

P.L. 2023, CHAPTER 102, *approved July 7, 2023*
Assembly, No. 5034 (*First Reprint*)

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】** ¹**【first】** second¹
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 ¹**【second】** third¹
26 degree. ¹**【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.】**¹
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

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 February 13, 2023.

1 trier of fact may infer that a particular scheme or course of conduct
2 was undertaken for profit from all of the attending circumstances,
3 including but not limited to the number of persons involved in the
4 scheme or course of conduct, the actor's net worth and **【his】**
5 expenditures in relation to **【his】** the actor's legitimate sources of
6 income, the number of automobiles or automobile parts involved, or
7 the amount of cash or currency involved.

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

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

14
15 2. This act shall take effect immediately.

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18 _____
19
20 Expands crime of leader of auto theft trafficking network;
21 establishes third degree crime of participant in auto theft trafficking
22 network.