

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 3953

STATE OF NEW JERSEY

DATED: JUNE 16, 2021

The Senate Judiciary Committee reports favorably Senate Bill No. 3953.

This bill would clarify the classification in this State of criminal offenses committed in other states or under federal law.

Many statutes in New Jersey refer to criminal offenses committed in other jurisdictions. Many application forms and certifications ask the applicant whether he has been convicted of a crime in New Jersey “or in any other jurisdiction” or whether he has been convicted of a “similar crime in any other state.” The problem is, a crime as defined in this State may be punishable by a completely different term of imprisonment than the counterpart crime in other states or under federal law. Such counterpart, based on the possible prison sentence, may not be graded as a crime in this State, but instead as a disorderly persons or petty disorderly persons offense. This creates confusion for the public.

In New Jersey, a person may be convicted of a crime of the first, second, third, or fourth degree, or convicted of a disorderly persons offense or petty disorderly persons offense. Disorderly persons and petty disorderly persons offenses are not crimes. The lowest penalty for a conviction of a crime in this State is for a crime of the fourth degree, punishable by a term of imprisonment of up to 18 months. A disorderly persons offense is punishable by a term of imprisonment of up to six months, and a petty disorderly persons offense by a term of up to 30 days. By contrast, federal law and most other states use the classifications “felonies” and “misdemeanors” instead of New Jersey’s “crimes” and “offenses.” Under these other systems, a “felony” is generally punishable by a term of imprisonment of more than one year. A “misdemeanor” is generally punishable by a term of imprisonment of one year or less.

This bill would provide that a conviction in a jurisdiction other than New Jersey would be considered in this State to be a conviction of a crime if the other jurisdiction authorizes a sentence of imprisonment of more than one year for the conviction. A conviction in a jurisdiction other than New Jersey would be considered in this State to be a conviction of a disorderly persons offense if the other jurisdiction authorizes a sentence of imprisonment of one year or less, but more than 30 days. A conviction in a jurisdiction other than New Jersey would be considered in this State to be a conviction of a petty

disorderly persons offense if the other jurisdiction authorizes a sentence of imprisonment of 30 days or less.

The bill also specifies that when a provision in Title 2C of the New Jersey Statutes, any other statute, rule, regulation, or ordinance of this State, or any certification or application form promulgated thereunder, refers to a conviction of “a similar crime in another state,” a conviction under the laws of “any other state or the United States,” a conviction under the laws of “any other jurisdiction,” or contains similar phrasing referring to a conviction of a criminal offense outside this State, the conviction would be construed in this State as a crime, disorderly persons offense, or petty disorderly persons offense in accordance with the provisions set out above.