

ASSEMBLY, No. 382

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman EDWARD H. THOMSON
District 30 (Monmouth and Ocean)

Co-Sponsored by:

Assemblywoman N.Munoz

SYNOPSIS

Criminalizes participation in criminal street gang.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning criminal street gangs and supplementing
2 chapter 33 of Title 2C of the New Jersey Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. A person commits a crime of the fourth degree if the person
8 knowingly and actively participates in a criminal street gang and
9 purposely promotes, furthers or assists others participating in the
10 criminal street gang in the commission of one or more of the
11 following offenses: robbery; carjacking; aggravated assault;
12 assault; aggravated sexual assault; sexual assault; arson; burglary;
13 kidnapping; extortion; tampering with witnesses and informants; or
14 a violation of chapter 11, sections 3, 4, 5, 6, or 7 of chapter 35, or
15 chapter 39 of Title 2C of the New Jersey Statutes. For the purposes
16 of this act, the term “criminal street gang” shall have the same
17 meaning as provided in section 1 of P.L.2007, c.341 (C.2C:33-29).

18
19 2. This act shall take effect immediately.
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22 STATEMENT

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24 This bill would make it a crime of the fourth degree to
25 knowingly and actively participate in a criminal street gang and to
26 purposely promote, further or assist others participating in the
27 criminal street gang in the commission of certain offenses. Those
28 offenses are: robbery; carjacking; aggravated assault; assault;
29 aggravated sexual assault; sexual assault; arson; burglary;
30 kidnapping; extortion; tampering with witnesses and informants; or
31 a violation of chapter 11 (homicide), sections 3, 4, 5, 6, or 7 of
32 chapter 35 (controlled dangerous substances), or chapter 39
33 (firearms and weapons) of Title 2C of the New Jersey Statutes.
34 Fourth degree crimes are punishable by imprisonment of up to 18
35 months, a fine of up to \$10,000, or both.

36 As used in the bill, “criminal street gang” has the same definition
37 as provided in section 1 of P.L.2007, c.341 (C.2C:33-29). Under
38 that definition, criminal street gang means three or more persons
39 associated in fact. Individuals are associated in fact if: (1) two of
40 the following seven criteria that indicate criminal street gang
41 membership apply: (a) self-proclamation; (b) witness testimony or
42 official statement; (c) written or electronic correspondence; (d)
43 paraphernalia or photographs; (e) tattoos; (f) clothing or colors; (g)
44 any other indicia of street gang activity; and (2) individually or in
45 combination with other members of a criminal street gang, while
46 engaging in gang related activity, have committed or conspired or
47 attempted to commit, within the preceding five years from the date
48 of the present offense, excluding any period of imprisonment, one

1 or more offenses on separate occasions of robbery, carjacking,
2 aggravated assault, assault, aggravated sexual assault, sexual
3 assault, arson, burglary, kidnapping, extortion, tampering with
4 witnesses and informants or a violation of chapter 11, section 3, 4,
5 5, 6, or 7 of chapter 35 or chapter 39 of Title 2C of the New Jersey
6 Statutes.