

P.L. 2026, CHAPTER 53, *approved July 22, 2026*
Assembly, No. 5154 (*Third Reprint*)

1 AN ACT concerning sentencing of persistent offenders,
2 supplementing Title 2C of the New Jersey Statutes and amending
3 various parts of the statutory law.

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

7
8 1. (New section) Extended term for persistent offenders.

9 a. The court may sentence a person convicted of a crime of the
10 first, second, or third degree to an extended term of imprisonment if
11 the person is a persistent offender.

12 b. A persistent offender is a person who at the time of the
13 commission of the crime was 21 years of age or over who has been
14 previously convicted on at least two separate occasions of two
15 crimes, committed at different times, when the person was at least
16 18 years of age, if the latest in time of these crimes or the date of
17 the person's last release from confinement, whichever is later, is
18 within ten years of the date of the crime for which the person is
19 being sentenced.

20 c. The court shall not impose an extended term of imprisonment
21 pursuant to this section unless the ground therefor has been
22 established in accordance with subsection g. of N.J.S.2C:44-6.

23 ³**[**¹d. The Administrative Director of the Courts shall, no later
24 than two years after the effective date of P.L. , c. (C.)
25 (pending before the Legislature as this bill), submit a written report
26 to the Governor, and to the Legislature pursuant to section 2 of
27 P.L.1991, c.164 (C.52:14-19.1), concerning:

28 (1) the number of convicted defendants found within the
29 reporting period to be persistent offenders pursuant to subsection b.
30 of this section;

31 (2) the crimes for which the defendants were charged and
32 convicted;

33 (3) the demographics of the defendants, including the vicinage
34 in which the defendant's most recent conviction occurred; and

35 (4) any other findings and recommendations concerning the
36 sentencing of persistent offenders as the director may determine.¹**]**³

37
38 2. Section 3 of P.L.2023, c.101 (C.2C:20-10.3) is amended to
39 read as follows:

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted June 1, 2026.

²Assembly AAP committee amendments adopted June 8, 2026.

³Senate floor amendments adopted June 18, 2026.

1 3. Persistent stolen motor vehicle offender sentencing.

2 a. **【Upon request of the prosecutor, a】** A person who has been
3 convicted of a crime pursuant to section 1 or 2 of P.L.2023, c.101
4 (C.2C:20-10.1 or 2C:20-10.2) or carjacking pursuant to section 1 of
5 P.L.1993, c.221 (C.2C:15-2) shall be sentenced to an extended term
6 of imprisonment pursuant to N.J.S.2C:43-7 if the person has
7 previously been convicted on two or more prior and separate
8 occasions, regardless of the dates of the convictions, of a crime
9 pursuant to section 1 or 2 of P.L.2023, c.101 (C.2C:20-10.1 or
10 2C:20-10.2), carjacking pursuant to section 1 of P.L.1993, c.221
11 (C.2C:15-2), theft or unlawful taking of a motor vehicle, receiving
12 stolen property where the property involved is a motor vehicle, or a
13 crime under any statute of the United States, this State, or any other
14 state for a crime that is substantially equivalent to any of the crimes
15 enumerated in this subsection.

16 b. The provisions of this section shall not apply unless the prior
17 convictions are for crimes committed on a separate occasion and the
18 crime for which the defendant is being sentenced was committed
19 either:

20 (1) within 10 years of the date of the defendant's last release
21 from confinement for the commission of any crime; or

22 (2) within 10 years of the date of the commission of the most
23 recent of the crimes enumerated in subsection a. of this section for
24 which the defendant has a prior conviction.

25 c. The court shall not impose a sentence of imprisonment
26 pursuant to this section, unless the ground therefor has been
27 established **【at a hearing after the conviction of the defendant and**
28 **on written notice to the defendant of the ground proposed. The**
29 **defendant shall have the right to hear and controvert the evidence**
30 **against him and to offer evidence upon the issue】** in accordance
31 with the provisions of subsection g. of N.J.S.2C:44-6. Prior
32 convictions shall be defined and proven in accordance with
33 N.J.S.2C:44-4.

34 (cf: P.L.2023, c.101, s.3)

35

36 3. Section 5 of P.L.2025, c.39 (C.2C:20-11.3) is amended to
37 read as follows:

38 5. a. **【Upon request of the prosecutor, a】** A person who has
39 been convicted of shoplifting pursuant to N.J.S.2C:20-11, receiving
40 stolen property pursuant to N.J.S.2C:20-7, leader of organized retail
41 theft enterprise pursuant to section 2 of P.L.2006, c.56 (C.2C:20-
42 11.2), or theft as defined in chapter 20 of Title 2C of the New
43 Jersey Statutes that involves the stealing of merchandise from a
44 retail mercantile establishment shall be sentenced to an extended
45 term of imprisonment pursuant to N.J.S.2C:43-7 if the person has
46 previously been convicted on two or more prior and separate
47 occasions, regardless of the dates of the convictions, in accordance
48 with the provisions of subsection b. of this section, for a violation

1 of paragraphs (1) or (2) of subsection c. of N.J.S.2C:20-11,
2 N.J.S.2C:20-7, section 2 of P.L.2006, c.56 (C.2C:20-11.2), or theft
3 as defined in chapter 20 of Title 2C of the New Jersey Statutes
4 involving the stealing of merchandise, or a crime under any statute
5 of the United States, this State, or any other state for a crime that is
6 substantially equivalent to a violation of shoplifting, leader of
7 organized retail theft enterprise, or theft involving merchandise.

8 b. The provisions of this section shall not apply unless the prior
9 convictions are for crimes committed on separate occasions and the
10 crime for which the defendant is being sentenced was committed
11 either:

12 (1) within 10 years of the date of the defendant's last release
13 from confinement for the commission of any crime; or

14 (2) within 10 years of the date of the commission of the most
15 recent of the crimes enumerated in subsection a. of this section for
16 which the defendant has a prior conviction.

17 c. Prior convictions shall be defined and proven in accordance
18 with N.J.S.2C:44-4.

19 d. The court shall not impose a sentence of imprisonment
20 pursuant to this section unless the ground therefor has been
21 established [at a hearing after the conviction of the defendant and
22 on written notice to the defendant of the ground proposed. The
23 defendant shall have the right to hear and controvert the evidence
24 against him and to offer evidence upon the issue] in accordance
25 with the provisions of subsection g. of N.J.S.2C:44-6.

26 (cf: P.L.2025, c.39, s.5)

27
28 4. Section 2 of P.L.1995, c.126 (C.2C:43-7.1) is amended to
29 read as follows:

30 2. a. Life Imprisonment Without Parole. A person convicted of
31 a crime under any of the following: N.J.S.2C:11-3; subsection a. of
32 N.J.S.2C:11-4; a crime of the first degree under N.J.S.2C:13-1,
33 paragraphs (3) through (6) of subsection a. of N.J.S.2C:14-2;
34 N.J.S.2C:15-1; or section 1 of P.L.1993, c.221 (C.2C:15-2), who
35 has been convicted of two or more crimes that were committed on
36 prior and separate occasions, regardless of the dates of the
37 convictions, under any of the foregoing sections or under any
38 similar statute of the United States, this State, or any other state for
39 a crime that is substantially equivalent to a crime under any of the
40 foregoing sections, shall be sentenced to a term of life
41 imprisonment by the court, with no eligibility for parole.

42 b. Extended Term for Repeat Violent Offenders. A person
43 shall be sentenced to an extended term of imprisonment pursuant to
44 N.J.S.2C:43-7 if:

45 (1) The person is convicted of any of the following crimes: a
46 crime of the second degree under N.J.S.2C:11-4; a crime of the
47 second or third degree under subsection b. of N.J.S.2C:12-1; a
48 crime of the second degree under N.J.S.2C:13-1; a crime under

1 N.J.S.2C:14-3 for aggravated criminal sexual contact under any of
2 the circumstances set forth in paragraphs (3) through (6) of
3 subsection a. of N.J.S.2C:14-2; a crime of the second degree under
4 N.J.S.2C:15-1; a crime of the second degree under N.J.S.2C:18-2;
5 or a crime of the second degree under N.J.S.2C:39-4 for possession
6 of a weapon with the purpose of using it unlawfully against the
7 person of another, and the person has been convicted of any of the
8 foregoing crimes or any of the crimes enumerated in subsection a.
9 of this section or under any similar statute of the United States, this
10 State, or any other state for a crime that is substantially equivalent
11 to a crime enumerated in this subsection or in subsection a. of this
12 section committed on two or more prior and separate occasions
13 regardless of the dates of the convictions; or

14 (2) The person is convicted of a crime enumerated in subsection
15 a. of this section, does not have two or more prior convictions that
16 require sentencing under subsection a. and has two or more prior
17 convictions that would require sentencing under paragraph (1) of
18 this subsection if the person had been convicted of a crime
19 enumerated in paragraph (1).

20 c. The provisions of this section shall not apply unless the prior
21 convictions are for crimes committed on separate occasions and
22 unless the crime for which the defendant is being sentenced was
23 committed either within 10 years of the date of the defendant's last
24 release from confinement for commission of any crime or within 10
25 years of the date of the commission of the most recent of the crimes
26 for which the defendant has a prior conviction.

27 d. The court shall not impose a sentence of imprisonment
28 pursuant to this section, unless the ground therefor has been
29 established [at a hearing after the conviction of the defendant and
30 on written notice to the defendant of the ground proposed. The
31 defendant shall have the right to hear and controvert the evidence
32 against him and to offer evidence upon the issue] in accordance
33 with the provisions of subsection g. of N.J.S.2C:44-6. Prior
34 convictions shall be defined and proven in accordance with
35 N.J.S.2C:44-4.

36 e. For purposes of this section, a term of life shall mean the
37 natural life of a person sentenced pursuant to this section. Except
38 that a defendant who is at least 70 years of age and who has served
39 at least 35 years in prison pursuant to a sentence imposed under this
40 section shall be released on parole if the full Parole Board
41 determines that the defendant is not a danger to the safety of any
42 other person or the community.

43 (cf: P.L.2003, c.48)

44

45 5. N.J.S.2C:44-3 is amended to read as follows:

46 2C:44-3. The court may, upon application of the prosecuting
47 attorney, sentence a person who has been convicted of a crime of
48 the first, second or third degree to an extended term of

1 imprisonment if it finds one or more of the grounds specified in
2 subsection **[a.,]** b., c., or f. of this section. If the grounds specified
3 in subsection d. are found, and the person is being sentenced for
4 commission of any of the offenses enumerated in subsection c. or g.
5 of N.J.S.2C:43-6, the court shall sentence the defendant to an
6 extended term as required by subsection c. or g. of N.J.S.2C:43-6,
7 and application by the prosecutor shall not be required. The court
8 shall, upon application of the prosecuting attorney, sentence a
9 person who has been convicted of a crime under N.J.S.2C:14-2 or
10 N.J.S.2C:14-3 to an extended term of imprisonment if the grounds
11 specified in subsection g. of this section are found. The court shall,
12 upon application of the prosecuting attorney, sentence a person to
13 an extended term if the imposition of such term is required pursuant
14 to the provisions of section 2 of P.L.1994, c.130 (C.2C:43-6.4).
15 The finding of the court shall be incorporated in the record.

16 a. **[**The defendant has been convicted of a crime of the first,
17 second or third degree and is a persistent offender. A persistent
18 offender is a person who at the time of the commission of the crime
19 is 21 years of age or over, who has been previously convicted on at
20 least two separate occasions of two crimes, committed at different
21 times, when he was at least 18 years of age, if the latest in time of
22 these crimes or the date of the defendant's last release from
23 confinement, whichever is later, is within 10 years of the date of the
24 crime for which the defendant is being sentenced.**]** (Deleted by
25 amendment, P.L. , c. (pending before the Legislature as this
26 bill)

27 b. The defendant has been convicted of a crime of the first,
28 second or third degree and is a professional criminal. A
29 professional criminal is a person who committed a crime as part of
30 a continuing criminal activity in concert with two or more persons,
31 and the circumstances of the crime show he has knowingly devoted
32 himself to criminal activity as a major source of livelihood.

33 c. The defendant has been convicted of a crime of the first,
34 second or third degree and committed the crime as consideration for
35 the receipt, or in expectation of the receipt, of anything of pecuniary
36 value the amount of which was unrelated to the proceeds of the
37 crime or he procured the commission of the offense by payment or
38 promise of payment of anything of pecuniary value.

39 d. Second offender with a firearm. The defendant is at least 18
40 years of age and has been previously convicted of any of the
41 following crimes: N.J.S.2C:11-3, N.J.S.2C:11-4, subsection b. of
42 N.J.S.2C:12-1, N.J.S.2C:13-1, subsection a. of N.J.S.2C:14-2,
43 subsection a. of N.J.S.2C:14-3, N.J.S.2C:15-1, N.J.S.2C:18-2,
44 section 1 of P.L.2024, c.83 (C.2C:18-2.1), N.J.S.2C:29-5,
45 subsection a. of N.J.S.2C:39-4, or has been previously convicted of
46 an offense under Title 2A of the New Jersey Statutes or under any
47 statute of the United States or any other state which is substantially
48 equivalent to the offenses enumerated in this subsection and he used

1 or possessed a firearm, as defined in N.J.S.2C:39-1, in the course
2 of committing or attempting to commit any of these crimes,
3 including the immediate flight therefrom.

4 e. (Deleted by amendment, P.L.2001, c.443).

5 f. The defendant has been convicted of a crime under any of the
6 following sections: N.J.S.2C:11-4, subsection b. of N.J.S.2C:12-1,
7 N.J.S.2C:13-1, subsection a. of N.J.S.2C:14-2, subsection a. of
8 N.J.S.2C:14-3, N.J.S.2C:15-1, N.J.S.2C:18-2, section 1 of
9 P.L.2024, c.83 (C.2C:18-2.1), section 2 of P.L.2024, c.83 (C.2C:18-
10 2.2), subsection b. of N.J.S.2C:29-2, N.J.S.2C:29-5, N.J.S.2C:35-5,
11 and in the course of committing or attempting to commit the crime,
12 including the immediate flight therefrom, the defendant used or was
13 in possession of a stolen motor vehicle.

14 g. The defendant has been convicted of a crime under
15 N.J.S.2C:14-2 or N.J.S.2C:14-3 involving violence or the threat of
16 violence and the victim of the crime was 16 years of age or less.

17 For purposes of this subsection, a crime involves violence or the
18 threat of violence if the victim sustains serious bodily injury as
19 defined in subsection b. of N.J.S.2C:11-1, or the actor is armed with
20 and uses a deadly weapon or threatens by word or gesture to use a
21 deadly weapon as defined in subsection c. of N.J.S.2C:11-1, or
22 threatens to inflict serious bodily injury.

23 h. (Deleted by amendment, P.L.2007, c.341).

24 (cf: P.L.2024, c.83, s.9)

25
26 6. N.J.S.2C:44-6 is amended to read as follows:

27 2C:44-6. Procedure on sentence; presentence investigation and
28 report.

29 a. The court shall not impose sentence without first ordering a
30 presentence investigation of the defendant and according due
31 consideration to a written report of such investigation when
32 required by the Rules of Court. The court may order a presentence
33 investigation in any other case.

34 b. The presentence investigation shall include an analysis of
35 the circumstances attending the commission of the offense, the
36 defendant's history of delinquency or criminality, family situation,
37 financial resources, including whether or not the defendant is an
38 enrollee or covered person under a health insurance contract, policy
39 or plan, debts, including any amount owed for a fine, assessment or
40 restitution ordered in accordance with the provisions of Title 2C,
41 any obligation of child support including any child support
42 delinquencies, employment history, personal habits, the disposition
43 of any charge made against any codefendants, the defendant's
44 history of civil commitment, any disposition which arose out of
45 charges suspended pursuant to N.J.S.2C:4-6 including the records
46 of the disposition of those charges and any acquittal by reason of
47 insanity pursuant to N.J.S.2C:4-1, and any other matters that the
48 probation officer deems relevant or the court directs to be included.

1 The defendant shall disclose any information concerning any
2 history of civil commitment. The report shall also include a
3 medical history of the defendant and a complete psychological
4 evaluation of the defendant in any case in which the defendant is
5 being sentenced for a first or second degree crime involving
6 violence and:

7 (1) the defendant has a prior acquittal by reason of insanity
8 pursuant to N.J.S.2C:4-1 or had charges suspended pursuant to
9 N.J.S.2C:4-6; or

10 (2) the defendant has a prior conviction for murder pursuant to
11 N.J.S.2C:11-3, aggravated sexual assault or sexual assault pursuant
12 to N.J.S.2C:14-2, kidnapping pursuant to N.J.S.2C:13-1,
13 endangering the welfare of a child which would constitute a crime
14 of the second degree pursuant to N.J.S.2C:24-4, or stalking which
15 would constitute a crime of the third degree pursuant to section 1 of
16 P.L.1992, c.209 (C.2C:12-10); or

17 (3) the defendant has a prior diagnosis of psychosis.

18 The court, in its discretion and considering all the appropriate
19 circumstances, may waive the medical history and psychological
20 examination in any case in which a term of imprisonment including
21 a period of parole ineligibility is imposed. In any case involving a
22 conviction of N.J.S.2C:24-4, endangering the welfare of a child;
23 N.J.S.2C:18-3, criminal trespass, where the trespass was committed
24 in a school building or on school property; section 1 of P.L.1993,
25 c.291 (C.2C:13-6), attempting to lure or entice a child with purpose
26 to commit a criminal offense; section 1 of P.L.1992, c.209
27 (C.2C:12-10), stalking; or N.J.S.2C:13-1, kidnapping, where the
28 victim of the offense is a child under the age of 18, the investigation
29 shall include a report on the defendant's mental condition.

30 The presentence investigation shall also include information
31 regarding the defendant's history of substance use disorder and
32 substance use disorder treatment, if any, including whether the
33 defendant has sought treatment in the past. If any of the factors
34 listed in subsection b. of section 1 of P.L.2012, c.23 (C.2C:35-14.1)
35 apply, the presentence report shall also include consideration of
36 whether the defendant may be a person with a substance use
37 disorder as defined in N.J.S.2C:35-2.

38 The presentence investigation shall include an analysis of
39 whether the defendant should be required to submit to a
40 professional diagnostic assessment within the meaning of paragraph
41 (1) of subsection a. of N.J.S.2C:35-14 in any case where: the
42 defendant may be a person with a substance use disorder as defined
43 in N.J.S.2C:35-2; the defendant is eligible to be considered for a
44 sentence to special probation pursuant to N.J.S.2C:35-14; and the
45 court has not already ordered the defendant to submit to any such
46 diagnostic assessment in regard to the pending matter.

47 The presentence report shall also include a report on any
48 compensation paid by the Victims of Crime Compensation Agency

1 as a result of the commission of the offense and, in any case where
2 the victim chooses to provide one, a statement by the victim of the
3 offense for which the defendant is being sentenced. The statement
4 may include the nature and extent of any physical harm or
5 psychological or emotional harm or trauma suffered by the victim,
6 the extent of any loss to include loss of earnings or ability to work
7 suffered by the victim and the effect of the crime upon the victim's
8 family. The probation department shall notify the victim or nearest
9 relative of a homicide victim of his right to make a statement for
10 inclusion in the presentence report if the victim or relative so
11 desires. Any such statement shall be made within 20 days of
12 notification by the probation department.

13 The presentence report shall specifically include an assessment
14 of the gravity and seriousness of harm inflicted on the victim,
15 including whether or not the defendant knew or reasonably should
16 have known that the victim of the offense was particularly
17 vulnerable or incapable of resistance due to advanced age,
18 disability, ill-health, or extreme youth, or was for any other reason
19 substantially incapable of exercising normal physical or mental
20 power of resistance.

21 c. If, after the presentence investigation, the court desires
22 additional information concerning an offender convicted of an
23 offense before imposing sentence, it may order any additional
24 psychological or medical testing of the defendant.

25 d. Disclosure of any presentence investigation report or
26 psychiatric examination report shall be in accordance with law and
27 the Rules of Court, except that information concerning the
28 defendant's financial resources shall be made available upon request
29 to the Victims of Crime Compensation Agency or to any officer
30 authorized under the provisions of section 3 of P.L.1979, c.396
31 (C.2C:46-4) to collect payment on an assessment, restitution or fine
32 and that information concerning the defendant's coverage under any
33 health insurance contract, policy or plan shall be made available, as
34 appropriate to the Commissioner of Corrections and to the chief
35 administrative officer of a county jail in accordance with the
36 provisions of P.L.1995, c.254 (C.30:7E-1 et al.).

37 e. **【The】** Except as provided in subsection g. of this section,
38 the court shall not impose a sentence of imprisonment for an
39 extended term unless the ground therefor has been established at a
40 hearing after the conviction of the defendant and on written notice
41 to him of the ground proposed. The defendant shall have the right
42 to hear and controvert the evidence against him and to offer
43 evidence upon the issue.

44 f. (Deleted by amendment, P.L.1986, c.85).

45 g. (1) The court shall not impose a sentence of imprisonment
46 for an extended term under section 3 of P.L.2023, c.101 (C.2C:20-
47 10.3), section 5 of P.L.2025, c.39 (C.2C:20-11.3), subsection a. or
48 b. of section 2 of P.L.1995, c.126 (C.2C:43-7.1), or ²【N.J.S.2C:44-

1 3】 section 1 of P.L. , c. (C.) (pending before the
2 Legislature as this bill² , unless:

3 (a) (i) the predicate enhancing facts are presented to a grand
4 jury and charged in the indictment, on a page or pages separate
5 from the rest of the indictment charging the substantive crime, with
6 reference to the ²applicable extended-term² statute containing the
7 enhancing facts; or

8 (ii) the defendant waives the right to indictment in accordance
9 with the Rules of Court; and

10 (b)(i) with respect to a case tried before a jury, the jury
11 unanimously found beyond a reasonable doubt that the enhancing
12 facts existed; or

13 (ii) with respect to a case tried before the court on the
14 defendant's waiver of the right to a jury trial, the court found
15 beyond a reasonable doubt that the enhancing facts existed; or

16 (iii) with respect to a defendant who pleaded guilty to the
17 substantive crime, the defendant knowingly and voluntarily
18 admitted to the enhancing facts.

19 (2) When the case is tried before a jury, the court shall conduct a
20 separate proceeding after the return of a guilty verdict for the
21 substantive crime charged for the jury to determine whether the
22 enhancing facts exist. Such proceeding shall be conducted before
23 the same jury impaneled to try the substantive crime unless the
24 court for good cause discharges that jury and impanels a new jury
25 for this purpose or the defendant consents to judicial factfinding of
26 the enhancing facts. Evidence relevant to the issues of previous
27 convictions may not be divulged to the jury during the trial on the
28 substantive crime unless otherwise admissible under the Rules of
29 Evidence.

30 (cf: P.L.2023, c.177, s.10)

31

32 7. This act shall take effect immediately.

33

34

35

36

37 Requires jury, rather than court, to determine whether certain
38 defendants are persistent offenders.