

ASSEMBLY, No. 1050

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Co-Sponsored by:

Assemblyman Gusciora

SYNOPSIS

Upgrades offense of knowingly engaging in unauthorized practice of law.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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1 AN ACT concerning the unauthorized practice of law and amending
2 P.L.1994, c.47.

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

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7 1. Section 1 of P.L.1994, c.47 (C.2C:21-22) is amended to read
8 as follows:

9 1. a. A person is guilty of a **disorderly persons offense** crime
10 of the fourth degree if the person knowingly engages in the
11 unauthorized practice of law.

12 b. A person is guilty of a crime of the **fourth** third degree if
13 the person knowingly engages in the unauthorized practice of law
14 and:

15 (1) Creates or reinforces a false impression that the person is
16 licensed to engage in the practice of law; or

17 (2) Derives a benefit; or

18 (3) In fact causes injury to another.

19 c. For the purposes of this section, the phrase "in fact"
20 indicates strict liability.

21 (cf: P.L.1994,c.47,s.1)

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23 2. This act shall take effect immediately.

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STATEMENT

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28 This bill upgrades the offense of knowingly engaging in the
29 unauthorized practice of law.

30 Currently this is a disorderly persons offense but it is increased
31 to a crime of the fourth degree if the person knowingly engages in
32 the unauthorized practice of law and: (1) creates or reinforces a
33 false impression that the person is licensed to engage in the practice
34 of law; or (2) derives a benefit; or (3) in fact causes injury to
35 another.

36 This bill upgrades the offense generally to a crime of the fourth
37 degree in subsection a. of N.J.S.A.2C:21-22. If one of the
38 additional circumstances is present then the crime would be
39 upgraded from the present category of a crime of the fourth degree
40 to a crime of the third degree in subsection b. of N.J.S.A.2C:21-22.

41 A disorderly persons offense is punishable by a term of
42 imprisonment not to exceed six months or a fine not to exceed
43 \$1,000 or both. A crime of the fourth degree ordinarily is
44 punishable by a term of imprisonment not to exceed 18 months or a

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.

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- 1 fine not to exceed \$10,000 or both. A crime of the third degree
- 2 ordinarily is punishable by a term of imprisonment between three to
- 3 five years or a fine not to exceed \$15,000 or both.