

2C:20-18

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 2C:20-18

(Auto theft--
leader--crime)

LAWS OF: 1991

CHAPTER: 82

Bill No: A2966

Sponsor(s): Cohen, Deverin & Hudak

Date Introduced: February 8, 1990

Committee: Assembly: Judiciary

Senate: Judiciary

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: January 8, 1991

Senate: March 14, 1991

Date of Approval: April 2, 1991

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: No

See newspaper clippings--attached:

KBG/SLJ

[FIRST REPRINT]
ASSEMBLY, No. 2966

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1990

By Assemblymen COHEN, DEVERIN and Hudak

1 AN ACT creating the offense of leader of auto theft trafficking
2 network and supplementing Title 2C of the New Jersey
3 Statutes.

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

7 1. A person is a leader of an auto theft trafficking network if
8 he conspires with others as an organizer, supervisor, financier or
9 manager, to engage for profit in a scheme or course of conduct to
10 unlawfully take, dispose of, distribute, bring into or transport in
11 this State automobiles as stolen property. Leader of auto theft
12 trafficking network is a crime of the second degree ¹[and upon
13 conviction thereof a person shall be sentenced to a term of 15
14 years imprisonment during which the person shall serve seven
15 years before being eligible for parole]¹. Notwithstanding the
16 provisions of subsection a. of N.J.S.2C:43-3, the court may
17 impose a fine not to exceed \$250,000.00 or five times the retail
18 value of the automobiles seized at the time of the arrest,
19 whichever is greater.

20 Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of
21 leader of auto theft trafficking network shall not merge with the
22 conviction for any offense which is the object of the conspiracy.
23 Nothing contained in this act shall prohibit the court from
24 imposing an extended term pursuant to N.J.S.2C:43-7; nor shall
25 this act be construed in any way to preclude or limit the
26 prosecution or conviction of any person for conspiracy under
27 N.J.S.2C:5-2, or any prosecution or conviction for any other
28 offense.

29 It shall not be necessary in any prosecution under this act for
30 the State to prove that any intended profit was actually realized.
31 The trier of fact may infer that a particular scheme or course of
32 conduct was undertaken for profit from all of the attending
33 circumstances, including but not limited to the number of persons
34 involved in the scheme or course of conduct, the actor's net
35 worth and his expenditures in relation to his legitimate sources of
36 income, the number of automobiles involved, or the amount of
37 cash or currency involved.

38 It shall not be a defense to a prosecution under this act that
39 the automobile was brought into or transported in this State

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJL committee amendments adopted October 29, 1990.

1 solely for ultimate distribution in another jurisdiction; nor shall it
2 be a defense that any profit was intended to be made in another
3 jurisdiction.

4 2. This act shall take effect immediately.

5

6

7 CRIMINAL JUSTICE

8

9 Creates offense of leader of auto theft trafficking network.

ASSEMBLY, No. 2966
STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1990

By Assemblymen COHEN, DEVERIN and Hudak

1 AN ACT creating the offense of leader of auto theft trafficking
2 network and supplementing Title 2C of the New Jersey
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5 BE IT ENACTED *by the Senate and General Assembly of the*
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7 1. A person is a leader of an auto theft trafficking network if
8 he conspires with others as an organizer, supervisor, financier or
9 manager, to engage for profit in a scheme or course of conduct to
10 unlawfully take, dispose of, distribute, bring into or transport in
11 this State automobiles as stolen property. Leader of auto theft
12 trafficking network is a crime of the second degree and upon
13 conviction thereof a person shall be sentenced to a term of 15
14 years imprisonment during which the person shall serve seven
15 years before being eligible for parole. Notwithstanding the
16 provisions of subsection a. of N.J.S.2C:43-3, the court may
17 impose a fine not to exceed \$250,000.00 or five times the retail
18 value of the automobiles seized at the time of the arrest,
19 whichever is greater.

20 Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of
21 leader of auto theft trafficking network shall not merge with the
22 conviction for any offense which is the object of the conspiracy.
23 Nothing contained in this act shall prohibit the court from
24 imposing an extended term pursuant to N.J.S.2C:43-7; nor shall
25 this act be construed in any way to preclude or limit the
26 prosecution or conviction of any person for conspiracy under
27 N.J.S.2C:5-2, or any prosecution or conviction for any other
28 offense.

29 It shall not be necessary in any prosecution under this act for
30 the State to prove that any intended profit was actually realized.
31 The trier of fact may infer that a particular scheme or course of
32 conduct was undertaken for profit from all of the attending
33 circumstances, including but not limited to the number of persons
34 involved in the scheme or course of conduct, the actor's net
35 worth and his expenditures in relation to his legitimate sources of
36 income, the number of automobiles involved, or the amount of
37 cash or currency involved.

38 It shall not be a defense to a prosecution under this act that
39 the automobile was brought into or transported in this State
40 solely for ultimate distribution in another jurisdiction; nor shall it
41 be a defense that any profit was intended to be made in another
42 jurisdiction.

43 2. This act shall take effect immediately.

STATEMENT

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This bill creates the offense of leader of auto theft trafficking network. It provides that a person who heads an organized effort to sell, distribute, or dispose of stolen automobiles is guilty of a crime of the second degree. Theft of auto is a crime of the third degree under ordinary circumstances. This bill provides that a person convicted of this second degree crime must be sentenced to a term of 15 years and must serve at least seven years before being eligible for parole. It also permits the court to impose a fine which is higher than the ordinary maximum fine of \$100,000 for a second degree crime. This higher fine may be \$250,000 or more depending on the number and value of the automobiles seized. A prosecution or conviction under this act shall not preclude any other applicable criminal charges against the leader of auto theft trafficking network. This bill is patterned after the leader of narcotics trafficking network at N.J.S.A.2C:35-3.

Auto theft has been named as the second fastest growing crime in New Jersey according to an article appearing March 13, 1988 in the "Star-Ledger". The National Automobile Theft Bureau has ranked New Jersey as 7th in the 50 states in actual numbers of stolen cars but 3rd in the number of cars stolen per 100,000 population.

CRIMINAL JUSTICE

Creates offense of leader of auto theft trafficking network.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2966

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 29, 1990

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2966.

This bill would create the offense of "leader of an auto theft trafficking network." A person would be guilty of this offense if the person participates as an organizer, supervisor, financier or manager of an operation designed to sell, distribute or dispose of stolen automobiles.

Under the provisions of the bill, "leader of an auto theft trafficking network" would be graded as a crime of the second degree. The bill originally provided that a person convicted of that offense would be sentenced to a term of 15 years imprisonment of which seven years would have to be served before eligibility for parole. The committee amendments delete this provision. Crimes of the second degree are generally punishable by between five and 10 years imprisonment, a fine of up to \$100,000 or both. The bill also authorizes the imposition of a fine not to exceed \$250,000 or five times the retail value of the autos seized at the time of arrest.

The bill provides that a conviction for leader of auto theft trafficking network shall not merge with any other offense which is the object of the conspiracy.

The bill makes other provisions related to proof and defenses.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 2966

STATE OF NEW JERSEY

DATED: JANUARY 31, 1991

The Senate Judiciary Committee reports favorably Assembly Bill No. 2966(1R).

This bill would create the offense of the "leader of an auto theft trafficking network." A person would be guilty of this offense if the person participates as an organizer, supervisor, financier or manager of an operation designed to sell, distribute or dispose of stolen automobiles.

Under the bill's provisions, "leader of an auto theft trafficking network" would be graded as a crime of the second degree. Crimes of the second degree are generally punishable by between five and 10 years imprisonment, a fine of up to \$100,000 or both. The bill would authorize the imposition of a fine not to exceed \$250,000 or five times the retail value of the autos seized at the time of arrest.

The bill also provides that a conviction for leader of auto theft trafficking network shall not merge with any other offense which is the object of the conspiracy.

In addition, the bill provides that in order to sustain a conviction for this crime, the prosecutor need not prove that profit was actually realized from the auto theft operation and that it shall not be a defense that automobiles were brought into New Jersey solely for distribution in another jurisdiction.

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
Contact:

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TRENTON, N.J. 08625
Release:

Tuesday
April 2, 1991

GOVERNOR FLORIO SIGNS PACKAGE AIMED AT TOUGHER LAWS, PENALTIES FOR CAR THEFTS

Car thieves will now face stiffer penalties and tougher laws in New Jersey -- a state ranked third highest in the number of car thefts -- under a package of legislation signed by Governor Jim Florio today.

"Yesterday we kept our promise to the drivers of New Jersey. The JUA surcharge is history and every car owner in this state is saving money. Today we're keeping a promise to another group of people: those who make a living stealing cars or cheating the insurance companies and honest drivers of this state," said Governor Florio. "The promise is we will catch you and you will go to jail."

"As you can see, this is one of the leading entry points for new cars," said the Governor, at a press conference at Port Elizabeth. "It's time our streets stopped being one of the leading points of exit for stolen cars. The bills I'm signing today will toughen our already tough efforts to fight auto theft and fraud."

The four bills will:

- Increase penalties for auto theft.
(A 2967/A 496/S 1925/S 812; Sponsored by Assemblymen Cohen, Deverin and Gill/Senators Lesniak and Rice)

Auto theft is currently a third degree crime, subject to 3-5 years of imprisonment and fines of up to \$7,500. Under the new law, additional penalties will be assessed of up to an additional \$1,000 and a 10-year license suspension for third-time offenders. The law also provides that Prosecutors can apply to have cases of auto theft by a juvenile waived from Family Court to adult court.

- **Creates the offense of employing a juvenile for auto theft**
(A 764/S 1294/S 1429; Sponsored by Assemblymen Duch and Gill/Senators Lesniak and Bassano)

Under this law, anyone over age 18 who knowingly uses, directs or hires someone 17 or younger to commit auto theft will be guilty of a second-degree crime. The standard penalty for a second degree crime is a prison term of 5-10 years and a fine of up to \$100,000.

- **Creates a new criminal offense of operating a facility for stolen parts**
(S 1926/A 4482; Senator Lesniak/Assemblymen Deverin and Cohen)

This law creates a new criminal offense for operating a "chop shop", which is a facility for remodeling, repainting or separating stolen auto parts. The new offense is a second degree crime, subject to 5-10 years imprisonment and up to \$100,000 in fines. Under current law, a person operating a "chop shop" would generally only be convicted of possession of stolen property, which is a third degree.

- **Creates a new criminal offense of a leader of an auto theft trafficking network**
(A 2996/S 778; Sponsored Assemblymen Cohen and Deverin/Senator Bubba)

This law creates a new offense of being a leader of an auto theft network. This bill is modeled on the federal "Drug Kingpin" statute. The offender must be found to have conspired with others as an organizer or manager of a scheme to unlawfully take or transport automobiles for profit. This crime is a second degree crime, subject to 5-10 years in prison or up to \$100,000 in fines. In addition, the court may impose a fine of up to \$250,000 or five times the value of the cars seized at the time of arrest.

Governor Florio cited a number of steps the state has taken under the state's new car insurance law -- Fair Auto Insurance Reform (F.A.I.R.). These steps include requiring all car insurance companies to submit anti-fraud plans, a photo inspection system to fight fraud and a car theft hotline.

"With these new laws and measures in F.A.I.R., we're shifting into high gear in the fight against theft and fraud, The result: the unfortunate trend in New Jersey towards more theft and fraud will go into reverse," said Governor Florio. "That's what the people of New Jersey demand and deserve. Car theft and jail. Perfect together."

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