

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 5072**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 9, 2020

The Senate Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 5072.

This bill, as amended, is titled the “Defense Against Porch Pirates Act,” and it creates a new category of theft for taking a package delivered to a residential property by any cargo carrier. The term “cargo carrier” is broadly defined in N.J.S.2C:20-1, subsection w., concerning theft offenses generally, and includes “any business or establishment regularly operating for the purpose of conveying goods or property for compensation from one place to another by road.”

An act of porch piracy would be considered a disorderly persons offense, punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both. However, the act is upgraded to a crime of the fourth degree for any second or subsequent violation. 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.

In addition, an offender would be sentenced to mandatory community service for a period of up to ten days and would be required to pay restitution to the victim or victims.

Finally, a conviction for porch piracy could not be merged with a conviction for the more generalized crime of theft of movable property, and vice versa; thus an offender who removes a package delivered to a residential property could be charged and tried for either crime, or both crimes.

This bill, as amended and reported by the committee, is identical to Senate Bill No. 3496, also amended and reported today by the committee.

The committee amendments to the bill:

- make porch piracy a disorderly persons offense, which is upgraded to a crime of the fourth degree for a second or subsequent violation; and
- provide that a conviction for porch piracy could not merge with a conviction for the more generalized crime of theft of movable property, and vice versa.