

2C:20-10

LEGISLATIVE HISTORY CHECKLIST
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(Joyriding--revise penalties)

NJSA: 2C:20-10

LAWS OF: 1993 **CHAPTER:** 134

BILL NO: S1207

SPONSOR(S) Bubba and Rice

DATE INTRODUCED: October 5, 1992

COMMITTEE: **ASSEMBLY:** Judiciary
SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** May 13, 1993
SENATE: October 19, 1992

DATE OF APPROVAL: June 3, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

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

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: Yes

(over)

974.90 New Jersey. Legislature. Senate. Judiciary Committee.
J97 Public hearing on "juvenile auto theft," held 9-23-92.
1992 Bloomfield, NJ 1992.

974.90 New Jersey. Legislature. Assembly. Task Force on Auto Theft.
J97 Public hearing on auto theft held 12-8-92, 12-15-92,
1992a 1-6-93, Livingston, Newark, Bloomfield, NJ, 1992-1993.

See newspaper clipping--attached

KBG:pp

1 AN ACT concerning the penalties for the unlawful taking of a
2 motor vehicle and amending N.J.S.2C:20-10.

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

6 1. N.J.S.2C:20-10 is amended to read as follows:

7 2C:20-10. Unlawful Taking of Means of Conveyance

8 a. A person commits a disorderly persons offense if, with
9 purpose to withhold temporarily from the owner, he takes,
10 operates, or exercises control over any means of conveyance,
11 other than a motor vehicle, without consent of the owner or other
12 person authorized to give consent. "Means of conveyance"
13 includes but is not limited to motor vehicles, [motorcycles,
14 motorbikes,] bicycles, motorized bicycles, boats, horses, vessels,
15 surfboards, rafts, skimobiles, airplanes, trains, trams and trailers.
16 It is an affirmative defense to prosecution under subsections a.,
17 b. and c. of this section that the actor reasonably believed that
18 the owner or any other person authorized to give consent would
19 have consented to the operation had he known of it.

20 b. A person commits a crime of the fourth degree if, with
21 purpose to withhold temporarily from the owner, he takes,
22 operates or exercises control over a motor vehicle without the
23 consent of the owner or other person authorized to give consent.

24 c. A person commits a crime of the third degree if, with
25 purpose to withhold temporarily from the owner, he takes,
26 operates or exercises control over a motor vehicle without the
27 consent of the owner or other person authorized to give consent
28 and operates the motor vehicle in a manner that creates a risk of
29 injury to any person or a risk of damage to property.

30 [b.] d. A person commits a [petty disorderly persons offense if
31 he knowingly rides in a vehicle described in subsection a. which at
32 the time he entered he knew or had been informed that it had
33 been taken, or was being operated or controlled in violation of
34 subsection a] crime of the fourth degree if he enters and rides in
35 a motor vehicle knowing that the motor vehicle has been taken or
36 is being operated without the consent of the owner or other
37 person authorized to consent.

38 (cf: P.L.1979, c.178, s.35A)

39 2. This act shall take effect immediately.

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STATEMENT

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43 Presently, the unlawful taking of any conveyance including a
44 motor vehicle without the permission of the owner is punishable
45 as a disorderly persons offense. This bill would classify
46 "joyriding" when a motor vehicle is involved as a crime of the
47 fourth degree. If the unlawfully taken motor vehicle is operated
48 in a manner which creates a risk of injury or property damage,
49 the bill would grade "joyriding" as a crime of the third degree.

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 **The bill would also provide that a person commits a crime of**
2 **the fourth degree if the person rides in motor vehicle which he**
3 **knows to be taken without permission. This offense is presently**
4 **graded as a petty disorderly person offense.**

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9 **Upgrades penalties for offenses involving the unlawful taking of**
10 **motor vehicles.**

STATEMENT

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Presently, the unlawful taking of any conveyance including a motor vehicle without the permission of the owner is punishable as a disorderly persons offense. This bill would classify "joyriding" when a motor vehicle is involved as a crime of the fourth degree. If the unlawfully taken motor vehicle is operated in a manner which creates a risk of injury or property damage, the bill would grade "joyriding" as a crime of the third degree.

The bill would also provide that a person commits a crime of the fourth degree if the person rides in motor vehicle which he knows to be taken without permission. This offense is presently graded as a petty disorderly person offense.

Upgrades penalties for offenses involving the unlawful taking of motor vehicles.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

SENATE, No. 1207

STATE OF NEW JERSEY

DATED: APRIL 5, 1993

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 1207.

This bill amends N.J.S.2C:20-10. Presently, the unlawful taking of any conveyance including a motor vehicle without the permission of the owner is punishable as a disorderly persons offense. This bill would classify "joyriding" when a motor vehicle is involved as a crime of the fourth degree. If the unlawfully taken motor vehicle is operated in a manner which creates a risk of injury or property damage, the bill would grade "joyriding" as a crime of the third degree.

The bill would also provide that a person commits a crime of the fourth degree if the person rides in motor vehicle which he knows to be taken without permission. This offense is presently graded as a petty disorderly persons offense.

This bill is identical to Assembly Bill No. 47.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1207

STATE OF NEW JERSEY

DATED: OCTOBER 8, 1992

The Senate Judiciary Committee reports favorably Senate Bill No. 1207.

Presently, the unlawful taking of any conveyance including a motor vehicle without the permission of the owner is punishable as a disorderly persons offense. This bill would classify "joyriding" when a motor vehicle is involved as a crime of the fourth degree. If the unlawfully taken motor vehicle is operated in a manner which creates a risk of injury or property damage, the bill would grade "joyriding" as a crime of the third degree.

The bill would also provide that a person commits a crime of the fourth degree if the person rides in motor vehicle which he knows to be taken without permission. This offense is presently graded as a petty disorderly person offense.



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

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Release: Thursday
June 3, 1993

GOVERNOR SIGNS LAWS GIVING POLICE NEW WEAPONS AGAINST CAR THEFT

PLAINFIELD -- Giving police new weapons in the fight to keep New Jersey safe and secure, Governor Jim Florio today signed into law a comprehensive plan aimed at cracking down on car theft through tougher penalties aimed at both adults and juveniles. The legislation was developed by Attorney General Robert Del Tufo at the Governor's request following a rash of car theft incidents last summer.

"Car theft isn't a game. It's a reckless and increasingly violent crime. People who steal cars need to know that there's a steep price to pay even if they are juveniles," said Governor Florio, as he signed the four-bill package at the Plainfield Police Department. "These bills give police four powerful new weapons in their efforts to create a safe and secure New Jersey."

"We're sending a message to car thieves: from now on, if you do the crime, you do the time even if you're a first-time offender," he said.

The comprehensive plan

- *increases penalties for crimes involving motor vehicle thefts.*
- *establishes mandatory penalties for juveniles involved in motor vehicle-related crimes.*
- *provides extended prison terms for persons who use stolen vehicles to commit certain crimes.*
- *imposes jail terms for repeat offenders convicted of vehicle-related offenses.*

Under the new laws, parents who neglect to exercise reasonable supervision and control over a child who commits car theft may be ordered to pay restitution to car theft victims.

"The signing of these bills today is the culmination of the most comprehensive and effective law enforcement program in recent memory," said Frederick DeVesa, First Assistant Attorney General. "Punishment for car theft will be more certain. Jail terms for

repeat offenders will be the rule rather than the exception, and jail terms for first offenders will be a strong possibility."

The legislative component signed today is only one piece of the comprehensive plan developed by the state. The plan was developed following a meeting of Governor Florio, Attorney General Del Tufo, state officials and Essex and Union county law enforcement, government and community leaders in Newark last September.

Other components of the plan include:

- partnering state troopers, vehicles, computers and other equipment to an already-successful auto theft task force in Union and Essex counties.
- developing a special unit in the Essex County Prosecutor's office to deal exclusively with auto theft cases.
- increased state and local police patrols at shopping malls statewide.
- a statewide public information campaign to alert the public on tips to avoid carjacking and car theft.

The state's efforts to combat car theft have contributed to a decrease in auto thefts across the state. In Union and Essex Counties where the problem of car theft is most severe, car theft rates have decreased 20 percent and 5 percent respectively from 1991 to 1992.

"We're taking the joy out of joyriding. We know from experience that tough measures work," said Governor Florio. "These new laws help us continue our efforts to put the brakes on crime and car theft, and to get the thugs who commit these crimes out of the headlines and into jail."

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CAR THEFT CRIME PACKAGE FACT SHEET

- **INCREASED PENALTIES FOR CRIMES INVOLVING MOTOR VEHICLE THEFTS**

Previously, joyriding was punishable as a disorderly persons offense with jail terms of up to six months and a \$1,000 fine. Under the new law, "joyriding" is classified as a fourth degree crime. If the stolen vehicle is also operated in a way that creates a risk of injury or property damage, the crime would be upgraded to third degree, carrying a penalty of three to five years in jail and a maximum \$7,500 fine. The penalty for a fourth-degree crime is 18 months in prison and a maximum \$7,500 fine.

For both third and fourth-degree offenses, there is a presumption against incarceration for first-time offenders. Under another law signed by the Governor as part of the package, the presumption against incarceration would be eliminated in cases involving joyriding that creates a risk of injury and auto theft. The new law also permits occupants who knowingly ride in a stolen vehicle to be charged with a fourth-degree crime. The offense was previously graded as a petty disorderly persons offense.

S 1207/A 47; sponsored by Senators Joe Bubba and Ronald Rice, and Assemblypersons Marion Crecco and John Hartmann.

- **ESTABLISHES MANDATORY PENALTIES FOR JUVENILES INVOLVED IN MOTOR VEHICLE-RELATED CRIMES**

Under previous law, penalties for juveniles were within the discretion of the court. The new law sets the following mandatory penalties for juveniles who commit certain motor vehicle-related offenses:

- Minimum 60 days incarceration for any juvenile guilty of aggravated assault who causes injury as the result of joyriding or eluding police, or for eluding if the offense creates a risk of injury, or for motor vehicle theft by a repeat offender.
- Minimum 30 days incarceration for repeated offenders guilty of joyriding or for eluding police which does not create a risk of injury.
- Sixty days mandatory community service, or a term of incarceration, for first offenders guilty of motor vehicle theft, for joyriding which creates a risk of injury or for eluding which does not create a risk of injury.
- Thirty days mandatory community service or some term of incarceration for joyriding which does not create a risk of injury.

Parents who neglect to exercise reasonable supervision and control over a child who commits car theft may be ordered to pay restitution to car theft victims.

S 1206/A 46/314: sponsored by Senators Louis Bassano and Randy Corman, and Assemblypersons Paul DiGaetano, John Kelly and Marion Crecco.

- ***INCREASED JAIL TIME FOR PERSONS WHO USE STOLEN VEHICLES TO COMMIT CERTAIN CRIMES***

The new law authorizes prosecutors to seek an extended term of imprisonment for persons who use stolen vehicles to commit certain crimes, such as robbery, aggravated assault, manslaughter eluding the police, sexual assault, kidnapping, burglary, escape and drug distribution.

An extended term means a longer sentence. For example, if a person committed a burglary and used a stolen car to leave the scene, the court could, at the prosecutor's request, sentence the defendant to between five and ten years in prison, even though the sentence for burglary is ordinarily between three to five years. The defendant could also be tried and punished for the actual theft of the vehicle as well.

S 1090/A 1719/1841; sponsored by Senators Joe Bubba and Ronald Rice, and Assemblypersons Marion Crecco, Maureen Ogden and Monroe Jay Lustbader.

- ***REQUIRES JAIL TERMS FOR REPEAT OFFENDERS CONVICTED OF VEHICLE-RELATED OFFENSES***

In order to make the punishment for auto theft more certain, this law establishes a presumption of incarceration for repeat offenders who have been previously convicted of motor vehicle theft or joyriding. Under previous law, there was no presumption of incarceration no matter how many cars a person stole.

S 1208/A 48; sponsored by Senators Louis Kosco and Jack Sinagra, and Assemblyman Monroe Jay Lustbader.