

**SENATE, No. 3006**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED SEPTEMBER 22, 2022

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex and Morris)**

**Senator ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**Co-Sponsored by:**

**Senators Sacco, Oroho, Corrado, O'Scanlon, Holzapfel, Bramnick,  
Singleton and Madden**

**SYNOPSIS**

Increases penalties for repeat convictions of certain motor vehicle related crimes; increases penalties for leader of auto theft trafficking network in certain circumstances.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/19/2022)**

1 AN ACT concerning motor vehicle theft and amending various parts  
2 of the statutory law.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. N.J.S.2C:43-6 is amended to read as follows:

8 2C:43-6. a. Except as otherwise provided, a person who has been  
9 convicted of a crime may be sentenced to imprisonment, as follows:

10 (1) In the case of a crime of the first degree, for a specific term  
11 of years which shall be fixed by the court and shall be between 10  
12 years and 20 years;

13 (2) In the case of a crime of the second degree, for a specific  
14 term of years which shall be fixed by the court and shall be between  
15 five years and 10 years;

16 (3) In the case of a crime of the third degree, for a specific term  
17 of years which shall be fixed by the court and shall be between  
18 three years and five years;

19 (4) In the case of a crime of the fourth degree, for a specific  
20 term which shall be fixed by the court and shall not exceed 18  
21 months.

22 b. As part of a sentence for any crime, where the court is  
23 clearly convinced that the aggravating factors substantially  
24 outweigh the mitigating factors, as set forth in subsections a. and b.  
25 of 2C:44-1, or the court finds that the aggravating factor set forth in  
26 paragraph (5) of subsection a. of N.J.S.2C:44-1 applies, the court  
27 may fix a minimum term not to exceed one-half of the term set  
28 pursuant to subsection a., or one-half of the term set pursuant to a  
29 maximum period of incarceration for a crime set forth in any statute  
30 other than this code, during which the defendant shall not be  
31 eligible for parole; provided that no defendant shall be eligible for  
32 parole at a date earlier than otherwise provided by the law  
33 governing parole.

34 c. A person who has been convicted under subsection b. or d.  
35 of N.J.S.2C:39-3, subsection a. of N.J.S.2C:39-4, subsection a. of  
36 section 1 of P.L.1998, c.26 (C.2C:39-4.1), subsection a., b., c., or f.  
37 of N.J.S.2C:39-5, subsection a. or paragraph (2) or (3) of subsection  
38 b. of section 6 of P.L.1979, c.179 (C.2C:39-7), or subsection a., b.,  
39 e. or g. of N.J.S.2C:39-9, or of a crime under any of the following  
40 sections: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-2a., 2C:14-  
41 3a., 2C:15-1, 2C:18-2, 2C:29-5, who, while in the course of  
42 committing or attempting to commit the crime, including the  
43 immediate flight therefrom, used or was in possession of a firearm  
44 as defined in 2C:39-1f., shall be sentenced to a term of  
45 imprisonment by the court. The term of imprisonment shall include

**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.

1 the imposition of a minimum term. The minimum term shall be  
2 fixed at one-half of the sentence imposed by the court or 42 months,  
3 whichever is greater, or 18 months in the case of a fourth degree  
4 crime, during which the defendant shall be ineligible for parole.

5 The minimum terms established by this section shall not prevent  
6 the court from imposing presumptive terms of imprisonment  
7 pursuant to 2C:44-1f. (1) except in cases of crimes of the fourth  
8 degree.

9 A person who has been convicted of an offense enumerated by  
10 this subsection and who used or possessed a firearm during its  
11 commission, attempted commission or flight therefrom and who has  
12 been previously convicted of an offense involving the use or  
13 possession of a firearm as defined in 2C:44-3d., shall be sentenced  
14 by the court to an extended term as authorized by 2C:43-7c.,  
15 notwithstanding that extended terms are ordinarily discretionary  
16 with the court.

17 d. (1) The court shall not impose a mandatory sentence  
18 pursuant to subsection c. of this section, 2C:43-7c. or 2C:44-3d.,  
19 unless the ground therefor has been established at a hearing. At the  
20 hearing, which may occur at the time of sentencing, the prosecutor  
21 shall establish by a preponderance of the evidence that the weapon  
22 used or possessed was a firearm. In making its finding, the court  
23 shall take judicial notice of any evidence, testimony or information  
24 adduced at the trial, plea hearing, or other court proceedings and  
25 shall also consider the presentence report and any other relevant  
26 information.

27 (2) The court shall not impose a mandatory sentence pursuant to  
28 subsection c. of this section for a violation of paragraph (2) of  
29 subsection b. of N.J.S.2C:39-5; a violation of paragraph (2) of  
30 subsection c. of N.J.S.2C:39-5, if that rifle or shotgun is in the  
31 nature of an air gun, spring gun or pistol or other weapon of a  
32 similar nature in which the propelling force is a spring, elastic band,  
33 carbon dioxide, compressed or other gas or vapor, air or compressed  
34 air, or is ignited by compressed air, and ejecting a bullet or missile  
35 smaller than three-eighths of an inch in diameter, with sufficient  
36 force to injure a person; or a violation of paragraph (1) of  
37 subsection c. of N.J.S.2C:39-5.

38 e. A person convicted of a third or subsequent offense  
39 involving State taxes under N.J.S.2C:20-9, N.J.S.2C:21-15, any  
40 other provision of this code, or under any of the provisions of Title  
41 54 of the Revised Statutes, or Title 54A of the New Jersey Statutes,  
42 as amended and supplemented, shall be sentenced to a term of  
43 imprisonment by the court. This shall not preclude an application  
44 for and imposition of an extended term of imprisonment under  
45 N.J.S.2C:44-3 if the provisions of that section are applicable to the  
46 offender.

47 f. A person convicted of manufacturing, distributing,  
48 dispensing or possessing with intent to distribute any dangerous

1 substance or controlled substance analog under N.J.S.2C:35-5, of  
2 maintaining or operating a controlled dangerous substance  
3 production facility under N.J.S.2C:35-4, of employing a juvenile in  
4 a drug distribution scheme under N.J.S.2C:35-6, leader of a  
5 narcotics trafficking network under N.J.S.2C:35-3, or of  
6 distributing, dispensing or possessing with intent to distribute on or  
7 near school property or buses under section 1 of P.L.1987, c.101  
8 (C.2C:35-7), who has been previously convicted of manufacturing,  
9 distributing, dispensing or possessing with intent to distribute a  
10 controlled dangerous substance or controlled substance analog,  
11 shall upon application of the prosecuting attorney be sentenced by  
12 the court to an extended term as authorized by subsection c. of  
13 N.J.S.2C:43-7, notwithstanding that extended terms are ordinarily  
14 discretionary with the court. The term of imprisonment shall,  
15 except as may be provided in N.J.S.2C:35-12, include the  
16 imposition of a minimum term. The minimum term shall be fixed  
17 at, or between, one-third and one-half of the sentence imposed by  
18 the court or three years, whichever is greater, not less than seven  
19 years if the person is convicted of a violation of N.J.S.2C:35-6, or  
20 18 months in the case of a fourth degree crime, during which the  
21 defendant shall be ineligible for parole.

22 The court shall not impose an extended term pursuant to this  
23 subsection unless the ground therefor has been established at a  
24 hearing. At the hearing, which may occur at the time of sentencing,  
25 the prosecutor shall establish the ground therefor by a  
26 preponderance of the evidence. In making its finding, the court shall  
27 take judicial notice of any evidence, testimony or information  
28 adduced at the trial, plea hearing, or other court proceedings and  
29 shall also consider the presentence report and any other relevant  
30 information.

31 For the purpose of this subsection, a previous conviction exists  
32 where the actor has at any time been convicted under chapter 35 of  
33 this title or Title 24 of the Revised Statutes or under any similar  
34 statute of the United States, this State, or any other state for an  
35 offense that is substantially equivalent to N.J.S.2C:35-3,  
36 N.J.S.2C:35-4, N.J.S.2C:35-5, N.J.S.2C:35-6 or section 1 of  
37 P.L.1987, c.101 (C.2C:35-7).

38 g. Any person who has been convicted under subsection a. of  
39 N.J.S.2C:39-4 or of a crime under any of the following sections:  
40 N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:12-1b., N.J.S.2C:13-1,  
41 N.J.S.2C:14-2a., N.J.S.2C:14-3a., N.J.S.2C:15-1, N.J.S.2C:18-2,  
42 N.J.S.2C:29-5, N.J.S.2C:35-5 who, while in the course of  
43 committing or attempting to commit the crime, including the  
44 immediate flight therefrom, used or was in possession of a machine  
45 gun or assault firearm shall be sentenced to a term of imprisonment  
46 by the court. The term of imprisonment shall include the  
47 imposition of a minimum term. The minimum term shall be fixed at  
48 10 years for a crime of the first or second degree, five years for a

1 crime of the third degree, or 18 months in the case of a fourth  
2 degree crime, during which the defendant shall be ineligible for  
3 parole.

4 The minimum terms established by this section shall not prevent  
5 the court from imposing presumptive terms of imprisonment  
6 pursuant to paragraph (1) of subsection f. of N.J.S.2C:44-1 for  
7 crimes of the first degree.

8 A person who has been convicted of an offense enumerated in  
9 this subsection and who used or possessed a machine gun or assault  
10 firearm during its commission, attempted commission or flight  
11 therefrom and who has been previously convicted of an offense  
12 involving the use or possession of any firearm as defined in  
13 subsection d. of N.J.S.2C:44-3, shall be sentenced by the court to an  
14 extended term as authorized by subsection d. of N.J.S.2C:43-7,  
15 notwithstanding that extended terms are ordinarily discretionary  
16 with the court.

17 h. The court shall not impose a mandatory sentence pursuant to  
18 subsection g. of this section, subsection d. of N.J.S.2C:43-7 or  
19 N.J.S.2C:44-3, unless the ground therefor has been established at a  
20 hearing. At the hearing, which may occur at the time of sentencing,  
21 the prosecutor shall establish by a preponderance of the evidence  
22 that the weapon used or possessed was a machine gun or assault  
23 firearm. In making its finding, the court shall take judicial notice of  
24 any evidence, testimony or information adduced at the trial, plea  
25 hearing, or other court proceedings and shall also consider the  
26 presentence report and any other relevant information.

27 i. A person who has been convicted under paragraph (6) of  
28 subsection b. of 2C:12-1 of causing bodily injury while eluding  
29 shall be sentenced to a term of imprisonment by the court. The  
30 term of imprisonment shall include the imposition of a minimum  
31 term. The minimum term shall be fixed at, or between one-third  
32 and one-half of the sentence imposed by the court. The minimum  
33 term established by this subsection shall not prevent the court from  
34 imposing a presumptive term of imprisonment pursuant to  
35 paragraph (1) of subsection f. of 2C:44-1.

36 j. A person convicted of theft of a motor vehicle pursuant to  
37 subparagraph (b) of paragraph (2) of subsection b. of N.J.S.2C:20-2  
38 or receiving stolen property that is a motor vehicle pursuant to  
39 N.J.S.2C:20-7, and who has been previously convicted of theft of a  
40 motor vehicle or receiving stolen property that is a vehicle, shall,  
41 upon application of the prosecuting attorney, be sentenced by the  
42 court to an extended term of imprisonment as authorized by  
43 subsection a. of N.J.S.2C:43-7, notwithstanding that extended terms  
44 ordinarily are discretionary with the court.

45 The court shall not impose an extended term pursuant to this  
46 subsection unless the ground therefor has been established at a  
47 hearing. At the hearing, which may occur at the time of sentencing,  
48 the prosecutor shall establish the ground therefor by a

1 preponderance of the evidence. In making its finding, the court  
2 shall take judicial notice of any evidence, testimony or information  
3 adduced at the trial, plea hearing, or other court proceeding and also  
4 shall consider the presentence report and any other relevant  
5 information.

6 For the purposes of this subsection, a previous conviction exists  
7 where the actor has at any time been convicted or adjudicated  
8 delinquent for motor vehicle theft or receiving stolen property that  
9 is a vehicle under chapter 20 of this Title or under any similar  
10 statute of the United States, this State, or any other state for an  
11 offense that is substantially equivalent to N.J.S.2C:20-2 or  
12 receiving stolen property that is a motor vehicle pursuant to  
13 N.J.S.2C:20-7.

14 (cf: P.L.2013, c.113, s.2)

15  
16 2. N.J.S.2C:44-1 is amended to read as follows:

17 2C:44-1. a. In determining the appropriate sentence to be  
18 imposed on a person who has been convicted of an offense, the  
19 court shall consider the following aggravating circumstances:

20 (1) The nature and circumstances of the offense, and the role of  
21 the actor in committing the offense, including whether or not it was  
22 committed in an especially heinous, cruel, or depraved manner;

23 (2) The gravity and seriousness of harm inflicted on the victim,  
24 including whether or not the defendant knew or reasonably should  
25 have known that the victim of the offense was particularly  
26 vulnerable or incapable of resistance due to advanced age, ill-  
27 health, or extreme youth, or was for any other reason substantially  
28 incapable of exercising normal physical or mental power of  
29 resistance;

30 (3) The risk that the defendant will commit another offense;

31 (4) A lesser sentence will depreciate the seriousness of the  
32 defendant's offense because it involved a breach of the public trust  
33 under chapters 27 and 30 of this title, or the defendant took  
34 advantage of a position of trust or confidence to commit the  
35 offense;

36 (5) There is a substantial likelihood that the defendant is  
37 involved in organized criminal activity;

38 (6) The extent of the defendant's prior criminal record and the  
39 seriousness of the offenses of which the defendant has been  
40 convicted;

41 (7) The defendant committed the offense pursuant to an  
42 agreement to either pay or be paid for the commission of the  
43 offense and the pecuniary incentive was beyond that inherent in the  
44 offense itself;

45 (8) The defendant committed the offense against a police or  
46 other law enforcement officer, correctional employee or firefighter,  
47 acting in the performance of the officer, employee, or firefighter  
48 duties while in uniform or exhibiting evidence of his authority; the

1 defendant committed the offense because of the status of the victim  
2 as a public servant; or the defendant committed the offense against  
3 a sports official, athletic coach or manager, acting in or immediately  
4 following the performance of the person's duties or because of the  
5 person's status as a sports official, coach or manager;

6 (9) The need for deterring the defendant and others from  
7 violating the law;

8 (10) The offense involved fraudulent or deceptive practices  
9 committed against any department or division of State government;

10 (11) The imposition of a fine, penalty, or order of restitution  
11 without also imposing a term of imprisonment would be perceived  
12 by the defendant or others merely as part of the cost of doing  
13 business, or as an acceptable contingent business or operating  
14 expense associated with the initial decision to resort to unlawful  
15 practices;

16 (12) The defendant committed the offense against a person who  
17 the defendant knew or should have known was 60 years of age or  
18 older, or disabled;

19 (13) The defendant, while in the course of committing or  
20 attempting to commit the crime, including the immediate flight  
21 therefrom, used or was in possession of a stolen motor vehicle;

22 (14) The offense involved an act of domestic violence, as that  
23 term is defined in subsection a. of section 3 of P.L.1991, c.261  
24 (C.2C:25-19), committed in the presence of a child under 16 years  
25 of age; and

26 (15) The offense involved an act of domestic violence, as that  
27 term is defined in subsection a. of section 3 of P.L.1991, c.261  
28 (C.2C:25-19) and the defendant committed at least one act of  
29 domestic violence on more than one occasion.

30 b. In determining the appropriate sentence to be imposed on a  
31 person who has been convicted of an offense, the court may  
32 properly consider the following mitigating circumstances:

33 (1) The defendant's conduct neither caused nor threatened  
34 serious harm;

35 (2) The defendant did not contemplate that the defendant's  
36 conduct would cause or threaten serious harm;

37 (3) The defendant acted under a strong provocation;

38 (4) There were substantial grounds tending to excuse or justify  
39 the defendant's conduct, though failing to establish a defense;

40 (5) The victim of the defendant's conduct induced or facilitated  
41 its commission;

42 (6) The defendant has compensated or will compensate the  
43 victim of the defendant's conduct for the damage or injury that the  
44 victim sustained, or will participate in a program of community  
45 service;

46 (7) The defendant has no history of prior delinquency or  
47 criminal activity or has led a law-abiding life for a substantial  
48 period of time before the commission of the present offense;

1 (8) The defendant's conduct was the result of circumstances  
2 unlikely to recur;

3 (9) The character and attitude of the defendant indicate that the  
4 defendant is unlikely to commit another offense;

5 (10) The defendant is particularly likely to respond affirmatively  
6 to probationary treatment;

7 (11) The imprisonment of the defendant would entail excessive  
8 hardship to the defendant or the defendant's dependents;

9 (12) The willingness of the defendant to cooperate with law  
10 enforcement authorities;

11 (13) The conduct of a youthful defendant was substantially  
12 influenced by another person more mature than the defendant; and

13 (14) The defendant was under 26 years of age at the time of the  
14 commission of the offense.

15 c. (1) A plea of guilty by a defendant or failure to so plead shall  
16 not be considered in withholding or imposing a sentence of  
17 imprisonment.

18 (2) When imposing a sentence of imprisonment the court shall  
19 consider the defendant's eligibility for release under the law  
20 governing parole, including time credits awarded pursuant to Title  
21 30 of the Revised Statutes, in determining the appropriate term of  
22 imprisonment.

23 d. Presumption of imprisonment. The court shall deal with a  
24 person who has been convicted of a crime of the first or second  
25 degree, or a crime of the third degree where the court finds that the  
26 aggravating factor in paragraph (5), (14), or (15) of subsection a. of  
27 this section applies, by imposing a sentence of imprisonment unless,  
28 having regard to the character and condition of the defendant, it is  
29 of the opinion that the defendant's imprisonment would be a serious  
30 injustice which overrides the need to deter such conduct by others.  
31 Notwithstanding the provisions of subsection e. of this section, the  
32 court shall deal with a person who has been convicted of theft of a  
33 motor vehicle, **or of the** unlawful taking of a motor vehicle, or  
34 receiving stolen property that is a motor vehicle and who has  
35 previously been convicted of **either offense** one of these offenses  
36 by imposing a sentence of imprisonment that is subject to an  
37 extended term as authorized pursuant to subsection a. of  
38 N.J.S.2C:43-7 and subsection j. of N.J.S.2C:43-6 unless, having  
39 regard to the character and condition of the defendant, it is of the  
40 opinion that imprisonment would be a serious injustice which  
41 overrides the need to deter such conduct by others.

42 e. The court shall deal with a person convicted of an offense  
43 other than a crime of the first or second degree, who has not  
44 previously been convicted of an offense, without imposing a  
45 sentence of imprisonment unless, having regard to the nature and  
46 circumstances of the offense and the history, character, and  
47 condition of the defendant, it is of the opinion that imprisonment is  
48 necessary for the protection of the public under the criteria set forth



1 in subsection a. of this section, except that this subsection shall not  
2 apply if the court finds that the aggravating factor in paragraph (5),  
3 (14) or (15) of subsection a. of this section applies or if the person  
4 is convicted of any of the following crimes of the third degree: theft  
5 of a motor vehicle; unlawful taking of a motor vehicle; eluding;  
6 strict liability vehicular homicide pursuant to section 1 of P.L.2017,  
7 c.165 (C.2C:11-5.3); if the person is convicted of a crime of the  
8 third degree constituting use of a false government document in  
9 violation of subsection c. of section 1 of P.L.1983, c.565 (C.2C:21-  
10 2.1); if the person is convicted of a crime of the third degree  
11 constituting distribution, manufacture or possession of an item  
12 containing personal identifying information in violation of  
13 subsection b. of section 6 of P.L.2003, c.184 (C.2C:21-17.3); if the  
14 person is convicted of a crime of the third or fourth degree  
15 constituting bias intimidation in violation of N.J.S.2C:16-1; if the  
16 person is convicted of a crime of the third degree under paragraph  
17 (12) of subsection b. of N.J.S.2C:12-1 or section 2 of P.L.1997,  
18 c.111 (C.2C:12-1.1); or if the person is convicted of a crime of the  
19 third or fourth degree under the provisions of section 1 or 2 of  
20 P.L.2007, c.341 (C.2C:33-29 or C.2C:33-30).

21 f. Presumptive Sentences. (1) Except for the crime of murder,  
22 unless the preponderance of aggravating or mitigating factors, as set  
23 forth in subsections a. and b. of this section, weighs in favor of a  
24 higher or lower term within the limits provided in N.J.S.2C:43-6,  
25 when a court determines that a sentence of imprisonment is  
26 warranted, it shall impose sentence as follows:

27 (a) To a term of 20 years for aggravated manslaughter or  
28 kidnapping pursuant to paragraph (1) of subsection c. of  
29 N.J.S.2C:13-1 when the offense constitutes a crime of the first  
30 degree;

31 (b) Except as provided in subparagraph (a) of this paragraph to a  
32 term of 15 years for a crime of the first degree;

33 (c) To a term of seven years for a crime of the second degree;

34 (d) To a term of four years for a crime of the third degree; and

35 (e) To a term of nine months for a crime of the fourth degree.

36 In imposing a minimum term pursuant to subsection b. of  
37 N.J.S.2C:43-6, the sentencing court shall specifically place on the  
38 record the aggravating factors set forth in this section which justify  
39 the imposition of a minimum term.

40 Unless the preponderance of mitigating factors set forth in  
41 subsection b. weighs in favor of a lower term within the limits  
42 authorized, sentences imposed pursuant to paragraph (1) of  
43 subsection a. of N.J.S.2C:43-7 shall have a presumptive term of life  
44 imprisonment. Unless the preponderance of aggravating and  
45 mitigating factors set forth in subsections a. and b. of this section  
46 weighs in favor of a higher or lower term within the limits  
47 authorized, sentences imposed pursuant to paragraph (2) of  
48 subsection a. of N.J.S.2C:43-7 shall have a presumptive term of 50

1 years' imprisonment; sentences imposed pursuant to paragraph (3)  
2 of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of  
3 15 years' imprisonment; and sentences imposed pursuant to  
4 paragraph (4) of subsection a. of N.J.S.2C:43-7 shall have a  
5 presumptive term of seven years' imprisonment.

6 In imposing a minimum term pursuant to subsection b. of  
7 N.J.S.2C:43-7, the sentencing court shall specifically place on the  
8 record the aggravating factors set forth in this section which justify  
9 the imposition of a minimum term.

10 (2) In cases of convictions for crimes of the first or second  
11 degree where the court is clearly convinced that the mitigating  
12 factors substantially outweigh the aggravating factors and where the  
13 interest of justice demands, the court may sentence the defendant to  
14 a term appropriate to a crime of one degree lower than that of the  
15 crime for which the defendant was convicted. If the court does  
16 impose sentence pursuant to this paragraph, or if the court imposes  
17 a noncustodial or probationary sentence upon conviction for a crime  
18 of the first or second degree, the sentence shall not become final for  
19 10 days in order to permit the appeal of the sentence by the  
20 prosecution.

21 g. Imposition of Noncustodial Sentences in Certain Cases. If  
22 the court, in considering the aggravating factors set forth in  
23 subsection a. of this section, finds the aggravating factor in  
24 paragraph (2), (5), (10), or (12) of subsection a. of this section and  
25 does not impose a custodial sentence, the court shall specifically  
26 place on the record the mitigating factors which justify the  
27 imposition of a noncustodial sentence.

28 h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-  
29 11), the presumption of imprisonment as provided in subsection d.  
30 of this section shall not preclude the admission of a person to the  
31 Intensive Supervision Program, established pursuant to the Rules  
32 Governing the Courts of the State of New Jersey.  
33 (cf: P.L.2020, c.110, s.1)  
34

35 3. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to  
36 read as follows:

37 24. Disposition of delinquency cases. a. In determining the  
38 appropriate disposition for a juvenile adjudicated delinquent the  
39 court shall weigh the following factors:

40 (1) The nature and circumstances of the offense;

41 (2) The degree of injury to persons or damage to property  
42 caused by the juvenile's offense;

43 (3) The juvenile's age, previous record, prior social service  
44 received, and out-of-home placement history;

45 (4) Whether the disposition supports family strength,  
46 responsibility, and unity and the well-being and physical safety of  
47 the juvenile;

1 (5) Whether the disposition provides for reasonable  
2 participation by the child's parent, guardian, or custodian, provided,  
3 however, that the failure of a parent or parents to cooperate in the  
4 disposition shall not be weighed against the juvenile in arriving at  
5 an appropriate disposition;

6 (6) Whether the disposition recognizes and treats the unique  
7 physical, psychological, and social characteristics and needs of the  
8 child;

9 (7) Whether the disposition contributes to the developmental  
10 needs of the child, including the academic and social needs of the  
11 child where the child has intellectual disabilities or learning  
12 disabilities;

13 (8) Any other circumstances related to the offense and the  
14 juvenile's social history as deemed appropriate by the court;

15 (9) The impact of the offense on the victim or victims;

16 (10) The impact of the offense on the community; and

17 (11) The threat to the safety of the public or any individual posed  
18 by the child.

19 b. If a juvenile is adjudged delinquent, and except to the extent  
20 that an additional specific disposition is required pursuant to this  
21 section, the court, in accordance with subsection i. of section 2 of  
22 P.L.1982, c.77 (C.2A:4A-21), may order incarceration pursuant to  
23 section 25 of P.L.1982, c.77 (C.2A:4A-44) or the court may order  
24 any one or more of the following dispositions:

25 (1) Adjourn formal entry of disposition of the case for a period  
26 not to exceed 12 months for the purpose of determining whether the  
27 juvenile makes a satisfactory adjustment, and if during the period of  
28 continuance the juvenile makes such an adjustment, dismiss the  
29 complaint;

30 (2) Release the juvenile to the supervision of the juvenile's  
31 parent or guardian;

32 (3) Place the juvenile on probation to the chief probation officer  
33 of the county or to any other suitable person who agrees to accept  
34 the duty of probation supervision for a period not to exceed three  
35 years upon such written conditions as the court deems will aid  
36 rehabilitation of the juvenile;

37 (4) Transfer custody of the juvenile to any relative or other  
38 person determined by the court to be qualified to care for the  
39 juvenile;

40 (5) Place the juvenile under the care and responsibility of the  
41 Department of Children and Families so that the commissioner may  
42 designate a division or organizational unit in the department  
43 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of  
44 providing services in or out of the home. Within 14 days, unless for  
45 good cause shown, but not later than 30 days, the Department of  
46 Children and Families shall submit to the court a service plan,  
47 which shall be presumed valid, detailing the specifics of any  
48 disposition order. The plan shall be developed within the limits of

1 fiscal and other resources available to the department. If the court  
2 determines that the service plan is inappropriate, given existing  
3 resources, the department may request a hearing on that  
4 determination;

5 (6) Place the juvenile under the care and custody of the  
6 Commissioner of Children and Families for the purpose of  
7 receiving the services of the Division of Children's System of Care  
8 of that department, provided that the juvenile has been determined  
9 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-  
10 25.4);

11 (7) Commit the juvenile, pursuant to applicable laws and the  
12 Rules of Court governing civil commitment, to the Department of  
13 Children and Families under the responsibility of the Division of  
14 Children's System of Care for the purpose of placement in a suitable  
15 public or private hospital or other residential facility for the  
16 treatment of persons who are mentally ill, on the ground that the  
17 juvenile is in need of involuntary commitment;

18 (8) (Deleted by amendment, P.L.2019, c.363)

19 (9) Order the juvenile to make restitution to a person or entity  
20 who has suffered loss resulting from personal injuries or damage to  
21 property as a result of the offense for which the juvenile has been  
22 adjudicated delinquent. The court may determine the reasonable  
23 amount, terms, and conditions of restitution. If the juvenile  
24 participated in the offense with other persons, the participants shall  
25 be jointly and severally responsible for the payment of restitution.  
26 The court shall not require a juvenile to make full or partial  
27 restitution if the juvenile reasonably satisfies the court that the  
28 juvenile does not have the means to make restitution and could not  
29 reasonably acquire the means to pay restitution;

30 (10) Order that the juvenile perform community services under  
31 the supervision of a probation division or other agency or individual  
32 deemed appropriate by the court. Such services shall be  
33 compulsory and reasonable in terms of nature and duration. Such  
34 services may be performed without compensation, provided that any  
35 money earned by the juvenile from the performance of community  
36 services may be applied towards any payment of restitution or fine  
37 which the court has ordered the juvenile to pay;

38 (11) Order that the juvenile participate in work programs which  
39 are designed to provide job skills and specific employment training  
40 to enhance the employability of job participants. Such programs  
41 may be without compensation, provided that any money earned by  
42 the juvenile from participation in a work program may be applied  
43 towards any payment of restitution or fine which the court has  
44 ordered the juvenile to pay;

45 (12) Order that the juvenile participate in programs emphasizing  
46 self-reliance, such as intensive outdoor programs teaching survival  
47 skills, including but not limited to camping, hiking, and other  
48 appropriate activities;

- 1       (13) Order that the juvenile participate in a program of academic  
2 or vocational education or counseling, such as a youth service  
3 bureau, requiring attendance at sessions designed to afford access to  
4 opportunities for normal growth and development. This may  
5 require attendance after school, evenings, and weekends;
- 6       (14) Place the juvenile in a suitable residential or nonresidential  
7 program for the treatment of alcohol or narcotic abuse, provided  
8 that the juvenile has been determined to be in need of such services;
- 9       (15) Order the parent or guardian of the juvenile to participate in  
10 appropriate programs or services when the court has found either  
11 that such person's omission or conduct was a significant  
12 contributing factor towards the commission of the delinquent act,  
13 or, under its authority to enforce litigant's rights, that such person's  
14 omission or conduct has been a significant contributing factor  
15 towards the ineffective implementation of a court order previously  
16 entered in relation to the juvenile;
- 17       (16) (a) Place the juvenile in a nonresidential program operated  
18 by a public or private agency, providing intensive services to  
19 juveniles for specified hours, which may include education,  
20 counseling to the juvenile and the juvenile's family if appropriate,  
21 vocational training, employment counseling, work, or other  
22 services;
- 23       (b) Place the juvenile under the custody of the Juvenile Justice  
24 Commission established pursuant to section 2 of P.L.1995, c.284  
25 (C.52:17B-170) for placement with any private group home or  
26 private residential facility with which the commission has entered  
27 into a purchase of service contract;
- 28       (17) Instead of or in addition to any disposition made according  
29 to this section, the court may postpone, suspend, or revoke for a  
30 period not to exceed two years the driver's license, registration  
31 certificate, or both of any juvenile who used a motor vehicle in the  
32 course of committing an act for which the juvenile was adjudicated  
33 delinquent. In imposing this disposition and in deciding the duration  
34 of the postponement, suspension, or revocation, the court shall  
35 consider the circumstances of the act for which the juvenile was  
36 adjudicated delinquent and the potential effect of the loss of driving  
37 privileges on the juvenile's ability to be rehabilitated. Any  
38 postponement, suspension, or revocation shall be imposed  
39 consecutively with any custodial commitment;
- 40       (18) Order that the juvenile satisfy any other conditions  
41 reasonably related to the rehabilitation of the juvenile;
- 42       (19) Order a parent or guardian who has failed or neglected to  
43 exercise reasonable supervision or control of a juvenile who has  
44 been adjudicated delinquent to make restitution to any person or  
45 entity who has suffered a loss as a result of that offense. The court  
46 may determine the reasonable amount, terms, and conditions of  
47 restitution; or

1 (20) Place the juvenile, if eligible, in an appropriate juvenile  
2 offender program established pursuant to P.L.1997, c.81 (C.30:8-61  
3 et al.).

4 c. (1) If the county in which the juvenile has been adjudicated  
5 delinquent has a juvenile detention facility meeting the physical and  
6 program standards established pursuant to this subsection by the  
7 Juvenile Justice Commission, the court may, in addition to any of  
8 the dispositions not involving placement out of the home  
9 enumerated in this section, incarcerate the juvenile in the youth  
10 detention facility in that county for a term not to exceed 60  
11 consecutive days. The decision by the court to incarcerate a  
12 juvenile shall be made in accordance with subsection i. of section 2  
13 of P.L.1982, c.77 (C.2A:4A-21). Counties which do not operate  
14 their own juvenile detention facilities may contract for the use of  
15 approved commitment programs with counties with which they  
16 have established agreements for the use of pre-disposition juvenile  
17 detention facilities. The Juvenile Justice Commission shall  
18 promulgate such rules and regulations from time to time as deemed  
19 necessary to establish minimum physical facility and program  
20 standards for the use of juvenile detention facilities pursuant to this  
21 subsection.

22 (2) A juvenile shall not be incarcerated in any county detention  
23 facility unless the county has entered into an agreement with the  
24 Juvenile Justice Commission concerning the use of the facility for  
25 sentenced juveniles. Upon agreement with the county, the Juvenile  
26 Justice Commission shall certify detention facilities which may  
27 receive juveniles sentenced pursuant to this subsection and shall  
28 specify the capacity of the facility that may be made available to  
29 receive such juveniles; provided, however, that in no event shall the  
30 number of juveniles incarcerated pursuant to this subsection exceed  
31 50% of the maximum capacity of the facility.

32 (3) The court may fix a term of incarceration under this  
33 subsection that is in accordance with subsection i. of section 2 of  
34 P.L.1982, c.77 (C.2A:4A-21) and:

35 (a) The act for which the juvenile was adjudicated delinquent, if  
36 committed by an adult, would have constituted a crime or repetitive  
37 disorderly persons offense;

38 (b) Incarceration of the juvenile is consistent with the goals of  
39 public safety, accountability, and rehabilitation and the court is  
40 clearly convinced that the aggravating factors substantially  
41 outweigh the mitigating factors as set forth in section 25 of  
42 P.L.1982, c.77 (C.2A:4A-44); and

43 (c) The detention facility has been certified for admission of  
44 adjudicated juveniles pursuant to paragraph (2).

45 (4) If as a result of incarceration of adjudicated juveniles  
46 pursuant to this subsection, a county is required to transport a  
47 predisposition juvenile to a juvenile detention facility in another

1 county, the costs of such transportation shall be borne by the  
2 Juvenile Justice Commission.

3 d. Whenever the court imposes a disposition upon an  
4 adjudicated delinquent which requires the juvenile to perform a  
5 community service, restitution, or to participate in any other  
6 program provided for in this section other than subsection c., the  
7 duration of the juvenile's mandatory participation in such  
8 alternative programs shall extend for a period consistent with the  
9 program goal for the juvenile and shall in no event exceed one year  
10 beyond the maximum duration permissible for the delinquent if the  
11 juvenile had been committed to a term of incarceration.

12 e. In addition to any disposition the court may impose pursuant  
13 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the  
14 following orders shall be included in dispositions of the  
15 adjudications set forth below:

16 (1) An order to perform community service pursuant to  
17 paragraph (10) of subsection b. of this section for a period of at  
18 least 60 days, if the juvenile has been adjudicated delinquent for an  
19 act which, if committed by an adult, would constitute the crime of  
20 theft of a motor vehicle, receiving stolen property that is a motor  
21 vehicle, or the crime of unlawful taking of a motor vehicle in  
22 violation of subsection c. of N.J.S.2C:20-10, or the third degree  
23 crime of eluding in violation of subsection b. of N.J.S.2C:29-2; and

24 (2) (Deleted by amendment, P.L.2019, c.363)

25 (3) An order to perform community service pursuant to  
26 paragraph (10) of subsection b. of this section for a period of at  
27 least 30 days, if the juvenile has been adjudicated delinquent for an  
28 act which, if committed by an adult, would constitute the fourth  
29 degree crime of unlawful taking of a motor vehicle in violation of  
30 subsection b. of N.J.S.2C:20-10; and

31 (4) (Deleted by amendment, P.L.2019, c.363)

32 (5) An order of incarceration for a term of the duration  
33 authorized pursuant to this section or section 25 of P.L.1982, c.77  
34 (C.2A-4A-44) shall include a mandatory minimum term of 60 days  
35 during which the juvenile shall be ineligible for parole if the  
36 juvenile has been adjudicated delinquent for an act which, if  
37 committed by an adult, would constitute the second degree crime of  
38 eluding in violation of subsection b. of N.J.S.2C:29-2, theft of a  
39 motor vehicle, or receiving stolen property that is a motor vehicle,  
40 and the juvenile has previously been adjudicated delinquent for an  
41 act, which if committed by an adult, would constitute unlawful  
42 taking of a motor vehicle or theft of a motor vehicle or receiving  
43 stolen property that is a motor vehicle.

44 f. (1) (Deleted by amendment, P.L.2019, c.363)

45 (2) (Deleted by amendment, P.L.2019, c.363)

46 (3) (Deleted by amendment, P.L.2019, c.363)

47 g. Whenever the court imposes a disposition upon an  
48 adjudicated delinquent which requires the juvenile to perform a

1 community service, restitution, or to participate in any other  
2 program provided for in this section, the order shall include  
3 provisions which provide balanced attention to the protection of the  
4 community, accountability for offenses committed, fostering  
5 interaction and dialogue between the offender, victim, and  
6 community and the development of competencies to enable the  
7 child to become a responsible and productive member of the  
8 community.

9 (cf: P.L.2021, c.342, s.1)

10  
11 4. Section 1 of P.L.1991, c.82 (C.2C:20-18) is amended to read  
12 as follows:

13 A person is a leader of an auto theft trafficking network if he  
14 conspires with others as an organizer, supervisor, financier or  
15 manager, to engage for profit in a scheme or course of conduct to  
16 unlawfully take, dispose of, distribute, bring into or transport in this  
17 State automobiles as stolen property.

18 a. Leader of auto theft trafficking network is a crime of the  
19 second degree. Notwithstanding the provisions of subsection a. of  
20 N.J.S.2C:43-3, the court may impose a fine not to exceed  
21 \$250,000.00 or five times the retail value of the automobiles seized  
22 at the time of the arrest, whichever is greater.

23 b. Leader of auto theft trafficking network is a crime of the  
24 first degree if a person conspires with others including a person 17  
25 years of age or younger as an organizer, supervisor, financier, or  
26 manager, to engage for profit in a scheme or course of conduct to  
27 unlawfully take, dispose of, distribute, bring into or transport in this  
28 State automobiles as stolen property. It shall not be a defense to a  
29 prosecution under this section that the actor mistakenly believed  
30 that the person which the actor organized, supervised, financed, or  
31 managed was older than 17 years of age, even if such mistaken  
32 belief was reasonable. Notwithstanding the provision of subsection  
33 a of N.J.S.2C:43-3, the court may impose a fine not to exceed  
34 \$500,000 or five times the retail value of the automobiles seized at  
35 the time of arrest, whichever is greater.

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

44 It shall not be necessary in any prosecution under this act for the  
45 State to prove that any intended profit was actually realized. The  
46 trier of fact may infer that a particular scheme or course of conduct  
47 was undertaken for profit from all of the attending circumstances,  
48 including but not limited to the number of persons involved in the



1 scheme or course of conduct, the actor's net worth and his  
2 expenditures in relation to his legitimate sources of income, the  
3 number of automobiles involved, or the amount of cash or currency  
4 involved.

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

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

10  
11 5. This act shall take effect immediately.

12  
13 STATEMENT

14  
15 This bill increases the time of incarceration an individual may  
16 receive when committing motor vehicle crimes.

17 This bill enhances criminal penalties for repeat offenders of the  
18 motor vehicle crimes of theft of a motor vehicle and receiving  
19 stolen property that is a motor vehicle by subjecting these offenders  
20 to extended terms of imprisonment. An extended term, upon  
21 motion by the prosecutor, increases the term of imprisonment for  
22 theft of a motor vehicle or receiving stolen property that is a motor  
23 vehicle to five to 10 years, equivalent to a second-degree crime.  
24 The court is required to establish the ground for an extended term  
25 by a preponderance of the evidence.

26 The bill also amends N.J.S.A.2A:4A-43 to include receiving  
27 stolen property that is a motor vehicle as a crime that requires a  
28 juvenile to receive 60 days community service.

29 The bill requires a minimum 60 day period of incarceration for a  
30 juvenile who commits the second degree crime of eluding, theft of  
31 motor vehicle, or receiving stolen property that is a motor vehicle  
32 and who has previously been adjudicated delinquent for an act of  
33 motor vehicle theft or receiving stolen property that is a motor  
34 vehicle.

35 Finally, the bill makes it a first degree crime for a leader of an  
36 auto theft trafficking network to conspire with others including a  
37 person 17 years of age or younger to engage for profit in a scheme  
38 or course of conduct to unlawfully take, dispose of, distribute ,  
39 bring into or transport in this State automobiles as stolen property.  
40 In addition to imprisonment and a fine, the court may impose a fine  
41 not to exceed \$500,000 or five times the retail value of the  
42 automobiles seized at the time of arrest, whichever is greater. The  
43 mistaken belief that the person was over 17 years of age is not a  
44 defense to the crime. A first-degree crime is punishable by 10 to 20  
45 years imprisonment, a \$200,000 fine, or both.

46 It is the intent of the sponsor to contend with the growing issue  
47 of car theft in the State and reduce the connected rise in violent  
48 crime.