ASSEMBLY, No. 5436

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 8, 2021

Sponsored by:
Assemblyman ADAM J. TALIAFERRO
District 3 (Cumberland, Gloucester and Salem)
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District 33 (Hudson)
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District 31 (Hudson)

SYNOPSIS

Establishes crime of knowingly filing false report against law enforcement officers.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/8/2021)

AN ACT concerning false reports against law enforcement officers and amending N.J.S.2C:28-4.

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

1. N.J.S.2C:28-4 is amended to read as follows:

2C:28-4 a. Falsely incriminating another. A person who knowingly gives or causes to be given false information to any law enforcement officer with purpose to implicate another commits a crime of the third degree, except the offense is a crime of the second degree if the false information which the actor gave or caused to be given would implicate the person in a crime of the first or second degree.

For the purposes of this subsection, knowledge of the grade of the crime about which the defendant gave false information is not an element of the offense and it shall not be a defense that the defendant did not know of the grade of the crime.

b. Fictitious reports. A person commits a crime of the fourth degree if **[**he**]** the person:

(1) **[**Reports**]** reports or causes to be reported to law enforcement authorities an offense or other incident within their concern knowing that it did not occur; or

(2) **[**Pretends**]** pretends to furnish or causes to be furnished **[**such**]** law enforcement authorities with information relating to an offense or incident when he knows he has no information relating to **[**such**]** the offense or incident.

c. It shall be a crime of the third degree to knowingly file a false report or give false information to law enforcement authorities with the purpose to implicate a law enforcement officer in a crime, offense, or professional infraction that would warrant disciplinary action against the law enforcement officer.

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

(cf: P.L.2015, c.175, s.1)

2. This act shall take effect immediately.

STATEMENT

This bill establishes a third degree crime of filing a false report or giving false information to law enforcement authorities with the purpose to implicate a law enforcement officer in a crime, offense,

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.

or professional infraction that would warrant disciplinary action against the law enforcement officer.

Under current law, a person who knowingly gives or causes to be given false information to a law enforcement officer in order to implicate another commits false incrimination, a crime of the third degree, or a crime of the second degree if the victim was implicated in a first or second degree crime. In addition, it is a crime of the fourth degree to report to law enforcement authorities an offense or other incident that did not occur, or pretend to furnish the authorities with information relating to an arrest or incident for which the person has no information.

A crime of the third degree is punishable by three to five years imprisonment, a fine of up to $15,000, or both. A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to $150,000, or both.

This bill establishes a separate crime of the third degree of falsely implicating a law enforcement officer in a crime, offense, or professional infraction that would warrant disciplinary action. Under the bill, the crime of falsely implicating a law enforcement officer would not merge with the crimes of falsely incriminating another or giving a false report.