

SENATE, No. 1929

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

SYNOPSIS

Upgrades unlawful taking thefts in certain instances.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning theft and amending N.J.S.2C:20-3.

2

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

5

6 1. N.J.S.2C:20-3 is amended to read as follows:

7 2C:20-3. Theft by unlawful taking or disposition. a. Movable
8 property. A person is guilty of theft if he unlawfully takes, or
9 exercises unlawful control over, movable property of another with
10 purpose to deprive him thereof.

11 b. Immovable property. A person is guilty of theft if he
12 unlawfully transfers any interest in immovable property of another
13 with purpose to benefit himself or another not entitled thereto.

14 c. A person who commits theft in violation of subsection a. of
15 this section by taking a package delivered to a residential property
16 by any cargo carrier shall be guilty of a fourth degree crime if the
17 amount taken does not exceed \$200. If the amount taken exceeds
18 \$200, the person shall be guilty of a crime one degree higher than
19 the underlying offense.

20 d. Notwithstanding the provisions of N.J.S.2C:43-3 and in
21 addition to any other fine or penalty imposed, a person who
22 commits theft in violation of subsection a. of this section by taking
23 a package delivered to a residential property by any cargo carrier
24 shall be sentenced to make restitution.

25 (cf: P.L.1978, c.95, s.2C:20-3)

26

27 2. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 Currently, theft by unlawful taking under N.J.S.A.2C:20-3 is a
33 theft offense that is graded by the value of the property taken.
34 Package theft from residences is a crime punishable under
35 N.J.S.A.2C:20-3 as an unlawful taking offense.

36 This bill increases the penalties for unlawful taking when that
37 taking targets a package delivered to a residential property by any
38 cargo carrier. "Cargo carrier" is defined broadly in subsection w. of
39 N.J.S.2C:20-1. Under the bill, a person who commits theft by taking
40 a package delivered to a residential property by any cargo carrier
41 shall be guilty of a fourth degree crime if the amount taken does not
42 exceed \$200. If the amount taken exceeds \$200, the person shall be
43 guilty of a crime one degree higher than the underlying offense.
44 Additionally the bill provides in new subsection d. that restitution

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 shall be ordered in these cases. Presently it is a permissible option
2 for the sentencing judge in any criminal offense.

3 It is the sponsor's view that while theft of packages may be more
4 commonplace during the holiday shopping season, it is a serious
5 crime that can result not only in the loss of gifts that are ordered but
6 also in the potential loss of medication, legal documents and other
7 important items delivered to homes, and thus warrants more
8 stringent penalties than other types of theft by unlawful taking
9 offenses.