

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2283

**STATE OF NEW JERSEY**

DATED: DECEMBER 19, 2022

The Senate Judiciary Committee reports favorably Senate Bill No. 2283.

This bill would increase or create additional penalties for the crimes of: (1) theft of a motor vehicle; (2) unlawful taking of a motor vehicle - temporarily withholding and controlling the vehicle without the owner's consent; and (3) carjacking – the unlawful taking by means of violence or threats of violence, or committing or threatening to commit another serious crime at the time of the taking, or the person inside the vehicle remains inside at the time of the taking. See N.J.S.2C:20-2; N.J.S.2C:20-10; and section 1 of P.L.1993, c.221 (C.2C:15-2).

Regarding the theft or unlawful taking of a motor vehicle (which may include the subcategory of carjacking), the bill would increase the mandatory monetary penalty imposed, which is in addition to the available, standard fine that may be imposed (generally, up to \$15,000, depending upon the degree of crime), and increase the period for which a court may order the suspension, revocation, or postponement of a defendant's driving privileges. The increased penalties would be:

- For a first offense, a penalty of \$1,000 (up from \$500), and the possible loss of driving privileges for a period not to exceed two years, or not to exceed three years for a person who is less than 17 years of age (up from the current one-year period for both categories of persons);

- For a second offense, a penalty of \$1,500 (up from \$750), and the possible loss of driving privileges for a period not to exceed three years, or not to exceed four years for a person who is less than 17 years of age (up from the current two-year period for both categories of persons); and

- For a third or subsequent offense, a penalty of \$2,000 (up from \$1,000); the possible loss of driving privileges for a period not to exceed 10 years, regardless of age, would remain unchanged from the current law.

In deciding whether to order the loss of driving privileges, the court would consider “the public safety threat presented upon the theft or unlawful taking” as part of its consideration of the overall circumstances of the crime, which the statutory law already requires.

Regarding carjacking, which is graded as a crime of the first degree punishable by a possible ordinary term of imprisonment of

between 10 and 30 years plus a mandatory minimum of at least five years, a fine of up to \$200,000, or both, the bill would add an additional monetary penalty that the court could impose on a defendant. The additional penalty would be for an amount “not to exceed \$15,000 plus the value of the motor vehicle and its contents at the time it was stolen if the value exceeds \$5,000 and the motor vehicle is not recovered.” This penalty is similar to the current additional fine which may be imposed for committing a crime involving a stolen motor vehicle, calculated based on the fair market value of the motor vehicle and its contents when the total value exceeds \$7,500 and the vehicle is not recovered. See Section 2 of P.L.1991, c.83 (C.2C:20-2.2).

Any of the above described increased or additional penalties could be imposed along with several other current penalties that may be imposed for the crimes of theft or unlawful taking of a motor vehicle, or carjacking. These current penalties include court-ordered restitution in an amount based on the expenses incurred by the owner in recovering a vehicle and any damages to the vehicle prior to recovery, and an assessment of between \$100 and \$10,000 when the crime resulted in the injury or death of another person. See section 1 of P.L.1983, c.411 (C.2C:43-2.1); and section 2 of P.L.1979, c.396 (C.2C:43-3.1).