

[First Reprint]

**ASSEMBLY, No. 5034**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

INTRODUCED JANUARY 10, 2023

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**SYNOPSIS**

Expands crime of leader of auto theft trafficking network; establishes third degree crime of participant in auto theft trafficking network.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Law and Public Safety Committee on February 13, 2023, with amendments.

(Sponsorship Updated As Of: 6/20/2023)

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 as  
7 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 commit  
11 other criminal activity in a scheme or course of conduct to unlawfully  
12 take, dispose of, distribute, bring into, or transport in this State  
13 automobiles or automobile parts as stolen property. Leader of auto  
14 theft trafficking network is a crime of the **[second]** <sup>1</sup>**[first]** second<sup>1</sup>  
15 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]** \$250,000 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 if  
21 the person conspires with others as a participant to engage for profit or  
22 to commit other criminal activity in a scheme or course of conduct to  
23 unlawfully take, dispose of, distribute, bring into, or transport in this  
24 State automobiles or automobile parts as stolen property. Participant  
25 in auto theft trafficking network is a crime of the **[second]** third<sup>1</sup>  
26 degree. <sup>1</sup>**[Notwithstanding the provisions of subsection a. of**  
27 **N.J.S.2C:43-3, the court may impose a fine not to exceed \$250,000 or**  
28 **five times the retail value of the automobiles or automobile parts**  
29 **seized at the time of the arrest, whichever is greater.]**<sup>1</sup>

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

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

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ALP committee amendments adopted February 13, 2023.

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 the  
5 automobile or automobile part was brought into or transported in this  
6 State solely for ultimate distribution in another jurisdiction; nor shall it  
7 be a defense that any profit was intended to be made in another  
8 jurisdiction.

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

10

11 2. This act shall take effect immediately.