

ASSEMBLY, No. 339

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen PASCARELL and DiGAETANO

1 AN ACT concerning false driver's licenses and false reporting to police
2 and amending N.J.S.2C:28-4 and R.S.39:3-39.

3

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

6

7 1. N.J.S.2C:28-4 is amended to read as follows:

8

2C:28-4. False reports to law enforcement authorities

9 a. Falsely incriminating another. A person who knowingly gives or
10 causes to be given false information to any law enforcement officer
11 with purpose to implicate another commits a crime of the fourth
12 degree.

13 b. Fictitious reports. A person commits a disorderly persons
14 offense if he:

15 (1) Reports or causes to be reported to law enforcement authorities
16 an offense or other incident within their concern knowing that it did
17 not occur; or

18 (2) Pretends to furnish or causes to be furnished such authorities
19 with information relating to an offense or incident when he knows he
20 has no information relating to such offense or incident.

21 c. A person operating a motor vehicle who exhibits the driver's
22 license of another, whether he be licensed or not as provided in
23 R.S.39:3-10, or who knowingly gives or causes to be given false
24 information to a law enforcement officer concerning the identity of the
25 operator of the motor vehicle, commits a crime of the fourth degree.
26 (cf: P.L.1978, c.95, s.2C:28-4)

27

28 2. R.S.39:3-39 is amended to read as follows:

29

39:3-39. a. No person shall loan an operator's license issued

30 to him for use by another person, under penalty of a fine of not less
31 than~~[\$25.00]~~ \$200 nor more than~~[\$100.00]~~ \$1,000.

32 b. No person owning or having control or custody of a motor

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 vehicle registered as provided in this subtitle shall allow the vehicle to
2 be operated by a nonlicensed driver, under penalty of a fine of not
3 more than~~[\$100.00]~~ \$500.

4 c. ~~[Any person operating a motor vehicle who exhibits the driver's~~
5 ~~license of another whether he be licensed or not as provided in section~~
6 ~~39:3-10 of this Title shall be subject to a fine not less than \$200.00 or~~
7 ~~imprisonment for not more than 60 days or both, at the discretion of~~
8 ~~the court] (Deleted by amendment, P.L. , c.)(pending before the~~
9 ~~Legislature as this bill).~~

10 d. Any person exhibiting the driver's license of another for
11 purposes of identification in all situations other than those described
12 in subsection c. of ~~[this section]~~ N.J.S.2C:28.4, shall be subject to a
13 fine of not less than~~[\$25.00]~~ \$100 nor more than~~[\$100.00]~~ \$200, at
14 the discretion of the court.

15 (cf: P.L.1973, c.13, s.1)

16
17 3. This act shall take effect immediately.

20 STATEMENT

21
22 This bill is intended to discourage the use of false driver's licenses
23 and the reporting of false information to the police by persons
24 apprehended for motor vehicle offenses. These incidents, which
25 appear to be on the rise, are frustrating to both the police and to
26 law-abiding motorists, whose licenses and personal information are
27 misused by the offenders.

28 The bill first increases the penalty for exhibiting a false license or
29 knowingly presenting false information to a police officer when
30 stopped for a motor vehicle offense. The current penalty for this
31 offense, a fine of not less than \$200 or imprisonment for up to 60
32 days, or both, exists in Title 39, the State Motor Vehicle Code. Under
33 this bill, the offense would be upgraded to a fourth degree crime under
34 Title 2C, the State Criminal Code. A fourth degree crime is
35 punishable by a term of imprisonment not to exceed 18 months, a fine
36 not to exceed \$7,500, or both.

37 The bill also increases the Title 39 penalties related to the illegal use
38 of driver's licenses as follows:

39 **M** Loaning a driver's license for use by another person, from a fine
40 of not less than \$25 nor more than \$100 to a fine of not less than \$200
41 nor more than \$1,000.

42 **M** Allowing one's motor vehicle to be operated by a nonlicensed
43 driver, from a fine of not more than \$100 to a fine of not more than
44 \$500.

45 **M** Exhibiting the driver's license of another person for purposes of
46 identification other than in regard to the operation of a motor vehicle,

1 from a fine of not less than \$25 nor more than \$100 to a fine of not
2 less than \$100 nor more than \$200.

3

4

5

6

7 Upgrades penalties for use of false driver's license.