

# SENATE, No. 3390

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED DECEMBER 15, 2022

**Sponsored by:**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Senator JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**Co-Sponsored by:**

**Senators A.M.Bucco, Greenstein, Bramnick, O'Scanlon, Singer and  
Madden**

**SYNOPSIS**

Expands criminal penalties related to illegal use of motor vehicle master key.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 1/10/2023)

1 AN ACT concerning vehicle theft devices and amending N.J.S.2C:5-  
2 6.

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:5-6 is amended to read as follows:

8 a. 2C:5-6. **Any** A person **who** is guilty of a crime of the  
9 fourth degree if the person:

10 (1) knowingly possesses a motor vehicle master key or device  
11 designed to operate a lock or locks on motor vehicles or to start a  
12 motor vehicle without an ignition key **is guilty of a crime of the**  
13 **fourth degree.** or key fob;

14 (2) for an unlawful purpose, knowingly possesses a key fob that  
15 operates a lock or locks on or starts a motor vehicle owned by  
16 another person; or

17 (3) for an unlawful purpose, knowingly possesses a computer  
18 program, application, software, or other device adapted, designed,  
19 or commonly used to operate a lock or locks on or start a motor  
20 vehicle without an ignition key or key fob, or to copy, store  
21 information relating to, or interfere with those functions.

22 b. **Any** A person is guilty of a crime of the fourth degree if the  
23 person **who** :

24 (1) offers or advertises for sale, sells, or gives to any person  
25 other than those excepted in subsection c. of this section a motor  
26 vehicle master key or device designed to operate a lock or locks on  
27 a motor vehicle or to start a motor vehicle without an ignition key  
28 **is guilty of a crime of the fourth degree.** or key fob, or who  
29 otherwise causes any such item to enter into commerce in this State;

30 (2) offers or advertises for sale, sells, or gives to any person a  
31 computer program, application, software, or other device adapted,  
32 designed, or commonly used to operate a lock or locks on or start a  
33 motor vehicle without an ignition key or key fob, or to copy, store  
34 information relating to, or interfere with those functions, or who  
35 otherwise causes any such item to enter into commerce in this State;

36 (i) knowing the item to be adapted, designed, or commonly used  
37 for those purposes; and

38 (ii) with a purpose to provide the item to a person the actor  
39 knows or reasonably should know has the purpose to use or employ  
40 the item unlawfully.

41 c. **Subsection a.** Paragraph (1) of subsection a. of this section  
42 shall not apply to a law enforcement officer, constable, locksmith  
43 **or** , dealer, distributor or manufacturer of motor vehicles or motor  
44 vehicle locks, a garage keeper, or a person or the employee or agent

**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 of a person engaged in the business of lending on the security of  
2 motor vehicles~~[,] or [in the business of]~~ acquiring by purchase  
3 evidence of debt secured by interests in motor vehicles~~[],~~ and his  
4 employees and agents~~].~~

5 (cf: N.J.S.2C:5-6)

6

7 2. This act shall take effect immediately.

8

9

10 STATEMENT

11

12 This bill expands criminal penalties related to the illegal use of a  
13 motor vehicle master key.

14 Under current law, it is a crime of the fourth degree to knowingly  
15 possess a motor vehicle master key or device designed to operate a  
16 lock on a motor vehicle; to start a motor vehicle without an ignition  
17 key; or to offer or advertise for sale, sell, or give a person, other  
18 than those enumerated in statute such as a law enforcement officer  
19 or locksmith, a motor vehicle master key or device designed to  
20 operate a lock on a motor vehicle or start a motor vehicle without  
21 an ignition key. A crime of the fourth degree is punishable by a  
22 term of imprisonment of up to 18 months, a fine of up to \$10,000,  
23 or both.

24 This bill amends current law to provide that it also is a crime of  
25 the fourth degree for a person to, for an unlawful purpose,  
26 knowingly possess a key fob that operates a lock or locks on or  
27 starts a motor vehicle owned by another person; or possess a  
28 computer program, application, software, or other device adapted,  
29 designed, or commonly used to operate a lock or locks on or start a  
30 motor vehicle without an ignition key or key fob, or to copy, store  
31 information relating to, or interfere with those functions.

32 The bill also provides that a person who offers or advertises for  
33 sale, sells, or gives to any person, other than those excepted under  
34 the bill, a motor vehicle master key or device designed to operate a  
35 lock or locks on a motor vehicle or start a motor vehicle without an  
36 ignition key or key fob, or who otherwise causes an item to enter  
37 into commerce in this State is guilty of a crime of the fourth degree.

38 Under the bill, a person also is guilty of a crime of the fourth  
39 degree if the person offers or advertises for sale, sells, or gives to  
40 any person a computer program, application, software, or other  
41 device adapted, designed, or commonly used to operate a lock or  
42 locks on or start a motor vehicle without an ignition key or key fob,  
43 or to copy, store information relating to, or interfere with those  
44 functions, or who otherwise causes any such item to enter into  
45 commerce in this State knowing the item to be adapted, designed, or  
46 commonly used for those purposes; and with a purpose to provide  
47 the item to a person the actor knows or reasonably should know has  
48 the purpose to use or employ the item unlawfully.

**S3390 GOPAL, LAGANA**

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1       Certain individuals were not subject to penalties under current  
2 law including law enforcement officers, locksmiths, and motor  
3 vehicle dealers. This bill provides that those enumerated under  
4 current law, as well as their employees or agents, would not be  
5 subject to penalties for knowingly possessing a motor vehicle  
6 master key or device designed to operate a lock or locks on motor  
7 vehicles or to start a motor vehicle without an ignition key or key  
8 fob.

9       This bill is intended to expand current law to encompass the  
10 various means by which a person can use technology to commit  
11 theft of a motor vehicle that is accessible by a keyless entry system.