

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2115

STATE OF NEW JERSEY

DATED: JUNE 23, 1997

The Senate Judiciary Committee reports favorably Senate Bill No. 2115.

This bill would establish a new "anti-drug profiteering penalty". Under the bill, this monetary penalty could be imposed on any person convicted of a violation of N.J.S.2C:35-3 (leader of narcotics trafficking network); a violation of subsection g. of N.J.S.2C:5-2 (leader of organized crime); or a racketeering offense defined in chapter 41 of Title 2C which involved drug dealing. This penalty could also be imposed on any defendant determined to be a "drug profiteer", "wholesale drug distributor" or "professional drug distributor".

Under the bill, a defendant is a "drug profiteer" when the conduct constituting the crime shows that he "has knowingly engaged in the illegal manufacture, distribution or transportation of any CDS or drug paraphernalia as a substantial source of livelihood."

A defendant is a "wholesale drug distributor" when the conduct constituting the crime of which he was convicted involved the manufacture, distribution or intent to distribute a CDS to any other person for pecuniary gain, "knowing, believing, or under circumstances where it reasonably could be assumed that the other person would, in turn, distribute the CDS to another for pecuniary gain." A defendant is a "professional drug distributor" if he, "at any time, for pecuniary gain, unlawfully distributed a CDS or drug paraphernalia to three or more different persons or on five or more separate occasions."

The amount of the penalty, which would be imposed by the court, upon application of the prosecutor, is set as follows: for crimes of the first degree, \$200,000.00; for crimes of the second degree \$100,000.00; for crimes of the third degree, \$50,000.00 and for crimes of the fourth degree \$25,000.00. Alternatively, the court would impose an amount equal to three times the street value of all controlled dangerous substances or controlled substance analogs involved, if this amount is greater. The penalty could be satisfied by a judgment against any of the defendant's assets.

The bill embodies Recommendation #11 and a portion of Recommendation #4 of the Attorney General's "Report to the Governor on the Need to Update the Comprehensive Drug Reform Act of 1987," issued December 9, 1996.