

CHAPTER 102

AN ACT concerning automobile theft and amending P.L.1991, c.82.

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

1. Section 1 of P.L.1991, c.82 (C.2C:20-18) is amended to read as follows:

C.2C:20-18 Leader, auto theft trafficking network, penalty.

1. a. 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. Leader of auto theft trafficking network is a crime of the second degree. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, the 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 arrest, whichever is greater.

b. A person is a participant in an auto theft trafficking network if the 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.

c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of leader of auto theft trafficking network or participant in auto theft trafficking network shall not merge with the conviction for any offense which is the object of the conspiracy. Nothing contained in this act shall prohibit the court from imposing an extended term pursuant to N.J.S.2C:43-7; nor shall this act be construed in any way to preclude or limit the prosecution or conviction of any person for conspiracy under N.J.S.2C:5-2, or any prosecution or conviction for any other offense.

d. It shall not be necessary in any prosecution under this act for the State to prove that any intended profit was actually realized. The trier of fact may infer that a particular scheme or course of conduct was undertaken for profit from all of the attending circumstances, including but not limited to the number of persons involved in the scheme or course of conduct, the actor's net worth and expenditures in relation to the actor's legitimate sources of income, the number of automobiles or automobile parts involved, or the amount of cash or currency involved.

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

2. This act shall take effect immediately.

Approved July 7, 2023.