SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3870

STATE OF NEW JERSEY

DATED: JANUARY 6, 2022

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3870.

This bill, designated as the "Defense Against Porch Pirates Act," addresses thieving activities that involve packages delivered to residential properties by cargo carriers.

Under current law, N.J.S.2C:20-2, theft is graded as low as a disorderly persons offense to as high as a crime of the second degree, depending upon the value of the property stolen, or the specific type of property stolen. Because the vast majority of package deliveries to residential properties contain items that are valued at $500 or less, these thefts are generally punishable as: (1) a crime of the fourth degree if the amount involved is at least $200, but not more than $500, which crime is punishable by a term of imprisonment of up to 18 months, a fine of up to $10,000, or both; or (2) a disorderly persons offense if the amount involved is less than $200, which offense is punishable by a term of imprisonment of up to six months, a fine of up to $1,000 or both.

This bill upgrades the penalty for the theft of a package delivered to a residential property by a cargo carrier where the amount involved is less than $75,000 or is undetermined. Specifically, the bill provides that such theft would constitute a crime of the third degree, which is punishable by a term of imprisonment of three to five years, a fine of up to $15,000, or both.

As reported, this bill is identical to Senate Bill No. 2807, which was also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) projects that the State will incur indeterminate additional annual operating expenses from prosecuting and trying the offense upgraded by the bill, and incarcerating any offenders. The State may receive indeterminate additional annual revenue from increased fines and penalties imposed on and collected from individuals convicted of the offense upgraded by this bill.

The OLS anticipates the bill will reduce the annual caseloads and operating expenditures of municipal courts and prosecutor offices by indeterminate amounts, as the bill would shift to State courts crimes of some theft under $200 that would have been adjudicated in municipal

courts. Municipal courts would also have reduced revenues from fewer court fines and fees. The OLS, however, lacks sufficient information to quantify the magnitude of the fiscal impact, as it is unclear how many persons would be prosecuted, tried, and sentenced under the provisions of the bill in any given fiscal year.