

SENATE, No. 1608

STATE OF NEW JERSEY

INTRODUCED OCTOBER 24, 1996

By Senators CAFIERO and KOSCO

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

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:29-3 is amended to read as follows:

8 2C:29-3. Hindering apprehension or prosecution.

9 a. A person commits an offense if, with purpose to hinder the
10 detention, apprehension, investigation, prosecution, conviction or
11 punishment of another for an offense he:

12 (1) Harbors or conceals the other;

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

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

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

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

28 (6) Aids such person to protect or expeditiously profit from an
29 advantage derived from such crime; or

30 (7) **[Volunteers]**Gives false information to a law enforcement
31 officer.

32 The offense is a crime of the third degree if the conduct which the
33 actor knows has been charged or is liable to be charged against the
34 person aided would constitute a crime of the second degree or greater,

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 unless the actor is a spouse, parent or child of the person aided, in
2 which case the offense is a crime of the fourth degree. The offense is
3 a crime of the fourth degree if such conduct would constitute a crime
4 of the third degree. Otherwise it is a disorderly persons offense.

5 b. A person commits an offense if, with purpose to hinder his own
6 detention, apprehension, investigation, prosecution, conviction or
7 punishment, he:

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

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

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

21 (4) [Volunteers]Gives false information to a law enforcement
22 officer.

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

29
30 2. This act shall take effect immediately.

31
32
33 STATEMENT

34
35 N.J.S.2C:39-3 criminalizes acts which hinder the apprehension and
36 prosecution of persons in criminal cases. This bill substitutes the word
37 "gives" for the word "volunteers" in both subsection a. of 2C:39-3
38 which deals with false information for the purpose of hindering the
39 apprehension of another and subsection b. of 2C:39-3 which deals with
40 false information for the purpose of hindering one's own apprehension.
41 State v. Valentin, 105 N.J. 14 (1987), our Supreme Court ruled that
42 the word "volunteers" as used in 2C:39-3 covers only statements
43 which are made in response to an inquiry by a law enforcement officer.

1

2

3 Clarifies that the crime of hindering a prosecution includes the giving
4 of false information to law enforcement officers.