

53:1-15

LEGISLATIVE HISTORY CHECKLIST

NJSA: 53:1-15 (Shoplifters—provides for fingerprinting and photographing)

LAWS 1982

CHAPTER: 219

Bill No.: A834

Sponsor(s): Kern

Date Introduced: Feb. 22, 1982

Committee:

Assembly: Judiciary, Law, Public Safety and Defense

Senate: Law, Public Safety and Defense

Amended during passage Yes // Amendments denoted by asterisks

according to Governor's recommendations:

Date of Passage: Assembly: June 28, 1982 Re-enacted 12-16-82

Senate: Oct. 18, 1982 Re-enacted 12-20-82

Date of Approval: Dec. 29, 1982

Following statements are attached if available:

Sponsor statement: Yes // (Below) Also attached: Assembly amendments, adopted 6-7-82 and 6-14-83 (with statements)

Committee statement: Assembly Yes //

Senate Yes //

Fiscal Note: /// No

Veto Message Yes //

Message on Signing: /// No

Following were printed:

Reports: /// No

Hearings: /// No

(over)

DO NOT REMOVE FROM FILE

Sponsor's statement:

This bill provides for the fingerprinting and photographing of shoplifters. Shoplifting is a disorderly persons offense. Proper identification of shoplifters is important because under N.J.S. 2C:20-11c, persons with a prior shoplifting record receive graduated sentences for subsequent convictions.

219

12-29-82 82

[FOURTH OFFICIAL COPY REPRINT]

ASSEMBLY, No. 834

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1982

By Assemblyman KERN

Referred to Committee on Judiciary, Law, Public Safety and Defense

AN ACT concerning the fingerprinting and photographing of certain persons and amending R. S. 53:1-15 and section 1 of P. L. 1952, c. 92.

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. R. S. 53:1-15 is amended to read as follows:

2 53:1-15. The sheriffs, chiefs of police, members of the State
3 Police and any other law enforcement agencies and officers, shall
4 immediately upon the arrest of any person for an indictable offense,
5 or of any person believed to be wanted for an indictable offense, or
6 believed to be an habitual criminal, or within a reasonable time
7 after the filing of a complaint by a law enforcement officer charging
8 any person with an indictable offense, or upon the arrest of any
9 person for shoplifting pursuant to N. J. S. 2C:20-11, *or the
10 **[arrest]** *conviction* of any other person charged with a
11 nonindictable offense where the identity of the person charged is
12 in question,* take the fingerprints of such person according to the
13 fingerprint system of identification established by the Super-
14 intendent of State Police and on the forms prescribed, and forward
15 without delay two copies or more of the same, together with photo-
15A graphs and such other descriptions as may be required and with a
15B history of offense committed, to the State Bureau of Identification.
15C ****[***Upon acquittal of any person arrested for shoplifting, the
15D records of any fingerprints or photographs taken pursuant to this
15E section shall be destroyed.***]**** *****[*****Upon acquittal

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted May 20, 1982.

**—Assembly amendments adopted June 7, 1982.

***—Assembly amendment adopted June 14, 1982.

****—Senate committee amendment adopted September 16, 1982.

*****—Senate action of September 16, 1982, in adopting Senate committee amendment, receded from on October 18, 1982.

*****—Assembly amendments adopted in accordance with Governor's recommendations December 6, 1982.

the identity of the person charged is in question.

15F of any person arrested for shoplifting, the records of any finger-
15G prints or photographs taken pursuant to this section shall be de-
15H stroyed.*****】*****

16 Such sheriffs, chiefs of police, members of the State Police and
17 any other law enforcement agencies and officers shall also take the
18 fingerprints, descriptions and such other information as may be
19 required, of unknown dead persons and forward same to the State
20 Bureau of Identification.

21 Any person charged in a complaint filed by a law enforcement
22 officer with an indictable offense who has not been arrested*, or
23 any person charged in ****[a nonindictable offense]**** ****an indict-**
24 **ment**** who has not been arrested,* shall submit himself to the
25 identification procedures provided herein either on the date of any
26 court appearance or upon written request of the appropriate law
27 enforcement agency within a reasonable time after the filing of the
28 complaint. Any person who refuses to submit to such identification
29 procedures shall be a disorderly person.

1 2. This act shall take effect immediately.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY
AND DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 834

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 20, 1982

This bill provides for the fingerprinting and photographing of shoplifters. Shoplifting is a disorderly persons offense. Proper identification of shoplifters is important because under N. J. S. 2C:20-11c., persons with a prior shoplifting record receive graduated sentences for subsequent convictions.

The committee amendments, proposed by the sponsor, would expand fingerprinting and photographing to cover nonindictable offenses where the identity of the person charged is in question.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 834

[THIRD OFFICIAL COPY REPRINT]

with Senate committee amendment

STATE OF NEW JERSEY

DATED: AUGUST 12, 1982

This bill provides for the fingerprinting and photographing of persons arrested for shoplifting and of persons convicted of non-indictable offenses when the identity of the person is in question.

Under current law, only persons arrested for indictable offenses are fingerprinted and photographed. Because shoplifting is a disorderly persons offense, which is not considered to be an indictable offense, persons arrested for shoplifting are not now photographed and fingerprinted. The purpose of the bill is to ensure that shoplifters are properly identified because the shoplifting statute (N. J. S. 2C:20-11c.) provides that persons convicted of second or subsequent shoplifting offenses are subject to harsher sentences.

The committee adopted an amendment to remove a requirement that the records of photographs and fingerprints be destroyed if the accused shoplifter is acquitted.

OK
10/10
CO

Assembly Amendments

to

Assembly Bill No. 834 2nd OCR

Proposed by Assemblyman Adubato - 6/14/82)

ADOPTED

Amend:

Page	Sec.	Line
1	1	15B

JUN 14 1982

After "Identification." insert "Upon acquittal of any person arrested for shoplifting, the records of any fingerprints or photographs taken pursuant to this section shall be destroyed."

STATEMENT

This amendment provides for destroying fingerprint records and photographs upon acquittal of persons arrested for shoplifting.

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R-57 (6/3/82)

ADOPTED
JUN 7 1982

Assembly Amendments

to

Assembly Bill No. 834 OCR

Amend:

Proposed by Assemblyman Kern
6/3/82

Page	Sec.	Line
1	1	9
2	1	23A

Omit "arrest" insert "conviction"

Omit "a nonindictable offense" insert
"an indictment"

STATEMENT

These amendments proposed by the sponsor provide that a person could be fingerprinted for a non-indictable offense only after conviction. In addition, the amendments delete the provision that a person charged in a nonindictable offense shall submit himself to identification procedures and provide that a person who is charged in an indictment who has not been arrested shall submit himself to identification procedures. These amendments reflect the intent of the Assembly Judiciary, Law, Public Safety and Defense Committee.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

December 6, 1982

ASSEMBLY BILL NO. 834 (3rd OCR)

To the General Assembly:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 834 with my objections and recommendations for amendment.

This bill requires persons arrested for shoplifting or convicted of a nonindictable offense where the identity of the person charged is in question to be fingerprinted and photographed. The bill was amended to provide that if a person is acquitted of shoplifting, that the record of any fingerprints or photographs taken pursuant to this act shall be destroyed.

Presently there is no requirement placed upon law enforcement agencies or the State Bureau of Identification to destroy fingerprint records of persons charged with disorderly persons or petty disorderly persons complaints. This amendment causes grave concern as to the liability placed upon the State Bureau of Identification and the Division of State Police. The State Bureau of Identification collects final dispositions from municipal courts through the court disposition reporting system. Past experience in collecting dispositions has indicated a general delinquency in reporting disorderly dispositions. During this period, the Bureau and the State Police would continue to disseminate the arrest information hence the concern regarding liability. The monitoring and destruction of the records after acquittal would also create a tremendous administrative problem for the Bureau and the State Police. If a person is acquitted of shoplifting, the records of the arrest and fingerprints may be expunged by the court. As such, there will be no record of the arrest or fingerprints if the person is acquitted and he makes application to the court for expungement.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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Therefore, I herewith return Assembly Bill No. 834 and recommend that it be amended as follows:

Page 1, Section 1, Line 15E: Omit line

Page 2, Section 1, Lines 15F and 15G: Omit the remainder of the paragraph.

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards

Chief Counsel to the Governor