

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 694**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 10, 1996

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No.694.

This bill amends N.J.S.A.2C:35-3, the "drug kingpin" statute to clarify the activities that will result in a person being a "leader of a narcotics trafficking network." In its original form the bill provided that a person is a leader of a narcotics trafficking network if the person is a principal administrator, organizer, or leader of the enterprise or is one of several such persons; and any two of certain factors were present.

The committee amendments would delete this language and clarify the intent of the statute by defining the following terms which are expressed as material elements of the crime: "organizer" would be defined as a person who arranges, devises, or plans a drug trafficking network; "supervisor" would be defined as a person who oversees the operation of a drug trafficking network; "financier" would be defined as a person who is responsible for providing the funds or resources necessary to operate a drug trafficking network; "manager" would be defined as a person who directs the operation of a drug trafficking network; and an "upper echelon member" would be defined as a person who is superior to street level distributors and to their immediate supervisors or suppliers and occupies a high-level position of authority in the organization and exercises substantial control over its operation.

These committee amendments are intended to reiterate the statement of policy as set forth in N.J.S.2C:35-1.1. The statement declares that the Legislature recognizes that in order for our criminal laws to be effective in the war against drugs these laws must target repeat drug offenders and the "upper echelon" member in the narcotics trafficking network.

Furthermore, these amendments are intended to codify the New Jersey Supreme Court's decision in State v. Alexander, 136 N.J. 563 (1994) . In that case the Court noted that since the Legislature clearly intended that the status and the position of the defendant in the drug trafficking network be a substantive part of the crime, then the

trial court should explain to the jury the statutory terms of "organizer", "supervisor", "financier" and "manager" and instruct the jury that it must find that the defendant occupies an "upper echelon" role and in that position exercises supervisory power or control over others engaged in an organized drug trafficking network. *Id.* at 570, 571.

This bill was prefiled for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.