

SENATE, No. 713

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senator BUBBA

1 AN ACT concerning the penalties for carjacking and amending  
2 P.L.1993, c.221.

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

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7 1. Section 1 of P.L.1993, c.221 (C.2C:15-2) is amended to read as  
8 follows:

9 1. a. Carjacking defined. A person is guilty of carjacking if in the  
10 course of committing an unlawful taking of a motor vehicle, as defined  
11 in R.S.39:1-1, or in an attempt to commit an unlawful taking of a  
12 motor vehicle he:

13 (1) inflicts bodily injury or uses force upon an occupant or person  
14 in possession or control of a motor vehicle;

15 (2) threatens an occupant or person in control with, or purposely  
16 or knowingly puts an occupant or person in control of the motor  
17 vehicle in fear of, immediate bodily injury;

18 (3) commits or threatens immediately to commit any crime of the  
19 first or second degree; or

20 (4) operates or causes said vehicle to be operated with the person  
21 who was in possession or control or was an occupant of the motor  
22 vehicle at the time of the taking remaining in the vehicle.

23 An act shall be deemed to be "in the course of committing an  
24 unlawful taking of a motor vehicle" if it occurs during an attempt to  
25 commit the unlawful taking of a motor vehicle or during an immediate  
26 flight after the attempt or commission.

27 b. Grading. Carjacking is a crime of the first degree and upon  
28 conviction thereof a person may, notwithstanding the provisions of  
29 paragraph (1) of subsection a. of N.J.S.2C:43-6, be sentenced to an  
30 ordinary term of imprisonment between 10 and 30 years. A person  
31 convicted of carjacking shall be sentenced to a term of imprisonment  
32 and that term of imprisonment shall include the imposition of a  
33 minimum term of at least five years during which the defendant shall  
34 be ineligible for parole; provided, however, that if a firearm was used

**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 in the commission of the carjacking, the term of imprisonment shall  
2 include the imposition of a minimum term of at least ten years during  
3 which the defendant shall be ineligible for parole.

4 (cf: P.L.1993, c.221, s.1)

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6 2. This act shall take effect immediately.

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STATEMENT

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11 This bill would provide that the term of imprisonment imposed on  
12 a person convicted of carjacking shall include a minimum term of at  
13 least ten years imprisonment with no parole eligibility if a firearm was  
14 used in the commission of the carjacking.

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19 Provides mandatory minimum term of parole ineligibility for  
20 carjackings committed with a firearm.