

ASSEMBLY, No. 2192

STATE OF NEW JERSEY

INTRODUCED JUNE 20, 1996

By Assemblymen WEINGARTEN, O'TOOLE, Lance and Geist

1 AN ACT concerning thefts from places of public worship and amending
2 N.J.S.2C:20-2.

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:20-2 is amended to read as follows:

8 2C:20-2. Consolidation of Theft Offenses; Grading; Provisions
9 Applicable to Theft Generally. a. Consolidation of Theft Offenses.
10 Conduct denominated theft in this chapter constitutes a single offense,
11 but each episode or transaction may be the subject of a separate
12 prosecution and conviction. A charge of theft may be supported by
13 evidence that it was committed in any manner that would be theft
14 under this chapter, notwithstanding the specification of a different
15 manner in the indictment or accusation, subject only to the power of
16 the court to ensure fair trial by granting a bill of particulars, discovery,
17 a continuance, or other appropriate relief where the conduct of the
18 defense would be prejudiced by lack of fair notice or by surprise.

19 b. Grading of theft offenses.

20 (1) Theft constitutes a crime of the second degree if:

21 (a) The amount involved is \$75,000.00 or more;

22 (b) The property is taken by extortion;

23 (c) The property stolen is a controlled dangerous substance or
24 controlled substance analog as defined in N.J.S.2C:35-2 and the
25 quantity is in excess of one kilogram; [or]

26 (d) The property stolen is a person's benefits under federal or
27 State law, or from any other source, which the Department of Human
28 Services or an agency acting on its behalf has budgeted for the
29 person's health care and the amount involved is \$75,000 or more.

30 (e) The amount involved is \$10,000.00 or more and the property
31 stolen has a religious significance and was stolen from any building,
32 structure of place used for the purpose of public worship or from a
33 place of burial.

34 (2) Theft constitutes a crime of the third degree if:

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 (a) The amount involved exceeds \$500.00 but is less than
2 \$75,000.00;
- 3 (b) The property stolen is a firearm, motor vehicle, vessel, boat,
4 horse or airplane;
- 5 (c) The property stolen is a controlled dangerous substance or
6 controlled substance analog as defined in N.J.S.2C:35-2 and the
7 amount involved is less than \$75,000.00 or is undetermined and the
8 quantity is one kilogram or less;
- 9 (d) It is from the person of the victim;
- 10 (e) It is in breach of an obligation by a person in his capacity as
11 a fiduciary;
- 12 (f) It is by threat not amounting to extortion;
- 13 (g) It is of a public record, writing or instrument kept, filed or
14 deposited according to law with or in the keeping of any public office
15 or public servant;
- 16 (h) The property stolen is a person's benefits under federal or
17 State law, or from any other source, which the Department of Human
18 Services or an agency acting on its behalf has budgeted for the
19 person's health care and the amount involved is less than \$75,000; [or]
- 20 (i) The property stolen is any real or personal property related to,
21 necessary for, or derived from research, regardless of value, including,
22 but not limited to, any sample, specimens and components thereof,
23 research subject, including any warm-blooded or cold-blooded animals
24 being used for research or intended for use in research, supplies,
25 records, data or test results, prototypes or equipment, as well as any
26 proprietary information or other type of information related to
27 research; or.
- 28 (j) The amount involved is more than \$100.00 but is less than
29 \$10,000.00 and the property stolen has a religious significance and
30 was stolen from any building, structure of place used for the purpose
31 of public worship or from a place of burial.
- 32 (3) Theft constitutes a crime of the fourth degree if the amount
33 involved is at least \$200.00 but does not exceed \$500.00. If the
34 amount involved was less than \$200.00 or if the amount involved is
35 less than \$100.00 and the property has a religious significance and was
36 stolen from any building, structure of place used for the purpose of
37 public worship or from a place of burial, the offense constitutes a
38 disorderly persons offense.
- 39 (4) The amount involved in a theft shall be determined by the trier
40 of fact. The amount shall include, but shall not be limited to, the
41 amount of any State tax avoided, evaded or otherwise unpaid,
42 improperly retained or disposed of. Amounts involved in thefts
43 committed pursuant to one scheme or course of conduct, whether
44 from the same person or several persons, may be aggregated in
45 determining the grade of the offense.
- 46 c. Claim of right. It is an affirmative defense to prosecution for

1 theft that the actor:

2 (1) Was unaware that the property or service was that of another;

3 (2) Acted under an honest claim of right to the property or
4 service involved or that he had a right to acquire or dispose of it as he
5 did; or

6 (3) Took property exposed for sale, intending to purchase and
7 pay for it promptly, or reasonably believing that the owner, if present,
8 would have consented.

9 d. Theft from spouse. It is no defense that theft was from the
10 actor's spouse, except that misappropriation of household and personal
11 effects, or other property normally accessible to both spouses, is theft
12 only if it occurs after the parties have ceased living together.

13 (cf: P.L.1995,c.20,s.5)

14

15 2. This act shall take effect immediately.

16

17

18 STATEMENT

19

20 The bill would classify the theft of a religious object from a place
21 of public worship or burial as a crime of the second, third or fourth
22 degree, depending on the amount involved. Under the draft, it is a
23 crime of the second degree if the amount involved is \$10,000 or more,
24 the property stolen has a religious significance and was taken from a
25 place of worship or from a burial place. A crime of the second degree
26 is punishable by between five and ten years imprisonment, a fine of up
27 to \$100,000 or both.

28 In addition, it is a crime of the third degree if the amount involved
29 is between \$100 and \$10,000, the property stolen has a religious
30 significance and was taken from a place of worship or from a burial
31 place. A crime of the third degree is punishable by between three and
32 five years imprisonment, a fine of up to \$7,500, or both.

33 Finally, the bill would provide that the value of the property stolen
34 would have to be at least \$100.00 in order for the theft to be classified
35 as a crime of the fourth degree. A crime of the fourth degree is
36 punishable by up to eighteen months imprisonment, a fine up to
37 \$7,500, or both.

38

39

40

41

42 Upgrades offenses involving thefts of property with a religious
43 significance from places of worship and places of burial.