

RACIAL AND ETHNIC COMMUNITY CRIMINAL JUSTICE AND PUBLIC SAFETY IMPACT STATEMENT

[First Reprint]

ASSEMBLY, No. 5034

**STATE OF NEW JERSEY
220th LEGISLATURE**

Synopsis:

Expands crime of leader of auto theft trafficking network; establishes third degree crime of participant in auto theft trafficking network.

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. 5034 (1R) expands the crime of leader of auto theft trafficking network and establishes a third degree crime of participant in auto theft trafficking network.

Under current law, a person commits the crime of leader of auto theft trafficking network, a crime of the second degree, if the person conspires with others as an organizer, supervisor, financier, or manager to engage in a for-profit scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles as stolen property. Generally, a crime of the second degree is punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both. Under current law, for this crime, a court may impose a fine not to exceed \$250,000 or five times the retail value of the automobiles or automobile parts seized at the time of the theft.

Under the bill, a person is a leader of an auto theft trafficking network if the person conspires with others as an organizer, supervisor, financier, manager, or recruiter to engage for profit or to

commit other criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property.

The bill establishes a new crime of participant in auto theft trafficking network if a person conspires with others as a participant to engage for profit or to commit other criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property. Participant in auto theft trafficking network is a crime of the third degree. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

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 %

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:

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.

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

	Degree	Arrests		Unique Persons		Charges		Convictions	
		2021	2022	2021	2022	2021	2022	2021	2022
2C:20-18	2	0	4	0	4	0	4	0	2

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.

Arrest, Unique Persons, Charges, and Convictions by Race

	2021						2022					
	Statute	Degree	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:20-18	2						2		2		
	2021						2022					
	Statute	Degree	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:20-18	2						2		2		
	2021						2022					
	Statute	Degree	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
Persons	2C:20-18	2						2		2		
	2021						2022					
	Statute	Degree	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:20-18	2						1		1		

Note: Hispanic ethnicity was not captured during the Live Scan process⁴, which must meet federal data specifications. 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 page 2, 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.

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

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.

# 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

DATED: MARCH 1, 2023