

P.L. 2023, CHAPTER 101, *approved July 7, 2023*
Assembly, No. 4931 (*First Reprint*)

1 **AN ACT** concerning theft of and receiving a stolen motor vehicle,
2 supplementing Title 2C of the New Jersey Statutes, and
3 amending various parts of the statutory law.

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

7
8 1. (New section) Theft of a motor vehicle. a. A person
9 commits the crime of theft of a motor vehicle if the person unlawfully
10 takes, or exercises unlawful control over, another person's motor
11 vehicle with the purpose to deprive that person of the motor vehicle.

12 b. Theft of a motor vehicle constitutes a crime of the second
13 degree if the value of the motor vehicle involved is \$75,000 or more
14 or if the theft involved more than one motor vehicle, otherwise it is
15 a crime of the third degree.

16 c. The value of the motor vehicle involved in the theft shall be
17 determined by the trier of fact. The amount shall include, but not
18 be limited to, the amount of any State tax avoided, evaded, or
19 otherwise unpaid, or improperly retained or disposed of. Amounts
20 involved in thefts of motor vehicles committed pursuant to one
21 scheme or course of conduct, whether from the same person or
22 several persons, may be aggregated in determining the grade of the
23 offense.

24
25 2. (New section) a. Receiving a stolen motor vehicle. A
26 person is guilty of receiving a stolen motor vehicle if the person
27 knowingly receives or brings into this State a motor vehicle that is
28 the property of another knowing that it has been stolen, or believing
29 that it is probably stolen. Receiving a stolen motor vehicle is a
30 crime of the second degree if the value of the motor vehicle is
31 \$75,000 or more, otherwise it is a crime of the third degree.

32 b. It is an affirmative defense that the property was received
33 with the purpose to restore it to the owner.

34 c. Permissive inference. The requisite knowledge or belief
35 may be inferred in the case of a person who:

36 (1) is found in possession or control of two or more motor
37 vehicles stolen on two or more separate occasions; or

38 (2) has received a stolen motor vehicle in another transaction
39 within the year preceding the transaction charged; or

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:

¹Assembly ALP committee amendments adopted December 5, 2022.

1 (3) being a person in the business of buying or selling motor
2 vehicles, acquires the motor vehicle without having ascertained by
3 reasonable inquiry that the person from whom it was obtained had a
4 legal right to possess and dispose of it; or

5 (4) is found in possession of a motor vehicle without proper
6 documentation or other evidence of right to possession.

7 For the purposes of this section, “receiving” means acquiring
8 possession, control or title, or lending on the security of the motor
9 vehicle.

10
11 3. (New section) Persistent stolen motor vehicle offender
12 sentencing.

13 a. Upon request of the prosecutor, a person ¹who has been
14 convicted of a crime pursuant to section 1 or 2 of P.L. ,
15 c. (C.) (pending before the Legislature as this bill) or
16 carjacking pursuant to section 1 of P.L.1993, c.221 (C.2C:15-2)¹
17 shall be sentenced to an extended term of imprisonment pursuant to
18 N.J.S.2C:43-7 if the person ¹**is** has previously been¹ convicted
19 ¹on two or more prior and separate occasions, regardless of the
20 dates of the convictions,¹ of a crime pursuant to section 1 or 2 of
21 P.L. , c. (C.) (pending before the Legislature as this bill),
22 carjacking pursuant to section 1 of P.L.1993, c.221 (C.2C:15-2),
23 ¹theft or unlawful taking of a motor vehicle, receiving stolen
24 property where the property involved is a motor vehicle,¹ or ¹a
25 crime¹ under any statute of the United States, this State, or any
26 other state for a crime that is substantially equivalent to any of the
27 crimes enumerated in this subsection ¹**is**, committed on two or more
28 prior and separate occasions regardless of the dates of the
29 convictions¹.

30 b. The provisions of this section shall not apply unless the prior
31 ¹**conviction is** convictions are¹ for ¹**a crime** crimes¹ committed
32 on a separate occasion and the crime for which the defendant is
33 being sentenced was committed either:

34 (1) within 10 years of the date of the defendant’s last release
35 from confinement for the commission of any crime; or

36 (2) within 10 years of the date of the commission of the most
37 recent of the crimes ¹enumerated in subsection a. of this section¹ for
38 which the defendant has a prior conviction.

39 c. The court shall not impose a sentence of imprisonment
40 pursuant to this section, unless the ground therefor has been
41 established at a hearing after the conviction of the defendant and on
42 written notice to the defendant of the ground proposed. The
43 defendant shall have the right to hear and controvert the evidence
44 against him and to offer evidence upon the issue. Prior convictions
45 shall be defined and proven in accordance with N.J.S.2C:44-4.

1 4. N.J.S.2C:20-2 is amended to read as follows:

2 2C:20-2. a. Consolidation of Theft and Computer Criminal
3 Activity Offenses. Conduct denominated theft or computer
4 criminal activity in this chapter constitutes a single offense, but
5 each episode or transaction may be the subject of a separate
6 prosecution and conviction. A charge of theft or computer criminal
7 activity may be supported by evidence that it was committed in any
8 manner that would be theft or computer criminal activity under this
9 chapter, notwithstanding the specification of a different manner in
10 the indictment or accusation, subject only to the power of the court
11 to ensure fair trial by granting a bill of particulars, discovery, a
12 continuance, or other appropriate relief where the conduct of the
13 defense would be prejudiced by lack of fair notice or by surprise.

14 b. Grading of theft offenses.

15 (1) Theft constitutes a crime of the second degree if:

16 (a) The amount involved is \$75,000 or more;

17 (b) The property is taken by extortion;

18 (c) The property stolen is a controlled dangerous substance or
19 controlled substance analog as defined in N.J.S.2C:35-2 and the
20 quantity is in excess of one kilogram;

21 (d) The property stolen is a person's benefits under federal or
22 State law, or from any other source, which the Department of
23 Human Services or an agency acting on its behalf has budgeted for
24 the person's health care and the amount involved is \$75,000 or
25 more;

26 (e) The property stolen is human remains or any part thereof;
27 except that, if the human remains are stolen by deception or
28 falsification of a document by which a gift of all or part of a human
29 body may be made pursuant to P.L.2008, c.50 (C.26:6-77 et al.), the
30 theft constitutes a crime of the first degree; or

31 (f) It is in breach of an obligation by a person in his capacity as
32 a fiduciary and the amount involved is \$50,000 or more.

33 (2) Theft constitutes a crime of the third degree if:

34 (a) The amount involved exceeds \$500 but is less than \$75,000;

35 (b) The property stolen is a firearm, [motor vehicle,] vessel,
36 boat, horse, domestic companion animal or airplane;

37 (c) The property stolen is a controlled dangerous substance or
38 controlled substance analog as defined in N.J.S.2C:35-2 and the
39 amount involved is less than \$75,000 or is undetermined and the
40 quantity is one kilogram or less;

41 (d) It is from the person of the victim;

42 (e) It is in breach of an obligation by a person in his capacity as
43 a fiduciary and the amount involved is less than \$50,000;

44 (f) It is by threat not amounting to extortion;

45 (g) It is of a public record, writing or instrument kept, filed or
46 deposited according to law with or in the keeping of any public
47 office or public servant;

1 (h) The property stolen is a person's benefits under federal or
2 State law, or from any other source, which the Department of
3 Human Services or an agency acting on its behalf has budgeted for
4 the person's health care and the amount involved is less than
5 \$75,000;

6 (i) The property stolen is any real or personal property related
7 to, necessary for, or derived from research, regardless of value,
8 including, but not limited to, any sample, specimens and
9 components thereof, research subject, including any warm-blooded
10 or cold-blooded animals being used for research or intended for use
11 in research, supplies, records, data or test results, prototypes or
12 equipment, as well as any proprietary information or other type of
13 information related to research;

14 (j) The property stolen is a New Jersey Prescription Blank as
15 referred to in R.S.45:14-14;

16 (k) The property stolen consists of an access device or a defaced
17 access device;

18 (l) The property stolen consists of anhydrous ammonia and the
19 actor intends it to be used to manufacture methamphetamine; or

20 (m) The property stolen consists of a package delivered to a
21 residential property by a cargo carrier and the amount involved is
22 less than \$75,000 or is undetermined.

23 (3) Theft constitutes a crime of the fourth degree if the amount
24 involved is at least \$200 but does not exceed \$500.

25 (4) Theft constitutes a disorderly persons offense if:

26 (a) The amount involved was less than \$200; or

27 (b) The property stolen is an electronic vehicle identification
28 system transponder.

29 The amount involved in a theft or computer criminal activity
30 shall be determined by the trier of fact. The amount shall include,
31 but shall not be limited to, the amount of any State tax avoided,
32 evaded or otherwise unpaid, improperly retained or disposed of.
33 Amounts involved in thefts, thefts of motor vehicles, or computer
34 criminal activities committed pursuant to one scheme or course of
35 conduct, whether from the same person or several persons, may be
36 aggregated in determining the grade of the offense.

37 c. Claim of right. It is an affirmative defense to prosecution
38 for theft that the actor:

39 (1) Was unaware that the property or service was that of
40 another;

41 (2) Acted under an honest claim of right to the property or
42 service involved or that he had a right to acquire or dispose of it as
43 he did; or

44 (3) Took property exposed for sale, intending to purchase and
45 pay for it promptly, or reasonably believing that the owner, if
46 present, would have consented.

47 d. Theft from spouse. It is no defense that theft or computer
48 criminal activity was from or committed against the actor's spouse,

1 except that misappropriation of household and personal effects, or
2 other property normally accessible to both spouses, is theft or
3 computer criminal activity only if it occurs after the parties have
4 ceased living together.

5 (cf: P.L.2021, c.448, s.1)

6
7 5. N.J.S.2C:20-7 is amended to read as follows:

8 2C:20-7. Receiving Stolen Property.

9 a. Receiving. A person is guilty of theft if he knowingly
10 receives or brings into this State movable property, other than a
11 motor vehicle, of another knowing that it has been stolen, or
12 believing that it is probably stolen. It is an affirmative defense that
13 the property was received with purpose to restore it to the owner.
14 "Receiving" means acquiring possession, control or title, or lending
15 on the security of the property.

16 b. **【Presumption of knowledge.】** Permissive inference. The
17 requisite knowledge or belief **【is presumed】** may be inferred in the
18 case of a person who:

19 (1) Is found in possession or control of two or more items of
20 property stolen on two or more separate occasions; or

21 (2) Has received stolen property in another transaction within
22 the year preceding the transaction charged; or

23 (3) Being a person in the business of buying or selling property
24 of the sort received, acquires the property without having
25 ascertained by reasonable inquiry that the person from whom he
26 obtained it had a legal right to possess and dispose of it; or

27 (4) Is found in possession of two or more defaced access
28 devices; or

29 (5) Is found in possession of property of a cargo carrier without
30 proper documentation or other evidence of right to possession.

31 (cf: P.L.2013, c.58, s.3)

32
33 6. Section 3 of P.L.1989, c.331 (C.34:8-44) is amended to read
34 as follows:

35 3. In addition to any other procedure, condition or information
36 required by this act:

37 a. Every applicant shall file a disclosure statement with the
38 chief stating whether or not the applicant has been convicted of any
39 crime, which for the purposes of this act shall mean a violation of
40 any of the following provisions of the "New Jersey Code of
41 Criminal Justice," Title 2C of the New Jersey Statutes as amended
42 and supplemented, or the equivalent under the laws of any other
43 jurisdiction:

44 (1) Any crime of the first degree;

45 (2) Any crime which is a second or third degree crime and is a
46 violation of chapter 20 or 21 of Title 2C of the New Jersey Statutes;
47 or

1 (3) Any other crime which is a violation of N.J.S.2C:5-1, 2C:5-
2 2, 2C:11-2 through 2C:11-4, 2C:12-1, 2C:12-3, 2C:13-1, 2C:14-2,
3 2C:15-1, subsection a. or b. of 2C:17-1, subsection a. or b. of
4 2C:17-2, 2C:18-2, 2C:20-1, 2C:20-2, 2C:20-4, 2C:20-5, 2C:20-7,
5 section 1 or 2 of P.L. _____, c. _____ (C. _____) (pending before the
6 Legislature as this bill), 2C:20-9, 2C:21-2 through 2C:21-4, 2C:21-
7 6, 2C:21-7, 2C:21-12, 2C:21-14, 2C:21-15, or 2C:21-19, chapter 27
8 or 28 of Title 2C of the New Jersey Statutes, N.J.S.2C:30-2, 2C:30-
9 3, 2C:35-5, 2C:35-10, or 2C:37-1 through 2C:37-4.

10 b. Each disclosure statement may be reviewed and used by the
11 director as grounds for denying licensure or registration, except that
12 in cases in which the provisions of P.L.1968, c.282 (C.2A:168A-1
13 et seq.) apply, the director shall comply with the requirements of
14 that act.

15 c. An applicant who is denied licensure or registration pursuant
16 to this section shall, upon a written request transmitted to the
17 director within 30 calendar days of the denial, be afforded an
18 opportunity for a hearing in the manner provided for contested
19 cases pursuant to the "Administrative Procedure Act," P.L.1968,
20 c.410 (C.52:14B-1 et seq.).

21 d. An applicant shall have the continuing duty to provide any
22 assistance or information requested by the director, and to cooperate
23 in any inquiry, investigation, or hearing conducted by the director.

24 e. If any of the information required to be included in the
25 disclosure statement changes, or if any additional information
26 should be added after the filing of the statement, the applicant shall
27 provide that information to the chief, in writing, within 30 calendar
28 days of the change or addition.

29 (cf: P.L.1989, c.331, s.3)

30

31 7. Section 9 of P.L.1939, c.369 (C.45:19-16) is amended to
32 read as follows:

33 9. No holder of any unexpired license issued pursuant to this
34 act shall knowingly employ in connection with his or its business in
35 any capacity whatsoever, any person who has been convicted of a
36 high misdemeanor or any of the following misdemeanors, or
37 offenses, and who has not subsequent to such conviction received
38 executive pardon therefor removing any civil disabilities incurred
39 thereby, to wit:

40 (a) illegally using, carrying or possessing a pistol or other
41 dangerous weapon;

42 (b) making or possessing burglar's instruments;

43 (c) buying or receiving stolen property or a stolen motor
44 vehicle;

45 (d) unlawful entry of a building;

46 (e) aiding escape from prison;

47 (f) unlawfully possessing or distributing habit-forming narcotic
48 drugs;

1 (g) any person whose private detective or investigator's license
2 was revoked or application for such license was denied by the
3 superintendent or by the authorities of any other State or territory
4 because of conviction of any of the crimes or offenses specified in
5 this section. Should the holder of an unexpired license falsely state
6 or represent that a person is or has been in his employ, such false
7 statement or misrepresentation shall be sufficient cause for the
8 revocation of such license.

9 No person shall be employed by any holder of a license until he
10 shall have executed and furnished to such license holder a verified
11 statement, to be known as "employee's statement," setting forth:

12 (a) His full name, age, residence address, and place of and date
13 of birth.

14 (b) The country of which he is a citizen.

15 (c) The business or occupation engaged in for the five years
16 immediately preceding the date of the filing of the statement,
17 setting forth the place or places where such business or occupation
18 was engaged in, and the name or names of employers, if any.

19 (d) That he has not been convicted of a high misdemeanor or of
20 any offense involving moral turpitude or of any of the
21 misdemeanors or offenses described in this section.

22 (e) Such further information as the superintendent may by rule
23 require to show the good character, competency, and integrity of the
24 person executing the statement.

25 The employee shall submit to the Superintendent of State Police
26 the employee's name, address, fingerprints and written consent for a
27 criminal history background check to be performed. The
28 superintendent is hereby authorized to exchange fingerprint data
29 with and receive criminal history record information from the State
30 Bureau of Identification in the Division of State Police and the
31 Federal Bureau of Investigation consistent with applicable State and
32 federal laws, rules and regulations. The applicant shall bear the
33 cost for the criminal history background check, including all costs
34 of administering and processing the check. If the superintendent
35 finds that such person has been convicted of a first, second or third
36 degree crime, or any other offense specified in this section, he shall
37 immediately notify the holder of such license and shall also refer
38 the matter to the prosecutor of the pleas of the county in which the
39 employee resides. The superintendent may also from time to time
40 cause such fingerprints to be checked against the fingerprints filed
41 with the State bureau of identification or of other official fingerprint
42 files within or without this State, and if he finds that such person
43 has been convicted of a high misdemeanor or any other offense
44 specified in this section he shall immediately notify the holder of
45 such license and shall also refer the matter to the prosecutor of the
46 pleas of the county in which the employee resides. The
47 superintendent shall at all times be given access to and may from

1 time to time examine the fingerprints retained by the holder of a
2 license as provided in this section.

3 If any holder of a license shall file with the superintendent the
4 fingerprints of a person other than the person so employed, he shall
5 be guilty of a misdemeanor.

6 (cf: P.L.2003, c.199, s.30)

7

8 8. Section 11 of P.L.1971, c.317 (52:4B-11) is amended to read
9 as follows:

10 11. The Victims of Crime Compensation Office may order the
11 payment of compensation in accordance with the provisions of
12 P.L.1971, c.317 (C.52:4B-1 et seq.) for personal injury or death
13 which resulted from:

14 a. an attempt to prevent the commission of crime or to arrest a
15 suspected criminal or in aiding or attempting to aid a police officer
16 to do so; or

17 b. the commission or attempt to commit any of the following
18 offenses:

19 (1) aggravated assault;

20 (2) (Deleted by amendment, P.L.1995, c.135).

21 (3) threats to do bodily harm;

22 (4) lewd, indecent, or obscene acts;

23 (5) indecent acts with children;

24 (6) kidnapping;

25 (7) murder;

26 (8) manslaughter;

27 (9) aggravated sexual assault, sexual assault, aggravated
28 criminal sexual contact, criminal sexual contact;

29 (10) any other crime involving violence including domestic
30 violence as defined by section 3 of P.L.1981, c.426 (C.2C:25-3) or
31 section 3 of P.L.1991, c.261 (C.2C:25-19);

32 (11) burglary;

33 (12) tampering with a cosmetic, drug or food product;

34 (13) a violation of human trafficking, section 1 of P.L.2005, c.77
35 (C.2C:13-8); or

36 c. the commission of a violation of R.S.39:4-50, section 5 of
37 P.L.1990, c.103 (C.39:3-10.13), section 19 of P.L.1954, c.236
38 (C.12:7-34.19), or section 3 of P.L.1952, c.157 (C.12:7-46); or

39 d. theft of an automobile pursuant to N.J.S.2C:20-2 or section 1
40 or 2 of P.L. , c. (C.) (pending before the Legislature as this
41 bill), eluding a law enforcement officer pursuant to subsection b. of
42 N.J.S.2C:29-2 or unlawful taking of a motor vehicle pursuant to
43 subsection b., c., or d. of N.J.S.2C:20-10 where injuries to the
44 victim occur in the course of operating an automobile in furtherance
45 of the offense; or

46 e. the commission of a violation of N.J.S.2C:16-1, bias
47 intimidation; or

1 f. simple assault pursuant to N.J.S.2C:12-1 or disorderly
2 conduct pursuant to N.J.S.2C:33-2; or

3 g. a motor vehicle accident resulting in injury or death where
4 the driver of the vehicle left the scene of the accident in violation of
5 R.S.39:4-129.

6 (cf: P.L.2019, c.380, s.7)

7

8 9. Section 6 of P.L.2017, c.324 (C.53:2-11) is amended to read
9 as follows:

10 6. a. A person shall not act as a pier superintendent or as a hiring
11 agent within the port of New York district in this State without first
12 having obtained from the division a license to act as a pier
13 superintendent or hiring agent, as the case may be, and a person
14 shall not employ or engage another person to act as a pier
15 superintendent or hiring agent who is not so licensed.

16 b. A license to act as a pier superintendent or hiring agent shall
17 be issued only upon the written application, under oath, of the
18 person proposing to employ or engage another person to act as a
19 pier superintendent or hiring agent, verified by the prospective
20 licensee as to the matters concerning the prospective licensee, and
21 shall state the following:

22 (1) The full name and business address of the applicant;

23 (2) The full name, residence, business address, if any, place and
24 date of birth, and social security number of the prospective licensee;

25 (3) The present and previous occupations of the prospective
26 licensee, including the places where the person was employed and
27 the names of the person's employers;

28 (4) Any further facts and evidence as may be required by the
29 division to ascertain the character, integrity, and identity of the
30 prospective licensee; and

31 (5) That if a license is issued to the prospective licensee, the
32 applicant will employ the licensee as pier superintendent or hiring
33 agent, as the case may be.

34 c. A license shall not be granted pursuant to this section:

35 (1) Unless the division shall be satisfied that the prospective
36 licensee possesses good character and integrity;

37 (2) If the prospective licensee has, without subsequent pardon,
38 been convicted by a court of the United States, or any State or
39 territory thereof, of the commission of, or the attempt or conspiracy
40 to commit, treason, murder, manslaughter, or any of the following
41 offenses: illegally using, carrying, or possessing a pistol or other
42 dangerous weapon; making or possessing burglar's instruments;
43 buying or receiving stolen property or a stolen motor vehicle;
44 unlawful entry of a building; aiding an escape from prison;
45 unlawfully possessing, possessing with intent to distribute, sale, or
46 distribution of a controlled dangerous substance or a controlled
47 dangerous substance analog; or a violation prescribed in subsection
48 g. of this section. Any prospective licensee ineligible for a license

1 by reason of any conviction under this paragraph may submit
2 satisfactory evidence to the division that the prospective licensee
3 has for a period of not less than five years, measured as hereinafter
4 provided, and up to the time of application, so acted as to warrant
5 the grant of a license, in which event the division may, in its
6 discretion, issue an order removing that ineligibility. The five-year
7 period shall be measured either from the date of payment of any
8 fine imposed upon that person or the suspension of sentence or from
9 the date of the person's unrevoked release from custody by parole,
10 commutation, or termination of sentence; and

11 (3) If the prospective licensee knowingly or willfully advocates
12 the desirability of overthrowing or destroying the government of the
13 United States by force or violence or shall be a member of a group
14 which advocates that desirability, knowing the purposes of a group
15 having that advocacy.

16 d. When the application shall have been examined and further
17 inquiry and investigation made as the division shall deem proper
18 and when the division shall be satisfied therefrom that the
19 prospective licensee possesses the qualifications and requirements
20 prescribed in this section, the division shall issue and deliver to the
21 prospective licensee a license to act as pier superintendent or hiring
22 agent for the applicant, as the case may be, and shall inform the
23 applicant of this action. The division may issue a temporary permit
24 to any prospective licensee for a license issued under this section
25 pending final action on an application made for that license. Any
26 temporary permit shall be valid for a period not in excess of 30
27 days.

28 e. A person shall not be licensed to act as a pier superintendent
29 or hiring agent for more than one employer, except at a single pier
30 or other waterfront terminal, but nothing in P.L.2017, c.324
31 (C.32:23-229 et al.) shall be construed to limit in any way the
32 number of pier superintendents or hiring agents any employer may
33 employ.

34 f. A license granted pursuant to this section shall continue
35 through the duration of the licensee's employment by the employer
36 who shall have applied for the license.

37 g. Any license issued pursuant to this section may be revoked
38 or suspended for a period as the division deems in the public
39 interest or the licensee thereunder may be reprimanded for any of
40 the following offenses:

41 (1) Conviction of a crime or act by the licensee or other cause
42 which would require or permit the person's disqualification from
43 receiving a license upon original application;

44 (2) Fraud, deceit, or misrepresentation in securing the license, or
45 in the conduct of the licensed activity;

46 (3) Violation of any of the provisions of P.L.2017, c.324
47 (C.32:23-229 et al.);

- 1 (4) Unlawfully possessing, possessing with intent to distribute,
2 sale, or distribution of a controlled dangerous substance or a
3 controlled dangerous substance analog;
- 4 (5) Employing, hiring, or procuring any person in violation of
5 P.L.2017, c.324 (C.32:23-229 et al.) or inducing or otherwise aiding
6 or abetting any person to violate the terms of P.L.2017, c.324
7 (C.32:23-229 et al.);
- 8 (6) Paying, giving, causing to be paid or given or offering to pay
9 or give to any person any valuable consideration to induce the other
10 person to violate any provision of P.L.2017, c.324 (C.32:23-229 et
11 al.) or to induce any public officer, agent, or employee to fail to
12 perform the person's duty hereunder;
- 13 (7) Consorting with known criminals for an unlawful purpose;
- 14 (8) Transfer or surrender of possession of the license to any
15 person either temporarily or permanently without satisfactory
16 explanation;
- 17 (9) False impersonation of another licensee under P.L.2017,
18 c.324 (C.32:23-229 et al.);
- 19 (10) Receipt or solicitation of anything of value from any person
20 other than the licensee's employer as consideration for the selection
21 or retention for employment of any longshoreman;
- 22 (11) Coercion of a longshoreman by threat of discrimination or
23 violence or economic reprisal, to make purchases from or to utilize
24 the services of any person;
- 25 (12) Lending any money to or borrowing any money from a
26 longshoreman for which there is a charge of interest or other
27 consideration; or
- 28 (13) Membership in a labor organization which represents
29 longshoremen or port watchmen; but nothing in this section shall be
30 deemed to prohibit pier superintendents or hiring agents from being
31 represented by a labor organization or organizations which do not
32 also represent longshoremen or port watchmen. The American
33 Federation of Labor, the Congress of Industrial Organizations and
34 any other similar federation, congress, or other organization of
35 national or international occupational or industrial labor
36 organizations shall not be considered an organization which
37 represents longshoremen or port watchmen within the meaning of
38 this section although one of the federated or constituent labor
39 organizations thereof may represent longshoremen or port
40 watchmen.
- 41 (cf: P.L.2017, c.324, s.6)

42
43 10. Section 11 of P.L.2017, c.324 (C.53:2-16) is amended to
44 read as follows:

45 11. a. The division shall establish within the longshoremen's
46 register a list of all qualified longshoremen eligible, as hereinafter
47 provided, for employment as checkers in the port of New York
48 district in this State. A person shall not act as a checker within the

1 port of New York district in this State unless at the time the person
2 is included in the longshoremen's register as a checker, and a person
3 shall not employ another to work as a checker within the port of
4 New York district in this State unless at the time such other person
5 is included in the longshoremen's register as a checker.

6 b. Any person applying for inclusion in the longshoremen's
7 register as a checker shall file at a place and in a manner as the
8 division shall designate a written statement, signed, and verified by
9 the applicant, setting forth the following:

10 (1) The full name, residence, place and date of birth, and social
11 security number of the applicant;

12 (2) The present and previous occupations of the applicant,
13 including the places where the applicant was employed and the
14 names of the applicant's employers; and

15 (3) Any further facts and evidence as may be required by the
16 authority to ascertain the character, integrity, and identity of the
17 applicant.

18 c. A person shall not be included in the longshoremen's register
19 as a checker:

20 (1) Unless the division shall be satisfied that the applicant
21 possesses good character and integrity;

22 (2) If the applicant has, without subsequent pardon, been
23 convicted by a court of the United States or any State or territory
24 thereof, of the authority of, or the attempt or conspiracy to commit
25 treason, murder, manslaughter, or any of the following offenses:
26 illegally using, carrying or possessing a pistol or other dangerous
27 weapon; making or possessing burglar's instruments; buying or
28 receiving stolen property or a stolen motor vehicle; unlawful entry
29 of a building; aiding an escape from prison; unlawfully possessing,
30 possessing with intent to distribute, sale or distribution of a
31 controlled dangerous substance or a controlled dangerous substance
32 analog; petty larceny, where the evidence shows the property was
33 stolen from a vessel, pier or other waterfront terminal; or a violation
34 of P.L.2017, c.324 (C.32:23-229 et al.). An applicant ineligible for
35 inclusion in the longshoremen's register as a checker by reason of a
36 conviction may submit satisfactory evidence to the division that the
37 applicant has for a period of not less than five years, measured as
38 hereinafter provided, and up to the time of application, so acted as
39 to warrant inclusion in the longshoremen's register as a checker, in
40 which event the division may, in its discretion, issue an order
41 removing the applicant's ineligibility. The five-year period shall be
42 measured either from the date of payment of any fine imposed upon
43 that person or the suspension of sentence or from the date of the
44 person's unrevoked release from custody by parole, commutation, or
45 termination of sentence; or

46 (3) If the applicant knowingly or willfully advocates the
47 desirability of overthrowing or destroying the government of the
48 United States by force or violence or shall be a member of a group

1 which advocates that desirability, knowing the purposes of the
2 group advocating that desirability.

3 d. When the application shall have been examined and further
4 inquiry and investigation made as the division shall deem proper
5 and when the division shall be satisfied therefrom that the applicant
6 possesses the qualifications and requirements prescribed by this
7 section, the division shall include the applicant in the
8 longshoremen's register as a checker. The division may permit
9 temporary registration as a checker to any applicant under this
10 section pending final action on an application made for temporary
11 registration, under the terms and conditions as the division may
12 prescribe, which shall be valid for a period to be fixed by the
13 division, not in excess of six months.

14 e. The division shall have power to reprimand any checker
15 registered under this section or to remove the person from the
16 longshoremen's register as a checker for a period of time as the
17 division deems in the public interest for any of the following
18 offenses:

19 (1) Conviction of a crime or other cause which would permit
20 disqualification of the person from inclusion in the longshoremen's
21 register as a checker upon original application;

22 (2) Fraud, deceit, or misrepresentation in securing inclusion in
23 the longshoremen's register as a checker or in the conduct of the
24 registered activity;

25 (3) Violation of any of the provisions of P.L.2017, c.324
26 (C.32:23-229 et al.);

27 (4) Unlawfully possessing, possessing with intent to distribute,
28 sale, or distribution of a controlled dangerous substance or a
29 controlled dangerous substance analog;

30 (5) Inducing or otherwise aiding or abetting any person to
31 violate the terms of P.L.2017, c.324 (C.32:23-229 et al.);

32 (6) Paying, giving, causing to be paid or given, or offering to
33 pay or give to any person any valuable consideration to induce the
34 other person to violate any provision of P.L.2017, c.324 (C.32:23-
35 229 et al.) or to induce any public officer, agent, or employee to fail
36 to perform the person's duty under P.L.2017, c.324 (C.32:23-229 et
37 al.);

38 (7) Consorting with known criminals for an unlawful purpose;

39 (8) Transfer or surrender of possession to any person either
40 temporarily or permanently of any card or other means of
41 identification issued by the division as evidence of inclusion in the
42 longshoremen's register without satisfactory explanation; or

43 (9) False impersonation of another longshoreman or of another
44 person licensed under P.L.2017, c.324 (C.32:23-229 et al.).

45 f. The division shall have the right to recover possession of
46 any card or other means of identification issued as evidence of
47 inclusion in the longshoremen's register as a checker in the event

1 that the holder thereof has been removed from the longshoremen's
2 register as a checker.

3 g. Nothing contained in this section shall be construed to limit
4 in any way any rights of labor reserved by section 23 of P.L.2017,
5 c.324 (C.53:2-28).

6 (cf: P.L.2017, c.324, s.11)
7

8 11. Section 6 of P.L.2004, c.16 (C.56:8-141) is amended to read
9 as follows:

10 6. In addition to any other procedure, condition or information
11 required by this act:

12 a. Every applicant shall file a disclosure statement with the
13 director stating whether the applicant has been convicted of any
14 crime, which for the purposes of this act shall mean a violation of
15 any of the following provisions of the "New Jersey Code of
16 Criminal Justice," Title 2C of the New Jersey Statutes, or the
17 equivalent under the laws of any other jurisdiction:

18 (1) Any crime of the first degree;

19 (2) Any crime which is a second or third degree crime and is a
20 violation of chapter 20 or 21 of Title 2C of the New Jersey Statutes;
21 or

22 (3) Any other crime which is a violation of N.J.S.2C:5-1, 2C:5-
23 2, 2C:11-2 through 2C:11-4, 2C:12-1, 2C:12-3, 2C:13-1, 2C:14-2,
24 2C:15-1, subsection a. or b. of 2C:17-1, subsection a. or b. of
25 2C:17-2, 2C:18-2, 2C:20-4, 2C:20-5, 2C:20-7, section 1 or 2
26 of P.L. , c. (C.) (pending before the Legislature as this
27 bill), 2C:20-9, 2C:21-2 through 2C:21-4, 2C:21-6, 2C:21-7, 2C:21-
28 12, 2C:21-14, 2C:21-15, or 2C:21-19, chapter 27 or 28 of Title 2C
29 of the New Jersey Statutes, N.J.S.2C:30-2, 2C:30-3, 2C:35-5,
30 2C:35-10, 2C:37-1 through 2C:37-4.

31 b. The director may refuse to issue or may suspend or revoke
32 any registration issued by him upon proof that the applicant or
33 holder of the registration:

34 (1) Has obtained a registration through fraud, deception or
35 misrepresentation;

36 (2) Has engaged in the use or employment of dishonesty, fraud,
37 deception, misrepresentation, false promise or false pretense;

38 (3) Has engaged in gross negligence, gross malpractice or gross
39 incompetence;

40 (4) Has engaged in repeated acts of negligence, malpractice or
41 incompetence;

42 (5) Has engaged in professional or occupational misconduct as
43 may be determined by the director;

44 (6) Has been convicted of any crime involving moral turpitude
45 or any crime relating adversely to the activity regulated by this act.
46 For the purpose of this subsection a plea of guilty, non vult, nolo
47 contendere or any other such disposition of alleged criminal activity
48 shall be deemed a conviction;

1 (7) Has had his authority to engage in the activity regulated by
2 the director revoked or suspended by any other state, agency or
3 authority for reasons consistent with this section;

4 (8) Has violated or failed to comply with the provisions of any
5 act or regulation administered by the director;

6 (9) Is incapable, for medical or any other good cause, of
7 discharging the functions of a licensee in a manner consistent with
8 the public's health, safety and welfare.

9 c. An applicant whose registration is denied, suspended, or
10 revoked pursuant to this section shall, upon a written request
11 transmitted to the director within 30 calendar days of that action, be
12 afforded an opportunity for a hearing in a manner provided for
13 contested cases pursuant to the "Administrative Procedure Act,"
14 P.L.1968, c.410 (C.52:14B-1 et seq.).

15 d. An applicant shall have the continuing duty to provide any
16 assistance or information requested by the director, and to cooperate
17 in any inquiry, investigation, or hearing conducted by the director.

18 e. If any of the information required to be included in the
19 disclosure statement changes, or if additional information should be
20 added after the filing of the statement, the applicant shall provide
21 that information to the director, in writing, within 30 calendar days
22 of the change or addition.

23 f. Notwithstanding the provisions of paragraph (6) of
24 subsection b. of this section, no individual shall be disqualified
25 from registration or shall have registration revoked on the basis of
26 any conviction disclosed if the individual has affirmatively
27 demonstrated to the director clear and convincing evidence of the
28 individual's rehabilitation. In determining whether an individual
29 has affirmatively demonstrated rehabilitation, the following factors
30 shall be considered:

31 (1) The nature and responsibility of the position which the
32 convicted individual would hold;

33 (2) The nature and seriousness of the offense;

34 (3) The circumstances under which the offense occurred;

35 (4) The date of the offense;

36 (5) The age of the individual when the offense was committed;

37 (6) Whether the offense was an isolated or repeated incident;

38 (7) Any social conditions which may have contributed to the
39 offense; and

40 (8) Any evidence of rehabilitation, including good conduct in
41 prison or in the community, counseling or psychiatric treatment
42 received, acquisition of additional academic or vocational
43 schooling, successful participation in correctional work-release
44 programs, or the recommendation of persons who have had the
45 individual under their supervision.

46 (cf: P.L.2004, c.16, s.6)

1 12. This act shall take effect immediately.

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