

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5034

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2023

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 5034.

As amended and reported by the committee, Assembly Bill No. 5034 expands the crime of leader of auto theft trafficking network and establishes a third degree crime of participant in auto theft trafficking network.

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

Under the bill, a person is a leader of an auto theft trafficking network if the person conspires with others as an organizer, supervisor, financier, manager, or recruiter to engage for profit or to commit other criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property.

The bill establishes a new crime of participant in auto theft trafficking network if a person conspires with others as a participant to engage for profit or to commit other criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property. Participant in auto theft trafficking network is a crime of the third degree. A crime of the third degree is punishable by a fine of up to \$15,000, a term of imprisonment of three to five years, or both.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) remove the provision of the bill that upgrades the crime of leader of auto theft trafficking network to a crime of the first degree so

that a violation under the amended bill would remain a crime of the second degree; and

(2) provide that participant in an auto theft trafficking network is a crime of the third degree; and

(3) remove the provisions of the bill that provide for enhanced penalties for a crime of participant in an auto theft trafficking network.