

ASSEMBLY, No. 305

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

SYNOPSIS

Enhances penalties for false incrimination and making fictitious reports.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning false incrimination and fictitious reports and
2 amending N.J.S.2C:28-4.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. N.J.S.2C:28-4 is amended to read as follows:

8 2C:28-4. a. Falsely incriminating another. A person who
9 knowingly gives or causes to be given false information to any law
10 enforcement officer with purpose to implicate another commits a
11 crime of the **[fourth]** third degree, except the offense is a crime of
12 the second degree if the false information which the actor gave or
13 caused to be given would implicate the person in a crime of the first
14 or second degree.

15 For the purposes of this subsection, knowledge of the grade of
16 the crime about which the defendant gave false information is not
17 an element of the offense and it shall not be a defense that the
18 defendant did not know of the grade of the crime.

19 b. Fictitious reports. A person commits a **[disorderly persons**
20 **offense]** crime of the fourth degree if he:

21 (1) Reports or causes to be reported to law enforcement
22 authorities an offense or other incident within their concern
23 knowing that it did not occur; or

24 (2) Pretends to furnish or causes to be furnished such authorities
25 with information relating to an offense or incident when he knows
26 he has no information relating to such offense or incident.

27 (cf: N.J.S.2C:28-4)

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29 2. This act shall take effect immediately.

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STATEMENT

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This bill enhances the penalties for falsely incriminating another person in criminal activity.

Under current law, a person who knowingly gives or causes to be given false information to a law enforcement officer in order to implicate another commits false incrimination, a crime of the fourth degree. Fourth degree crimes are punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. The bill upgrades false incrimination to a crime of the third degree, or a crime of the second degree if the victim was implicated in a crime of the first or second degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. A crime

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 of the second degree is punishable by five to 10 years in prison, a
2 fine of up to \$150,000, or both.

3 Current law also provides that a person commits a disorderly
4 persons offense if he reports to law enforcement authorities an
5 offense or other incident that did not occur, or pretends to furnish
6 the authorities with information relating to an arrest or incident for
7 which he has no information. Making fictitious reports is a
8 disorderly persons offense, which is punishable by imprisonment
9 for up to six months, a fine of up to \$1,000, or both. The bill
10 upgrades making fictitious reports to a crime of the fourth degree.

11 This bill also provides that the prosecution is not required to
12 prove as an element of the crime that the defendant knew the degree
13 of the crime for which the implicating false information was given.