

RACIAL AND ETHNIC COMMUNITY CRIMINAL JUSTICE AND PUBLIC SAFETY IMPACT STATEMENT

ASSEMBLY, No. 4530

STATE OF NEW JERSEY

SUMMARY

Synopsis: Allows sentencing to extended term for repeat convictions of receipt of stolen property.

INTRODUCTION

The Office of Legislative Services does not develop or maintain source data concerning the criminal justice system in the State. The Office of Legislative Services makes reasonable efforts to obtain data from Executive Branch Departments and the Judiciary. This statement may reflect information provided by the United States Census Bureau, the Administrative Office of the Courts within the Judiciary, the New Jersey Department of Corrections, the New Jersey Office of the Attorney General, and the Juvenile Justice Commission in the New Jersey Department of Law and Public Safety. The publicly available data and the data provided by the responding departments and agencies contained within this statement allows for a general overview of the frequencies of events of interest (i.e. arrests, charges, and convictions) for racial and ethnic minorities for the crimes identified herein. This statement does not provide for an in-depth analysis of that data.

Additional data concerning recidivism rates and incarceration rates for the specific crimes addressed within this statement sorted by race and ethnicity is needed in order to make a conclusion on the impacts on racial and ethnic minorities. Additional data concerning the deterrent effects of similar laws of this type is needed to determine the impact on community criminal justice and public safety. It should be noted that the data needed may not currently be collected by the responding departments or agencies or may not exist.¹

BILL DESCRIPTION

Assembly Bill No. 4530 provides that a person may be sentenced to an extended term of imprisonment for repeat convictions of receiving stolen property.

Under the bill, a person is a persistent offender if the person has previously been convicted on two or more prior and separate occasions of receiving stolen property in violation of N.J.S.A.2C:20-7, regardless of the dates of the convictions. A persistent offender may be sentenced to an extended term, upon motion of the prosecutor, if the prior conviction is for a crime committed on a separate occasion and the crime for which the person is being sentenced was either: (1) within 10 years of the date of the defendant's last release from confinement for

¹ *This racial and ethnic community criminal justice and public safety impact statement has been produced by the Office of Legislative Services pursuant to section 2 of P.L.2017, c.286 (C.52:11-57.1). Although impact statements are considered a tool for policymaking, the Office of Legislative Services does not take a policy position in preparing a racial and ethnic community criminal justice and public safety impact statement. The role of the Office of Legislative Services is to gather and present data for legislators to review. This statement may reflect information provided by the United States Census Bureau, Office of Juvenile Justice and Delinquency Prevention in the United States Department of Justice, New Jersey Department of Corrections, and Juvenile Justice Commission in the New Jersey Department of Law and Public Safety.*

the commission of any crime; or (2) within 10 years of the date of the commission of the most recent violation of N.J.S.A.2C:20-7 for which the defendant has a prior conviction.

Federal and State Census Information²

	Population	Caucasian	African American	Native American/Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Hispanic	Two or More Races/Other
National Census Estimate	331,450,000	59.3%	13.6%	1.3%	6.1%	0.3%	18.9%	2.9%
State Census Estimate	9,289,000	53.5%	15.3%	0.7%	10.3%	0.1%	21.5%	2.4%

Federal and State Inmate Population Data

	Population	Caucasian	African American	Native American/Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Hispanic	Two or More Races/Other
Actual Federal Adult Inmate Population ³	156,241	56.9%	38.8%	2.8%	1.5%	N/A	29.2%	N/A
Actual State Adult Inmate Population ⁴	12,978	22%	60.8%	0.0%	1%	N/A	17%	N/A

State Census and State Inmate Population Data

	Population	Caucasian	African American	Native American/Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Hispanic	Two or More Races/Other
State Census Estimate	9,289,000	53.5%	15.3%	0.7%	10.3%	0.1%	21.5%	2.4%
Actual State Adult Inmate Population ⁵	12,978	22%	60.8%	0.0%	1%	N/A	17%	N/A

DATA PROVIDED BY THE EXECUTIVE BRANCH

The following data was provided, as a part of the submission, from the Office of the Attorney General:

² Publicly available data obtained from the federal census for national and State populations as of April 1, 2020.

³ Publicly available data of federally sentenced persons in custody of the Federal Bureau of Prisons, as of June 1, 2024.

⁴ Publicly available data produced by the New Jersey Department of Corrections concerning the State inmate population on January 1, 2024. It has been reported by the New Jersey Department of Corrections that the Fiscal Year 2024 average daily population was 12,490. However, that number has not been sorted by race or ethnicity.

⁵ Publicly available data produced by the New Jersey Department of Corrections concerning the State inmate population on January 1, 2024. It has been reported by the New Jersey Department of Corrections that the Fiscal Year 2024 average daily population was 12,490. However, that number has not been sorted by race or ethnicity.

Arrests by Race – 2022, 2023, Q1 2024

OFFENSE CATEGORY	STATUTE CODE	STATUTE DESCRIPTION	AM. INDIAN / ALASKA NATIVE	ASIAN / PAC. ISLANDER	BLACK	NOT PROVIDED/ UNKNOWN	WHITE (INCL. HISPANIC ORIGIN)
THEFT	2C:20-7	RECEIVE STOLEN PROPERTY			3	1	2
THEFT	2C:20-7.1A	FENCING-VALUE LESS THAN \$200			57	5	49
THEFT	2C:20-7.1B	FENCING - DEALING IN STOLEN PROPERTY			41	8	51
THEFT	2C:20-7.1B(1)	FENCING-DEALING IN STOLEN PROP VALUE \$500-\$74999		1	73	3	74
THEFT	2C:20-7A	RECEIVING STOLEN PROPERTY-KNOWING PROP IS STOLEN	7	73	3,924	298	2,859

Note: The data originates from the arrests of adults (at time of offense) for at least one indictable offense where the individual was Live Scanned.⁶ Information includes only events with an arrest date in 2022, 2023, or quarter one of 2024. Only non-expunged charges are included. This information is accessible publicly by county at www.njoag.gov/justicedata. That dashboard allows users to view unique defendants, arrest events, and charges by county and outcome.

Specifications on race categorizations from the Federal Office of Management and Budget did not include a category of Hispanic ethnicity until recently decided revisions, which will be implemented by 2029. New Jersey courts began providing space on the complaint document to capture Hispanic ethnicity in December 2021. However, the ethnicity field lacks a consistent procedure for collection and may conflict from one arrest to another for the same defendant.

Convictions by Race – 2022, 2023, Q1 2024

OFFENSE CATEGORY	STATUTE CODE	STATUTE DESCRIPTION	GUILTY CONVICT	AM. INDIAN / ALASKA NATIVE	ASIAN / PAC. ISLANDER	BLACK	NOT PROVIDED/ UNKNOWN	WHITE (INCL. HISPANIC ORIGIN)
THEFT	2C:20-7.1A	FENCING-VALUE LESS THAN \$200	Y			10		8
THEFT	2C:20-7.1B	FENCING - DEALING IN STOLEN PROPERTY	Y					3
THEFT	2C:20-7.1B(1)	FENCING-DEALING IN STOLEN PROP VALUE \$500-\$74999	Y			3		2
THEFT	2C:20-7A	RECEIVING STOLEN PROPERTY-KNOWING PROP IS STOLEN	Y		4	444	34	336

The following response was provided by the Juvenile Justice Commission:

The Juvenile Justice Commission (JJC) does not maintain or have direct access to detailed data on youth arrests, prosecutions, or adjudications (i.e. convictions). The JJC is not a prosecutorial agency. The JJC does not keep racial and ethnic data segregated by crimes for arrests, prosecutions, or adjudications for the juveniles committed to its care.

The Department of Corrections has made available to the public statistical data concerning the State inmate population categorized by race and ethnicity for 2024, which are reflected in the charts on page 2, and offenders by base offense for 2022, 2023, and 2024 in the following charts:

⁶ The Live Scan process is the automated fingerprint information system that the State Bureau of Identification utilizes as centralized storage for criminal arrest fingerprints.

Offenders by Base Offense for 2022

Base Offense	Total		Male Offenders in Other Facilities		Youth Offenders		Adult Diagnostic Treatment Center (ADTC)		Edna Mahan		Halfway Houses, County Jails, St. Francis Hospital	
	#	%	#	%	#	%	#	%	#	%	#	%
TOTAL OFFENDERS	12,492	100%	9,442	100%	1,139	100%	410	100%	408	100%	1,093	100%
Property Offenses	526	4%	375	4%	57	5%	0	0%	36	9%	58	5%

Offenders by Base Offense for 2023

Base Offense	Total		Male Offenders in Other Facilities		Youth Offenders		Adult Diagnostic Treatment Center (ADTC)		Edna Mahan		Halfway Houses, County Jails, St. Francis Hospital	
	#	%	#	%	#	%	#	%	#	%	#	%
TOTAL OFFENDERS	13,196	100%	9,133	100%	1,174	100%	402	100%	356	100%	2,131	100%
Property Offenses	525	4%	324	4%	55	5%	0	0%	31	9%	115	5%

Offenders by Base Offense for 2024

Base Offense	Total		Male Incarcerated Persons		Edna Mahan		Residential Community Release Program (RCRP), County Jails, Central Medical Unit (CHR)		Interstate Corrections Compact	
	#	%	#	%	#	%	#	%	#	%
Total Offenders	12,978	100%	11,176	100%	386	100%	1,140	100%	276	100%
Property Offenses	472	4%	382	3%	38	10%	39	4%	13	5%

Note: Property offenses include burglary, arson, theft, forgery, embezzlement, and receiving/possessing stolen property.

DATA PROVIDED BY THE JUDICIARY

The following data was provided, as a part of the submission, from the Judiciary:

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Count of Clients on Probation in Each Category of Crime/Degree

Crime	Degree	ASIAN		BLACK/AFRICAN AMERICAN			NAT. HAWAIIAN/OTHER PACIFIC ISLANDER		UNKNOWN			WHITE		
		Ethnicity		Ethnicity			Ethnicity		Ethnicity			Ethnicity		
		Non-Hispanic	N	Non-Hispanic	Unknown	Hispanic	Non-Hispanic	N	Non-Hispanic	Unknown	Hispanic	Non-Hispanic	Unknown	Hispanic
2C:20-7	2	.	1	.	.	.	.	.	.	.	.	.	.	.
	3	.	26	8	3	.	.	2	3	1	12	.	6	3
	4	.	3	1	2	.	.	3
	DP	.	9	2	.	.	.	1	2	.	2	.	4	1
	Out of state	.	30	10	2	.	.	.	2	1	10	.	2	5
Client totals		0	69	21	5	0	0	3	7	2	26	12	12	

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FAMILY COURT JUVENILE DATA FOR CHARGES FILED SINCE January 1, 2022																
FENCING 2C:20-7																
County	Degree 2			Degree 3					Degree 4				Degree D		Total Charged	
	Black/Afr	White	Asian	Black/Afr	Hispanic	Not Stated	Other	White	Black/Afr	Hispanic	Not Stated	White	Black/Afr	White		
Atlantic	3	0	0	179	2	0	0	18	13	0	0	3	22	2	242	
Bergen	6	0	1	54	0	5	1	34	6	1	0	6	6	6	126	
Burlington	0	0	1	28	0	1	0	10	1	0	0	1	4	0	46	
Camden	0	0	0	144	0	0	0	28	10	0	0	0	8	2	192	
Cape May	0	0	0	10	0	0	0	4	0	0	0	0	0	1	15	
Cumberland	0	0	0	18	0	0	0	6	1	0	0	1	1	0	27	
Essex	106	3	5	684	6	4	0	83	32	0	1	3	16	6	949	
Gloucester	1	0	0	16	0	0	0	5	1	0	0	0	4	0	27	
Hudson	0	0	2	81	0	1	0	20	3	0	0	0	8	1	116	
Hunterdon	0	0	0	1	0	0	0	0	0	0	0	0	0	1	2	
Mercer	0	0	0	87	2	1	0	7	3	0	0	0	9	0	109	
Middlesex	6	0	0	70	1	1	1	36	2	0	0	3	7	5	132	
Monmouth	4	0	0	64	1	0	0	3	11	0	0	1	17	6	107	
Morris	2	0	2	32	0	1	0	9	1	0	0	0	3	3	53	
Ocean	1	0	0	24	2	1	0	13	3	0	0	1	3	1	49	
Passaic	0	0	0	33	1	0	1	17	5	0	1	4	4	3	69	
Salem	0	0	0	18	0	0	0	1	6	0	0	0	1	0	26	
Somerset	2	0	0	16	1	0	0	2	0	0	0	0	4	4	29	
Sussex	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Union	11	0	2	137	2	0	1	28	6	0	0	2	9	5	203	
Warren	0	0	0	5	0	0	0	0	0	0	0	0	2	1	8	
Total	142	3	13	1701	18	15	4	324	104	1	2	25	128	47	2527	