

**ASSEMBLY, No. 4283**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED JUNE 27, 2018

**Sponsored by:**

**Assemblywoman ANNETTE CHAPARRO**

**District 33 (Hudson)**

**SYNOPSIS**

Establishes penalty for withholding identification to hinder apprehension or prosecution.

**CURRENT VERSION OF TEXT**

As introduced.



A4283 CHAPARRO

2

1 AN ACT concerning withholding information from law enforcement  
2 and amending N.J.S.2C:29-3.

3

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

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7 1. N.J.S.2C:29-3 is amended to read as follows:

8 2C:29-3. Hindering Apprehension or Prosecution. a. A person  
9 commits an offense if, with purpose to hinder the detention,  
10 apprehension, investigation, prosecution, conviction or punishment  
11 of another for an offense or violation of Title 39 of the Revised  
12 Statutes or a violation of chapter 33A of Title 17 of the Revised  
13 Statutes he:

14 (1) Harbors or conceals the other;

15 (2) Provides or aids in providing a weapon, money,  
16 transportation, disguise or other means of avoiding discovery or  
17 apprehension or effecting escape;

18 (3) Suppresses, by way of concealment or destruction, any  
19 evidence of the crime, or tampers with a witness, informant,  
20 document or other source of information, regardless of its  
21 admissibility in evidence, which might aid in the discovery or  
22 apprehension of such person or in the lodging of a charge against  
23 him;

24 (4) Warns the other of impending discovery or apprehension,  
25 except that this paragraph does not apply to a warning given in  
26 connection with an effort to bring another into compliance with  
27 law;

28 (5) Prevents or obstructs, by means of force, intimidation or  
29 deception, anyone from performing an act which might aid in the  
30 discovery or apprehension of such person or in the lodging of a  
31 charge against him;

32 (6) Aids such person to protect or expeditiously profit from an  
33 advantage derived from such crime; or

34 (7) Gives false information to a law enforcement officer or a  
35 civil State investigator assigned to the Office of the Insurance Fraud  
36 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-  
37 16).

38 An offense under paragraph (5) of subsection a. of this section is  
39 a crime of the second degree, unless the actor is a spouse, domestic  
40 partner, partner in a civil union, parent or child to the person aided  
41 who is the victim of the offense, in which case the offense is a  
42 crime of the fourth degree. An offense under paragraph (3) or (7) of  
43 subsection a. of this section is a crime of the third degree if the  
44 conduct which the actor knows has been charged or is liable to be  
45 charged against another person would constitute leaving the scene

**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 motor vehicle accident that results in the death of another  
2 person in violation of section 1 of P.L.1997, c.111 (C.2C:11-5.1).  
3 Notwithstanding the presumption of non-imprisonment for certain  
4 offenders set forth in subsection e. of N.J.S.2C:44-1, the actor shall  
5 serve a term of imprisonment, which shall be fixed at not less than  
6 one year, during which the actor shall not be eligible for parole.  
7 Otherwise, the offense under subsection a. of this section is a crime  
8 of the third degree if the conduct which the actor knows has been  
9 charged or is liable to be charged against the person aided would  
10 constitute a crime of the second degree or greater, unless the actor  
11 is a spouse, domestic partner, partner in a civil union, parent or  
12 child of the person aided, in which case the offense is a crime of the  
13 fourth degree. The offense is a crime of the fourth degree if such  
14 conduct would constitute a crime of the third degree. Otherwise it is  
15 a disorderly persons offense.

16 b. A person commits an offense if, with purpose to hinder his  
17 own detention, apprehension, investigation, prosecution, conviction  
18 or punishment for an offense or violation of Title 39 of the Revised  
19 Statutes or a violation of chapter 33A of Title 17 of the Revised  
20 Statutes, he:

21 (1) Suppresses, by way of concealment or destruction, any  
22 evidence of the crime or tampers with a document or other source of  
23 information, regardless of its admissibility in evidence, which might  
24 aid in his discovery or apprehension or in the lodging of a charge  
25 against him; or

26 (2) Prevents or obstructs by means of force or intimidation  
27 anyone from performing an act which might aid in his discovery or  
28 apprehension or in the lodging of a charge against him; or

29 (3) Prevents or obstructs by means of force, intimidation or  
30 deception any witness or informant from providing testimony or  
31 information, regardless of its admissibility, which might aid in his  
32 discovery or apprehension or in the lodging of a charge against him;  
33 or

34 (4) Gives false information to a law enforcement officer or a  
35 civil State investigator assigned to the Office of the Insurance Fraud  
36 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-  
37 16); or

38 (5) Withholds or refuses to give his valid identification or true  
39 identity to a law enforcement officer.

40 An offense under paragraph (3) of subsection b. of this section is  
41 a crime of the second degree. An offense under paragraph (1) or (4)  
42 of subsection b. of this section is a crime of the third degree if the  
43 conduct which the actor knows has been charged or is liable to be  
44 charged against him would constitute leaving the scene of a motor  
45 vehicle accident that results in the death of another person in  
46 violation of section 1 of P.L.1997, c.111 (C.2C:11-5.1).  
47 Notwithstanding the presumption of non-imprisonment for certain  
48 offenders set forth in subsection e. of N.J.S.2C:44-1, the actor shall

1 serve a term of imprisonment which shall be fixed at not less than  
2 one year, during which the actor shall not be eligible for parole.

3 Otherwise, the offense under subsection b. of this section is a  
4 crime of the third degree if the conduct which the actor knows has  
5 been charged or is liable to be charged against him would constitute  
6 a crime of the second degree or greater. The offense is a crime of  
7 the fourth degree if such conduct would constitute a crime of the  
8 third degree. Otherwise it is a disorderly persons offense.  
9 (cf: P.L.2015, c.265, s.1)

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11 2. This act shall take effect immediately.

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#### STATEMENT

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16 This bill provides that a person is guilty of hindering  
17 apprehension or prosecution whenever the person withholds or  
18 refuses to give valid identification or reveal her or his true identity  
19 to a law enforcement officer in order to hinder the officer's lawful  
20 investigation or detention of that person for certain criminal or  
21 motor vehicle offenses.

22 Under N.J.S.2C:29-3, purposely hindering one's own detention,  
23 apprehension, investigation, prosecution, conviction or punishment  
24 for a violation of Title 39 (motor vehicles) or chapter 33A of Title  
25 17 (insurance fraud) of the Revised Statutes by giving false  
26 information to a law enforcement officer or a civil State investigator  
27 assigned to the Office of the Insurance Fraud Prosecutor is a  
28 disorderly persons offense, fourth degree crime, or third degree  
29 crime, depending upon the offense that was committed.

30 Current law provides that giving false information to hinder  
31 one's own apprehension or prosecution for a motor vehicle or  
32 insurance fraud violation is:

- 33 • a crime of the third degree if the conduct which the actor has  
34 been charged or is liable to be charged with constitutes a  
35 crime of the second degree or greater;
- 36 • a crime of the fourth degree if the conduct constitutes a  
37 crime of the third degree; or
- 38 • a disorderly persons offense.

39 This bill clarifies that a person who withholds or refuses to  
40 provide a valid identification or reveal her or his truthful identity in  
41 order to purposely hinder the person's own apprehension or  
42 prosecution for a motor vehicle or insurance fraud offense would be  
43 subject to the same penalties as a person who gives false  
44 information.

45 A third degree crime is punishable by three to five years  
46 imprisonment, a fine of up to \$15,000, or both. A fourth degree  
47 crime is punishable by up to 18 months imprisonment, a fine of up  
48 to \$10,000, or both. A disorderly persons offense is punishable by  
49 up to six months imprisonment, a fine of up to \$1,000, or both.