

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE, No. 3345

# STATE OF NEW JERSEY

DATED: DECEMBER 19, 2022

The Senate Judiciary Committee reports favorably Senate Bill No. 3345.

This bill would upgrade and expand the scope of the crime of leader of an auto theft trafficking network, and establish a new crime of participant in an auto theft trafficking network.

Under current law, a person commits the crime of leader of an auto theft trafficking network, a crime of the second degree, if the person conspires with others as an organizer, supervisor, financier, or manager to engage for profit in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State motor vehicles as stolen property. This crime is currently punishable by a term of imprisonment of five to 10 years, an enhanced fine of up to \$250,000 or five times the retail value of the motor vehicles seized at the time of arrest, whichever amount is greater, or both imprisonment and a fine. The crime would be upgraded to a crime of the first degree, punishable by a term of imprisonment of 10 to 20 years, an enhanced fine of up to \$500,000 or alternatively five times the retail value of the motor vehicles seized, or both imprisonment and a fine.

The scope of activities constituting the crime would also be expanded. Under the bill, a person would commit the first-degree crime of leader of an auto theft trafficking network if the person also conspires with others as a “recruiter.” Additionally, an auto theft trafficking network would be characterized as one in which the involved parties may conspire to unlawfully take or otherwise act just regarding motor vehicle parts, or the network involved persons conspiring to commit other criminal activity and not just engage in a for-profit scheme. Because a network may only be involved in unlawful activities concerning motor vehicle parts, the calculation of the alternative fine could be based upon five times the retail value of the motor vehicle parts seized at the time of arrest, instead of the retail value of motor vehicles seized.

Finally, the bill establishes a new second-degree crime of participant in an auto theft trafficking network. A person would be a participant if the person conspires with others to engage in the activities heretofore described for the expanded first-degree crime of

leader of a network, but only doing so as a participant. This new crime would be punishable by a term of imprisonment of five to 10 years, an enhanced fine of up to \$250,000 or five times the retail value of the motor vehicles or motor vehicle parts seized at the time of arrest, whichever amount is greater, or both imprisonment and a fine.