

RACIAL AND ETHNIC COMMUNITY CRIMINAL JUSTICE AND PUBLIC SAFETY IMPACT STATEMENT

[First Reprint]

ASSEMBLY, No. 4931

**STATE OF NEW JERSEY
220th LEGISLATURE**

Synopsis:

Establishes crimes of theft of motor vehicle and receiving stolen motor vehicle as separate statutory provisions; provides extended sentences for certain persistent offenders.

INTRODUCTION

The Office of Legislative Services does not develop or maintain source data concerning the criminal justice system in the State. The Office of Legislative Services makes reasonable efforts to obtain data from Executive Branch Departments and the Judiciary. This statement may reflect information provided by the United States Census Bureau, the Administrative Office of the Courts within the Judiciary, the New Jersey Department of Corrections, the New Jersey Office of the Attorney General, and the Juvenile Justice Commission in the New Jersey Department of Law and Public Safety. The publicly available data and the data provided by the responding departments and agencies contained within this statement allows for a general overview of the frequencies of events of interest (i.e. arrests, charges, and convictions) for racial and ethnic minorities for the crimes identified herein. This statement does not provide for an in-depth analysis of that data.

Additional data concerning recidivism rates and incarceration rates for the specific crimes addressed within this statement sorted by race and ethnicity is needed in order to make a conclusion on the impacts on racial and ethnic minorities. Additional data concerning the deterrent effects of similar laws of this type is needed to determine the impact on community criminal justice and public safety. It should be noted that the data needed may not currently be collected by the responding departments or agencies or may not exist.

BILL DESCRIPTION

Assembly Bill No. 4931 (1R) establishes separate statutory provisions for the crimes of theft of a motor vehicle and receiving a stolen motor vehicle, and provides for extended sentences for certain persistent offenders.

Under current law, the penalties for theft of a motor vehicle are set forth in the State's general statute consolidating theft and computer criminal activity offenses. Theft of a motor vehicle is a crime of the third degree, unless the value of the motor vehicle is greater than \$75,000, in which case it is a crime of the second degree. 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 a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both. The bill establishes theft of a motor vehicle as a separate offense, which will facilitate the tracking of motor vehicle theft crimes in this State. Under the bill, the theft of a motor vehicle remains a crime of the third degree, however if the individual steals more than one vehicle it is a crime of the second degree.

Under current law, receiving a stolen motor vehicle, punishable under the general statute governing the receipt of stolen property, is a crime of the third degree, unless the value of the vehicle is \$75,000 or greater, in which case it is a crime of the second degree. The bill establishes receiving a stolen motor vehicle as a separate offense, which will facilitate the tracking of crimes of receiving stolen motor vehicles in this State.

Under the bill, a permissive inference may apply that a person had knowledge or a belief that they received a stolen motor vehicle in violation of the bill if the person: is found to be in possession or control of two or more motor vehicles stolen on two or more separate occasions; has received a stolen motor vehicle in another transaction within the year preceding the transaction charged; being a person in the business of buying or selling motor vehicles, acquires the motor vehicle without having ascertained by reasonable inquiry that the person from whom it was obtained had a legal right to possess and dispose of it; or is found in possession of a motor vehicle without proper documentation or other evidence of right to possession.

Under the bill, a person is a persistent motor vehicle offender if a person convicted of theft of a motor vehicle, receiving a stolen motor vehicle, or carjacking has previously been convicted of one of these crimes on two or more prior and separate occasions, regardless of the dates of the convictions. A persistent offender may be sentenced to an extended term, upon motion of the prosecutor, if the prior conviction is for a crime committed on a separate occasion and the crime for which the person is being sentenced was committed either: within 10 years of the date of the defendant’s last release from confinement for commission of any crime; or within 10 years of the date of the commission of the most recent of the crimes enumerated in the bill for which the defendant has a prior conviction.

In addition, the bill updates the statutory provisions addressing the crime of receiving stolen property to also reference the crime of receiving a stolen motor vehicle set out in the bill.

Federal and State Census Information¹

	Population	Caucasian	African American	Native American/ Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Hispanic	Two or More Races/Other
National Census Estimate	331,450,000	59.3%	13.6%	1.3%	6.1%	0.3%	18.9%	2.9%
State Census Estimate	9,289,000	53.5%	15.3%	0.7%	10.3%	0.1%	21.5%	2.4%

Federal and State Inmate Population Data

	Total Population	Caucasian	African American	Native American/ Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Hispanic	Other/ Unknown
Actual Federal Adult Inmate Population ²	158,081	27.3%	38.5%	2.6%	1.4%	N/A	30.2%	N/A
Actual State Adult Inmate Population ³	12,492	22.0%	61.0%	0.0%	1.0%	N/A	16.0 %	0.0 %

¹ Publicly available data obtained from the federal census for national and State populations as of April 1, 2020.
² Publicly available data of federally sentenced persons in custody of the Federal Bureau of Prisons, as of February 18, 2023.
³ Publicly available data produced by the New Jersey Department of Corrections concerning the State inmate population on January 4, 2022. It has been reported by the New Jersey Department of Corrections that the Fiscal Year 2023 average daily population was 10,332 people. However, that number has not been sorted by race and ethnicity.

State Census and State Inmate Population Data

	Total Population	Caucasian	African American	Native American/ Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Hispanic	Other/ Unknown
State Census Estimate	9,289,000	53.5%	15.3%	0.7%	10.3%	0.1%	21.5%	2.4%
Actual State Adult Inmate Population ³	12,492	22.0%	61.0%	0.0%	1.0%	N/A	16.0%	0.0%

DATA PROVIDED BY THE EXECUTIVE BRANCH

The following data was provided, as a part of the submission, by the Office of the Attorney General:

Arrest, Unique Persons, Charges, and Convictions for Specified Charges

		Arrests		Unique Persons		Charges		Convictions	
Degree		2021	2022	2021	2022	2021	2022	2021	2022
2C:20-2 generally and as it relates to motor vehicles	2	9	20	9	20	9	20	2	2
	3	194	273	188	263	206	283	6	7
	4	109	124	107	124	111	127	7	3
	DP	13	8	13	8	13	8	5	3
	Unknown	2	4	2	3	2	4	1	1
2C:20-7 generally and at it relates to motor vehicles	3	1	0	1	0	1	0	1	0
	Blank	2996	3689	2743	3327	3172	3888	331	175

Note: Arrests are tabulated as an arrest of a Unique Person on a specific date. However, Unique Persons may have multiple arrests, charges, and convictions within this data set, as Unique Persons may have committed multiple offenses that result in multiple charges and convictions or committed multiple offenses within the year that resulted in multiple arrests of the Unique Person. 2C:20-2 includes 2C:20-2; 2C:20-2.3A; 2C:20-2.4A(1); 2C:20-2.6A; 2C:20-2B(1)(A); 2C:20-2B(1)(B); 2C:20-2B(1)(C); 2C:20-2B(1)(D); 2C:20-2B(1)(F); 2C:20-2B(2)(A); 2C:20-2B(2)(B); 2C:20-2B(2)(C); 2C:20-2B(2)(D); 2C:20-2B(2)(E); 2C:20-2B(2)(F); 2C:20-2B(2)(G); 2C:20-2B(2)(H); 2C:20-2B(2)(J); 2C:20-2B(2)(K); 2C:20-2B(3); 2C:20-2B(4); 2C:20-2B(4)(A). 2C:20-7 includes 2C:20-7; 2C:20-7.1A; 2C:20-7.1B; 2C:20-7.1B(1); 2C:20-7.1B(2); 2C:20-7A.

Arrest, Unique Persons, Charges, and Convictions by Race

		2021						2022					
Arrests	Statute	Degree	Asian / Pacific Islander	Black or African American	White (incl. Hispanic white)	American Indian / Alaska Native	Unk./ not provided	Asian / Pacific Islander	Black or African American	White (incl. Hispanic white)	American Indian / Alaska Native	Unk./ not provided	
	2C:20-2	2		6	3				9	11			
	2C:20-2	3	3	82	106		3	7	129	122		15	
	2C:20-2	4	1	49	53		6		58	63		3	
	2C:20-2	DP		7	5		1		3	5			
	2C:20-2			2						4			
	2C:20-7	3		1									
	2C:20-7		35	1717	1119	5	120	44	2067	1427	2	149	

2021								2022				
Charges	Statute	Degree	Asian / Pacific Islander	Black or African American	White (incl. Hispanic white)	American Indian / Alaska Native	Unk./ not provided	Asian / Pacific Islander	Black or African American	White (incl. Hispanic white)	American Indian / Alaska Native	Unk./ not provided
	2C:20-2	2		6	3				9	11		
	2C:20-2	3	3	91	109		3	7	132	128		16
	2C:20-2	4	1	51	53		6		58	66		3
	2C:20-2	DP		7	5		1		3	5		
	2C:20-2			2						4		
	2C:20-7	3		1								
	2C:20-7		38	1790	1199	5	140	48	2183	1494	2	161
2021								2022				
Persons	Statute	Degree	Asian / Pacific Islander	Black or African American	White (incl. Hispanic white)	American Indian / Alaska Native	Unk./ not provided	Asian / Pacific Islander	Black or African American	White (incl. Hispanic white)	American Indian / Alaska Native	Unk./ not provided
	2C:20-2	2		6	3				9	11		
	2C:20-2	3	3	80	102		3	5	125	118		15
	2C:20-2	4	1	47	53		6		58	63		3
	2C:20-2	DP		7	5		1		3	5		
	2C:20-2			2						3		
	2C:20-7	3		1								
	2C:20-7		33	1562	1032	4	112	43	1849	1298	2	135
2021								2022				
Convictions	Statute	Degree	Asian / Pacific Islander	Black or African American	White (incl. Hispanic white)	American Indian / Alaska Native	Unk./ not provided	Asian / Pacific Islander	Black or African American	White (incl. Hispanic white)	American Indian / Alaska Native	Unk./ not provided
	2C:20-2	2		1	1				1	1		
	2C:20-2	3	1	2	1		2	1	3	1		2
	2C:20-2	4	0	2	3		2		1	1		1
	2C:20-2	DP		2	2		1		2	1		
	2C:20-2			1						1		
	2C:20-7	3		1								
	2C:20-7		4	174	137	0	16	3	95	68	1	8

Note: Hispanic ethnicity was not captured during the Live Scan process, which must meet federal data specifications.⁴ The Administrative Office of the Courts created a separate data collection field for Hispanic origin in December 2021. However, this information is still pending addition to the data files available to OAG.

The following response was provided by the Juvenile Justice Commission:

The Juvenile Justice Commission (JJC) does not maintain or have direct access to detailed data on youth arrests, prosecutions, or adjudications (i.e. convictions). The JJC is not a prosecutorial agency. The JJC does not keep racial and ethnic data segregated by crimes for arrests, prosecutions, or adjudications for the juveniles committed to its care.

⁴ The Live Scan process is the automated fingerprint information system that the State Bureau of Identification utilizes as centralized storage for criminal arrest fingerprints.

The Department of Corrections has made available to the public statistical data concerning the State inmate population categorized by race and ethnicity for 2022, which are reflected in the charts on pages 2 and 3, and offenders by base offense for 2021 and 2022 in the following charts:

Offenders by Base Offense for 2021

Base Offense	Total		Male Offenders in Other Facilities		Youth Offenders		ADTC		Edna Mahan		Halfway Houses, County Jails, St. Francis	
	#	%	#	%	#	%	#	%	#	%	#	%
TOTAL OFFENDERS	12,808	100%	9,358	100%	1,321	100%	406	100%	404	100%	1,319	100%
Property Offenses	559	4%	362	4%	47	4%	0	0%	25	6%	125	9%

Offenders by Base Offense for 2022

Base Offense	Total		Male Offenders in Other Facilities		Youth Offenders		ADTC		Edna Mahan		Halfway Houses, County Jails, St. Francis	
	#	%	#	%	#	%	#	%	#	%	#	%
TOTAL OFFENDERS	12,492	100%	9,442	100%	1,139	100%	410	100%	408	100%	1,093	100%
Property Offenses	526	4%	375	4%	57	5%	0	0%	36	9%	58	5%

Note: In these tabulations, the base offense is the most serious offense at the time of admission. These figures reflect base or controlling offenses at admission only and do not include any offenses in addition to the base offense in the case of multiple sentences at admission. Property offenses include burglary, arson, theft, forgery, embezzlement, and receiving/possessing stolen property.

DATA PROVIDED BY THE JUDICIARY

The following data was provided by the Administrative Office of the Courts, which is the agency within the Judiciary responsible for the administration of court processes, rules promulgation, and data collection:

# OF CHARGES FOR SELECTED STATUTES * FOR COMPLAINTS ISSUED IN 2021					
RACE	ETHNICITY **				
	BLANK **	N	U	Y	TOTAL
AM IND/AK	9	0	0	0	9
ASIAN	61	0	0	0	61
BLACK	2,314	235	21	16	2,586
NOT ENTERED	119	0	0	0	119
OTHER	119	0	0	0	119
UNKNOWN	0	0	16	2	18
WHITE	1,857	61	9	83	2,010
TOTAL	4,479	296	46	101	4,922

# OF CHARGES FOR SELECTED STATUTES * FOR COMPLAINTS ISSUED IN 2022					
RACE	ETHNICITY **				
	BLANK **	N	U	Y	TOTAL
AM IND/AK	0	8	1	2	11
ASIAN	0	88	2	5	95
BLACK	0	3,176	186	180	3,542
NAT HAW/PI	0	1	0	0	1
NOT ENTERED	2	0	0	0	2
OTHER	1	0	0	0	1
UNKNOWN	0	27	94	72	193
WHITE	1	1,140	109	1,183	2,433
TOTAL	4	4,440	392	1,442	6,278

** ETHNICITY	
CODE	DESCRIPTION
BLANK	ETHNICITY NOT ENTERED ON COMPLAINT
N	NOT HISPANIC OR LATINX
U	UNKNOWN
Y	HISPANIC OR LATINX

SELECTED STATUTES *		
STATUTE	DEGREE	DESCRIPTION
2C:15-2A(1)	1	CARJACKING-INFLICT BI OR USES FORCE UPON OCCUPANT
2C:15-2A(2)	1	CARJACKING-THREATEN OCCUPANT /W BODILY INJURY
2C:15-2A(3)	1	CARJACKING: THREATENS/COMMITTS 1ST-2ND DEGREE CRIME
2C:15-2A(4)	1	CARJACKING AND RETAIN DRIVER OR OCCUPANT
2C:20-18	2	LEADER OF AUTO THEFT TRAFFICKING NETWORK
2C:20-2B(1)(A)	2	THEFT-VALUE \$75000+
2C:20-2B(2)(A)	3	THEFT-VALUE BETWEEN \$500-\$74,999
2C:20-2B(2)(B)	3	THEFT-FIREARM/MV/VESSEL/ BOAT/HORSE/PET/AIRPLANE
2C:20-7A	2	RECEIVING STOLEN PROP-KNOW PROP STOLEN-VAL 75000+ ETC
2C:20-7A	3	RECEIVNG STOLEN PROP-KNOW PROP STOLEN-VAL 500-74999 ETC
2C:20-7A	4	RECEIVING STOLEN PROPERTY-VALUE \$200-\$499
2C:20-7A	D	RECEIVING STOLEN PROPERTY-VALUE LESS THAN \$200
2C:5-6A	4	MOTOR VEHICLE MASTER KEYS-KNOWINGLY POSS MASTER KEY

DATED: MARCH 1, 2023