ASSEMBLY, No. 2909

STATE OF NEW JERSEY

INTRODUCED MAY 5, 1997

By Assemblywoman MURPHY, Assemblymen AUGUSTINE, Gregg and Blee

AN ACT concerning the giving of false information to law enforcement officials and amending N.J.S.2C:29-3.

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

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

2C:29-3. Hindering Apprehension or Prosecution.

a. A person commits an offense if, with purpose to hinder the detention, apprehension, investigation, prosecution, conviction or punishment of another for an offense or violation of Title 39 of the New Jersey Statutes he:

(1) Harbors or conceals the other;

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

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

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

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

(6) Aids such person to protect or expeditiously profit from an advantage derived from such crime; **[**or**]**

(7) Volunteers false information to a law enforcement officer; or

(8) Provides false identfying information to a law enforcement

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.

officer, including but not limited to a false name, address or date of birth.

The offense is a crime of the third degree if the conduct which the actor knows has been charged or is liable to be charged against the person aided would constitute a crime of the second degree or greater, unless the actor is a spouse, parent or child of the person aided, in which case the offense is a crime of the fourth degree. The offense is a crime of the fourth degree if such conduct would constitute a crime of the third degree. Otherwise it is a disorderly persons offense.

b. A person commits an offense if, with purpose to hinder his own detention, apprehension, investigation, prosecution, conviction or punishment for an offense or violation of Title 39 of the New Jersey Statutes , he:

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

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

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

(4) Volunteers false information to a law enforcement officer; or

(5) Provides false identfying information to a law enforcement officer, including but not limited to a false name, address or date of birth.

The offense is a crime of the third degree if the conduct which the actor knows has been charged or is liable to be charged against him would constitute a crime of the second degree or greater. The offense is a crime of the fourth degree if such conduct would constitute a crime of the third degree. Otherwise it is a disorderly persons offense.
(cf: P.L.1981, c. 290, s. 29)

2. This act shall take effect immediately.

STATEMENT

Currently, N.J.S.2C:29-3 provides that any person who hinders the apprehension and prosecution of another by volunteering false information to a law enforcement officer is guilty of an offense. This bill clarifies that a person commits an offense also by providing false

information to law enforcement officials to hinder one's own or another's lawful "detention" or "investigation" for an offense or a violation of Title 39 of the New Jersey Statutes (motor vehicle violations). In addition, the bill provides that a person would also be guilty of an offense if that person provides false identifying information to a law enforcement officer, including but not limited to a false name, address or date of birth.

In State v. Valentin, 105 N.J.14 (1987), the Supreme Court held that the use of the word "volunteer" is "too ambiguous to justify a conviction" of a person who provides or gives a false or fictitious name or other information in response to a police officer's inquiry "without a clarifying amendment." This bill provides the "clarifying amendment."

Clarifies the crime of hindering a prosecution.