

LEGISLATIVE HISTORY CHECKLIST
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(Carjacking)

NJSA: 2C:15-2

LAWS OF: 1993

CHAPTER: 221

BILL NO: A2047

SPONSOR(S) Zangari & others

DATE INTRODUCED: November 23, 1992

COMMITTEE: ASSEMBLY: Judiciary

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: May 13, 1993

SENATE: June 28, 1993

DATE OF APPROVAL: August 4, 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

974.90 New Jersey. Legislature. Assembly. Task Force on Auto Theft.
J97 Public hearing on automobile theft...
1992a December 8, December 15, January 6, Livingston, Newark, Bloomfield.

974.90 New Jersey. Legislature. Senate. Judiciary Committee.
J97 Public hearing on juvenile auto theft.
1992 Bloomfield, September 23, 1992.

974.90 New Jersey. Dept. of Law & Public Safety.
C929 Youth gang initiative. August, 1993.
1993 Trenton, 1993.

KBG:pp 974.90 New Jersey. Legislature. General Assembly. Task Force on Auto Theft
J97 Report and Recommendations/Assembly Task Force on Auto Theft
1993b February 18, 1993

NOT REPRODUCED FROM LIBRARY

974.90 New Jersey. Legislature. General Assembly. Task Force on Auto Theft
J97 Supplement to Assembly Task Force on Auto Theft
1993c report and recommendations.
February 18, 1993

[FIRST REPRINT]
ASSEMBLY, No. 2047

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 23, 1992

By Assemblymen ZANGARI, R. BROWN, Stuhltrager
and Assemblywoman Weber

1 AN ACT establishing the crime of carjacking and supplementing
2 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. a. Carjacking defined. A person is guilty of carjacking if in
7 the course of committing ¹[a theft] an unlawful taking¹ of a
8 motor vehicle, as defined in N.J.S.39:1-1, or in an attempt to
9 commit ¹[a theft] an unlawful taking¹ of a motor vehicle¹[, he
10 enters a motor vehicle which at the time of the theft or
11 attempted theft is occupied by one or more persons and] he¹:

12 (1) inflicts bodily injury or uses force upon an occupant ¹or
13 person in possession or control of a motor vehicle¹;

14 (2) threatens an occupant ¹or person in control¹ with, or
15 purposely or knowingly puts an occupant ¹or person in control of
16 the motor vehicle¹ in fear of, immediate bodily injury;

17 (3) commits or threatens immediately to commit any crime of
18 the first or second degree; or

19 (4) operates or causes said vehicle to be operated with ¹[an
20 occupant] the person who was in possession or control or was an
21 occupant of the motor vehicle at the time of the taking¹
22 remaining in the vehicle.

23 ¹An act shall be deemed to be "in the course of committing an
24 unlawful taking of a motor vehicle" if it occurs during an attempt
25 to commit the unlawful taking of a motor vehicle or during an
26 immediate flight after the attempt or commission.¹

27 b. Grading. Carjacking is a crime of the first degree and upon
28 conviction thereof a person may, notwithstanding the provisions
29 of paragraph (1) of subsection a. of N.J.S.2C:43-6, be sentenced
30 to an ordinary term of imprisonment between 10 and 30 years. A
31 person convicted of carjacking shall be sentenced to a term of
32 imprisonment and that term of imprisonment shall include the
33 imposition of a minimum term of at least five years during which
34 the defendant shall be ineligible for parole.

35 2. This act shall take effect immediately.

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40 Establishes carjacking as a criminal 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.

Matter enclosed in superscript numerals has been adopted as follows:
Assembly AJL committee amendments adopted May 6, 1993.

ASSEMBLY, No. 2047

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 23, 1992

By Assemblymen ZANGARI, R. BROWN and Stuhltrager

1 AN ACT establishing the crime of carjacking and supplementing
2 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. a. Carjacking defined. A person is guilty of carjacking if in
7 the course of committing a theft of a motor vehicle, as defined in
8 N.J.S.39:1-1, or in an attempt to commit a theft of a motor
9 vehicle, he enters a motor vehicle which at the time of the theft
10 or attempted theft is occupied by one or more persons and

11 (1) inflicts bodily injury or uses force upon an occupant;

12 (2) threatens an occupant with, or purposely or knowingly puts
13 an occupant in fear of, immediate bodily injury;

14 (3) commits or threatens immediately to commit any crime of
15 the first or second degree; or

16 (4) operates or causes said vehicle to be operated with an
17 occupant remaining in the vehicle.

18 b. Grading. Carjacking is a crime of the first degree and upon
19 conviction thereof a person may, notwithstanding the provisions
20 of paragraph (1) of subsection a. of N.J.S.2C:43-6, be sentenced
21 to an ordinary term of imprisonment between 10 and 30 years. A
22 person convicted of carjacking shall be sentenced to a term of
23 imprisonment and that term of imprisonment shall include the
24 imposition of a minimum term of at least five years during which
25 the defendant shall be ineligible for parole.

26 2. This act shall take effect immediately.

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STATEMENT

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31 This bill would establish carjacking as a criminal offense.
32 Under the bill, a person is guilty of carjacking if in stealing or
33 attempting to steal a motor vehicle, the person harms or
34 threatens to harm an occupant or operates the motor vehicle with
35 an occupant remaining in the vehicle.

36 Carjacking would be graded as a crime of the first degree
37 punishable by between 10 and 30 years imprisonment. The bill
38 mandates that the sentence imposed on a person convicted of
39 carjacking must include a term of imprisonment with a period of
40 parole ineligibility of at least 5 years.

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45 Establishes carjacking as a criminal offense.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2047

with committee amendments

STATE OF NEW JERSEY

DATED: APRIL 5, 1993

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2047.

This bill would establish carjacking as a criminal offense. Under the bill, a person is guilty of carjacking if in stealing or attempting to steal a motor vehicle, the person harms or threatens to harm an occupant or operates the motor vehicle with an occupant remaining in the vehicle. The committee amendments change the reference from "theft" to "unlawful taking" of a motor vehicle to include all possible theft offenses. The committee amendments also make clarifying changes to refer not only to occupants of a motor vehicle but also to the person in possession or control of the motor vehicle. Under the bill, as amended, a person is guilty of carjacking if, in the course of committing an unlawful taking of a motor vehicle, or an attempt to do so, the person also does one of the following four acts:

- (1) inflicts bodily injury or uses force upon an occupant or person in possession or control of a motor vehicle;
- (2) threatens an occupant or person in control with, or purposely or knowingly puts an occupant or person in control of the motor vehicle in fear of, immediate bodily injury;
- (3) commits or threatens immediately to commit any crime of the first or second degree; or
- (4) operates or causes the vehicle to be operated with the person who was in possession or control or was an occupant of the motor vehicle at the time of the taking remaining in the vehicle.

Carjacking would be graded as a crime of the first degree punishable by between 10 and 30 years imprisonment. The bill mandates that the sentence imposed on a person convicted of carjacking must include a term of imprisonment with a period of parole ineligibility of at least 5 years.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 2047

STATE OF NEW JERSEY

DATED: JUNE 14, 1993

The Senate Judiciary Committee reports favorably Assembly Bill No. 2047(1R).

This bill would establish a new statutory offense entitled "carjacking." Under the bill, "carjacking" would be graded as a crime of the first degree punishable by between 10 and 30 years imprisonment. The bill mandates that the sentence imposed on a person convicted of carjacking must include a term of imprisonment with a period of parole ineligibility of at least 5 years.

Under the bill, a person is guilty of carjacking if, in the course of committing an unlawful taking of a motor vehicle, or an attempt to do so, the person also does one of the following four acts:

(1) inflicts bodily injury or uses force upon an occupant or person in possession or control of a motor vehicle:

(2) threatens an occupant or person in control with, or purposely or knowingly puts an occupant or person in control of the motor vehicle in fear of immediate bodily injury;

(3) commits or threatens immediately to commit any crime of the first or second degree; or

(4) operates or causes the vehicle to be operated with the person who was in possession or control or was an occupant of the motor vehicle at the time of the taking remaining in the vehicle.

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
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TRENTON, N.J. 08625

Release: Wednesday
August 4, 1993

GOVERNOR SIGNS LAW TOUGHENING PENALTIES FOR CARJACKING

SOUTH ORANGE -- Carjackers who "steal wheels" in New Jersey will face mandatory penalties under legislation signed today by Governor Jim Florio making the crime a first degree offense, punishable by up to 30 years in jail.

"This bill makes carjacking a first degree criminal offense in New Jersey. Any thug who yanks open a car door and tries to grab the wheel will go to jail. Count on it," said Governor Florio, who signed the bill at the South Orange Police Department. He was joined by Bob Sholar, the husband of Gail Sholar who was kidnapped and murdered last year, and Joan Flood, who was shot and nearly killed during a carjacking in South Orange last October.

"Carjacking isn't a game. It's a vicious, violent crime that threatens the fabric of daily life. When people are afraid to go shopping or visit friends in the evening or even stop at a red light, then the criminals are taking our most precious freedoms away. We're never going to let that happen in New Jersey," Governor Florio said.

Until now, carjacking could be punished as robbery, assault, kidnapping or under other crimes, depending on the circumstances. The new law makes carjacking a separate first degree crime punishable by between 10 and 30 years in jail. Convicted criminals would be ineligible for parole for at least five years. A person would be guilty of carjacking if, in the course of stealing or attempting to steal a motor vehicle, the carjacker also does one of the following:

- inflicts bodily injury or uses force on the occupant or person in possession or control of the vehicle.
- threatens an occupant or person in control, or purposely puts that person in fear of immediate bodily injury
- commits or poses an immediate threat to commit any crime of the first or second degree
- operates or causes the vehicle to be operated with the person in possession or who was an occupant at the time of the taking remaining in the vehicle.

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.

"In New Jersey, if you do the crime, you will do the time. Don't count on revolving door justice or a slap on the wrist. We will arrest you, convict you and punish you to the full extent of the law. That's the law of the Old Testament and I believe it's the only law these thugs understand," said Governor Florio.

A 2047 and S 1324 was sponsored by Assemblypersons James Zangari and Robert Brown, and Senator Richard Codey.

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