

RACIAL AND ETHNIC COMMUNITY CRIMINAL JUSTICE AND PUBLIC SAFETY IMPACT STATEMENT

[First Reprint]

ASSEMBLY, No. 4930

**STATE OF NEW JERSEY
220th LEGISLATURE**

Synopsis: Expands criminal penalties related to illegal use of motor vehicle master key.

INTRODUCTION

The Office of Legislative Services does not develop or maintain source data concerning the criminal justice system in the State. The Office of Legislative Services makes reasonable efforts to obtain data from Executive Branch Departments and the Judiciary. This statement may reflect information provided by the United States Census Bureau, the Administrative Office of the Courts within the Judiciary, the New Jersey Department of Corrections, the New Jersey Office of the Attorney General, and the Juvenile Justice Commission in the New Jersey Department of Law and Public Safety. The publicly available data and the data provided by the responding departments and agencies contained within this statement allows for a general overview of the frequencies of events of interest (i.e. arrests, charges, and convictions) for racial and ethnic minorities for the crimes identified herein. This statement does not provide for an in-depth analysis of that data.

Additional data concerning recidivism rates and incarceration rates for the specific crimes addressed within this statement sorted by race and ethnicity is needed in order to make a conclusion on the impacts on racial and ethnic minorities. Additional data concerning the deterrent effects of similar laws of this type is needed to determine the impact on community criminal justice and public safety. It should be noted that the data needed may not currently be collected by the responding departments or agencies or may not exist.

BILL DESCRIPTION

Assembly Bill No. 4930 (1R) expands criminal penalties related to the illegal use of a motor vehicle master key.

Under current law, it is a crime of the fourth degree to knowingly possess a motor vehicle master key or device designed to operate a lock on a motor vehicle; start a motor vehicle without an ignition key; or to offer or advertise for sale, sell, or give to a person, other than those enumerated in statute such as a law enforcement officer or locksmith, a motor vehicle master key or device designed to operate a lock on a motor vehicle or start a motor vehicle without an ignition key. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

This bill amends current law to provide that it also is a crime of the fourth degree for a person to, for an unlawful purpose, knowingly possess a key fob that operates a lock or locks on or starts a motor vehicle owned by another person; or possess a computer program,

application, software, or other device adapted, designed, or commonly used to operate a lock or locks on or start a motor vehicle without an ignition key or key fob, or to copy, store information relating to, or interfere with those functions.

The bill also provides that a person who offers or advertises for sale, sells, or gives to any person, other than those excepted under the bill, a motor vehicle master key or device designed to operate a lock or locks on a motor vehicle or start a motor vehicle without an ignition key or key fob, or who otherwise causes a prohibited item to enter into commerce in this State is guilty of a crime of the fourth degree.

Under the bill, a person also is guilty of a crime of the fourth degree if the person offers or advertises for sale, sells, or gives to any person a computer program, application, software, or other device adapted, designed, or commonly used to operate a lock or locks on or start a motor vehicle without an ignition key or key fob, or to copy, store information relating to, or interfere with those functions, or who otherwise causes any such item to enter into commerce in this State knowing the item to be adapted, designed, or commonly used for those purposes; and with a purpose to provide the item to a person the actor knows or reasonably should know has the purpose to use or employ the item unlawfully.

Certain individuals were not subject to penalties under current law including law enforcement officers, locksmiths, and motor vehicle dealers. The bill provides that those enumerated under current law, as well as their employees or agents, would not be subject to penalties for knowingly possessing a motor vehicle master key or device designed to operate a lock or locks on motor vehicles or to start a motor vehicle without an ignition key or key fob.

Federal and State Census Information¹

| | Population | Caucasian | African American | Native American/ Alaska Native | Asian | Native Hawaiian/ Other Pacific Islander | Hispanic | Two or More Races/Other |
|--------------------------|-------------|-----------|------------------|--------------------------------|-------|---|----------|-------------------------|
| National Census Estimate | 331,450,000 | 59.3% | 13.6% | 1.3% | 6.1% | 0.3% | 18.9% | 2.9% |
| State Census Estimate | 9,289,000 | 53.5% | 15.3% | 0.7% | 10.3% | 0.1% | 21.5% | 2.4% |

Federal and State Inmate Population Data

| | Total Population | Caucasian | African American | Native American/ Alaska Native | Asian | Native Hawaiian/ Other Pacific Islander | Hispanic | Other/ Unknown |
|---|------------------|-----------|------------------|--------------------------------|-------|---|----------|----------------|
| Actual Federal Adult Inmate Population ² | 158,081 | 27.3% | 38.5% | 2.6% | 1.4% | N/A | 30.2% | N/A |
| Actual State Adult Inmate Population ³ | 12,492 | 22.0% | 61.0% | 0.0% | 1.0% | N/A | 16.0 % | 0.0 % |

¹ Publicly available data obtained from the federal census for national and State populations as of April 1, 2020.

² Publicly available data of federally sentenced persons in custody of the Federal Bureau of Prisons, as of February 18, 2023.

³ Publicly available data produced by the New Jersey Department of Corrections concerning the State inmate population on January 4, 2022. It has been reported by the New Jersey Department of Corrections that the Fiscal Year 2023 average daily population was 10,332 people. However, that number has not been sorted by race and ethnicity.

State Census and State Inmate Population Data

| | Total Population | Caucasian | African American | Native American/ Alaska Native | Asian | Native Hawaiian/ Other Pacific Islander | Hispanic | Other/ Unknown |
|---|---------------------|-----------|---------------------|---|-------|---|----------|----------------|
| State Census Estimate | 9,289,000 | 53.5% | 15.3% | 0.7% | 10.3% | 0.1% | 21.5% | 2.4% |
| Actual State Adult Inmate Population ³ | 12,492 | 22.0% | 61.0% | 0.0% | 1.0% | N/A | 16.0% | 0.0% |

DATA PROVIDED BY THE EXECUTIVE BRANCH

The following data was provided, as a part of the submission, by the Office of the Attorney General:

Arrest, Unique Persons, Charges, and Convictions for Specified Charges

| | Arrests | | Unique Persons | | Charges | | Convictions | | |
|--------|---------|------|----------------|------|---------|------|-------------|------|------|
| | Degree | 2021 | 2022 | 2021 | 2022 | 2021 | 2022 | 2021 | 2022 |
| 2C:5-6 | 4 | 7 | 13 | 7 | 10 | 8 | 10 | 1 | 1 |

Note: Arrests are tabulated as an arrest of a Unique Person on a specific date. However, Unique Persons may have multiple arrests, charges, and convictions within this data set, as Unique Persons may have committed multiple offenses that result in multiple charges and convictions or committed multiple offenses within the year that resulted in multiple arrests of the Unique Person. 2C:5-6 includes 2C:5-6A and 2C:5-6B.

Arrest, Unique Persons, Charges, and Convictions by Race

| | Statute | Degree | 2021 | | | | | 2022 | | | | |
|---------|---------|--------|--------------------------------|---------------------------------|---------------------------------------|--|-----------------------|--------------------------------|---------------------------------|---------------------------------------|---|-----------------------|
| | | | Asian / Pacific Islander | Black or African American | White (incl. Hispanic white) | American Indian / Alaska Native | Unk./ not provided | Asian / Pacific Islander | Black or African American | White (incl. Hispanic white) | American Indian / Alaska Native | Unk./ not provided |
| Arrests | 2C:5-6 | 4 | | 6 | 1 | | | 5 | | 5 | | |
| | | | | | | | | | | | | |
| | Statute | Degree | 2021 | | | | | 2022 | | | | |
| | | | Asian / Pacific Islander | Black or African American | White (incl. Hispanic white) | American Indian / Alaska Native | Unk./ not provided | Asian / Pacific Islander | Black or African American | White (incl. Hispanic white) | American Indian / Alaska Native | Unk./ not provided |
| Charges | 2C:5-6 | 4 | | 7 | 1 | | | 5 | | 5 | | |
| | | | | | | | | | | | | |
| | Statute | Degree | 2021 | | | | | 2022 | | | | |
| | | | Asian / Pacific Islander | Black or African American | White (incl. Hispanic white) | American Indian / Alaska Native | Unk./ not provided | Asian / Pacific Islander | Black or African American | White (incl. Hispanic white) | America n Indian / Alaska Native | Unk./ not provided |
| Persons | 2C:5-6 | 4 | | 6 | 1 | | | 5 | | 5 | | |

| | Statute | Degree | 2021 | | | | | 2022 | | | | |
|-------------|---------|--------|--------------------------|---------------------------|------------------------------|---------------------------------|--------------------|--------------------------|---------------------------|------------------------------|---------------------------------|--------------------|
| | | | Asian / Pacific Islander | Black or African American | White (incl. Hispanic white) | American Indian / Alaska Native | Unk./ not provided | Asian / Pacific Islander | Black or African American | White (incl. Hispanic white) | American Indian / Alaska Native | Unk./ not provided |
| Convictions | 2C:5-6 | 4 | | 1 | 0 | | | | 1 | 0 | | |

Note: Hispanic ethnicity was not captured during the Live Scan process, which must meet federal data specifications.⁴ The Administrative Office of the Courts created a separate data collection field for Hispanic origin in December 2021. However, this information is still pending addition to the data files available to OAG.

The following response was provided by the Juvenile Justice Commission:

The Juvenile Justice Commission (JJC) does not maintain or have direct access to detailed data on youth arrests, prosecutions, or adjudications (i.e. convictions). The JJC is not a prosecutorial agency. The JJC does not keep racial and ethnic data segregated by crimes for arrests, prosecutions, or adjudications for the juveniles committed to its care.

The Department of Corrections has made available to the public statistical data concerning the State inmate population categorized by race and ethnicity for 2022, which are reflected in the charts on pages 2 and 3, and offenders by base offense for 2021 and 2022 in the following charts:

Offenders by Base Offense for 2021

| Base Offense | Total | | Male Offenders in Other Facilities | | Youth Offenders | | ADTC | | Edna Mahan | | Halfway Houses, County Jails, St. Francis | |
|-------------------|--------|------|------------------------------------|------|-----------------|------|------|------|------------|------|---|------|
| | # | % | # | % | # | % | # | % | # | % | # | % |
| TOTAL OFFENDERS | 12,808 | 100% | 9,358 | 100% | 1,321 | 100% | 406 | 100% | 404 | 100% | 1,319 | 100% |
| | | | | | | | | | | | | |
| Property Offenses | 559 | 4% | 362 | 4% | 47 | 4% | 0 | 0% | 25 | 6% | 125 | 9% |

Offenders by Base Offense for 2022

| Base Offense | Total | | Male Offenders in Other Facilities | | Youth Offenders | | ADTC | | Edna Mahan | | Halfway Houses, County Jails, St. Francis | |
|-------------------|--------|------|------------------------------------|------|-----------------|------|------|------|------------|------|---|------|
| | # | % | # | % | # | % | # | % | # | % | # | % |
| TOTAL OFFENDERS | 12,492 | 100% | 9,442 | 100% | 1,139 | 100% | 410 | 100% | 408 | 100% | 1,093 | 100% |
| | | | | | | | | | | | | |
| Property Offenses | 526 | 4% | 375 | 4% | 57 | 5% | 0 | 0% | 36 | 9% | 58 | 5% |

Note: In these tabulations, the base offense is the most serious offense at the time of admission. These figures reflect base or controlling offenses at admission only and do not include any offenses in addition to the base offense in the case of multiple sentences at admission. Property offenses include burglary, arson, theft, forgery, embezzlement, and receiving/possessing stolen property.

⁴ The Live Scan process is the automated fingerprint information system that the State Bureau of Identification utilizes as centralized storage for criminal arrest fingerprints.

DATA PROVIDED BY THE JUDICIARY

The following data was provided by the Administrative Office of the Courts, which is the agency within the Judiciary responsible for the administration of court processes, rules promulgation, and data collection:

| # OF CHARGES FOR SELECTED STATUTES * FOR COMPLAINTS ISSUED IN 2021 | | | | | |
|---|--------------|-----|----|-----|-------|
| RACE | ETHNICITY ** | | | | |
| | BLANK ** | N | U | Y | TOTAL |
| AM IND/AK | 9 | 0 | 0 | 0 | 9 |
| ASIAN | 61 | 0 | 0 | 0 | 61 |
| BLACK | 2,314 | 235 | 21 | 16 | 2,586 |
| NOT ENTERED | 119 | 0 | 0 | 0 | 119 |
| OTHER | 119 | 0 | 0 | 0 | 119 |
| UNKNOWN | 0 | 0 | 16 | 2 | 18 |
| WHITE | 1,857 | 61 | 9 | 83 | 2,010 |
| TOTAL | 4,479 | 296 | 46 | 101 | 4,922 |

| # OF CHARGES FOR SELECTED STATUTES * FOR COMPLAINTS ISSUED IN 2022 | | | | | |
|---|--------------|-------|-----|-------|-------|
| RACE | ETHNICITY ** | | | | |
| | BLANK ** | N | U | Y | TOTAL |
| AM IND/AK | 0 | 8 | 1 | 2 | 11 |
| ASIAN | 0 | 88 | 2 | 5 | 95 |
| BLACK | 0 | 3,176 | 186 | 180 | 3,542 |
| NAT HAW/PI | 0 | 1 | 0 | 0 | 1 |
| NOT ENTERED | 2 | 0 | 0 | 0 | 2 |
| OTHER | 1 | 0 | 0 | 0 | 1 |
| UNKNOWN | 0 | 27 | 94 | 72 | 193 |
| WHITE | 1 | 1,140 | 109 | 1,183 | 2,433 |
| TOTAL | 4 | 4,440 | 392 | 1,442 | 6,278 |

| ** ETHNICITY | |
|--------------|------------------------------------|
| CODE | DESCRIPTION |
| BLANK | ETHNICITY NOT ENTERED ON COMPLAINT |
| N | NOT HISPANIC OR LATINX |
| U | UNKNOWN |
| Y | HISPANIC OR LATINX |

| SELECTED STATUTES * | | |
|---------------------|--------|---|
| STATUTE | DEGREE | DESCRIPTION |
| 2C:15-2A(1) | 1 | CARJACKING-INFLICT BI OR USES FORCE UPON OCCUPANT |
| 2C:15-2A(2) | 1 | CARJACKING-THREATEN OCCUPANT /W BODILY INJURY |
| 2C:15-2A(3) | 1 | CARJACKING: THREATENS/COMMITTS 1ST-2ND DEGREE CRIME |
| 2C:15-2A(4) | 1 | CARJACKING AND RETAIN DRIVER OR OCCUPANT |
| 2C:20-18 | 2 | LEADER OF AUTO THEFT TRAFFICKING NETWORK |
| 2C:20-2B(1)(A) | 2 | THEFT-VALUE \$75000+ |
| 2C:20-2B(2)(A) | 3 | THEFT-VALUE BETWEEN \$500-\$74,999 |
| 2C:20-2B(2)(B) | 3 | THEFT-FIREARM/MV/VESSEL/ BOAT/HORSE/PET/AIRPLANE |
| 2C:20-7A | 2 | RECEIVING STOLEN PROP-KNOW PROP STOLEN-VAL 75000+ ETC |
| 2C:20-7A | 3 | RECEIVNG STOLEN PROP-KNOW PROP STOLEN-VAL 500-74999 ETC |
| 2C:20-7A | 4 | RECEIVING STOLEN PROPERTY-VALUE \$200-\$499 |
| 2C:20-7A | D | RECEIVING STOLEN PROPERTY-VALUE LESS THAN \$200 |
| 2C:5-6A | 4 | MOTOR VEHICLE MASTER KEYS-KNOWINGLY POSS MASTER KEY |