ASSEMBLY, No. 4753

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED OCTOBER 8, 2020

Sponsored by:
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Creates specific crime of selling counterfeit gold, silver, or other precious metals; imposes mandatory term of imprisonment if victim is senior citizen.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning the sale of certain counterfeit items and supplementing Title 2C of the New Jersey Statutes.

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

1. a. A person is guilty of a crime of the third degree if he violates the provisions of N.J.S.2C:20-4, Theft by Deception; N.J.S.2C:21-1, Forgery and Related Offenses; or the provisions of any other law by:

(1) purposely or knowingly creating or reinforcing a false impression that coins or bullion the person is selling or offering for sale are made of, or contain, gold, silver, or other precious metals, or that they are made of, or contain, a particular amount, grade, or composition of precious metals; or

(2) purposely or knowingly creating or reinforcing a false impression that coins the person is selling or offering for sale are graded and authenticated by a professional grading service by, among other means, presenting the coin inside a sealed plastic holder that resembles a legitimate holder used by a legitimate professional grading service.

b. In addition to any other disposition, the court shall order a person convicted of a violation of this section to pay compensation to the victim in the amount of three times the amount of damages which the victim sustains.

c. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6, if the victim of the offense set forth in this section is a senior citizen, the defendant shall be sentenced to a term of imprisonment by the court which shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or one year, whichever is greater, during which the defendant shall be ineligible for parole. As used in this subsection, "senior citizen" means a person 62 years of age or older.

d. Notwithstanding the provisions of N.J.S.2C:1-8 or any other provisions of law, a conviction arising under this section shall not merge with a conviction for any other offense.

2. This act shall take effect immediately.

STATEMENT

This bill would create the specific crime of selling counterfeit gold, silver, or other precious metals. Under current law, such acts may constitute the crime of Theft by Deception pursuant to N.J.S.2C:20-4 or Forgery pursuant to N.J.S.2C:21-1. The bill provides that a person would be guilty of a crime of the third degree if he violates the provisions of either of these statutes or any other

law by purposely or knowingly creating or reinforcing a false impression that coins or bullion that the person is selling or offering for sale are made of, or contain, gold, silver, or other precious metals, or that they are made of, or contain, a particular amount, grade, or composition of precious metals; or by purposely or knowingly creating or reinforcing a false impression that coins the person is selling or offering for sale are graded and authenticated by a professional grading service by, among other means, presenting the coin inside a sealed plastic holder that resembles a legitimate holder used by a legitimate professional grading service.

The bill provides that in addition to any other disposition, the court would order a person convicted of a violation of the statute to pay compensation to the victim in the amount of three times the amount of damages which the victim sustains.

The bill provides that the conviction would not merge with a conviction for any other offense.

Under the bill, if the victim of the crime is a senior citizen, the defendant would be sentenced to a mandatory term of imprisonment fixed at, or between, one-third and one-half of the sentence imposed by the court or one year, whichever is greater, during which the defendant would be ineligible for parole. The bill defines "senior citizen" as a person 62 years of age or older.

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