

**ASSEMBLY, No. 3355**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED FEBRUARY 25, 2020

**Sponsored by:**

**Assemblywoman NANCY F. MUNOZ**

**District 21 (Morris, Somerset and Union)**

**SYNOPSIS**

Increases penalty for harboring or concealing certain sex offenders.

**CURRENT VERSION OF TEXT**

As introduced.



1 **AN ACT** concerning harboring or concealing a sex offender and  
2 amending N.J.S.2C:29-3.

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

6  
7 1. N.J.S.2C:29-3 is amended to read as follows:

8 2C:29-3. Hindering Apprehension or Prosecution. a. A  
9 person commits an offense if, with purpose to hinder the detention,  
10 apprehension, investigation, prosecution, conviction or punishment  
11 of another for an offense or violation of Title 39 of the Revised  
12 Statutes or a violation of chapter 33A of Title 17 of the Revised  
13 Statutes he:

14 (1) Harbors or conceals the other;

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

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

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

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

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

34 (7) Gives false information to a law enforcement officer or a  
35 civil State investigator assigned to the Office of the Insurance Fraud  
36 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-  
37 16).

38 An offense under paragraph (5) of subsection a. of this section is  
39 a crime of the second degree, unless the actor is a spouse, domestic  
40 partner, partner in a civil union, parent or child to the person aided  
41 who is the victim of the offense, in which case the offense is a  
42 crime of the fourth degree. An offense under paragraph (3) or (7) of  
43 subsection a. of this section is a crime of the third degree if the  
44 conduct which the actor knows has been charged or is liable to be  
45 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 thus is new matter.**

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

16 Any actor who harbors or conceals a person who is subject to the  
17 registration requirements of section 2 of P.L.1994, c.133 (C.2C:7-2)  
18 and who the actor knows is not complying or has not complied with  
19 the provisions of section 2 of P.L.1994, c.133 (C.2C:7-2) shall be  
20 sentenced to a minimum term of imprisonment without eligibility  
21 for parole. If the offense is a crime of the third degree, the period  
22 of parole ineligibility shall be three years; if the offense is a crime  
23 of the fourth degree, the period of parole ineligibility shall be one  
24 year.

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

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

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

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

43 (4) Gives false information to a law enforcement officer or a  
44 civil State investigator assigned to the Office of the Insurance Fraud  
45 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-  
46 16).

1       An offense under paragraph (3) of subsection b. of this section is  
2 a crime of the second degree. An offense under paragraph (1) or (4)  
3 of subsection b. of this section is a crime of the third degree if the  
4 conduct which the actor knows has been charged or is liable to be  
5 charged against him would constitute leaving the scene of a motor  
6 vehicle accident that results in the death of another person in  
7 violation of section 1 of P.L.1997, c.111 (C.2C:11-5.1).  
8 Notwithstanding the presumption of non-imprisonment for certain  
9 offenders set forth in subsection e. of N.J.S.2C:44-1, the actor shall  
10 serve a term of imprisonment which shall be fixed at not less than  
11 one year, during which the actor shall not be eligible for parole.

12       Otherwise, the offense under subsection b. of this section is a  
13 crime of the third degree if the conduct which the actor knows has  
14 been charged or is liable to be charged against him would constitute  
15 a crime of the second degree or greater. The offense is a crime of  
16 the fourth degree if such conduct would constitute a crime of the  
17 third degree. Otherwise it is a disorderly persons offense.  
18 (cf: P.L.2015, c.265, s.1)

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20       2. This act shall take effect immediately.

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#### STATEMENT

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25       This bill increases the penalties for harboring or concealing a sex  
26 offender.

27       Under the provisions of the bill, a person who harbors or  
28 conceals a sex offender who has not complied with the registration  
29 requirements in Megan's Law and who the person knows has not  
30 complied with those requirements would be sentenced to a  
31 minimum term of imprisonment without eligibility for parole. If the  
32 offense is a crime of the third degree, the period of parole  
33 ineligibility would be three years; if the offense is a crime of the  
34 fourth degree, the period of parole ineligibility would be one year.  
35 A crime of the third degree is punishable by three to five years  
36 imprisonment, a fine of up to \$15,000, or both. A crime of the  
37 fourth degree is punishable by imprisonment for up to 18 months, a  
38 fine of up to \$10,000, or both.