

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 3390

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2023

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3390, with committee amendments.

The bill, as amended by the committee, expands the scope of criminal activities associated with motor vehicle master keys or devices or starting a motor vehicle without a key, subject to prosecution under N.J.S.2C:5-6 as a crime of the fourth degree. 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.

Under current law, it is a fourth-degree crime to knowingly possess a motor vehicle master key or device designed to operate a lock on motor vehicles; to start a motor vehicle without an ignition key; or to offer or advertise for sale, sell, or give a person, other than certain enumerated persons for lawful purposes such as a law enforcement officer, locksmith, or insurance support organization, a motor vehicle master key or device designed to operate locks on a motor vehicle or start it without an ignition key.

This bill, as amended, would also make it a fourth-degree crime to knowingly possess, for an unlawful purpose: a key fob that operates a lock or locks on, or starts, a motor vehicle owned by another person; or 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.

Under the bill, it would be a fourth-degree crime for a person to cause a master key or device, or key fob, to enter into commerce in this State, in addition to criminally causing this to occur under current law by offering or advertising for sale, selling, or giving any such item to a person other than a law enforcement officer, locksmith, or other enumerated person in N.J.S.2C:5-6.

Finally, under the bill, it would be a fourth-degree crime for a person to offer or advertise for sale, sell, or give 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 otherwise cause any such item to enter into commerce in this State, knowing the

item to be adapted, designed, or commonly used for those purposes, and done with a purpose to provide the item to someone the actor knows or reasonably should know has the purpose to use or employ the item unlawfully.

COMMITTEE AMENDMENTS:

The committee amended the bill to include insurance support organizations in the list of those who would not be guilty of a crime of possessing a motor vehicle master key or device designed to operate a lock on motor vehicles; starting a motor vehicle without an ignition key; or offering or advertising for sale a motor vehicle master key or device designed to operate locks on a motor vehicle or start it without an ignition key.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that this bill will result in an indeterminate annual increase in State expenditures and revenues. The OLS lacks sufficient information to quantify the fiscal impact, as it is not possible to know how many individuals will be prosecuted, tried, and sentenced under the expanded criminal penalties.