

ASSEMBLY, No. 3337

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman JON M. BRAMNICK

District 21 (Morris, Somerset and Union)

SYNOPSIS

Increases statute of limitations for prosecution of theft of firearm.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning theft of a firearm and amending N.J.S.2C:1-6.

2

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:1-6 is amended to read as follows:

7 2C:1-6. Time Limitations. a. (1) A prosecution for any offense
8 set forth in N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:14-2 or sections
9 1 through 5 of P.L.2002, c.26 (C.2C:38-1 through C.2C:38-5) may
10 be commenced at any time.

11 (2) A prosecution for any offense set forth in N.J.S.2C:17-2,
12 section 9 of P.L.1970, c.39 (C.13:1E-9), section 20 of P.L.1989,
13 c.34 (C.13:1E-48.20), section 19 of P.L.1954, c.212 (C.26:2C-19),
14 section 10 of P.L.1984, c.173 (C.34:5A-41), or section 10 of
15 P.L.1977, c.74 (C.58:10A-10) may be commenced at any time.

16 b. Except as otherwise provided in this section, prosecutions
17 for other offenses are subject to the following periods of
18 limitations:

19 (1) A prosecution for a crime must be commenced within five
20 years after it is committed;

21 (2) A prosecution for a disorderly persons offense or petty
22 disorderly persons offense must be commenced within one year
23 after it is committed;

24 (3) A prosecution for any offense set forth in N.J.S.2C:27-2,
25 N.J.S.2C:27-4, N.J.S.2C:27-6, N.J.S.2C:27-7, N.J.S.2C:29-4,
26 N.J.S.2C:30-2, N.J.S.2C:30-3, or any attempt or conspiracy to
27 commit such an offense, must be commenced within seven years
28 after the commission of the offense;

29 (4) A prosecution for an offense set forth in N.J.S.2C:14-3 or
30 N.J.S.2C:24-4, when the victim at the time of the offense is below
31 the age of 18 years, must be commenced within five years of the
32 victim's attaining the age of 18 or within two years of the discovery
33 of the offense by the victim, whichever is later;

34 (5) (Deleted by amendment, P.L.2007, c.131);

35 (6) A prosecution for theft of a firearm pursuant to subparagraph
36 (b) of paragraph (2) of subsection b. of N.J.S.2C:20-2 must be
37 commenced within 10 years after the commission of the offense.

38 c. An offense is committed either when every element occurs
39 or, if a legislative purpose to prohibit a continuing course of
40 conduct plainly appears, at the time when the course of conduct or
41 the defendant's complicity therein is terminated. Time starts to run
42 on the day after the offense is committed, except that when the
43 prosecution is supported by physical evidence that identifies the
44 actor by means of DNA testing or fingerprint analysis, time does
45 not start to run until the State is in possession of both the physical

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 evidence and the DNA or fingerprint evidence necessary to
2 establish the identification of the actor by means of comparison to
3 the physical evidence.

4 d. A prosecution is commenced for a crime when an indictment
5 is found and for a nonindictable offense when a warrant or other
6 process is issued, provided that such warrant or process is executed
7 without unreasonable delay. Nothing contained in this section,
8 however, shall be deemed to prohibit the downgrading of an offense
9 at any time if the prosecution of the greater offense was commenced
10 within the statute of limitations applicable to the greater offense.

11 e. The period of limitation does not run during any time when a
12 prosecution against the accused for the same conduct is pending in
13 this State.

14 f. The limitations in this section shall not apply to any person
15 fleeing from justice.

16 g. Except as otherwise provided in this code, no civil action
17 shall be brought pursuant to this code more than five years after
18 such action accrues.

19 (cf: P.L.2007, c.131, s.1)

20
21 2. This act shall take effect immediately and shall be applicable
22 to all offenses occurring on or after the effective date of this act. A
23 prosecution for an offense committed prior to the effective date of
24 P.L. , c. (pending before the Legislature as this bill) shall be
25 governed by the five-year statute of limitations as it was set forth in
26 N.J.S.2C:1-6 prior to the effective date of P.L. , c. (pending
27 before the Legislature as this bill).

30 STATEMENT

31
32 This bill would increase the statute of limitations for theft of a
33 firearm.

34 Under current law, theft of a firearm constitutes a crime of the
35 third degree, which is punishable by imprisonment of three to five
36 years, a fine of up to \$15,000, or both. Generally, prosecution of a
37 crime of the first, second, third, or fourth degree is required to be
38 commenced within five years after the crime is committed.
39 Therefore, prosecution for theft of a firearm is to be commenced
40 within five years.

41 This bill would increase the current five-year limitation on
42 prosecuting the crime of theft of a firearm to 10 years.