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.

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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.

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

Federal and State Census Information²

Federal and State Inmate Population Data

	Population	Caucasian	African American	Native American/Al aska Native	Asian	Native Hawaiian/ Other Pacific Islander	Hispanic	Two or More Races/Ot her
Actual Federal Adult Inmate Population ³	156,241	56.9%	38.8%	2.8%	1.5%	N/A	29.2%	N/A
ActualStateAdultInmatePopulation4	12,978	22%	60.8%	0.0%	1%	N/A	17%	N/A

State Census and State Inmate Population Data

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

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.

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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 <u>www.njoag.gov/justicedata</u>. 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.

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Offenders by Base Offense for 2022

Base Offense	Tot	al	Male Of in O Faci		-	outh nders	Diag Treat	lult nostic tment (ADTC)	Edna I	Mahan	Half Houses, Jai St. Fr Hosj	County ils, ancis
	#	%	#	%	#	%	#	%	#	%	#	%
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	Tot	tal	in	Offenders Other cilities	-	outh mders	Diagi Treat	ult nostic tment (ADTC)	Edna I	Mahan	Half Houses, Jai St. Fr Hos	County ils, ancis
	#	%	#	%	#	%	#	%	#	%	#	%
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	Tota	1	Male Inca Pers		Edna Ma	han	Residen Community Program (F County Jails Medical Uni	Release RCRP), , Central		te Corrections compact
	#	%	#	%	#	%	#	%	#	%
Total Offenders	12,978	100%	11,176	100%	386	100 %	1,140	100%	276	100%
Property Offenses	472	472 4% 382 3% 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:

Total (STATE)	WRN	UNN	SSX	SOM	SLM	PAS	OCN	MRS	MON	MID	MER	HUD	HNT	GLO	ESX	CUM	CPM	CAM	BUR	BER	ATL		COUNTY		
5824	35	377	18	48	65	430	114	123	228	400	263	437	53	202	1023	96	38	654	218	703	299		CHARGED	NUMBER	
4	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	ω	0	A	Asian		
137	0	ы	0	0	0	б	0	7	2	2	8	14	0	1	69	0	0	ω	2	18	1	в	Black/ Africa Am		
37	0	0	0	0	0	ω	0	0	0	4	Ч	11	0	0	9	0	0	1	0	8	0	н	Hispanic		
1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	Amer Ind/ Alsk Nativ	DEG	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	р	Nat Haw/ Pacfic Is	DEGREE 2	
3	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	1	0	с	Unkwn		
25	0	0	1	0	0	ω	1	0	1	4	0	2	1	2	2	0	0	з	0	4	1	W	White		
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		Missing		
51	1	2	0	0	1	2	2	2	ω	9	2	8	0	0	6	0	0	7	1	б	0	A	Asian		
2636	13	237	ω	25	36	129	31	44	96	155	144	157	22	80	643	27	13	334	88	221	138	в	Black/ Africa Am		
1259	7	69	ω	9	8	178	12	38	44	107	47	119	11	17	132	19	ы	125	27	248	34	н	Hispanic		FEI
8	0	1	0	0	0	0	0	0	0	0	0	4	0	1	1	0	0	0	0	1	0	-	Amer Ind/ Alsk Nativ	DEGREE 3	FENCING STATUTE 2C:20-7
1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	Р	Nat Haw/ Pacfic Is	REE 3	TUTE 2C:2
21	0	0	0	0	0	ы	1	0	2	1	1	2	1	0	1	0	0	2	0	б	0	c	Unkwn		0-7
945	7	38	9	12	10	67	45	21	45	57	20	31	16	82	64	30	18	129	64	89	91	۷	White		
1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1		Missing		
7	0	0	0	0	0	0	1	0	0	2	0	1	0	0	1	0	0	0	0	2	0	A	Asian		
355	1	20	0	0	4	13	5	6	22	25	23	42	1	6	78	9	1	21	20	37	21	в	Black/ Africa Am		
180	1	ы	0	1	0	17	2	ω	2	21	13	32	0	ω	12	4	0	16	2	44	2	н	Hispanic 4		
1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	-	Amer Ind/ I Alsk Nativ	DEGF	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	P	Nat Haw/ Pacfic Is	DEGREE 4	
2	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	c	Unkwn		
150	4	0	1	1	6	8	14	2	11	11	4	11	1	10	ы	7	1	13	14	16	10	٧	White		
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		Missing		

the time frame specified in the request, it is quite likely that there will be a very large population of these cases pending on pretrial. Accordingly, only examining at actual convictions may not capture all of the relevant data. able to compile this information for charges, not convictions, related to the specific offenses requested. Additional analysis is required for information pertaining to convictions. Moreover, the Criminal Practice Division noted that in light of Note: The demographic information for those persons charged with the offenses listed in the charts above covers the time period of January 1, 2022 through June 28, 2024. The Data Division of the Administrative Office of the Courts was

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Client totals					2C:20-7	Crime				
	Out of state	DP	4	ω	2	Degree				
0							z	Non-Hispanic	Ethnicity	ASIAN
69	30	9	ω	26	1		z	Non- Hispanic		BLACK/
21	10	2	-	8			z	Unknown	Ethnicity	BLACK/AFRICAN AMERICAN
5	2			ω			z	Hispanic		MERICAN
0					-		z	Non-Hispanic	Ethnicity	NAT. HAWAIIAN/OTHER PACIFIC ISLANDER
з	•	<u>ــ</u>		Ν			z	Non- Hispanic		
7	2	2		ω			z	Unknown	Ethnicity	UNKNOWN
2	-			<u>د</u>			z	Hispanic		
26	10	2	2	12			z	Non- Hispanic		
12	2	4		ი			z	Unknown	Ethnicity	WHITE
12	Сл	-	ω	ω			z	Hispanic		

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

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

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