

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE, No. 3006

with committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 19, 2022

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 3006.

This bill, as amended, would increase penalties for several different crimes associated with motor vehicle thefts. Specifically, the bill addresses repeat adult offenders and leaders of auto theft trafficking networks whose networks include persons 17 years of age or younger.

#### Repeat Adult Offender

The bill would provide that a person convicted of third-degree theft of a motor vehicle pursuant to subparagraph (b) of paragraph (2) of subsection b. of N.J.S.2C:20-2 or receiving stolen property that is a motor vehicle pursuant to N.J.S.2C:20-7 (graded the same as the crime of theft), and who was previously convicted of either such crime or a similar act, would be subject to an extended term of imprisonment if moved for by the prosecuting attorney. Upon the prosecutor's application, a hearing would be conducted to establish the grounds for imposing the extended term, and a previous "conviction" could be found on the basis of a conviction or adjudication of delinquency for theft or receiving stolen property that is a motor vehicle, or a conviction or adjudication under any similar statute that is substantially equivalent in this State, any other state, or the United States. Under N.J.S.2C:43-7, an extended term of imprisonment for a crime of the third degree is five to 10 years; the ordinary term of imprisonment is set at three to five years. The fine for a crime of the third degree is up to \$15,000.

Repeat offenders are already subject to a presumption of imprisonment for a second or subsequent conviction for theft or unlawful taking of a motor vehicle when previously convicted of either such crime. The bill includes receiving stolen property that is a motor vehicle on the list of crimes for which a convicted repeat offender, with a previous theft, unlawful taking, or receiving conviction, would be subject to a presumption of imprisonment. Additionally, the repeat offender's new conviction would result in an extended term of imprisonment being imposed.

Leader of an Auto Theft Trafficking Network

The bill would upgrade the crime of leader of an auto theft trafficking network to a crime of the first degree, if the person who is the leader organizes, supervises, finances, or manages as part of the network any person who is 17 years of age or younger. A first-degree crime is punishable by a term of imprisonment of 10 to 20 years, and while a fine of up to \$200,000 may ordinarily be imposed for this degree of crime in addition to or in lieu of imprisonment, the bill instead provides for an enhanced fine not to exceed \$500,000 or five times the retail value of the motor vehicles seized at the time of arrest, whichever amount is greater. Currently, the crime is graded as a second-degree crime, which is punishable by a term of imprisonment of five to 10 years, an enhanced fine of up to \$250,000 (the ordinary fine is up to \$150,000) or alternatively five times the retail value of the motor vehicles seized, or both imprisonment and a fine.

It would not be a defense to a prosecution for the upgraded crime of the first degree involving a person who is 17 years of age or younger that the defendant mistakenly believed that person to be older than 17 years of age, even if such mistaken belief was reasonable.

The committee amendments to the bill:

- eliminate any changes proposed under the bill as introduced which would have increased penalties for first-time and repeat juvenile delinquents. First-time delinquents would have been subject to an order to perform community service for at least 60 days for committing an act, which if committed by an adult, would constitute receiving stolen property that is a motor vehicle. Repeat delinquents would have been subject to a mandatory minimum term of imprisonment of 60 days, when the act constituted knowingly eluding a law enforcement officer, motor vehicle theft, or receiving stolen property that is a motor vehicle and the delinquent was previously adjudicated for theft or unlawful taking of a motor vehicle.