

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4931

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2022

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 4931 with committee amendments.

As amended and reported by the committee, Assembly Bill No. 4931 establishes separate statutory provisions for the crimes of theft of a motor vehicle and receiving a stolen motor vehicle, and provides for extended sentences for certain persistent offenders.

Under current law, the penalties for theft of a motor vehicle are set forth in the State's general statute consolidating theft and computer criminal activity offenses. Theft of a motor vehicle is a crime of the third degree, unless the value of the motor vehicle is greater than \$75,000, in which case it is a crime of the second degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. A crime of the second degree is punishable by a fine of up to \$150,000, a term of imprisonment of five to 10 years, or both. The amended bill establishes theft of a motor vehicle as a separate offense, which will facilitate the tracking of motor vehicle theft crimes in this State. The penalties for theft of a motor vehicle remain the same as under current law with the exception that it is a crime of the second degree if the theft involves more than one vehicle.

Under current law, receiving a stolen motor vehicle, punishable under the general statute governing the receipt of stolen property, is a crime of the third degree, unless the value of the vehicle is \$75,000 or greater, in which case it is a crime of the second degree. This amended bill establishes receiving a stolen motor vehicle as a separate offense, which will also facilitate the tracking of crimes of receiving stolen motor vehicles in this State.

Under the amended bill, a permissive inference may apply that a person had knowledge or a belief that they received a stolen motor vehicle in violation of the bill if the person: is found to be in possession or control of two or more motor vehicles stolen on two or more separate occasions; has received a stolen motor vehicle in another transaction within the year preceding the transaction charged; being a person in the business of buying or selling motor vehicles, acquires the motor vehicle without having ascertained by reasonable inquiry that the person from whom it was obtained had a

legal right to possess and dispose of it; or is found in possession of a motor vehicle without proper documentation or other evidence of right to possession.

Under the amended bill, a person is a persistent motor vehicle offender if a person convicted of theft of a motor vehicle, receiving a stolen motor vehicle, or carjacking has previously been convicted of one of these crimes on two or more prior and separate occasions, regardless of the dates of the convictions. A persistent offender may be sentenced to an extended term, upon motion of the prosecutor, if the prior conviction is for a crime committed on a separate occasion and the crime for which the person is being sentenced was committed either: within 10 years of the date of the defendant's last release from confinement for commission of any crime; or within 10 years of the date of the commission of the most recent of the crimes enumerated in the amended bill for which the defendant has a prior conviction.

In addition, the amended bill updates the statutory provisions addressing the crime of receiving stolen property to also reference the crime of receiving a stolen motor vehicle set out in the amended bill.

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that a person may be sentenced as a persistent motor vehicle offender if, upon the request of the prosecutor, a person convicted of theft of a motor vehicle, receiving a stolen motor vehicle, or carjacking has previously been convicted of one of these crimes on two or more prior and separate occasions, regardless of the dates of the convictions.