

CHAPTER 298

AN ACT concerning the classification of offenses committed in other jurisdictions, amending N.J.S.2C:1-4 and N.J.S.2C:44-4 and supplementing Title 2C of the New Jersey Statutes.

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

1. N.J.S.2C:1-4 is amended to read as follows:

Classes of offenses.

2C:1-4. Classes of Offenses.

a. (1) An offense defined by this code or by any other statute of this State, for which a sentence of imprisonment in excess of 6 months is authorized, constitutes a crime within the meaning of the Constitution of this State. Crimes are designated in this code as being of the first, second, third or fourth degree.

(2) An offense defined by the laws of any other jurisdiction, for which a sentence of imprisonment in excess of one year is authorized, shall be considered in this State to be a crime when a reference is made by this code, or by any other statute of this State, to such offense.

b. (1) An offense is a disorderly persons offense if it is so designated in this code or in a statute other than this code. An offense is a petty disorderly persons offense if it is so designated in this code or in a statute other than this code. Disorderly persons offenses and petty disorderly persons offenses are petty offenses and are not crimes within the meaning of the Constitution of this State. There shall be no right to indictment by a grand jury nor any right to trial by jury on such offenses. Conviction of such offenses shall not give rise to any disability or legal disadvantage based on conviction of a crime.

(2) (a) An offense defined by the laws of any other jurisdiction, for which a sentence of imprisonment of one year or less, but more than 30 days, is authorized, shall be considered in this State to be a disorderly persons offense when a reference is made by this code, or by any other statute of this State, to such offense.

(b) An offense defined by the laws of any other jurisdiction, for which a sentence of imprisonment of 30 days or less is authorized, shall be considered in this State to be a petty disorderly persons offense when a reference is made by this code, or by any other statute of this State, to such offense.

c. An offense defined by any statute of this State other than this code shall be classified as provided in this section or in section 2C:43-1 and, except as provided in subsection b. of 2C:1-5 and chapter 43, the sentence that may be imposed upon conviction thereof shall hereafter be governed by this code. Insofar as any provision of this State outside the code declares an offense to be a misdemeanor when such offense specifically provides a maximum penalty of 6 months' imprisonment or less, whether or not in combination with a fine, such provision shall constitute a disorderly persons offense.

d. Subject to the provisions of section 2C:43-1, reference in any statute, rule, or regulation of this State outside the code to the term "high misdemeanor" shall mean crimes of the first, second, or third degree and reference to the term "misdemeanor" shall mean all crimes.

2. N.J.S.2C:44-4 is amended to read as follows:

Definition of prior conviction; conviction in another jurisdiction; proof of prior conviction.

2C:44-4. Definition of Prior Conviction; Conviction in Another Jurisdiction; Proof of Prior Conviction.

a. Prior conviction of an offense. An adjudication by a court of competent jurisdiction that the defendant committed an offense constitutes a prior conviction.

b. Prior conviction of a crime. An adjudication by a court of competent jurisdiction that the defendant committed a crime constitutes a prior conviction, although sentence or the execution thereof was suspended, provided that the time to appeal has expired and that the defendant was not pardoned on the ground of innocence.

c. Prior conviction in another jurisdiction. A conviction in another jurisdiction shall constitute a prior conviction of a crime if a sentence of imprisonment in excess of one year was authorized under the law of the other jurisdiction.

d. Proof of prior conviction. Any prior conviction may be proved by any evidence, including fingerprint records made in connection with arrest, conviction or imprisonment, that reasonably satisfies the court that the defendant was convicted.

C.2C:1-4.1 Crime, disorderly persons offense, petty disorderly persons offense, construing out-of-State conviction.

3. When a provision in Title 2C of the New Jersey Statutes, any other statute, rule, regulation, or ordinance of this State, or any certification or application form promulgated thereunder, refers to a conviction of “a similar crime in another state,” a conviction under the laws of “any other state or the United States,” a conviction under the laws of “any other jurisdiction,” or contains similar phrasing referring to a conviction of a criminal offense outside this State, the conviction shall be construed in this State as a crime, disorderly persons offense, or petty disorderly persons offense, as set forth in paragraph (2) of subsection a. of N.J.S.2C:1-4, paragraph (2) of subsection b. of N.J.S.2C:1-4, and subsection c. of N.J.S.2C:44-4.

4. This act shall take effect immediately.

Approved November 8, 2021.