# ASSEMBLY, No. 1220

# STATE OF NEW JERSEY

## 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**
**Assemblywoman ANNETTE CHAPARRO**
**District 33 (Hudson)**

**SYNOPSIS**

Establishes penalty for withholding identification to hinder apprehension or prosecution.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.

**AN ACT** concerning withholding information from law enforcement and amending N.J.S.2C:29-3.

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

1. N.J.S.2C:29-3 is amended to read as follows:

2C:29-3. Hindering Apprehension or Prosecution. a. A person commits an offense if, with purpose to hinder the detention, apprehension, investigation, prosecution, conviction or punishment of another for an offense or violation of Title 39 of the Revised Statutes or a violation of chapter 33A of Title 17 of the Revised Statutes he:

(1) Harbors or conceals the other;

(2) Provides or aids in providing a weapon, money, transportation, disguise or other means of avoiding discovery or apprehension or effecting escape;

(3) Suppresses, by way of concealment or destruction, any evidence of the crime, or tampers with a witness, informant, document or other source of information, regardless of its admissibility in evidence, which might aid in the discovery or apprehension of such person or in the lodging of a charge against him;

(4) Warns the other of impending discovery or apprehension, except that this paragraph does not apply to a warning given in connection with an effort to bring another into compliance with law;

(5) Prevents or obstructs, by means of force, intimidation or deception, anyone from performing an act which might aid in the discovery or apprehension of such person or in the lodging of a charge against him;

(6) Aids such person to protect or expeditiously profit from an advantage derived from such crime; or

(7) Gives false information to a law enforcement officer or a civil State investigator assigned to the Office of the Insurance Fraud Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-16).

An offense under paragraph (5) of subsection a. of this section is a crime of the second degree, unless the actor is a spouse, domestic partner, partner in a civil union, parent or child to the person aided who is the victim of the offense, in which case the offense is a crime of the fourth degree. An offense under paragraph (3) or (7) of subsection a. of this section is a crime of the third degree if the conduct which the actor knows has been charged or is liable to be charged against another person would constitute leaving the scene

**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 <u>thus</u> is new matter.**

of a motor vehicle accident that results in the death of another person in violation of section 1 of P.L.1997, c.111 (C.2C:11-5.1). Notwithstanding the presumption of non-imprisonment for certain offenders set forth in subsection e. of N.J.S.2C:44-1, the actor shall serve a term of imprisonment, which shall be fixed at not less than one year, during which the actor shall not be eligible for parole. Otherwise, the offense under subsection a. of this section is a crime of the third degree if the conduct which the actor knows has been charged or is liable to be charged against the person aided would constitute a crime of the second degree or greater, unless the actor is a spouse, domestic partner, partner in a civil union, parent or child of the person aided, in which case the offense is a crime of the fourth degree. The offense is a crime of the fourth degree if such conduct would constitute a crime of the third degree. Otherwise it is a disorderly persons offense.

b. A person commits an offense if, with purpose to hinder his own detention, apprehension, investigation, prosecution, conviction or punishment for an offense or violation of Title 39 of the Revised Statutes or a violation of chapter 33A of Title 17 of the Revised Statutes, he:

(1) Suppresses, by way of concealment or destruction, any evidence of the crime or tampers with a document or other source of information, regardless of its admissibility in evidence, which might aid in his discovery or apprehension or in the lodging of a charge against him; or

(2) Prevents or obstructs by means of force or intimidation anyone from performing an act which might aid in his discovery or apprehension or in the lodging of a charge against him; or

(3) Prevents or obstructs by means of force, intimidation or deception any witness or informant from providing testimony or information, regardless of its admissibility, which might aid in his discovery or apprehension or in the lodging of a charge against him; or

(4) Gives false information to a law enforcement officer or a civil State investigator assigned to the Office of the Insurance Fraud Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-16)<u>; or</u>

<u>(5) Withholds or refuses to give his valid identification or true identity to a law enforcement officer</u>.

An offense under paragraph (3) of subsection b. of this section is a crime of the second degree. An offense under paragraph (1) or (4) of subsection b. of this section is a crime of the third degree if the conduct which the actor knows has been charged or is liable to be charged against him would constitute leaving the scene of a motor vehicle accident that results in the death of another person in violation of section 1 of P.L.1997, c.111 (C.2C:11-5.1). Notwithstanding the presumption of non-imprisonment for certain offenders set forth in subsection e. of N.J.S.2C:44-1, the actor shall

serve a term of imprisonment which shall be fixed at not less than one year, during which the actor shall not be eligible for parole.

Otherwise, the offense under subsection b. of this section is a crime of the third degree if the conduct which the actor knows has been charged or is liable to be charged against him would constitute a crime of the second degree or greater. The offense is a crime of the fourth degree if such conduct would constitute a crime of the third degree. Otherwise it is a disorderly persons offense.

(cf: P.L.2015, c.265, s.1)

2. This act shall take effect immediately.

STATEMENT

This bill provides that a person is guilty of hindering apprehension or prosecution whenever the person withholds or refuses to give valid identification or reveal her or his true identity to a law enforcement officer in order to hinder the officer's lawful investigation or detention of that person for certain criminal or motor vehicle offenses.

Under N.J.S.2C:29-3, purposely hindering one's own detention, apprehension, investigation, prosecution, conviction or punishment for a violation of Title 39 (motor vehicles) or chapter 33A of Title 17 (insurance fraud) of the Revised Statutes by giving false information to a law enforcement officer or a civil State investigator assigned to the Office of the Insurance Fraud Prosecutor is a disorderly persons offense, fourth degree crime, or third degree crime, depending upon the offense that was committed.

Current law provides that giving false information to hinder one's own apprehension or prosecution for a motor vehicle or insurance fraud violation is:

- a crime of the third degree if the conduct which the actor has been charged or is liable to be charged with constitutes a crime of the second degree or greater;
- a crime of the fourth degree if the conduct constitutes a crime of the third degree; or
- a disorderly persons offense.

This bill clarifies that a person who withholds or refuses to provide a valid identification or reveal her or his truthful identity in order to purposely hinder the person's own apprehension or prosecution for a motor vehicle or insurance fraud offense would be subject to the same penalties as a person who gives false information.

A third degree crime is punishable by three to five years imprisonment, a fine of up to $15,000, or both. A fourth degree crime is punishable by up to 18 months imprisonment, a fine of up

to $10,000, or both. A disorderly persons offense is punishable by up to six months imprisonment, a fine of up to $1,000, or both.