

ASSEMBLY, No. 5166

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JANUARY 14, 2025

Sponsored by:

Assemblyman REGINALD W. ATKINS

District 20 (Union)

Assemblywoman LINDA S. CARTER

District 22 (Somerset and Union)

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District 29 (Essex and Hudson)

Co-Sponsored by:

Assemblyman Marengo and Assemblywoman McCann Stamato

SYNOPSIS

Establishes separate crime of porch piracy, "Porch Theft Task Force," and public awareness campaign; appropriates funds.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning theft of packages delivered to residential
2 properties, and amending N.J.S.2C:20-2, supplementing Title 2C
3 of the New Jersey Statutes, and making an appropriation.

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

7
8 1. (New section) a. A person commits the crime of residential
9 package theft if the person unlawfully takes, or exercises unlawful
10 control over, a package delivered to a residential property by a
11 cargo carrier, as defined under subsection w. of N.J.S.2C:20-1.

12 b. Residential package theft is a crime of the third degree if the
13 amount involved is less than \$75,000 or is undetermined, and is a
14 crime of the second degree if the amount involved is \$75,000 or
15 more. Notwithstanding the provisions of N.J.S.2C:43-3 and in
16 addition to any other disposition authorized by law, the court may
17 impose a fine not to exceed \$250,000 or five times the retail value
18 of the contents of the package stolen from the residence seized at
19 the time of the arrest, whichever is greater.

20 c. (1) The presumption of non-imprisonment, pursuant to
21 subsection e. of N.J.S.2C:44-1, shall not apply to a person
22 convicted of a first offense under this section.

23 (2) A person convicted of a second or subsequent offense under
24 this section shall be sentenced to a term of imprisonment that shall
25 include a mandatory minimum term of one-third to one-half of the
26 sentence imposed, during which time the defendant shall not be
27 eligible for parole. The court may not suspend or make any other
28 non-custodial disposition of any person sentenced as a second or
29 subsequent offender pursuant to this section.

30 For the purposes of this section, an offense is considered a
31 second or subsequent offense if the actor has been convicted
32 pursuant to this section at any time, or under any similar statute of
33 the United States, this State, or any other state for an offense that is
34 substantially equivalent to this section.

35 d. Nothing contained in this section shall be construed to
36 preclude or limit a prosecution or conviction of any person for
37 home invasion burglary pursuant to section 1 of P.L.2024, c.83
38 (C.2C:18-2.1), residential burglary pursuant to section 2 of
39 P.L.2024, c.83 (C.2C:18-2.2), unlicensed entry or trespass pursuant
40 to N.J.S.2C:18-3, or any other offense.

41
42 2. (New section) a. The “Porch Theft Task Force” is established
43 in the Department of Law and Public Safety.

44 The purposes of the task force shall be: to facilitate the
45 coordination and collaboration of State, county, and local law

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 enforcement agencies' efforts to prevent, deter, investigate, and
2 prosecute residential package thefts; centralize the collection of
3 data relevant to residential package theft cases to identify patterns,
4 trends, and the possible involvement of organized crime; and
5 facilitate collaboration between law enforcement agencies and
6 cargo carriers, as defined under subsection w. of N.J.S.2C:20-1, to
7 prevent and deter residential package thefts.

8 b. The Attorney General, or a designee, shall serve as the chair
9 of the task force. The other members of the task force may be
10 appointed by the Governor but shall include, at a minimum,
11 representation from State and local law enforcement agencies
12 reflecting the geographic and demographic diversity of this State;
13 representation from cargo carriers, as defined under subsection w.
14 of N.J.S.2C:20-1, including at least one representative of the United
15 States Postal Service; and members of the public with experience or
16 expertise relevant to the purposes of the task force.

17 c. Appointments to the task force shall be made no later than
18 30 days following the effective date of P.L. , c. (pending
19 before the Legislature as this bill). Vacancies shall be filled in the
20 same manner as the original appointments. The members of the
21 task force shall serve without compensation, but shall be eligible for
22 reimbursement for necessary and reasonable expenses incurred in
23 the performance of their official duties within the limits of funds
24 appropriated or otherwise made available to the task force for its
25 purposes.

26 d. The task force shall organize as soon as practicable
27 following the appointment of its members. The Department of Law
28 and Public Safety shall provide stenographic, clerical, and other
29 administrative assistance, and professional staff, as the task force
30 requires to carry out its work. The task force shall also be entitled
31 to call to its assistance and avail itself of the services of the
32 employees of any State, county, or municipal department, board,
33 bureau, commission, or agency as the task force may require and as
34 may be available to the task force for its purposes. The task force
35 may meet and hold hearings at the place or places the task force
36 designates.

37 e. No later than six months after its organization the task force
38 shall prepare and submit to the Governor and, pursuant to section 2
39 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature a report
40 detailing the work of the task force, Statewide data collected by the
41 task force, and any recommendations concerning law enforcement
42 or business practices that would reduce or eliminate residential
43 package theft. The task force shall prepare and submit an updated
44 report annually thereafter.

45

46 3. (New section) The Attorney General and the Director of the
47 Division of Consumer Affairs in the Department of Law and Public
48 Safety, in consultation with the members of the "Porch Theft Task

1 Force” established pursuant to section 2 of P.L. , c. (pending
2 before the Legislature as this bill), shall develop, approve, and
3 implement a public awareness campaign to educate residents of this
4 State concerning residential package theft, measures to prevent
5 residential package theft, and how to report residential package
6 thefts to law enforcement agencies.

7
8 4. (New section) There is appropriated from the General Fund to
9 the Department of Law and Public Safety such funds as shall be
10 necessary for the implementation of P.L. , c. (pending before
11 the Legislature as this bill), as certified by the Attorney General and
12 subject to the approval of the Director of the Division of Budget
13 and Accounting in the Department of the Treasury.

14
15 5. N.J.S.2C:20-2 is amended to read as follows:

16 2C:20-2. a. Consolidation of Theft and Computer Criminal
17 Activity Offenses. Conduct denominated theft or computer criminal
18 activity in this chapter constitutes a single offense, but each episode
19 or transaction may be the subject of a separate prosecution and
20 conviction. A charge of theft or computer criminal activity may be
21 supported by evidence that it was committed in any manner that
22 would be theft or computer criminal activity under this chapter,
23 notwithstanding the specification of a different manner in the
24 indictment or accusation, subject only to the power of the court to
25 ensure fair trial by granting a bill of particulars, discovery, a
26 continuance, or other appropriate relief where the conduct of the
27 defense would be prejudiced by lack of fair notice or by surprise.

28 b. Grading of theft offenses.

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

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

31 (b) The property is taken by extortion;

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

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

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

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

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

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

- 1 (b) The property stolen is a firearm, vessel, boat, horse, domestic
2 companion animal or airplane;
- 3 (c) The property stolen is a controlled dangerous substance or
4 controlled substance analog as defined in N.J.S.2C:35-2 and the
5 amount involved is less than \$75,000 or is undetermined and the
6 quantity is one kilogram or less;
- 7 (d) It is from the person of the victim;
- 8 (e) It is in breach of an obligation by a person in his capacity as a
9 fiduciary and the amount involved is less than \$50,000;
- 10 (f) It is by threat not amounting to extortion;
- 11 (g) It is of a public record, writing or instrument kept, filed or
12 deposited according to law with or in the keeping of any public
13 office or public servant;
- 14 (h) The property stolen is a person's benefits under federal or
15 State law, or from any other source, which the Department of
16 Human Services or an agency acting on its behalf has budgeted for
17 the person's health care and the amount involved is less than
18 \$75,000;
- 19 (i) The property stolen is any real or personal property related to,
20 necessary for, or derived from research, regardless of value,
21 including, but not limited to, any sample, specimens and
22 components thereof, research subject, including any warm-blooded
23 or cold-blooded animals being used for research or intended for use
24 in research, supplies, records, data or test results, prototypes or
25 equipment, as well as any proprietary information or other type of
26 information related to research;
- 27 (j) The property stolen is a New Jersey Prescription Blank as
28 referred to in R.S.45:14-14;
- 29 (k) The property stolen consists of an access device or a defaced
30 access device; or
- 31 (l) The property stolen consists of anhydrous ammonia and the
32 actor intends it to be used to manufacture methamphetamine. **【; or】**
- 33 (m) **【The property stolen consists of a package delivered to a**
34 **residential property by a cargo carrier and the amount involved is**
35 **less than \$75,000 or is undetermined.】** (Deleted by amendment,
36 P.L. , c.) (pending before the Legislature as this bill)
- 37 (3) Theft constitutes a crime of the fourth degree if the amount
38 involved is at least \$200 but does not exceed \$500.
- 39 (4) Theft constitutes a disorderly persons offense if:
- 40 (a) The amount involved was less than \$200; or
- 41 (b) The property stolen is an electronic vehicle identification
42 system transponder.
- 43 The amount involved in a theft or computer criminal activity
44 shall be determined by the trier of fact. The amount shall include,
45 but shall not be limited to, the amount of any State tax avoided,
46 evaded or otherwise unpaid, improperly retained or disposed of.
47 Amounts involved in thefts, thefts of motor vehicles, or computer
48 criminal activities committed pursuant to one scheme or course of

1 conduct, whether from the same person or several persons, may be
2 aggregated in determining the grade of the offense.

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

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

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

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

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

18 (cf: P.L.2023, c.101, s.4)

19

20 6. This act shall take effect immediately.

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22

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STATEMENT

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25 This bill establishes a separate crime of residential package theft,
26 also known as "porch piracy," as a distinct crime, separate from the
27 consolidated theft statute, N.J.S.2C:20-2.

28 Under the bill, residential package theft is a crime of the third
29 degree if the amount involved is less than \$75,000 or is
30 undetermined, and is a crime of the second degree if the amount
31 involved is \$75,000 or more. A crime of the third degree is
32 ordinarily punishable by a term of imprisonment of three to five
33 years, a fine of up to \$15,000, or both. A crime of the second
34 degree is ordinarily punishable by a term of imprisonment of five to
35 10 years, a fine of up to \$150,000, or both.

36 Under the bill, in addition to any other disposition authorized by
37 law, the court may impose a fine not to exceed \$250,000 or five
38 times the retail value of the contents of the package stolen from the
39 residence seized at the time of the arrest, whichever is greater.

40 Also, under the bill, in addition to the ordinary penalties for
41 crimes of the third or second degree, the presumption of non-
42 imprisonment for a person convicted of a first offense of a crime of
43 the third degree would not apply. Further, a person convicted of a
44 second or subsequent offense is required to serve a mandatory
45 minimum term of one-third to one-half of the sentence imposed,
46 during which time the defendant shall not be eligible for parole.
47 The bill also provides that a person may be charged with residential
48 package theft in addition to, or in combination with, any other

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1 crime such as home invasion burglary, residential burglary, or
2 trespass, as applicable.

3 Additionally, the bill establishes the “Porch Theft Task Force” to
4 be led by the Attorney General, and involving State and local law
5 enforcement and delivery companies. The task force is required to
6 track and reduce residential package thefts, centralize data
7 collection concerning residential package thefts, and coordinate law
8 enforcement efforts.

9 The bill requires the Director of the Division of Consumer
10 Affairs in the Department of Law and Public Safety to establish a
11 public awareness campaign to educate residents on how to prevent
12 residential package theft.

13 Finally, the bill appropriates from the General Fund to the
14 Department of Law and Public Safety such funds as are necessary
15 to implement the bill.