

2C:20-2.1

LEGISLATIVE HISTORY CHECKLIST  
Compiled by the NJ State Law Library

NJSA: 2C:20-2.1

(Auto theft--  
increase  
penalties)

LAWS OF: 1991

CHAPTER: 83

Bill No: A2967/A496

Sponsor(s): Cohen

Date Introduced: February 8, 1991

Committee: Assembly: Judiciary, Law

Senate: Judiciary

Amended during passage: Yes Assembly Committee Substitute  
(1R) enacted

Date of Passage: Assembly: January 8, 1991

Senate: March 4, 1981

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

KBG/SLJ

DEPOSITORY COPY  
Do Not Remove From Library



[FIRST REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 2967 and 496

STATE OF NEW JERSEY

ADOPTED OCTOBER 29, 1990

Sponsored by Assemblymen COHEN, DEVERIN, GILL and DUCH

1 AN ACT concerning automobile theft, amending P.L.1982, c.77  
2 and supplementing Title 2C of the New Jersey Statutes.

3

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

6 1. (New section) a. In addition to any other disposition  
7 authorized by law, a person convicted under the provisions of  
8 N.J.S.2C:20-2 of theft of an automobile shall be subject:

9 (1) For the first offense, to a penalty of \$500.00 and to the  
10 <sup>1</sup>[loss of the person's right] suspension or postponement of the  
11 person's license<sup>1</sup> to operate a motor vehicle over the highways of  
12 this State for a period of one year.

13 (2) For a second offense, to a penalty of \$750.00 and to the  
14 <sup>1</sup>[loss of the person's right] suspension or postponement of the  
15 person's license<sup>1</sup> to operate a motor vehicle over the highways of  
16 this State for a period of two years.

17 (3) For a third or subsequent offense, to a penalty of  
18 \$1,000.00, and to the <sup>1</sup>[loss of the person's right] suspension or  
19 postponement of the person's license<sup>1</sup> to operate a motor vehicle  
20 over the highways of this State for 10 years.

21 <sup>1</sup>b. The suspension or postponement of the person's license to  
22 operate a motor vehicle pursuant to subsection a. of this section  
23 shall commence on the day the sentence is imposed. In the case  
24 of any person who at the time of the imposition of sentence is  
25 less than 17 years of age, the period of the suspension of driving  
26 privileges authorized herein, including a suspension of the  
27 privilege of operating a motorized bicycle, shall commence on  
28 the day the sentence is imposed and shall run for a period as fixed  
29 by the court of one year for a first offense, two years for a  
30 second offense or 10 years for a third offense calculated from the  
31 day after the day the person reaches the age of 17 years. If the  
32 driving privilege of any person is under revocation, suspension, or  
33 postponement for a violation of any provision of this Title or  
34 Title 39 of the Revised Statutes at the time of any conviction or  
35 adjudication of delinquency for a violation of any offense defined  
36 in this chapter or chapter 36 of this Title, the revocation,  
37 suspension, or postponement period imposed herein shall  
38 commence as of the date of termination of the existing  
39 revocation, suspension, or postponement.

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:

<sup>1</sup> Senate SJU committee amendments adopted January 31, 1991.

1        Upon conviction the court shall collect forthwith the New  
2 Jersey driver's licenses of the person and forward such license or  
3 licenses to the Director of the division of Motor Vehicles along  
4 with a report indicating the first and last day of the suspension or  
5 postponement period imposed by the court pursuant to this  
6 section. If the court is for any reason unable to collect the  
7 license or licenses of the person, the court shall cause a report of  
8 the conviction or adjudication of delinquency to be filed with the  
9 Director. That report shall include the complete name, address,  
10 date of birth, eye color, and sex of the person and shall indicate  
11 the first and last day of the suspension or postponement period  
12 imposed by the court pursuant to this section. The court shall  
13 inform the person orally and in writing that if the person is  
14 convicted of personally operating a motor vehicle during the  
15 period of license suspension or postponement imposed pursuant to  
16 this section the person shall, upon conviction, be subject to the  
17 penalties set forth in R.S.39:3-40. A person shall be required to  
18 acknowledge receipt of the written notice in writing. Failure to  
19 receive a written notice or failure to acknowledge in writing the  
20 receipt of a written notice shall not be a defense to a subsequent  
21 charge of a violation of R.S.39:3-40. If the person is the holder  
22 of a driver's license from another jurisdiction, the court shall not  
23 collect the license but shall notify the Director who shall notify  
24 the appropriate officials in the licensing jurisdiction. The court  
25 shall, however, in accordance with the provisions of this section,  
26 revoke the person's non-resident driving privileges in this State.<sup>1</sup>

27        <sup>1</sup>[b.] c.<sup>1</sup> All penalties provided for in this section shall be  
28 collected as provided for the collection of fines and restitutions  
29 in section 3 of P.L.1979, c.396 (C.2C:46-4), and shall be <sup>1</sup>[divided  
30 among the law enforcement entities located in the municipality  
31 and county in which the crime occurred, to be utilized by the  
32 entities for law enforcement activities relating to automobile  
33 theft] distributed in accordance with the provisions of section 1  
34 of P.L.1986, c.135 (C.2C:64-6) as if the collected monies were  
35 the proceeds of property forfeited pursuant to the provisions of  
36 chapter 64. However, the distributed monies are to be used for  
37 law enforcement activities related to auto theft.<sup>1</sup>

38        2. (New section) Notwithstanding the provisions of  
39 N.J.S.2C:43-3, if the fair market value of the automobile and its  
40 contents at the time it was stolen exceeds \$7,500.00 and the  
41 automobile is not recovered, the court may sentence the  
42 defendant to pay a fine for that higher amount.

43        3. Section 7 of P.L.1982, c.77 (C.2A:4A-26) is amended to read  
44 as follows:

45        7. Referral to another court without juvenile's consent.

46        a. On motion of the prosecutor, the court shall, without the  
47 consent of the juvenile, waive jurisdiction over a case and refer  
48 that case from the family court to the appropriate court and

1 prosecuting authority having jurisdiction if it finds, after hearing,  
2 that:

3 (1) The juvenile was 14 years of age or older at the time of the  
4 charged delinquent act; and

5 (2) There is probable cause to believe that the juvenile  
6 committed a delinquent act or acts which if committed by an  
7 adult would constitute:

8 (a) Criminal homicide other than death by auto, strict liability  
9 for drug induced deaths, pursuant to N.J.S.2C:35-9, robbery  
10 which would constitute a crime of the first degree, aggravated  
11 sexual assault, sexual assault, aggravated assault which would  
12 constitute a crime of the second degree, kidnapping or  
13 aggravated arson; or

14 (b) A crime committed at a time when the juvenile had  
15 previously been adjudicated delinquent, or convicted, on the basis  
16 of any of the offenses enumerated in subsection a. (2) (a); or

17 (c) A crime committed at a time when the juvenile had  
18 previously been sentenced and confined in an adult penal  
19 institution; or

20 (d) An offense against a person committed in an aggressive,  
21 violent and willful manner, other than an offense enumerated in  
22 subsection a. (2) of this section, or the unlawful possession of a  
23 firearm, destructive device or other prohibited weapon, or arson;  
24 or

25 (e) A violation of N.J.S.2C:35-3, N.J.S.2C:35-4, or  
26 N.J.S.2C:35-5; or

27 (f) Crimes which are a part of a continuing criminal activity in  
28 concert with two or more persons and the circumstances of the  
29 crimes show the juvenile has knowingly devoted himself to  
30 criminal activity as a source of livelihood; or

31 (g) An attempt or conspiracy to commit any of the acts  
32 enumerated in paragraph (a), (d) or (e) of this subsection; [and] or

33 (h) Theft of an automobile pursuant to chapter 20 of Title 2C  
34 of the New Jersey Statutes; and

35 (3) Except with respect to any of the acts enumerated in  
36 subsection a. (2) (a) of this section, or with respect to any acts  
37 enumerated in subparagraph (e) of paragraph (2) of subsection a.  
38 of this section which involve the distribution for pecuniary gain  
39 of any controlled dangerous substance or controlled substance  
40 analog while on any property used for school purposes which is  
41 owned by any school or school board, or within 1,000 feet of any  
42 school property or while on any school bus, or any attempt or  
43 conspiracy to commit any of those acts, the State has shown that  
44 the nature and circumstances of the charge or the prior record  
45 of the juvenile are sufficiently serious that the interests of the  
46 public require waiver.

47 However, if in any case the juvenile can show that the  
48 probability of his rehabilitation by the use of the procedures,

1 services and facilities available to the court prior to the juvenile  
2 reaching the age of 19 substantially outweighs the reasons for  
3 waiver, waiver shall not be granted.

4 b. In every case where there is a motion seeking waiver, the  
5 prosecutor shall within a reasonable time thereafter file a  
6 statement with the Attorney General setting forth the basis for  
7 the motion. In addition, the court shall, in writing, state its  
8 reasons for granting or denying the waiver motion. The Attorney  
9 General shall compile this information and report its findings to  
10 the Legislature 18 months after the effective date of this act  
11 with the objective of developing, where appropriate, guidelines as  
12 to the waiver of juveniles from the family court.

13 c. An order referring a case shall incorporate therein not only  
14 the alleged act or acts upon which the referral is premised, but  
15 also all other delinquent acts arising out of or related to the same  
16 transaction.

17 d. A motion seeking waiver shall be filed by the prosecutor  
18 within 30 days of receipt of the complaint. This time limit shall  
19 not, except for good cause shown, be extended.

20 (cf: P.L.1987, c.106, s.23)

21 4. This act shall take effect immediately.

22

23

24 CRIMINAL JUSTICE

25

26 Increases penalties for automobile theft; permits juveniles to be  
27 tried as adults when charged with automobile theft.

44  
45  
46  
47  
48

*Sponsor* STATEMENT *to* A496(1990)

This bill restructures the provision concerning the third degree crime of theft of auto. The bill amends N.J.S.A.2C:20-2

1 concerning gradation of theft offenses to remove the provision  
2 that theft of auto is a crime of the third degree. The bill does  
3 not change that gradation but does require that a person  
4 convicted of theft of auto serve a mandatory minimum term of  
5 imprisonment. That term shall be set at or between one-third  
6 and one-half of the sentence imposed. A third degree crime may  
7 receive a sentence of three to five years. Thus, at a minimum a  
8 defendant convicted would serve at least a year in prison  
9 (one-third of three years).

10 The bill also permits the court to impose a higher fine if the  
11 situation warrants it. The fine for third degree crimes is  
12 \$7,500.00. Many luxury automobiles are valued in excess of  
13 \$20,000.00. This bill permits the court to fine the defendant for  
14 the fair market value of the automobile at the time it is stolen.  
15 Thus, theft of a brand new car worth \$25,000.00 which is not  
16 recovered may result in a fine of that amount being assessed.  
17

25  
26  
27

*Sponsor* STATEMENT *to* A2967(1990)

28 This bill would increase the penalties imposed on a person  
29 convicted of automobile theft. Currently, auto theft is a crime  
30 of the third degree, which is punishable by term of imprisonment  
31 of three to five years or a fine of up to \$7,500, or both. In  
32 addition to these penalties, this bill would require the imposition  
33 of additional monetary penalties and a period of driver's license  
34 suspension.

35 A first offender would be subject to a penalty of \$500.00 and a  
36 one-year license suspension; a second offender to a penalty of  
37 \$750.00 and a two-year suspension, and a third offender to a  
38 \$1,000.00 penalty and a 10-year suspension. The penalties  
39 collected under the bill would be divided among the law  
40 enforcement entities located in the municipality and county in  
41 which the crime occurred, to be used by the entities for law  
42 enforcement activities relating to automobile theft.

ASSEMBLY, No. 496

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel  
PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblymen GILL and DUCH

1 AN ACT concerning theft of automobiles, amending  
2 N.J.S.2C:20-2 and supplementing chapter 20 of Title 2C of the  
3 New Jersey Statutes.

4

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

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

8 2C:20-2. Consolidation of Theft Offenses; Grading; Provisions  
9 Applicable to Theft Generally. a. Consolidation of Theft  
10 Offenses. Conduct denominated theft in this chapter constitutes  
11 a single offense, but each episode or transaction may be the  
12 subject of a separate prosecution and conviction. A charge of  
13 theft may be supported by evidence that it was committed in any  
14 manner that would be theft under this chapter, notwithstanding  
15 the specification of a different manner in the indictment or  
16 accusation, subject only to the power of the court to ensure fair  
17 trial by granting a bill of particulars, discovery, a continuance, or  
18 other appropriate relief where the conduct of the defense would  
19 be prejudiced by lack of fair notice or by surprise.

20 b. Grading of theft offenses.

21 (1) Theft constitutes a crime of the second degree if:

22 (a) The amount involved is \$75,000.00 or more;

23 (b) The property is taken by extortion; or

24 (c) The property stolen is a controlled dangerous substance or  
25 controlled substance analog as defined in N.J.S.2C:35-2 and the  
26 quantity is in excess of one kilogram.

27 (2) Theft constitutes a crime of the third degree if:

28 (a) The amount involved exceeds \$500.00 but is less than  
29 \$75,000.00;

30 (b) The property stolen is a firearm, [automobile,] boat, horse  
31 or airplane;

32 (c) The property stolen is a controlled dangerous substance or  
33 controlled substance analog as defined in N.J.S.2C:35-2 and the  
34 amount involved is less than \$75,000.00 or is undetermined and  
35 the quantity is one kilogram or less;

36 (d) It is from the person of the victim;

37 (e) It is in breach of an obligation by a person in his capacity  
38 as a fiduciary;

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 (f) It is by threat not amounting to extortion; or

2 (g) It is of a public record, writing or instrument kept, filed or  
3 deposited according to law with or in the keeping of any public  
4 office or public servant.

5 (3) Theft constitutes a crime of the fourth degree if the  
6 amount involved is at least \$200.00 but does not exceed \$500.00.  
7 If the amount involved was less than \$200.00 the offense  
8 constitutes a disorderly persons offense.

9 (4) The amount involved in a theft shall be determined by the  
10 trier of fact. The amount shall include, but shall not be limited  
11 to, the amount of any State tax avoided, evaded or otherwise  
12 unpaid, improperly retained or disposed of. Amounts involved in  
13 thefts committed pursuant to one scheme or course of conduct,  
14 whether from the same person or several persons, may be  
15 aggregated in determining the grade of the offense.

16 c. Claim of right. It is an affirmative defense to prosecution  
17 for theft that the actor:

18 (1) Was unaware that the property or service was that of  
19 another;

20 (2) Acted under an honest claim of right to the property or  
21 service involved or that he had a right to acquire or dispose of it  
22 as he did; or

23 (3) Took property exposed for sale, intending to purchase and  
24 pay for it promptly, or reasonably believing that the owner, if  
25 present, would have consented.

26 d. Theft from spouse. It is no defense that theft was from the  
27 actor's spouse, except that misappropriation of household and  
28 personal effects, or other property normally accessible to both  
29 spouses, is theft only if it occurs after the parties have ceased  
30 living together.

31 (cf: P.L.1987, c.106, s.5)

32 2. (New section) Theft of an automobile is a crime of the  
33 third degree. A person convicted of theft of an automobile shall  
34 be sentenced to a term of imprisonment by the court. The term  
35 of imprisonment shall include the imposition of a minimum term  
36 which shall be at, or between, one-third and one-half of the  
37 sentence imposed, during which the defendant shall be ineligible  
38 for parole. Notwithstanding the provisions of N.J.S.2C:43-3, if  
39 the fair market value of the automobile and its contents at the  
40 time it was stolen exceeds \$7500.00 and the automobile is not  
41 recovered, the court may sentence the defendant to pay a fine, to  
42 make restitution, or both for that higher amount.

43 3. This act shall take effect immediately.

44

45

#### STATEMENT

46

47 This bill restructures the provision concerning the third degree  
48 crime of theft of auto. The bill amends N.J.S.A.2C:20-2



1 concerning gradation of theft offenses to remove the provision  
2 that theft of auto is a crime of the third degree. The bill does  
3 not change that gradation but does require that a person  
4 convicted of theft of auto serve a mandatory minimum term of  
5 imprisonment. That term shall be set at or between one-third  
6 and one-half of the sentence imposed. A third degree crime may  
7 receive a sentence of three to five years. Thus, at a minimum a  
8 defendant convicted would serve at least a year in prison  
9 (one-third of three years).

10 The bill also permits the court to impose a higher fine if the  
11 situation warrants it. The fine for third degree crimes is  
12 \$7,500.00. Many luxury automobiles are valued in excess of  
13 \$20,000.00. This bill permits the court to fine the defendant for  
14 the fair market value of the automobile at the time it is stolen.  
15 Thus, theft of a brand new car worth \$25,000.00 which is not  
16 recovered may result in a fine of that amount being assessed.

17

18

### 19 CRIMINAL JUSTICE

20

21 Imposes mandatory minimum terms of imprisonment for theft of  
22 auto; permits higher fine.

ASSEMBLY, No. 2967

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1990

By Assemblymen COHEN, DEVERIN, McGreevey and Hudak

1 AN ACT concerning automobile theft and supplementing Title 2C  
2 of the New Jersey Statutes.

3

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

6 1. a. In addition to any other disposition authorized by law, a  
7 person convicted under the provisions of N.J.S.2C:20-2 of theft  
8 of an automobile shall be subject:

9 (1) For the first offense, to a penalty of \$500.00 and to the  
10 loss of the person's right to operate a motor vehicle over the  
11 highways of this State for a period of one year.

12 (2) For a second offense, to a penalty of \$750.00 and to the  
13 loss of the person's right to operate a motor vehicle over the  
14 highways of this State for a period of two years.

15 (3) For a third or subsequent offense, to a penalty of  
16 \$1,000.00, and to the loss of the person's right to operate a  
17 motor vehicle over the highways of this State for 10 years.

18 b. All penalties provided for in this section shall be collected  
19 as provided for the collection of fines and restitutions in section  
20 3 of P.L.1979, c.396 (C.2C:46-4), and shall be divided among the  
21 law enforcement entities located in the municipality and county  
22 in which the crime occurred, to be utilized by the entities for law  
23 enforcement activities relating to automobile theft.

24 2. This act shall take effect immediately.

25

26

STATEMENT

27

28 This bill would increase the penalties imposed on a person  
29 convicted of automobile theft. Currently, auto theft is a crime  
30 of the third degree, which is punishable by term of imprisonment  
31 of three to five years or a fine of up to \$7,500, or both. In  
32 addition to these penalties, this bill would require the imposition  
33 of additional monetary penalties and a period of driver's license  
34 suspension.

35 A first offender would be subject to a penalty of \$500.00 and a  
36 one-year license suspension; a second offender to a penalty of  
37 \$750.00 and a two-year suspension, and a third offender to a  
38 \$1,000.00 penalty and a 10-year suspension. The penalties  
39 collected under the bill would be divided among the law  
40 enforcement entities located in the municipality and county in  
41 which the crime occurred, to be used by the entities for law  
42 enforcement activities relating to automobile theft.

CRIMINAL JUSTICE

1  
2  
3

Increases penalties for automobile theft.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 2967 and 496

STATE OF NEW JERSEY

DATED: OCTOBER 29, 1990

The Assembly Judiciary, Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 2967 and 496.

Currently, auto theft is a crime of the third degree, which is punishable by term of imprisonment of three to five years or a fine of up to \$7,500, or both. This substitute would increase the penalties imposed on a person convicted of automobile theft. In addition, this substitute would require the imposition of a period of driver's license suspension.

Under the provisions of the substitute a first offender would be subject to a penalty of \$500.00 and a one-year license suspension; a second offender to a penalty of \$750.00 and a two-year suspension, and a third offender to a \$1,000.00 penalty and a 10-year suspension. The penalties collected under the substitute would be divided among the law enforcement entities located in the municipality and county in which the crime occurred, to be used by the entities for law enforcement activities relating to automobile theft.

This substitute would also permit the court to fine the defendant for the fair market value of the automobile at the time it is stolen. Thus, theft of a brand new car worth \$25,000.00, which is not recovered, may result in a fine of that amount being assessed.

Finally, the substitute would provide that a juvenile charged with automobile theft may be tried as an adult. Presently, offenses which may be "waived" to adult court include criminal homicide, robbery, sexual assaults and aggravated arson.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 2967 and 496

STATE OF NEW JERSEY

DATED: JANUARY 31, 1991

The Senate Judiciary Committee reports favorably and with committee amendments Committee Substitute for Assembly Bill Nos. 2967 and 496.

Auto theft is presently classified as a crime of the third degree. Crimes of the third degree are punishable by a term of imprisonment of three to five years; a fine of up to \$7,500 or both. ACS for A-2967/496 would establish additional penalties for the offense of auto theft. Under the provisions of the committee substitute, first offenders would be subject to a penalty of \$500.00 and a one-year license suspension; second offenders to a penalty of \$750.00 and a two-year suspension, and subsequent offenders to a \$1,000.00 penalty and a 10-year suspension.

The bill would also permit the court to fine the defendant for the fair market value of the automobile at the time it is stolen. Thus, theft of a brand new car worth \$25,000.00, which is not recovered, may result in a fine of that amount being assessed.

Additionally, the bill would provide that a juvenile charged with automobile theft may be tried as an adult.

The committee adopted amendments to the bill which are intended to clarify the period of time when a suspension or postponement of a person's license is in effect. For persons less than 17 years of age the applicable period of suspension of privileges would not commence until the day after the juvenile turns 17. Suspension for anyone who is already under a period of revocation, suspension or postponement would not commence until the previously imposed sanction is lifted. The amendatory language requires the court to collect the licenses of New Jersey drivers or to file a report with D.M.V. and revoke non-residents' driving privileges.

The amendments also clarify that monies resulting from the additional penalties proposed in the bill would be divided in the same manner as property which is forfeited. This would mean that monies would be collected by the agency which prosecuted the offense and would be divided among the agencies which participated in the investigation. The bill as passed by the Assembly would have provided that this penalty money would be divided between the law enforcement agencies located in the county and municipality in which the crime occurred.



# OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001  
Contact:

Emma Byrne  
Nancy Kearney  
609/292-8956

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."

# # #