

ASSEMBLY, No. 5034

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JANUARY 10, 2023

Sponsored by:

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

SYNOPSIS

Upgrades crime of leader of auto theft trafficking network; establishes second degree crime of participant in auto theft trafficking network.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/9/2023)

1 AN ACT concerning automobile theft and amending P.L.1991, c.82.

2

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

5

6 1. Section 1 of P.L.1991, c.82 (C.2C:20-18) is amended to read
7 as follows:

8 1. a. A person is a leader of an auto theft trafficking network if
9 **[he]** the person conspires with others as an organizer, supervisor,
10 financier **[or]**, manager, or recruiter to engage for profit or to
11 commit other criminal activity in a scheme or course of conduct to
12 unlawfully take, dispose of, distribute, bring into, or transport in
13 this State automobiles or automobile parts as stolen property.
14 Leader of auto theft trafficking network is a crime of the **[second]**
15 first degree. Notwithstanding the provisions of subsection a. of
16 N.J.S.2C:43-3, the court may impose a fine not to exceed
17 **[\$250,000.00]** \$500,000 or five times the retail value of the
18 automobiles or automobile parts seized at the time of the arrest,
19 whichever is greater.

20 b. A person is a participant in an auto theft trafficking network
21 if the person conspires with others as a participant to engage for
22 profit or to commit other criminal activity in a scheme or course of
23 conduct to unlawfully take, dispose of, distribute, bring into, or
24 transport in this State automobiles or automobile parts as stolen
25 property. Participant in auto theft trafficking network is a crime of
26 the second degree. Notwithstanding the provisions of subsection a.
27 of N.J.S.2C:43-3, the court may impose a fine not to exceed
28 \$250,000 or five times the retail value of the automobiles or
29 automobile parts seized at the time of the arrest, whichever is
30 greater.

31 c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction
32 of leader of auto theft trafficking network or participant in auto
33 theft trafficking network shall not merge with the conviction for any
34 offense which is the object of the conspiracy. Nothing contained in
35 this act shall prohibit the court from imposing an extended term
36 pursuant to N.J.S.2C:43-7; nor shall this act be construed in any
37 way to preclude or limit the prosecution or conviction of any person
38 for conspiracy under N.J.S.2C:5-2, or any prosecution or conviction
39 for any other offense.

40 d. It shall not be necessary in any prosecution under this act for
41 the State to prove that any intended profit was actually realized. The
42 trier of fact may infer that a particular scheme or course of conduct
43 was undertaken for profit from all of the attending circumstances,
44 including but not limited to the number of persons involved in the
45 scheme or course of conduct, the actor's net worth and **[his]**

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 expenditures in relation to **【his】** the actor's legitimate sources of
2 income, the number of automobiles or automobile parts involved, or
3 the amount of cash or currency involved.

4 e. It shall not be a defense to a prosecution under this act that
5 the automobile or automobile part was brought into or transported
6 in this State solely for ultimate distribution in another jurisdiction;
7 nor shall it be a defense that any profit was intended to be made in
8 another jurisdiction.

9 (cf: P.L.1991, c.82, s.1)

10
11 2. This act shall take effect immediately.

12 13 14 STATEMENT

15
16 This bill upgrades the crime of leader of auto theft trafficking
17 network and establishes a second degree crime of participant in auto
18 theft trafficking network.

19 Under current law, a person commits the crime of leader of auto
20 theft trafficking network, a crime of the second degree, if the person
21 conspires with others as an organizer, supervisor, financier, or
22 manager to engage for profit in a scheme or course of conduct to
23 unlawfully take, dispose of, distribute, bring into, or transport in
24 this State automobiles as stolen property. A crime of the second
25 degree is punishable by a fine of up to \$150,000, a term of
26 imprisonment of five to 10 years, or both. Under current law, for
27 this crime, a court may impose a fine not to exceed \$250,000 or five
28 times the retail value of the automobiles or automobile parts seized
29 at the time of the theft.

30 Under the bill, a person is a leader of an auto theft trafficking
31 network if the person conspires with others as an organizer,
32 supervisor, financier, manager, or recruiter to engage for profit or to
33 commit other criminal activity in a scheme or course of conduct to
34 unlawfully take, dispose of, distribute, bring into, or transport in
35 this State automobiles or automobile parts as stolen property. The
36 bill makes leader of auto theft trafficking network a crime of the
37 first degree. A crime of the first degree is punishable by a fine of
38 up to \$200,000, a term of imprisonment of 10-20 years, or both.
39 The bill provides that for a person convicted of this crime, the court
40 may impose a fine not to exceed \$500,000 or five times the retail
41 value of the automobiles or automobile parts seized at the time of
42 the arrest, whichever is greater.

43 The bill also establishes a new crime of participant in auto theft
44 trafficking network if a person conspires with others as a participant
45 to engage for profit or to commit other criminal activity in a scheme
46 or course of conduct to unlawfully take, dispose of, distribute, bring
47 into, or transport in this State automobiles or automobile parts as

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1 stolen property. Participant in auto theft trafficking network is a
2 crime of the second degree. The court may impose a fine on a
3 person convicted of this crime not to exceed \$250,000 or five times
4 the retail value of the automobiles or automobile parts seized at the
5 time of the arrest, whichever is greater.