

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 5034

STATE OF NEW JERSEY

DATED: MARCH 23, 2023

The Assembly Appropriations Committee reports favorably Assembly Bill Number 5034 (1R).

This bill 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.

FISCAL IMPACT:

The Office of Legislative Services (OLS) projects that this bill will result in annual State expenditure and revenue increases. The following State agencies would incur caseload and expenditure increases: i) the Department of Corrections would have to house more inmates in State prisons and the State Parole Board would have to

supervise their return to society; ii) the Department of Law and Public Safety would have to prosecute additional cases; iii) the Judiciary would have to adjudicate additional cases; and iv) the Office of the Public Defender would have to represent additional low-income criminal defendants.

The OLS does not have sufficient information on the potential increases in number of convictions and terms of imprisonment resulting from the bill's provisions and therefore is unable to estimate the costs to the State.

This bill expands the crime of leader of an auto theft trafficking network and establishes a third degree crime of participant in auto theft trafficking network. The OLS notes the State may receive indeterminate revenue from regular and enhanced fines imposed on individuals convicted of the crimes under this bill. However, the State's ability to collect criminal fines and penalties has historically been limited.