

ASSEMBLY, No. 5072

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED FEBRUARY 25, 2019

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

Assemblywoman Pinkin, Assemblymen Webber and Houghtaling

SYNOPSIS

Upgrades unlawful taking thefts in certain instances; requires penalties of restitution and community service.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/26/2019)

1 AN ACT concerning theft and amending N.J.S.2C:20-3 and
2 supplementing Title 2C of the New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. (New section) This act shall be known and may be cited as
8 the “Defense Against Porch Pirates Act.”

9
10 2. N.J.S.2C:20-3 is amended to read as follows:

11 2C:20-3. Theft by Unlawful Taking or Disposition.

12 a. Movable property. A person is guilty of theft if he
13 unlawfully takes, or exercises unlawful control over, movable
14 property of another with purpose to deprive him thereof.

15 b. Immovable property. A person is guilty of theft if he
16 unlawfully transfers any interest in immovable property of another
17 with purpose to benefit himself or another not entitled thereto.

18 c. A person who commits theft in violation of subsection a. of
19 this section by taking a package delivered to a residential property
20 by any cargo carrier shall be guilty of a fourth degree crime if the
21 amount taken does not exceed \$200. If the amount taken exceeds
22 \$200, the person shall be guilty of a crime one degree higher than
23 the underlying offense.

24 d. Notwithstanding the provisions of N.J.S.2C:43-3 and in
25 addition to any other fine or penalty imposed, a person who
26 commits theft in violation of subsection a. of this section by taking
27 a package delivered to a residential property by any cargo carrier
28 shall be sentenced to make restitution and shall be sentenced to
29 perform community service for a period of up to ten days.

30 (cf: P.L.1978, c.95, s.2C:20-3)

31

32 3. This act shall take effect immediately.

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35 STATEMENT

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37 Currently, theft by unlawful taking under N.J.S.A.2C:20-3 is a
38 theft offense that is graded by the value of the property taken.
39 Package theft from residences is a crime punishable under
40 N.J.S.A.2C:20-3 as an unlawful taking offense.

41 This bill, which shall be known as the “Defense Against Porch
42 Pirates Act,” increases the penalties for unlawful taking when that
43 taking targets a package delivered to a residential property by any
44 cargo carrier. “Cargo carrier” is defined broadly in subsection w. of
45 N.J.S.A.2C:20-1. Under the bill, a person who commits theft by
46 taking a package delivered to a residential property by any cargo

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 carrier shall be guilty of a fourth degree crime if the amount taken
2 does not exceed \$200. If the amount taken exceeds \$200, the person
3 shall be guilty of a crime one degree higher than the underlying
4 offense. Additionally the bill provides in new subsection d. that
5 restitution shall be ordered in these cases and a period of
6 community service shall be imposed of up to 10 days. These
7 penalties are permissible option for the sentencing judge in any
8 criminal offense.

9 It is the sponsor's view that while theft of packages may be more
10 commonplace during the holiday shopping season, it is a serious
11 crime that can occur at any time and can result not only in the loss
12 of consumer purchases but also in the loss of medication, legal
13 documents and other important items delivered to homes, and thus
14 warrants more stringent penalties than other types of theft by
15 unlawful taking offenses.