

ASSEMBLY, No. 3430

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Increases penalty for hindering apprehension or prosecution of offender.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning hindering the apprehension or prosecution of
2 an offender and 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 person
9 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
39 is a crime of the second degree, unless the actor is a spouse,
40 domestic partner, partner in a civil union, parent or child to the
41 person aided who is the victim of the offense, in which case the
42 offense is a crime of the fourth degree. An offense under paragraph
43 (3) or (7) of subsection a. of this section is a crime of the third
44 degree if the conduct which the actor knows has been charged or is
45 liable to be charged against another person would constitute leaving

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

16 Any person who violates the provisions of subsection a. of this
17 section is guilty of a crime or offense of the same degree as the
18 most serious crime or offense that the person knows has been
19 charged or is liable to be charged against the principal offender who
20 committed the offense or violation of Title 39 of the Revised
21 Statutes or a violation of chapter 33A of Title 17 of the Revised
22 Statutes.

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

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

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

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

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

45 An offense under paragraph (3) of subsection b. of this section is
46 a crime of the second degree. An offense under paragraph (1) or (4)
47 of subsection b. of this section is a crime of the third degree if the
48 conduct which the actor knows has been charged or is liable to be

1 charged against him would constitute leaving the scene of a motor
2 vehicle accident that results in the death of another person in
3 violation of section 1 of P.L.1997, c.111 (C.2C:11-5.1).
4 Notwithstanding the presumption of non-imprisonment for certain
5 offenders set forth in subsection e. of N.J.S.2C:44-1, the actor shall
6 serve a term of imprisonment which shall be fixed at not less than
7 one year, during which the actor shall not be eligible for parole.

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

14 (cf: P.L.2015, c.265, s.2)

15
16 2. This act shall take effect immediately.

17 18 19 STATEMENT

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21 This bill increases the current penalty imposed for interfering
22 with the apprehension, prosecution, or conviction of a person
23 following the commission of an offense. Specifically, this bill
24 provides that a person who knowingly assists or conceals an
25 offender following the commission of a crime or offense is to
26 receive the same punishment imposed for the most serious offense
27 committed by that principal offender.

28 Currently, hindering the detention, apprehension, investigation,
29 prosecution, conviction or punishment of another under subsection
30 a. of N.J.S.A.2C:29-3 is a crime of the third degree if the
31 underlying crime committed by the offender would constitute a
32 crime of the second degree or greater. The penalty is downgraded
33 to a fourth degree crime if the offender who receives assistance is a
34 spouse, parent or child. Hindering is a crime of the fourth degree if
35 the underlying conduct would constitute a crime of the third degree.
36 A person who suppresses, conceals or destroys evidence, or gives
37 false information in an investigation, with the knowledge that
38 another person has been or is liable to be charged with leaving the
39 scene of a fatal motor vehicle accident is subject to a mandatory one
40 year term of imprisonment. Otherwise a violation of subsection a.
41 of N.J.S.A.2C:29-3 is a disorderly persons offense.

42 This bill eliminates this gradation of penalties, and establishes
43 that a person who assists or conceals an offender is subject to the
44 same penalty as that offender who carried out the criminal act or
45 offense.