

ASSEMBLY, No. 734

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman GORDON M. JOHNSON
District 37 (Bergen)

SYNOPSIS

Prohibits false or secret compartments in motor vehicles under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning false compartments and supplementing Title 2C
2 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. Any person who, acting with an unlawful purpose,
8 knowingly owns, operates or possesses a motor vehicle which
9 contains a false or secret compartment with the intent to store,
10 conceal, camouflage, hide, smuggle transport or prevent discovery
11 of a person, controlled dangerous substance, firearm, weapon or
12 other contraband within the false compartment is guilty of a crime
13 of the third degree.

14 b. Any person who, acting with an unlawful purpose,
15 knowingly designs, assembles, constructs, builds, alters, fabricates,
16 attaches, fortifies, installs, places, causes to be placed or maintains
17 a false compartment in a motor vehicle with the intent to store,
18 conceal, camouflage, hide, smuggle transport or prevent discovery
19 of a person, controlled dangerous substance, firearm, weapon or
20 other contraband within the false compartment is guilty of a crime
21 of the second degree.

22 It shall not be a defense that the false or secret compartment was
23 inoperable or was not actually triggered, or that its existence or
24 location was known to a law enforcement officer or another person.

25 c. As used in this section,

26 "False or secret compartment" means any box, container, space
27 or enclosure that is intended or designed to be used to store,
28 conceal, camouflage, hide, smuggle, transport or prevent discovery
29 of a person, controlled dangerous substance, firearm, weapon or
30 contraband within or attached to a motor vehicle, including but not
31 limited to, any of the following: (1) false, altered or modified fuel
32 tanks; (2) original factory equipment of a vehicle that is modified,
33 altered or changed; or (3) compartment, space, or box that is added
34 to or fabricated, made or created from existing compartments,
35 spaces or boxes within a vehicle.

36 d. For the purpose of this section, a person's intention to use a
37 false or secret compartment to conceal the contents of the
38 compartment from a law enforcement officer shall be inferred from
39 factors including, but not limited to, the discovery of a person,
40 controlled dangerous substance, firearm, weapon or other
41 contraband within the false or secret compartment, or from the
42 discovery of evidence of the previous placement of a person,
43 controlled dangerous substance, firearm, weapon or other
44 contraband within the false or secret compartment.

45 e. Any motor vehicle containing a false or secret compartment
46 and any items within that compartment shall be subject to forfeiture
47 and may be seized by the State or any law enforcement officer in
48 accordance with the provisions of N.J.S.2C:64-1 et seq.

1 f. Nothing herein shall be deemed to preclude, if the evidence
2 so warrants, an indictment and conviction for any other offense
3 defined by the laws of this State. Notwithstanding the provisions of
4 N.J.S.2C:1-8, N.J.S.2C:44-5 or any other provisions of law, a
5 conviction under this section shall not merge with a conviction for
6 any other criminal offense, or for conspiring or attempting to
7 violate any other criminal offense, nor shall the conviction for any
8 other criminal offense merge with a conviction under this section
9 and the sentence imposed upon a violation of this section shall be
10 ordered to be served consecutively to that imposed upon any other
11 conviction arising under a violation of any other criminal offense.

12
13 2. This act shall take effect on the 30th day after enactment.
14
15

16 STATEMENT 17

18 This bill would make it a crime for a person to possess, design or
19 assemble a false or secret compartment in a motor vehicle with the
20 intent to store, conceal, smuggle or transport a person, controlled
21 dangerous substance, firearm, weapon or other contraband.

22 Under the provisions of the bill, it would be a crime of the third
23 degree for a person, acting with an unlawful purpose, to knowingly
24 own, operate or possess a motor vehicle which contains a false or
25 secret compartment with the intent to store, conceal, smuggle or
26 transport a controlled dangerous substance, firearm or weapon
27 within the false compartment.

28 It would be a crime of the second degree for a person, acting
29 with an unlawful purpose, to knowingly design, assemble,
30 construct, build, alter, fabricate, attach, fortify, install, place, cause
31 to be placed or maintain a false compartment in a motor vehicle
32 with the intent to store, conceal, smuggle or transport a controlled
33 dangerous substance, firearm or weapon within the false
34 compartment.

35 A crime of the second degree is punishable by a term of
36 imprisonment of five to ten years, a fine of up to \$150,000 or both.
37 A crime of the third degree is punishable by a term of imprisonment
38 of three to five years, a fine of up to \$15,000 or both.

39 The bill provides that it would not be a defense that the false or
40 secret compartment was inoperable or was not actually triggered, or
41 that its existence or location was known to a law enforcement
42 officer or another person.

43 The bill defines a "false or secret compartment" as any box,
44 container, space or enclosure that is intended or designed to be used
45 to conceal, hide, and prevent discovery of a person, controlled
46 dangerous substance, firearm, weapon or other contraband within or
47 attached to a motor vehicle, including but not limited to, any of the
48 following: (1) false, altered or modified fuel tanks; (2) original

1 factory equipment of a vehicle that is modified, altered or changed;
2 or (3) compartment, space, or box that is added to or fabricated,
3 made or created from existing compartments, spaces or boxes
4 within a vehicle.

5 The bill provides that a person's intention to use a false or secret
6 compartment to conceal the contents of the compartment from a law
7 enforcement officer may be inferred from factors including, but not
8 limited to, the discovery of a person, controlled dangerous
9 substance, firearm, weapon or other contraband within the false or
10 secret compartment, or from the discovery of evidence of the
11 previous placement of a person, controlled dangerous substance,
12 firearm, weapon or other contraband within the false or secret
13 compartment.

14 In addition, the bill would provide that any vehicle containing a
15 false or secret compartment and any items within that compartment
16 would be subject to forfeiture and could be seized by the State or
17 any law enforcement officer in accordance with the provisions of
18 the forfeiture law in N.J.S.A.2C:64-1 et seq.

19 The bill would also provide that the sentence imposed for
20 violating the provisions of the bill would not merge with a
21 conviction of any other criminal offense, or for conspiring or
22 attempting to violate any other criminal offense. The court would
23 be required to impose separate sentences upon each violation of this
24 section and any other criminal offense.