subject to the provisions of section 2C:43-1, reference in
5 any statute, rule, or regulation of this State outside the code to the
6 term "high misdemeanor" shall mean crimes of the first, second, or
7 third degree and reference to the term "misdemeanor" shall mean
8 all crimes.

9 (cf: P.L.1981, c.290, s.1)

10

11 2. N.J.S.2C:44-4 is amended to read as follows:

12 2C:44-4. Definition of Prior Conviction; Conviction in Another
13 Jurisdiction; Proof of Prior Conviction.

14 a. Prior conviction of an offense. An adjudication by a court
15 of competent jurisdiction that the defendant committed an offense
16 constitutes a prior conviction.

17 b. Prior conviction of a crime. An adjudication by a court of
18 competent jurisdiction that the defendant committed a crime
19 constitutes a prior conviction, although sentence or the execution
20 thereof was suspended, provided that the time to appeal has expired
21 and that the defendant was not pardoned on the ground of
22 innocence.

23 c. Prior conviction in another jurisdiction. A conviction in
24 another jurisdiction shall constitute a prior conviction of a crime if a
25 sentence of imprisonment in excess of **【6 months】** one year was
26 authorized under the law of the other jurisdiction.

27 d. Proof of prior conviction. Any prior conviction may be
28 proved by any evidence, including fingerprint records made in
29 connection with arrest, conviction or imprisonment, that reasonably
30 satisfies the court that the defendant was convicted.

31 (cf: P.L.1979, c.178, s.96)

32

33 3. (New section) When a provision in Title 2C of the New
34 Jersey Statutes, any other statute, rule, regulation, or ordinance of
35 this State, or any certification or application form promulgated
36 thereunder, refers to a conviction of "a similar crime in another
37 state," a conviction under the laws of "any other state or the United
38 States," a conviction under the laws of "any other jurisdiction," or
39 contains similar phrasing referring to a conviction of a criminal
40 offense outside this State, the conviction shall be construed in this
41 State as a crime, disorderly persons offense, or petty disorderly
42 persons offense, as set forth in paragraph (2) of subsection a. of
43 N.J.S.2C:1-4, paragraph (2) of subsection b. of N.J.S.2C:1-4, and
44 subsection c. of N.J.S.2C:44-4.

45

46 4. This act shall take effect immediately.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

This bill would clarify the classification in this State of criminal offenses committed in other states or under federal law.

Many statutes in New Jersey refer to criminal offenses committed in other jurisdictions. Many application forms and certifications ask the applicant whether he has been convicted of a crime in New Jersey “or in any other jurisdiction” or whether he has been convicted of a “similar crime in any other state.” The problem is, a crime as defined in this State may be punishable by a completely different term of imprisonment than the counterpart crime in other states or under federal law. Such counterpart, based on the possible prison sentence, may not be graded as a crime in this State, but instead as a disorderly persons or petty disorderly persons offense. This creates confusion for the public.

In New Jersey, a person may be convicted of a crime of the first, second, third, or fourth degree, or convicted of a disorderly persons offense or petty disorderly persons offense. Disorderly persons and petty disorderly persons offenses are not crimes. The lowest penalty for a conviction of a crime in this State is for a crime of the fourth degree, punishable by a term of imprisonment of up to 18 months. A disorderly persons offense is punishable by a term of imprisonment of up to six months, and a petty disorderly persons offense by a term of up to 30 days. By contrast, federal law and most other states use the classifications “felonies” and “misdemeanors” instead of New Jersey’s “crimes” and “offenses.” Under these other systems, a “felony” is generally punishable by a term of imprisonment of more than one year. A “misdemeanor” is generally punishable by a term of imprisonment of one year or less.

This bill would provide that a conviction in a jurisdiction other than New Jersey would be considered in this State to be a conviction of a crime if the other jurisdiction authorizes a sentence of imprisonment of more than one year for the conviction. A conviction in a jurisdiction other than New Jersey would be considered in this State to be a conviction of a disorderly persons offense if the other jurisdiction authorizes a sentence of imprisonment of one year or less, but more than 30 days. A conviction in a jurisdiction other than New Jersey would be considered in this State to be a conviction of a petty disorderly persons offense if the other jurisdiction authorizes a sentence of imprisonment of 30 days or less.

The bill also specifies that when a provision in Title 2C of the New Jersey Statutes, any other statute, rule, regulation, or ordinance of this State, or any certification or application form promulgated thereunder, refers to a conviction of “a similar crime in another state,” a conviction under the laws of “any other state or the United States,” a conviction under the laws of “any other jurisdiction,” or contains similar phrasing referring to a conviction of a criminal

A4831 CHAPARRO, KENNEDY

5

- 1 offense outside this State, the conviction would be construed in this
- 2 State as a crime, disorderly persons offense, or petty disorderly
- 3 persons offense in accordance with the provisions set out above.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4831

STATE OF NEW JERSEY

DATED: DECEMBER 7, 2020

The Assembly Judiciary Committee reports favorably Assembly Bill No. 4831.

This bill would clarify the classification in this State of criminal offenses committed in other states or under federal law.

Many statutes in New Jersey refer to criminal offenses committed in other jurisdictions. Many application forms and certifications ask the applicant whether he has been convicted of a crime in New Jersey “or in any other jurisdiction” or whether he has been convicted of a “similar crime in any other state.” The problem is, a crime as defined in this State may be punishable by a completely different term of imprisonment than the counterpart crime in other states or under federal law. Such counterpart, based on the possible prison sentence, may not be graded as a crime in this State, but instead as a disorderly persons or petty disorderly persons offense. This creates confusion for the public.

In New Jersey, a person may be convicted of a crime of the first, second, third, or fourth degree, or convicted of a disorderly persons offense or petty disorderly persons offense. Disorderly persons and petty disorderly persons offenses are not crimes. The lowest penalty for a conviction of a crime in this State is for a crime of the fourth degree, punishable by a term of imprisonment of up to 18 months. A disorderly persons offense is punishable by a term of imprisonment of up to six months, and a petty disorderly persons offense by a term of up to 30 days. By contrast, federal law and most other states use the classifications “felonies” and “misdemeanors” instead of New Jersey’s “crimes” and “offenses.” Under these other systems, a “felony” is generally punishable by a term of imprisonment of more than one year. A “misdemeanor” is generally punishable by a term of imprisonment of one year or less.

This bill would provide that a conviction in a jurisdiction other than New Jersey would be considered in this State to be a conviction of a crime if the other jurisdiction authorizes a sentence of imprisonment of more than one year for the conviction. A conviction in a jurisdiction other than New Jersey would be considered in this State to be a conviction of a disorderly persons offense if the other jurisdiction authorizes a sentence of imprisonment of one year or less, but more than 30 days. A conviction in a jurisdiction other than New Jersey would be

considered in this State to be a conviction of a petty disorderly persons offense if the other jurisdiction authorizes a sentence of imprisonment of 30 days or less.

The bill also specifies that when a provision in Title 2C of the New Jersey Statutes, any other statute, rule, regulation, or ordinance of this State, or any certification or application form promulgated thereunder, refers to a conviction of “a similar crime in another state,” a conviction under the laws of “any other state or the United States,” a conviction under the laws of “any other jurisdiction,” or contains similar phrasing referring to a conviction of a criminal offense outside this State, the conviction would be construed in this State as a crime, disorderly persons offense, or petty disorderly persons offense in accordance with the provisions set out above.

SENATE, No. 3953

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 15, 2021

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Clarifies classification in this State of criminal offenses committed in other states or under federal law.

CURRENT VERSION OF TEXT

As introduced.



S3953 SCUTARI

2

1 AN ACT concerning the classification of offenses committed in
2 other jurisdictions, amending N.J.S.2C:1-4 and N.J.S.2C:44-4
3 and supplementing Title 2C of the New Jersey Statutes.

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

7
8 1. N.J.S.2C:1-4 is amended to read as follows:
9 2C:1-4. Classes of Offenses.

10 a. (1) An offense defined by this code or by any other statute
11 of this State, for which a sentence of imprisonment in excess of 6
12 months is authorized, constitutes a crime within the meaning of the
13 Constitution of this State. Crimes are designated in this code as
14 being of the first, second, third or fourth degree.

15 (2) An offense defined by the laws of any other jurisdiction, for
16 which a sentence of imprisonment in excess of one year is
17 authorized, shall be considered in this State to be a crime when a
18 reference is made by this code, or by any other statute of this State,
19 to such offense.

20 b. (1) An offense is a disorderly persons offense if it is so
21 designated in this code or in a statute other than this code. An
22 offense is a petty disorderly persons offense if it is so designated in
23 this code or in a statute other than this code. Disorderly persons
24 offenses and petty disorderly persons offenses are petty offenses
25 and are not crimes within the meaning of the Constitution of this
26 State. There shall be no right to indictment by a grand jury nor any
27 right to trial by jury on such offenses. Conviction of such offenses
28 shall not give rise to any disability or legal disadvantage based on
29 conviction of a crime.

30 (2) (a) An offense defined by the laws of any other jurisdiction,
31 for which a sentence of imprisonment of one year or less, but more
32 than 30 days, is authorized, shall be considered in this State to be a
33 disorderly persons offense when a reference is made by this code,
34 or by any other statute of this State, to such offense.

35 (b) An offense defined by the laws of any other jurisdiction, for
36 which a sentence of imprisonment of 30 days or less is authorized,
37 shall be considered in this State to be a petty disorderly persons
38 offense when a reference is made by this code, or by any other
39 statute of this State, to such offense.

40 c. An offense defined by any statute of this State other than
41 this code shall be classified as provided in this section or in section
42 2C:43-1 and, except as provided in section 2C:1-5b and chapter 43,
43 the sentence that may be imposed upon conviction thereof shall
44 hereafter be governed by this code. Insofar as any provision of this
45 State outside the code declares an offense to be a misdemeanor

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.

S3953 SCUTARI

3

1 when such offense specifically provides a maximum penalty of 6
2 months' imprisonment or less, whether or not in combination with a
3 fine, such provision shall constitute a disorderly persons offense.

4 d. Subject to the provisions of section 2C:43-1, reference in
5 any statute, rule, or regulation of this State outside the code to the
6 term "high misdemeanor" shall mean crimes of the first, second, or
7 third degree and reference to the term "misdemeanor" shall mean
8 all crimes.

9 (cf: P.L.1981, c.290, s.1)

10

11 2. N.J.S.2C:44-4 is amended to read as follows:

12 2C:44-4. Definition of Prior Conviction; Conviction in Another
13 Jurisdiction; Proof of Prior Conviction.

14 a. Prior conviction of an offense. An adjudication by a court
15 of competent jurisdiction that the defendant committed an offense
16 constitutes a prior conviction.

17 b. Prior conviction of a crime. An adjudication by a court of
18 competent jurisdiction that the defendant committed a crime
19 constitutes a prior conviction, although sentence or the execution
20 thereof was suspended, provided that the time to appeal has expired
21 and that the defendant was not pardoned on the ground of
22 innocence.

23 c. Prior conviction in another jurisdiction. A conviction in
24 another jurisdiction shall constitute a prior conviction of a crime if a
25 sentence of imprisonment in excess of **【6 months】** one year was
26 authorized under the law of the other jurisdiction.

27 d. Proof of prior conviction. Any prior conviction may be
28 proved by any evidence, including fingerprint records made in
29 connection with arrest, conviction or imprisonment, that reasonably
30 satisfies the court that the defendant was convicted.

31 (cf: P.L.1979, c.178, s.96)

32

33 3. (New section) When a provision in Title 2C of the New
34 Jersey Statutes, any other statute, rule, regulation, or ordinance of
35 this State, or any certification or application form promulgated
36 thereunder, refers to a conviction of "a similar crime in another
37 state," a conviction under the laws of "any other state or the United
38 States," a conviction under the laws of "any other jurisdiction," or
39 contains similar phrasing referring to a conviction of a criminal
40 offense outside this State, the conviction shall be construed in this
41 State as a crime, disorderly persons offense, or petty disorderly
42 persons offense, as set forth in paragraph (2) of subsection a. of
43 N.J.S.2C:1-4, paragraph (2) of subsection b. of N.J.S.2C:1-4, and
44 subsection c. of N.J.S.2C:44-4.

45

46 4. This act shall take effect immediately.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

This bill would clarify the classification in this State of criminal offenses committed in other states or under federal law.

Many statutes in New Jersey refer to criminal offenses committed in other jurisdictions. Many application forms and certifications ask the applicant whether he has been convicted of a crime in New Jersey “or in any other jurisdiction” or whether he has been convicted of a “similar crime in any other state.” The problem is, a crime as defined in this State may be punishable by a completely different term of imprisonment than the counterpart crime in other states or under federal law. Such counterpart, based on the possible prison sentence, may not be graded as a crime in this State, but instead as a disorderly persons or petty disorderly persons offense. This creates confusion for the public.

In New Jersey, a person may be convicted of a crime of the first, second, third, or fourth degree, or convicted of a disorderly persons offense or petty disorderly persons offense. Disorderly persons and petty disorderly persons offenses are not crimes. The lowest penalty for a conviction of a crime in this State is for a crime of the fourth degree, punishable by a term of imprisonment of up to 18 months. A disorderly persons offense is punishable by a term of imprisonment of up to six months, and a petty disorderly persons offense by a term of up to 30 days. By contrast, federal law and most other states use the classifications “felonies” and “misdemeanors” instead of New Jersey’s “crimes” and “offenses.” Under these other systems, a “felony” is generally punishable by a term of imprisonment of more than one year. A “misdemeanor” is generally punishable by a term of imprisonment of one year or less.

This bill would provide that a conviction in a jurisdiction other than New Jersey would be considered in this State to be a conviction of a crime if the other jurisdiction authorizes a sentence of imprisonment of more than one year for the conviction. A conviction in a jurisdiction other than New Jersey would be considered in this State to be a conviction of a disorderly persons offense if the other jurisdiction authorizes a sentence of imprisonment of one year or less, but more than 30 days. A conviction in a jurisdiction other than New Jersey would be considered in this State to be a conviction of a petty disorderly persons offense if the other jurisdiction authorizes a sentence of imprisonment of 30 days or less.

The bill also specifies that when a provision in Title 2C of the New Jersey Statutes, any other statute, rule, regulation, or ordinance of this State, or any certification or application form promulgated thereunder, refers to a conviction of “a similar crime in another state,” a conviction under the laws of “any other state or the United

S3953 SCUTARI

5

1 States,” a conviction under the laws of “any other jurisdiction,” or
2 contains similar phrasing referring to a conviction of a criminal
3 offense outside this State, the conviction would be construed in this
4 State as a crime, disorderly persons offense, or petty disorderly
5 persons offense in accordance with the provisions set out above.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 3953

STATE OF NEW JERSEY

DATED: JUNE 16, 2021

The Senate Judiciary Committee reports favorably Senate Bill No. 3953.

This bill would clarify the classification in this State of criminal offenses committed in other states or under federal law.

Many statutes in New Jersey refer to criminal offenses committed in other jurisdictions. Many application forms and certifications ask the applicant whether he has been convicted of a crime in New Jersey “or in any other jurisdiction” or whether he has been convicted of a “similar crime in any other state.” The problem is, a crime as defined in this State may be punishable by a completely different term of imprisonment than the counterpart crime in other states or under federal law. Such counterpart, based on the possible prison sentence, may not be graded as a crime in this State, but instead as a disorderly persons or petty disorderly persons offense. This creates confusion for the public.

In New Jersey, a person may be convicted of a crime of the first, second, third, or fourth degree, or convicted of a disorderly persons offense or petty disorderly persons offense. Disorderly persons and petty disorderly persons offenses are not crimes. The lowest penalty for a conviction of a crime in this State is for a crime of the fourth degree, punishable by a term of imprisonment of up to 18 months. A disorderly persons offense is punishable by a term of imprisonment of up to six months, and a petty disorderly persons offense by a term of up to 30 days. By contrast, federal law and most other states use the classifications “felonies” and “misdemeanors” instead of New Jersey’s “crimes” and “offenses.” Under these other systems, a “felony” is generally punishable by a term of imprisonment of more than one year. A “misdemeanor” is generally punishable by a term of imprisonment of one year or less.

This bill would provide that a conviction in a jurisdiction other than New Jersey would be considered in this State to be a conviction of a crime if the other jurisdiction authorizes a sentence of imprisonment of more than one year for the conviction. A conviction in a jurisdiction other than New Jersey would be considered in this State to be a conviction of a disorderly persons offense if the other jurisdiction authorizes a sentence of imprisonment of one year or less, but more than 30 days. A conviction in a jurisdiction other than New Jersey would be considered in this State to be a conviction of a petty

disorderly persons offense if the other jurisdiction authorizes a sentence of imprisonment of 30 days or less.

The bill also specifies that when a provision in Title 2C of the New Jersey Statutes, any other statute, rule, regulation, or ordinance of this State, or any certification or application form promulgated thereunder, refers to a conviction of “a similar crime in another state,” a conviction under the laws of “any other state or the United States,” a conviction under the laws of “any other jurisdiction,” or contains similar phrasing referring to a conviction of a criminal offense outside this State, the conviction would be construed in this State as a crime, disorderly persons offense, or petty disorderly persons offense in accordance with the provisions set out above.

Governor Murphy Takes Action on Legislation

11/8/2021

TRENTON – Today, Governor Murphy signed the following bills into law:

S-249/A-1259 (Singleton, Turner/Schaer, DeCroce, Vainieri Huttle) – Requires pharmacy benefits manager providing services within Medicaid program to disclose certain information to DHS

S-324/A-3533 (Diegnan, A.M. Bucco/Benson, Freiman, DeCroce) – Authorizes operators of motor vehicles to display electronic proof of registration; requires MVC to send application for registration renewal to lessee of leased vehicle

SCS for S-399 and 1645/ACS for A-869 and 1380 (Lagana, Weinberg, Stack, Turner, Cunningham/Chiaravalloti, Holley) – Requires residential landlords to install covers on steam radiators upon request of tenant

S-537/A-3110 (Codey/McKeon, Verrelli, Vainieri Huttle) – Establishes certain minimum and maximum temperatures in rooming and boarding houses, dementia care homes, and certain nursing homes and residential health care facilities

S-550/A-1616 (Codey, Pennacchio/Lampitt, Conaway, Vainieri Huttle) – Requires certain student identification cards to contain telephone number for suicide prevention hotline

SCS for S-647/A-4825 (Greenstein, Singleton/McKeon, Karabinchak, Stanley) – Revises cybersecurity, asset management, and related reporting requirements in “Water Quality Accountability Act”

S-828/A-2101 (Lagana, Greenstein/Swain, Tully, Verrelli) – Requires public utilities and local units to provide notice prior to initiating certain infrastructure projects

S-829/A-2135 (Lagana, Singleton/Tully, Swain, Murphy) – Requires property condition disclosure statement to indicate presence of lead plumbing in residential property

S-830/A-2134 (Lagana, Greenstein/Tully, Swain, Conaway) – Requires public water systems to offer drinking water tests to customers in certain circumstances

S-894/A-3874 (Pou, Greenstein/Lopez, Vainieri Huttle) – Prohibits sale of paint or coating removal products that contain methylene chloride unless purchaser meets certain safety standards for use

S-1010/A-2103 (Lagana, Turner/Swain, Tully, Johnson) – Permits counties and municipalities to bond for alternative fuel vehicles

S-1047/A-1712 (Cryan, Pou/Burzichelli, Karabinchak, Giblin) – Concerns disclosure of certain information prior to sale of real estate

S-1148/A-1221 (Ruiz, Pou/Chaparro, Speight, Wimberly) – Requires emergency contact information and access instructions for social services hotline to be provided to tenants of multiple dwellings

S-1239/A-5131 (Codey/McKeon, Danielsen, Jasey) – Authorizes imposition of fee for connection to municipal electric distribution system

S-1259/A-2628 (Singleton/Murphy) – Concerns labor contractors

S-1726/A-795 (Lagana, Pou/Verrelli, Swain, Zwicker) – Prohibits sale of cosmetic products that have been tested on animals

- S-2727/A-4775 (Pennacchio, Pou/Vainieri Huttie, Jasey, McKnight)** – Establishes Multigenerational Family Housing Continuity Commission; provides municipal guidance to periodically analyze local advancement of commission’s senior citizen housing recommendations
- S-2861/A-5390 (Singleton, Addiego/Quijano, McKnight, Speight)** – Concerns certain restrictive covenants on real property
- S-2996/A-5019 (Testa, Sweeney/McClellan, Taliaferro, Johnson)** – Allows Board of Cosmetology and Hairstyling licensees to operate mobile facilities when providing services
- S-3000/A-4688 (Weinberg, Greenstein/Benson, Verrelli, Vainieri Huttie)** – Codifies and establishes certain network adequacy standards for pediatric primary and specialty care in Medicaid program
- S-3032/A-4855 (Sweeney, Vitale/Benson, Vainieri Huttie, Chiaravalloti)** – Requires DOH to develop Statewide plan for infection control and prevention infrastructure improvements in nursing homes
- S-3091/A-4933 (Addiego, Bateman/Burzichelli, Benson, Mukherji)** – Requires builders to offer unit concrete products that utilize carbon footprint-reducing technology as option in new construction; establishes tax incentives, and State and local purchasing requirements, for unit concrete products that utilize carbon footprint-reducing technology
- S-3253/A-2619 (Singleton, Ruiz/Murphy, Speight, Mukherji)** – Establishes alternate route to expedite certification of teachers at early college high school programs
- S-3318/A-5893 (Sweeney, Pou/Vainieri Huttie, Caputo, Karabinchak)** – Provides for voluntary contributions by taxpayers on gross income tax returns for Special Olympics New Jersey
- S-3590/A-5536 (Diegnan, Turner/Burzichelli, Giblin)** – Allows formation of limited liability companies by real estate salespersons and broker-salespersons to receive commission income and requires certain disclosures on promotions
- S-3811/A-5769 (Sweeney, Scutari/Reynolds-Jackson, Quijano, Carter)** – Establishes Kean University as public urban research university
- S-3948/A-5896 (Addiego, Gopal/Houghtaling, Downey)** – Authorizes supplemental State aid to school districts receiving certain federal Impact Aid; makes appropriation
- SJR-41/AJR-33 (Cruz-Perez, Addiego/Lopez, McKnight)** – Designates June 2 of each year as “Gun Violence Awareness Day”
- SJR-109/AJR-208 (Weinberg, Pou/McKnight, Benson, Vainieri Huttie)** – Condemns hate and violent extremism and commits to defense of safe and just democracy
- A-637/S-2670 (Caputo, Dancer, Houghtaling/Beach)** – Revises permit and license processes for sports pools operators and online sports pool operators; revises definitions of certain sports events; allows for transactional waiver for sports wagering lounge
- A-853/S-797 (Chiaravalloti, Karabinchak, McKnight/Cunningham, Doherty)** – Prohibits municipal licensure of children operating temporary businesses
- A-2311/S-356 (Calabrese, Jasey/Cryan, Codey)** – Establishes study commission to examine development of mutually beneficial relationships between institutions of higher education and municipalities
- A-3027/S-793 (Lampitt, Jasey, Houghtaling/Cunningham, Singleton)** – Commits \$3 million from Supplemental Workforce Fund for Basic Skill to NJ Community College Consortium for Workforce and Economic Development
- ACS for A-3352/S-3504 (Kennedy, Stanley, Calabrese/Smith)** – Requires certain newly constructed warehouses to be solar-ready buildings

A-3897/S-3263 (Armato, Mazzeo, DiMaso/Beach, Gopal) – Increases fee for New Jersey Waterfowl Stamps

A-4138/S-2701 (Vainieri Huttle, Benson, Giblin/Gopal, Codey) – Requires Department of Human Services to develop public emergency response plan for licensed providers of services to individuals with developmental disabilities

A-4367/S-2794 (Mukherji, Sumter, Taliaferro/Pou, Scutari) – Provides that AOC shall administer program for municipal courts allowing defendants to engage in online plea negotiations, entry of guilty plea, and payment of fine or penalty

A-4484/S-3153 (McKnight, Kennedy, Mukherji, Gove/Pou, Vitale) – Requires State Long-Term Care Ombudsman to establish long-term care advocacy and educational training program

A-4538/S-3131 (Lampitt, Quijano/Pou, A.M. Bucco) – Requires dental insurers to provide credits for reduced usage during coronavirus disease 2019 pandemic

A-4544/S-3150 (Caputo, Jasey, Murphy/Pou, Codey) – Permits school nurse who is retired from TPAF to return to employment for up to two years without reenrollment in TPAF

A-4633/S-2856 (Giblin, DeCroce/Pou) – Permits certain nonresident Certified Public Accountants to provide attest services

A-4831/S-3953 (Chaparro, Kennedy, Murphy/Scutari) – Clarifies classification in this State of criminal offenses committed in other states or under federal law

A-4836/S-3313 (Giblin, Benson, Downey/Pou, Turner) – Establishes task force to evaluate quality, efficacy, costs, and educational outcomes of online courses offered by public and independent institutions of higher education and degree-granting proprietary institutions during COVID-19 pandemic

A-4861/S-3041 (Vainieri Huttle, Armato, Verrelli/Vitale, Gopal) – Requires DOH to publish total number of COVID-19 deaths and cases in long-term care facilities

A-4869/S-2414 (Wirths, Verrelli, Space/Singleton, Madden) – Requires certain bidders for prevailing wage public work to provide proof that prevailing wage will be paid

A-5059/S-3031 (Conaway, Vainieri Huttle, Benson/Sweeney, Vitale) – Requires DOH to establish certain nursing education and professional advancement programs

A-5212/S-3638 (Conaway, Verrelli, Karabinchak/Turner, Diegnan) – Permits dentists to administer vaccines under certain circumstances

A-5751/S-3823 (Swain, Timberlake, Carter, Johnson/Weinberg, Gopal) – Expands State corrections officers training to include topics contributing to their core mission of treating inmates with dignity, fairness, and respect

A-5817/S-3852 (Tully, Swain, Benson/Lagana, Diegnan) – Revises violation and fines for approving or assigning unauthorized individuals as school bus drivers

A-5818/S-3849 (Tully, Swain, Benson/Lagana, Diegnan) – Provides for debarment of school bus contractors for certain violations; requires certain information in pupil transportation contract bid

AJR-204/SJR-105 (Jasey, Benson, Reynolds-Jackson/Cunningham, T. Kean) – Designates April of each year as “Educational Opportunity Fund (EOF) Month” in New Jersey

AJR-238/SJR-123 (Burzichelli/Sweeney, Singleton) – Urges U.S. President and EPA to take appropriate action, through waivers and other reforms, to allow blending of renewable fuels under the federal “Clean Air Act”

Governor Murphy conditionally vetoed the following bills:

S-108/A-169 (Gill, Turner/Caputo, Wirths) – **CONDITIONAL** - Concerns speech rights of student journalists at public schools and public institutions of higher education

[Copy of Statement](#)

S-2078/A-5008 (Weinberg, Addiego/Lampitt, Benson, Vainieri Huttie) – CONDITIONAL - Establishes “Stillbirth Resource Center” and regional Fetal and Infant Mortality Review Committee, and programs for the prevention and reduction of incidences of stillbirth; expands list of professionals authorized to provide stillbirth-related care

[Copy of Statement](#)

S-2160/A-5701 (Sweeney, Oroho, Singer/Carter, Lampitt, Jasey) – CONDITIONAL - Creates special education unit within the Office of Administrative Law; requires annual report

[Copy of Statement](#)

S-2525/A-4274 (Rice, Singleton, Turner/Conaway, Sumter, Stanley) – CONDITIONAL - Expands powers and duties of State Chief Diversity Officer to promote diversity in State government and public contracting

[Copy of Statement](#)

S-2559/ACS for A-4179 and 4200 (Gopal, Gill/Downey, Conaway, Benson, Houghtaling, Karabinchak) – CONDITIONAL - Revises requirements for health insurance providers and Medicaid to cover services provided using telemedicine and telehealth; appropriates \$5 million

[Copy of Statement](#)

S-2834/A-5312 (Ruiz, Cunningham/Quijano, Lampitt, McKnight) – CONDITIONAL - Mandates training on culturally responsive teaching for all candidates for teaching certification

[Copy of Statement](#)

S-2953/A-4785 (Sweeney, Cunningham/Quijano, Verrelli, Mukherji) – CONDITIONAL - Expands scope of inmate reentry assistance and benefits

[Copy of Statement](#)

S-3238/A-5213 (Ruiz, Pou/Verrelli, McKnight, McKeon) – CONDITIONAL - Establishes New Jersey Easy Enrollment Health Insurance Program

[Copy of Statement](#)

S-3488/A-5537 (Sweeney, Gopal, O'Scanlon/Burzichelli, Dancer, Spearman) – CONDITIONAL - Modifies certain procedures pertaining to school district regionalization; establishes grant program for cost reimbursement of conducting regionalization feasibility studies; and provides financial incentives for regionalization

[Copy of Statement](#)

S-3867/A-5868 (Addiego, Singleton/Benson, Verrelli, Vainieri Huttie) – CONDITIONAL - Establishes Opioid Recovery and Remediation Fund and Opioid Recovery and Remediation Fund Advisory Council; provides for funds received from opioid settlements to support substance use disorder prevention and treatment programs

[Copy of Statement](#)

S-3955/A-5905 (Ruiz/Timberlake, Speight, Spearman) – CONDITIONAL - Establishes “Rental Assistance Navigation Program” in DCA; makes appropriation

[Copy of Statement](#)

A-1533/S-3321 (Spearman, Reynolds-Jackson, Schaer/Stack, Turner) – CONDITIONAL - Requires reservation of portion of tenant-based vouchers under State rental assistance program for persons displaced due to redevelopment of an affordable housing development; provides displaced persons with affordable housing priority status

[Copy of Statement](#)

A-2455/S-2204 (Benson, Vainieri Huttie, DeAngelo/Greenstein, Oroho) – CONDITIONAL - Establishes pilot program in DOE to support FIRST Robotics Programs in school districts

[Copy of Statement](#)

A-3062/S-1196 (Pintor Marin, Moen, Reynolds-Jackson/Pou, Cruz-Perez) – CONDITIONAL - Establishes three year Financial Empowerment Pilot Program

[Copy of Statement](#)

A-4002/S-2257 (Caputo, Dancer, Murphy/Gopal, Sarlo) – CONDITIONAL - Allows deduction of promotional gaming credit from gross revenue on sports wagering

[Copy of Statement](#)

A-4433/S-2715 (Greenwald, Mukherji, Lampitt/Beach, Corrado) – CONDITIONAL - Creates grant program to encourage school districts to partner with institutions of higher education in training school-based mental health services providers

[Copy of Statement](#)

A-4435/S-2717 (Verrelli, Greenwald, Speight, Lampitt/Beach, Corrado) – CONDITIONAL - Requires DCF to give priority to certain school districts with student mental health counseling centers in awarding grants under School Based Youth Services Program

[Copy of Statement](#)

A-4630/S-577 (Burzichelli/Madden, Singleton) – CONDITIONAL - Concerns labor harmony agreements in retail and distribution center projects

[Copy of Statement](#)

A-4746/S-3947 (Mosquera, Lopez, Chaparro, Dunn/Vitale, Turner) – CONDITIONAL - Requires that certain provider subsidy payments for child care services be based on enrollment

[Copy of Statement](#)

A-4834/S-3474 (Mazzeo, Quijano, Downey/Pou, Turner) – CONDITIONAL - Requires disclosure letter be included with mail falsely implying State government connection

[Copy of Statement](#)

A-4850/S-3095 (Karabinchak, Freiman, Calabrese, Greenwald/Diegnan) – CONDITIONAL - Establishes expedited construction inspection program

[Copy of Statement](#)

A-5033/S-3279 (Benson, Dancer, Verrelli/Gopal) – CONDITIONAL - Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions

[Copy of Statement](#)

A-5353/S-3421 (Conaway, Vainieri Huttie, Benson/Madden, Turner) – CONDITIONAL - Provides for certification of temporary nurse aides

[Copy of Statement](#)

A-5599/S-3916 (Chiaravalloti, Vainieri Huttie, McKnight/Scutari, Gill) – CONDITIONAL - Establishes order of protection for current or former judge; upgrades and clarifies harassment against current or former judge; bars firearms possession by persons against whom current or former judge order of protection is entered

[Copy of Statement](#)

A-5864/S-3939 (Speight, Pintor Marin, Chaparro, McKnight, DeAngelo, Bergen/Gopal, Cryan) – CONDITIONAL - Allows law enforcement officers to review body worn camera recordings prior to creating initial report

[Copy of Statement](#)

Governor Murphy absolute vetoed the following bills:

S-415/A-4685 (Turner/Quijano, Verrelli) – ABSOLUTE - Requires reentry assistance to be provided to certain inmates who have served their maximum sentence

[Copy of Statement](#)

S-969/ACS for A-2687 (Ruiz, Turner/Mazzeo, Lampitt, Moen) – CONDITIONAL - Establishes loan redemption program for teachers in certain fields to redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment in certain low performing schools

[Copy of Statement](#)

S-2261/A-4265 (Singleton/Conaway) – ABSOLUTE - Revises law relating to common interest communities

[Copy of Statement](#)

S-2347/A-4030 (Sweeney, Greenstein, T. Kean/Mukherji, Benson, Murphy) – ABSOLUTE - Establishes Employment and Business-Related Tax Deferral Assistance Program in EDA to allow small businesses to defer the payment and remittance of certain employment and business-related taxes during COVID-19 public health emergency

[Copy of Statement](#)

S-3093/A-4910 (Gopal, Sweeney, Singleton/Burzichelli, Johnson, Danielsen) – ABSOLUTE - Establishes county-based mitigation plan to allow businesses to operate during pandemic

[Copy of Statement](#)

S-3505/A-5371 (Scutari, Weinberg/Mukherji, Johnson, Quijano) – ABSOLUTE - Requires assignment of unemployment claims handlers to legislative districts and partisan offices during COVID-19 pandemic state of emergency; appropriates \$1.8 million

[Copy of Statement](#)

S-3868/A-5895 (Sarlo/Giblin) – ABSOLUTE - Concerns construction code enforcing agency fee revenue

[Copy of Statement](#)

A-2722/S-1862 (Mukherji/Gopal, Oroho) – ABSOLUTE - Requires Commissioner of Corrections to institute 30-minute shift overlap in State correctional facilities

[Copy of Statement](#)

A-4297/S-2631 (Houghtaling, Downey, Space/Gopal, Oroho) – ABSOLUTE - Permits conduct of bingos and raffles remotely; permits online sale of tickets for all bingos and raffles

[Copy of Statement](#)

A-5231/S-3806 (Lopez, Coughlin, Freiman/Vitale) – ABSOLUTE - Allows county or municipal governing body to enter into revenue sharing agreement for alcoholic beverage sales by concessionaire permit holder

[Copy of Statement](#)

