

ASSEMBLY, No. 941

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

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District 37 (Bergen)

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SYNOPSIS

Upgrades unlawful taking thefts in certain instances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning theft and amending N.J.S.2C:20-3.

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

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6 1. N.J.S.2C:20-3 is amended to read as follows:

7 a. Movable property. A person is guilty of theft if he
8 unlawfully takes, or exercises unlawful control over, movable
9 property of another with purpose to deprive him thereof.

10 b. Immovable property. A person is guilty of theft if he
11 unlawfully transfers any interest in immovable property of another
12 with purpose to benefit himself or another not entitled thereto.

13 c. A person who commits theft in violation of subsection a. of
14 this section by taking a package delivered to a residential property
15 by any cargo carrier shall be guilty of a fourth degree crime if the
16 amount taken does not exceed \$200. If the amount taken exceeds
17 \$200, the person shall be guilty of a crime one degree higher than
18 the underlying offense.

19 d. Notwithstanding the provisions of N.J.S.2C:43-3 and in
20 addition to any other fine or penalty imposed, a person who
21 commits theft in violation of subsection a. of this section by taking
22 a package delivered to a residential property by any cargo carrier
23 shall be sentenced to make restitution.

24 (cf: P.L.1978, c.95, s.2C:20-3)

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26 2. This act shall take effect immediately.

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STATEMENT

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31 Currently, theft by unlawful taking under N.J.S.A.2C:20-3 is a
32 theft offense that is graded by the value of the property taken.
33 Package theft from residences is a crime punishable under
34 N.J.S.A.2C:20-3 as an unlawful taking offense.

35 This bill increases the penalties for unlawful taking when that
36 taking targets a package delivered to a residential property by any
37 cargo carrier. "Cargo carrier" is defined broadly in subsection w. of
38 N.J.S.2C:20-1. Under the bill, a person who commits theft by taking
39 a package delivered to a residential property by any cargo carrier
40 shall be guilty of a fourth degree crime if the amount taken does not
41 exceed \$200. If the amount taken exceeds \$200, the person shall be
42 guilty of a crime one degree higher than the underlying offense.
43 Additionally the bill provides in new subsection d. that restitution
44 shall be ordered in these cases. Presently it is a permissible option
45 for the sentencing judge in any criminal offense.

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 It is the sponsor's view that while theft of packages may be more
2 commonplace during the holiday shopping season, it is a serious
3 crime that can result not only in the loss of gifts that are ordered but
4 also in the potential loss of medication, legal documents and other
5 important items delivered to homes, and thus warrants more
6 stringent penalties than other types of theft by unlawful taking
7 offenses.