

## CHAPTER 101

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

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

### C.2C:20-10.1 Theft of a motor vehicle.

#### 1. Theft of a motor vehicle.

a. A person commits the crime of theft of a motor vehicle if the person unlawfully takes, or exercises unlawful control over, another person's motor vehicle with the purpose to deprive that person of the motor vehicle.

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

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

### C.2C:20-10.2 Receiving a stolen motor vehicle.

2. a. Receiving a stolen motor vehicle. A person is guilty of receiving a stolen motor vehicle if the person knowingly receives or brings into this State a motor vehicle that is the property of another knowing that it has been stolen, or believing that it is probably stolen. Receiving a stolen motor vehicle is a crime of the second degree if the value of the motor vehicle is \$75,000 or more, otherwise it is a crime of the third degree.

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

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

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

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

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

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

For the purposes of this section, "receiving" means acquiring possession, control or title, or lending on the security of the motor vehicle.

### C.2C:20-10.3 Persistent stolen motor vehicle offender sentencing.

#### 3. Persistent stolen motor vehicle offender sentencing.

a. Upon request of the prosecutor, a person who has been convicted of a crime pursuant to section 1 or 2 of P.L.2023, c.101 (C.2C:20-10.1 or 2C:20-10.2) or carjacking pursuant to section 1 of P.L.1993, c.221 (C.2C:15-2) shall be sentenced to an extended term of imprisonment pursuant to N.J.S.2C:43-7 if the person has previously been convicted on two

or more prior and separate occasions, regardless of the dates of the convictions, of a crime pursuant to section 1 or 2 of P.L.2023, c.101 (C.2C:20-10.1 or 2C:20-10.2), carjacking pursuant to section 1 of P.L.1993, c.221 (C.2C:15-2), theft or unlawful taking of a motor vehicle, receiving stolen property where the property involved is a motor vehicle, or a crime under any statute of the United States, this State, or any other state for a crime that is substantially equivalent to any of the crimes enumerated in this subsection.

b. The provisions of this section shall not apply unless the prior convictions are for crimes committed on a separate occasion and the crime for which the defendant is being sentenced was committed either:

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

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

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

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

Consolidation, theft, computer criminal activity offenses.

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

b. Grading of theft offenses.

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

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

(b) The property is taken by extortion;

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

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

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

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

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

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

(b) The property stolen is a firearm, vessel, boat, horse, domestic companion animal or airplane;

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

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

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

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

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

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

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

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

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

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

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

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

(4) Theft constitutes a disorderly persons offense if:

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

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

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

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

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

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

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

d. Theft from spouse. It is no defense that theft or computer criminal activity was from or committed against the actor's spouse, except that misappropriation of household and personal effects, or other property normally accessible to both spouses, is theft or computer criminal activity only if it occurs after the parties have ceased living together.

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

Receiving stolen property.

2C:20-7. Receiving Stolen Property.

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

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

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

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

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

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

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

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

C.34:8-44 Disclosure statement; hearing after denial of registration, license; notification, change, disclosure statement.

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

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

(1) Any crime of the first degree;

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

(3) Any other crime which is a violation of N.J.S.2C:5-1, 2C:5-2, 2C:11-2 through 2C:11-4, 2C:12-1, 2C:12-3, 2C:13-1, 2C:14-2, 2C:15-1, subsection a. or b. of 2C:17-1, subsection a. or b. of 2C:17-2, 2C:18-2, 2C:20-1, 2C:20-2, 2C:20-4, 2C:20-5, 2C:20-7, section 1 or 2 of P.L.2023, c.101 (C.2C:20-10.1 or 2C:20-10.2), 2C:20-9, 2C:21-2 through 2C:21-4, 2C:21-6, 2C:21-7, 2C:21-12, 2C:21-14, 2C:21-15, or 2C:21-19, chapter 27 or 28 of Title 2C of the New Jersey Statutes, N.J.S.2C:30-2, 2C:30-3, 2C:35-5, 2C:35-10, or 2C:37-1 through 2C:37-4.

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

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

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

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

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

C.45:19-16 Employees of licensees; fingerprints, criminal record background checks.

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

- (a) illegally using, carrying or possessing a pistol or other dangerous weapon;
- (b) making or possessing burglar's instruments;
- (c) buying or receiving stolen property or a stolen motor vehicle;
- (d) unlawful entry of a building;
- (e) aiding escape from prison;
- (f) unlawfully possessing or distributing habit-forming narcotic drugs;

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

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

- (a) His full name, age, residence address, and place of and date of birth.
- (b) The country of which he is a citizen.
- (c) The business or occupation engaged in for the five years immediately preceding the date of the filing of the statement, setting forth the place or places where such business or occupation was engaged in, and the name or names of employers, if any.
- (d) That he has not been convicted of a high misdemeanor or of any offense involving moral turpitude or of any of the misdemeanors or offenses described in this section.
- (e) Such further information as the superintendent may by rule require to show the good character, competency, and integrity of the person executing the statement.

The employee shall submit to the Superintendent of State Police the employee's name, address, fingerprints and written consent for a criminal history background check to be performed. The superintendent is hereby authorized to exchange fingerprint data with and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules and regulations. The applicant shall bear the cost for the criminal history background check, including all costs of administering and processing the check. If the superintendent finds that such person has been convicted of a first, second or third degree

crime, or any other offense specified in this section, he shall immediately notify the holder of such license and shall also refer the matter to the prosecutor of the pleas of the county in which the employee resides. The superintendent may also from time to time cause such fingerprints to be checked against the fingerprints filed with the State bureau of identification or of other official fingerprint files within or without this State, and if he finds that such person has been convicted of a high misdemeanor or any other offense specified in this section he shall immediately notify the holder of such license and shall also refer the matter to the prosecutor of the pleas of the county in which the employee resides. The superintendent shall at all times be given access to and may from time to time examine the fingerprints retained by the holder of a license as provided in this section.

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

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

C.52:4B-11 Victim compensation.

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

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

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

(1) aggravated assault;

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

(3) threats to do bodily harm;

(4) lewd, indecent, or obscene acts;

(5) indecent acts with children;

(6) kidnapping;

(7) murder;

(8) manslaughter;

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

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

(11) burglary;

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

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

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

d. theft of an automobile pursuant to N.J.S.2C:20-2 or section 1 or 2 of P.L.2023, c.101 (C.2C:20-10.1 or 2C:20-10.2), eluding a law enforcement officer pursuant to subsection b. of N.J.S.2C:29-2 or unlawful taking of a motor vehicle pursuant to subsection b., c., or d. of N.J.S.2C:20-10 where injuries to the victim occur in the course of operating an automobile in furtherance of the offense; or

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

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

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

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

C.53:2-11 License required, pier superintendent, hiring agent.

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

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

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

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

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

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

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

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

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

(2) If the prospective licensee has, without subsequent pardon, been convicted by a court of the United States, or any State or territory thereof, of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter, or any of the following offenses: illegally using, carrying, or possessing a pistol or other dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property or a stolen motor vehicle; unlawful entry of a building; aiding an escape from prison; unlawfully possessing, possessing with intent to distribute, sale, or distribution of a controlled dangerous substance or a controlled dangerous substance analog; or a violation prescribed in subsection g. of this section. Any prospective licensee ineligible for a license by reason of any conviction under this paragraph may submit satisfactory evidence to the division that the prospective licensee has for a period of not less than five years, measured as hereinafter provided, and up to the time of application, so acted as to warrant the grant of a license, in which event the division may, in its discretion, issue an order removing that ineligibility. The five-year period shall be measured either from the date of payment of any fine imposed upon that person or the suspension of sentence or from the date of the person's unrevoked release from custody by parole, commutation, or termination of sentence; and

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

d. When the application shall have been examined and further inquiry and investigation made as the division shall deem proper and when the division shall be satisfied therefrom that

the prospective licensee possesses the qualifications and requirements prescribed in this section, the division shall issue and deliver to the prospective licensee a license to act as pier superintendent or hiring agent for the applicant, as the case may be, and shall inform the applicant of this action. The division may issue a temporary permit to any prospective licensee for a license issued under this section pending final action on an application made for that license. Any temporary permit shall be valid for a period not in excess of 30 days.

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

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

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

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

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

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

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

(5) Employing, hiring, or procuring any person in violation of P.L.2017, c.324 (C.32:23-229 et al.) or inducing or otherwise aiding or abetting any person to violate the terms of P.L.2017, c.324 (C.32:23-229 et al.);

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

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

(8) Transfer or surrender of possession of the license to any person either temporarily or permanently without satisfactory explanation;

(9) False impersonation of another licensee under P.L.2017, c.324 (C.32:23-229 et al.);

(10) Receipt or solicitation of anything of value from any person other than the licensee's employer as consideration for the selection or retention for employment of any longshoreman;

(11) Coercion of a longshoreman by threat of discrimination or violence or economic reprisal, to make purchases from or to utilize the services of any person;

(12) Lending any money to or borrowing any money from a longshoreman for which there is a charge of interest or other consideration; or

(13) Membership in a labor organization which represents longshoremen or port watchmen; but nothing in this section shall be deemed to prohibit pier superintendents or hiring agents from being represented by a labor organization or organizations which do not also represent longshoremen or port watchmen. The American Federation of Labor, the Congress of Industrial Organizations and any other similar federation, congress, or other organization of national or international occupational or industrial labor organizations shall not be considered an organization which represents longshoremen or port watchmen within the meaning of this section although one of the federated or constituent labor organizations thereof may represent longshoremen or port watchmen.

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

C.53:2-16 List, qualified longshoremen for employment as checkers.

11. a. The division shall establish within the longshoremen's register a list of all qualified longshoremen eligible, as hereinafter provided, for employment as checkers in the port of New York district in this State. A person shall not act as a checker within the port of New York district in this State unless at the time the person is included in the longshoremen's register as a checker, and a person shall not employ another to work as a checker within the port of New York district in this State unless at the time such other person is included in the longshoremen's register as a checker.

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

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

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

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

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

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

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

(3) If the applicant knowingly or willfully advocates the desirability of overthrowing or destroying the government of the United States by force or violence or shall be a member of a group which advocates that desirability, knowing the purposes of the group advocating that desirability.

d. When the application shall have been examined and further inquiry and investigation made as the division shall deem proper and when the division shall be satisfied therefrom that the applicant possesses the qualifications and requirements prescribed by this section, the division shall include the applicant in the longshoremen's register as a checker. The division may permit temporary registration as a checker to any applicant under this section pending

final action on an application made for temporary registration, under the terms and conditions as the division may prescribe, which shall be valid for a period to be fixed by the division, not in excess of six months.

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

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

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

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

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

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

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

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

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

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

f. The division shall have the right to recover possession of any card or other means of identification issued as evidence of inclusion in the longshoremen's register as a checker in the event that the holder thereof has been removed from the longshoremen's register as a checker.

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

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

C.56:8-141 Additional requirements; refusal to issue, suspend, revoke registration; grounds.

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

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

(1) Any crime of the first degree;

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

(3) Any other crime which is a violation of N.J.S.2C:5-1, 2C:5-2, 2C:11-2 through 2C:11-4, 2C:12-1, 2C:12-3, 2C:13-1, 2C:14-2, 2C:15-1, subsection a. or b. of 2C:17-1, subsection a. or b. of 2C:17-2, 2C:18-2, 2C:20-4, 2C:20-5, 2C:20-7, section 1 or 2 of P.L.2023, c.101 (C.2C:20-10.1 or 2C:20-10.2), 2C:20-9, 2C:21-2 through 2C:21-4, 2C:21-6, 2C:21-7, 2C:21-12, 2C:21-14, 2C:21-15, or 2C:21-19, chapter 27 or 28 of Title 2C of the New Jersey Statutes, N.J.S.2C:30-2, 2C:30-3, 2C:35-5, 2C:35-10, 2C:37-1 through 2C:37-4.

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

- (1) Has obtained a registration through fraud, deception or misrepresentation;
- (2) Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;
- (3) Has engaged in gross negligence, gross malpractice or gross incompetence;
- (4) Has engaged in repeated acts of negligence, malpractice or incompetence;
- (5) Has engaged in professional or occupational misconduct as may be determined by the director;
- (6) Has been convicted of any crime involving moral turpitude or any crime relating adversely to the activity regulated by this act. For the purpose of this subsection a plea of guilty, non vult, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction;
- (7) Has had his authority to engage in the activity regulated by the director revoked or suspended by any other state, agency or authority for reasons consistent with this section;
- (8) Has violated or failed to comply with the provisions of any act or regulation administered by the director;
- (9) Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare.

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

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

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

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

- (1) The nature and responsibility of the position which the convicted individual would hold;
- (2) The nature and seriousness of the offense;
- (3) The circumstances under which the offense occurred;
- (4) The date of the offense;
- (5) The age of the individual when the offense was committed;
- (6) Whether the offense was an isolated or repeated incident;
- (7) Any social conditions which may have contributed to the offense; and
- (8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have had the individual under their supervision.

12. This act shall take effect immediately.

Approved July 7, 2023.