



# ***LEGISLATIVE HISTORY CHECKLIST***

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**LAWS OF:** 1998

**CHAPTER:**102

**NJSA:** 2C:24-9

"Employing Juveniles in Commission of Crime"

**BILL NO:** A425 (Substituted for S80 - SCS)

**SPONSOR(S):**Crecco, Connors and Moran

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:**

***ASSEMBLY:*** Judiciary

***SENATE:*** Judiciary

**AMENDED DURING PASSAGE:**Yes

**DATE OF PASSAGE:**

***ASSEMBLY:*** March 23, 1998

***SENATE:*** June 22, 1998

**DATE OF APPROVAL:** September 9, 1998

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## **THE FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL:** Assembly Committee Substitute A425/A688 & A689 enacted  
(Amendments during passage denoted by superscript numbers)

**A425**

**SPONSORS STATEMENT:** *Yes* (Begins on page 4 of original bill)

**COMMITTEE STATEMENT:**

**ASSEMBLY:***Yes*

**SENATE:***Yes*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

**A688**

**SPONSORS STATEMENT:** *Yes* (Begins on page 2 of original bill)

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *No*

**SENATE:** *No*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

**A689**

**SPONSORS STATEMENT:** *Yes* (Begins on page 2 of original bill)

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *No*

**SENATE:** *No*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

**S80**

**SPONSORS STATEMENT:** *Yes* (Begins on page 2 of original bill)  
(Bill and Sponsor's Statement identical to A689)

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *No*

**SENATE:** *Yes*

(Identical to Assembly Statement for ACS A425/A688/A689)

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

**VETO MESSAGE:** *No*

**GOVERNOR'S PRESS RELEASE ON SIGNING:** *No*

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**THE FOLLOWING WERE PRINTED:**

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ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 425, 688 and 689**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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ADOPTED MARCH 9, 1998

**Sponsored by:**

**Assemblywoman MARION CRECCO**

**District 34 (Essex and Passaic)**

**Assemblyman CHRISTOPHER J. CONNORS**

**District 9 (Atlantic, Burlington and Ocean)**

**Assemblyman JEFFREY W. MORAN**

**District 9 (Atlantic, Burlington and Ocean)**

**Co-Sponsored by:**

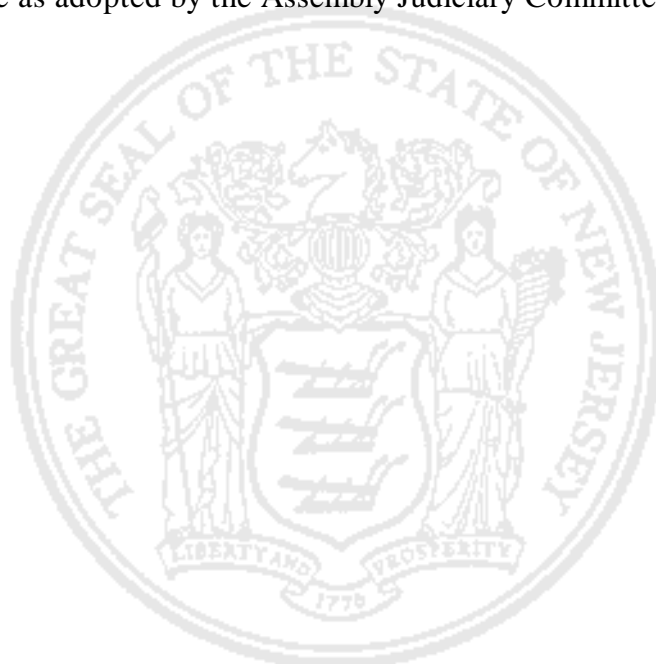
**Senator Bassano**

**SYNOPSIS**

Creates offense of employing a juvenile in the commission of a crime.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Judiciary Committee.



**(Sponsorship Updated As Of: 6/23/1998)**

1 AN ACT concerning employing a juvenile in the commission of a crime  
2 and supplementing Title 2C of the New Jersey Statutes.

3

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

6

7 1. a. Except as provided in P.L.1991, c.81 (C.2C:20-17) and  
8 N.J.S.2C:35-6, any person who is at least 18 years of age who  
9 knowingly uses, solicits, directs, hires, employs or conspires with a  
10 person who is in fact 17 years of age or younger to commit a criminal  
11 offense is guilty of a crime.

12 b. An offense under this section constitutes a crime of the fourth  
13 degree if the underlying offense is a disorderly persons offense.  
14 Otherwise, an offense under this section shall be classified one degree  
15 higher than the underlying offense.

16 c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction  
17 under this section shall not merge with a conviction for the underlying  
18 offense. Nor shall a conviction for the underlying offense merge with  
19 a conviction under this section. Nothing contained in this act shall  
20 prohibit the court from imposing an extended term of imprisonment  
21 pursuant to 2C:43-7; nor shall this be construed to preclude or limit a  
22 prosecution or conviction of any person for conspiracy under  
23 N.J.S.2C:5-2, or any prosecution or conviction for any offense.

24 d. It shall be no defense to a prosecution under this act that the  
25 actor mistakenly believed that the person which the actor used,  
26 solicited, directed, hired or employed was 18 years of age or older,  
27 even if such mistaken belief was reasonable.

28

29 2. This act shall take effect immediately.

# ASSEMBLY, No. 425

## STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Assemblyman CHRISTOPHER J. CONNORS**

**District 9 (Atlantic, Burlington and Ocean)**

**Assemblyman JEFFREY W. MORAN**

**District 9 (Atlantic, Burlington and Ocean)**

**SYNOPSIS**

Increases penalties for receiving stolen property from a juvenile.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning stolen property and amending N.J.S.2C:20-7 and  
2 P.L.1981, c.167.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. N.J.S.2C:20-7 is amended to read as follows:

8 2C:20-7. Receiving stolen property. a. Receiving. A person is  
9 guilty of theft if he knowingly receives or brings into this State  
10 movable property of another knowing that it has been stolen, or  
11 believing that it is probably stolen. It is an affirmative defense that the  
12 property was received with purpose to restore it to the owner.  
13 "Receiving" means acquiring possession, control or title, or lending on  
14 the security of the property.

15 b. Presumption of knowledge. The requisite knowledge or belief  
16 is presumed in the case of a person who:

17 (1) Is found in possession or control of two or more items of  
18 property stolen on two or more separate occasions; or

19 (2) Has received stolen property in another transaction within the  
20 year preceding the transaction charged; or

21 (3) Being a person in the business of buying or selling property of  
22 the sort received, acquires the property without having ascertained by  
23 reasonable inquiry that the person from whom he obtained it had a  
24 legal right to possess and dispose of it.

25 c. Receiving stolen property from a minor. A person convicted of  
26 theft in the second, third or fourth degree under this section who  
27 received the property from a person under the age of 18 shall be  
28 sentenced to a term of imprisonment by the court. The term of  
29 imprisonment shall include the imposition of a minimum term. The  
30 minimum term shall be fixed at, or between, one-third and one-half of  
31 the sentence imposed by the court or three years, whichever is greater,  
32 or 18 months in the case of a fourth degree crime, during which the  
33 defendant shall be ineligible for parole.

34 It shall not be relevant to the imposition of a term of imprisonment  
35 pursuant to this subsection that the defendant mistakenly believed that  
36 the person from whom the property was received was 18 years of age  
37 or older, even if the mistaken belief was reasonable.

38 (cf: P.L.1981, c.290, s.19)

39  
40 2. Section 7 of P.L.1981, c.167 (C.2C:20-7.1) is amended to read  
41 as follows:

42 7. Fencing. a. Possession of altered property. Any dealer in  
43 property who knew or should have known that the identifying features

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

**Matter underlined thus is new matter.**

1 such as serial numbers and permanently affixed labels of property in his  
2 possession have been removed or altered without the consent of the  
3 manufacturer is guilty of possession of altered property. It is a  
4 defense to a prosecution under this subsection that a person lawfully  
5 possesses the usual indicia of ownership in addition to mere  
6 possession.

7 b. Dealing in stolen property. A person is guilty of dealing in  
8 stolen property if he traffics in, or initiates, organizes, plans, finances,  
9 directs, manages or supervises trafficking in stolen property.

10 c. The value of the property involved in the violation of this section  
11 shall be determined by the trier of fact. The value of the property  
12 involved in the violation of this section may be aggregated in  
13 determining the grade of the offense where the acts or conduct  
14 constituting a violation were committed pursuant to one scheme or  
15 course of conduct, whether from the same person or several persons.

16 d. It is an affirmative defense to a prosecution under this section  
17 that the actor:

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

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

21 e. In addition to the presumptions contained in N.J.S. 2C:20-7b.  
22 the following presumptions are available in the prosecution for a  
23 fencing offense:

24 (1) Proof of the purchase or sale of property at a price substantially  
25 below its fair market value, unless satisfactorily explained, gives rise  
26 to an inference that the person buying or selling the property knew  
27 that it had been stolen;

28 (2) Proof of the purchase or sale of property by a dealer in that  
29 property, out of the regular course of business, or without the usual  
30 indicia of ownership other than mere possession, or the property or the  
31 job lot of which it is a part was bought, received, possessed or  
32 controlled in broken succession of title, so that it cannot be traced, by  
33 appropriate documents, in unbroken succession to the manufacturer,  
34 in all cases where the regular course of business reasonably indicates  
35 records of purchase, transfer or sale, unless satisfactorily explained,  
36 gives rise to an inference that the person buying or selling the property  
37 knew that it had been stolen; and

38 (3) Proof that a person buying or selling property of the sort  
39 received obtained such property without having ascertained by  
40 reasonable inquiry that the person from whom he obtained it had a  
41 legal right to possess or control it gives rise to an inference that such  
42 person knew that it had been stolen.

43 f. Dealing in stolen property received from a minor. A person  
44 convicted of dealing in stolen property in the second, third or fourth  
45 degree under the provisions of subsection b. of this section who  
46 received the property from a person under the age of 18 shall be

1 sentenced to a term of imprisonment by the court. The term of  
2 imprisonment shall include the imposition of a minimum term. The  
3 minimum term shall be fixed at, or between, one-third and one-half of  
4 the sentence imposed by the court or three years, whichever is greater,  
5 or 18 months in the case of a fourth degree crime, during which the  
6 defendant shall be ineligible for parole.

7 It shall not be relevant to the imposition of a term of imprisonment  
8 pursuant to this subsection that the defendant mistakenly believed that  
9 the person from whom the property was received was 18 years of age  
10 or older, even if the mistaken belief was reasonable.

11 (cf: P.L.1981, c.167, s.7)

12

13 3. This act shall take effect immediately.

14

15

16

#### STATEMENT

17

18 This bill would impose mandatory minimum terms of imprisonment  
19 on persons who buy stolen property from juveniles or "fence" property  
20 received from juveniles. Under the bill, a person who receives the  
21 stolen property from a person under the age of 18 would be sentenced  
22 to a mandatory minimum term of imprisonment during which he would  
23 be ineligible for parole. The mandatory minimum term of  
24 imprisonment without parole eligibility would be three years or, in the  
25 case of a fourth degree crime, 18 months.



# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 425, 688 and 689**

# **STATE OF NEW JERSEY**

DATED: MARCH 9, 1998

The Assembly Judiciary Committee reports favorably a committee substitute for Assembly Bill Nos. 425, 688 and 689.

The substitute creates a new offense of employing a juvenile in the commission of a crime. The substitute makes it a crime for any adult to use, solicit, direct, hire, employ or conspire with a juvenile 17 years of age or younger to commit a criminal offense. The new offense would not apply to N.J.S.2C:20-17 (employing a juvenile in an auto theft) and N.J.S.2C:35-6 (employing a juvenile in a drug distribution scheme) because those offenses are punishable by separate penalties.

The substitute provides that an offense under this section would constitute a crime of the fourth degree if the underlying offense is a disorderly persons offense. Otherwise, an offense would be classified one degree higher than the underlying offense.

The substitute provides that a conviction under this section would not merge with a conviction for the underlying offense; nor would a conviction for the underlying offense merge with a conviction under this section.

In addition, the substitute provides that it is no defense to a prosecution under the act that the adult mistakenly believed the person used to commit the crime was 18 years of age or older, even if that belief was reasonable.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 425, 688 and 689**

**STATE OF NEW JERSEY**

DATED: JUNE 4, 1998

The Senate Judiciary Committee reports favorably Assembly Committee Substitute for Assembly Bill Nos. 425, 688 and 689.

This bill creates a new offense of employing a juvenile in the commission of a crime. The substitute makes it a crime for any adult to use, solicit, direct, hire, employ or conspire with a juvenile 17 years of age or younger to commit a criminal offense. The new offense would not apply to N.J.S.2C:20-17 (employing a juvenile in an auto theft) and N.J.S.2C:35-6 (employing a juvenile in a drug distribution scheme) because those offenses are punishable by separate penalties.

This bill provides that an offense under this section would constitute a crime of the fourth degree if the underlying offense is a disorderly persons offense. Otherwise, an offense would be classified one degree higher than the underlying offense.

This bill also provides that a conviction under this section would not merge with a conviction for the underlying offense; nor would a conviction for the underlying offense merge with a conviction under this section.

In addition, the bill provides that it is no defense to a prosecution under the act that the adult mistakenly believed the person used to commit the crime was 18 years of age or older, even if that belief was reasonable.

This committee substitute is identical to SCS for S80.

# ASSEMBLY, No. 688

## STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Assemblywoman MARION CRECCO**

**District 34 (Essex and Passaic)**

**SYNOPSIS**

Creates offense of employing a juvenile for the commission of a theft.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the use of juveniles for the commission of theft  
2 offenses and supplementing chapter 20 of Title 2C of the New  
3 Jersey Statutes.

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

7  
8 1. a. A person is guilty of employing a juvenile for the commission  
9 of a theft if that person being at least 18 years of age knowingly uses,  
10 solicits, directs, hires or employs a person 17 years of age or younger  
11 to commit an offense under any of the following sections:  
12 N.J.S.2C:20-2, N.J.S.2C:20-3, N.J.S.2C:20-4, N.J.S.2C:20-5,  
13 N.J.S.2C:20-6 and N.J.S.2C:20-11.

14 b. An offense under this section constitutes a crime of the fourth  
15 degree if the underlying offense is a disorderly persons offense.  
16 Otherwise, an offense under this section shall be classified one degree  
17 higher than the underlying offense.

18 c. It shall be no defense to a prosecution under this section that the  
19 actor mistakenly believed that the person which the actor used,  
20 solicited, directed, hired, or employed was 18 years of age or older,  
21 even if such mistaken belief was reasonable.

22  
23 2. This act shall take effect immediately.

24  
25

26 STATEMENT

27

28 This bill would create a new criminal offense of employing a  
29 juvenile for the commission of a theft. A person commits this crime  
30 if, being at least 18 years of age, he knowingly uses, solicits, directs,  
31 hires or employs a person 17 years of age or younger to commit  
32 certain theft offenses. Included are theft by unlawful taking, theft by  
33 deception, theft by extortion, theft of property lost, mislaid or  
34 delivered by mistake and shoplifting.

35 A person convicted under the bill would be guilty of an offense one  
36 degree higher than the underlying offense. For example, auto theft is  
37 generally a crime of the third degree. Under the provisions of this bill,  
38 an adult who employs a juvenile to commit an auto theft would be  
39 guilty of a crime of the second degree.

40 The bill also provides that it is no defense that the adult mistakenly  
41 believed the person employed was over 18, even if such a belief was  
42 reasonable.

# ASSEMBLY, No. 689

## STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Assemblywoman MARION CRECCO**

**District 34 (Essex and Passaic)**

**SYNOPSIS**

Creates offense of employing a juvenile in the commission of a crime.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning employing a juvenile in the commission of a crime  
2 and supplementing Title 2C of the New Jersey Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. a. A person who is at least 18 years of age who knowingly uses,  
8 solicits, directs, hires or employs a person 17 years of age or younger  
9 to commit any crime is guilty of a crime of the second degree.

10 b. It shall be no defense to a prosecution under this act that the  
11 actor mistakenly believed that the person which the actor used,  
12 solicited, directed, hired or employed was older than 17 years of age,  
13 even if such mistaken belief was reasonable.

14 c. Nothing in this act shall be construed to preclude or limit a  
15 prosecution or conviction for any other provision of law governing an  
16 actor's liability for the conduct of another.

17 d. It shall be an affirmative defense to prosecution under this  
18 section that the actor using, soliciting, directing, hiring or employing  
19 a juvenile was, at the time of the commission of the offense, less than  
20 two years older than the juvenile.

21  
22 2. This act shall take effect immediately.

23  
24

25 STATEMENT

26  
27 The bill creates the offense of employing a juvenile in the  
28 commission of a crime. Under the bill, this offense would be classified  
29 as a crime of the second degree. Crimes of the second degree are  
30 punishable by between 5 and 10 years imprisonment, a fine of up to  
31 \$100,000 or both.

32 This bill also provides that it is no defense that the adult mistakenly  
33 believed the person used to commit the crime was over 17 even if that  
34 belief was reasonable.

35 The bill further provides that if a person was less than two years  
36 older than the juvenile, that this circumstance would constitute a  
37 defense to a charge of using a juvenile in the commission of a crime.

# SENATE, No. 80

## STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Senator C. LOUIS BASSANO**

**District 21 (Essex and Union)**

**SYNOPSIS**

Creates offense of employing a juvenile in the commission of a crime.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning employing a juvenile in the commission of a crime  
2 and supplementing Title 2C of the New Jersey Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. a. A person who is at least 18 years of age who knowingly uses,  
8 solicits, directs, hires or employs a person 17 years of age or younger  
9 to commit any crime is guilty of a crime of the second degree.

10 b. It shall be no defense to a prosecution under this act that the  
11 actor mistakenly believed that the person which the actor used,  
12 solicited, directed, hired or employed was older than 17 years of age,  
13 even if such mistaken belief was reasonable.

14 c. Nothing in this act shall be construed to preclude or limit a  
15 prosecution or conviction for any other provision of law governing an  
16 actor's liability for the conduct of another.

17 d. It shall be an affirmative defense to prosecution under this  
18 section that the actor using, soliciting, directing, hiring or employing  
19 a juvenile was, at the time of the commission of the offense, less than  
20 two years older than the juvenile.

21  
22 2. This act shall take effect immediately.

23  
24

25 STATEMENT

26

27 The bill creates the offense of employing a juvenile in the  
28 commission of a crime. Under the bill, this offense would be classified  
29 as a crime of the second degree. Crimes of the second degree are  
30 punishable by between 5 and 10 years imprisonment, a fine of up to  
31 \$100,000 or both.

32 This bill also provides that it is no defense that the adult mistakenly  
33 believed the person used to commit the crime was over 17 even if that  
34 belief was reasonable.

35 The bill further provides that if a person was less than two years  
36 older than the juvenile, that this circumstance would constitute a  
37 defense to a charge of using a juvenile in the commission of a crime.



# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 80**

# **STATE OF NEW JERSEY**

DATED: JUNE 4, 1998

The Senate Judiciary Committee reports favorably a Senate committee substitute for Senate Bill No. 80.

The committee substitute creates a new offense of employing a juvenile in the commission of a crime. The substitute makes it a crime for any adult to use, solicit, direct, hire, employ or conspire with a juvenile 17 years of age or younger to commit a criminal offense. The new offense would not apply to N.J.S.2C:20-17 (employing a juvenile in an auto theft) and N.J.S.2C:35-6 (employing a juvenile in a drug distribution scheme) because those offenses are punishable by separate penalties.

The committee substitute provides that an offense under this section would constitute a crime of the fourth degree if the underlying offense is a disorderly persons offense. Otherwise, an offense would be classified one degree higher than the underlying offense.

The committee substitute also provides that a conviction under this section would not merge with a conviction for the underlying offense; nor would a conviction for the underlying offense merge with a conviction under this section.

In addition, the committee substitute provides that it is no defense to a prosecution under the act that the adult mistakenly believed the person used to commit the crime was 18 years of age or older, even if that belief was reasonable.

This committee substitute is identical to ACS for A425/688/689.