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AN ACT concerning motor vehicle theft offenses; establishing Grants for Underage Auto-Theft Risk Deterrence Pilot Program in Juvenile Justice Commission; amending P.L.2014, c.31 and P.L.1991, c.83; and appropriating $7 million.

Establishes rebuttable presumption of pretrial detention and increases penalties for motor vehicle theft offenses; authorizes home detention for minors adjudicated delinquent for motor vehicle theft offenses; establishes Grants for Underage Auto-Theft Risk Deterrence Pilot Program in Juvenile Justice Commission; appropriates $7 million.

PRIME Sponsor _____ / _____

CO-Sponsor	District	CO-Sponsor	District

Same as _____ 22/23 Same as _____ 24/25

Suggested allocation: ss.6-9 T&E; s.10: Eff. date and note to 2023/240

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AN ACT concerning motor vehicle theft offenses; establishing Grants for Underage Auto-Theft Risk Deterrence Pilot Program in Juvenile Justice Commission; amending P.L.2014, c.31 and P.L.1991, c.83; and appropriating $7 million.

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

1. Section 4 of P.L.2014, c.31 (C.2A:162-18) is amended to read as follows:

4. a. (1) The court may order, before trial, the detention of an eligible defendant charged with any crime, or any offense involving domestic violence as defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19), enumerated in subsection a. of section 5 of P.L.2014, c.31 (C.2A:162-19), if the prosecutor seeks the pretrial detention of the eligible defendant under section 5 of P.L.2014, c.31 (C.2A:162-19) and after a hearing pursuant to that section the court finds clear and convincing evidence that no amount of monetary bail, non-monetary conditions of pretrial release or combination of monetary bail and conditions would reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process. The court may also order the pretrial detention of an eligible defendant when the prosecutor moves for a pretrial detention hearing and the eligible defendant fails to rebut a presumption of pretrial detention that may be established for the crimes enumerated under subsection b. of section 5 of P.L.2014, c.31 (C.2A:162-19).

(2) For purposes of ordering the pretrial detention of an eligible defendant pursuant to this section and section 5 of P.L.2014, c.31 (C.2A:162-19) or pursuant to section 10 of P.L.2014, c.31 (C.2A:162-24), when determining whether no amount of monetary bail, non-monetary conditions or combination of monetary bail and conditions would reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, or that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, the court may consider the amount of monetary bail only with respect to whether it will, by itself or in combination with non-monetary conditions, reasonably assure the eligible defendant's appearance in court when required.

b. Regarding the pretrial detention hearing moved for by the prosecutor, except for when an eligible defendant is charged with a crime set forth under paragraph (1) **[**or**]**, (2)<u>, or (3)</u> of subsection b. of section 5 of P.L.2014, c.31 (C.2A:162-19), there shall be a rebuttable presumption that some amount of monetary bail, non-monetary conditions of pretrial release or combination of monetary bail and conditions would reasonably assure the eligible defendant's

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 <u>thus</u> is new matter.

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appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process.

c. An eligible defendant may appeal an order of pretrial detention pursuant to the Rules of Court. The appeal shall be heard in an expedited manner. The eligible defendant shall be detained pending the disposition of the appeal.

d. If the court does not order the pretrial detention of an eligible defendant at the conclusion of the pretrial detention hearing under this section and section 5 of P.L.2014, c.31 (C.2A:162-19), the court shall order the release of the eligible defendant pursuant to section 3 of P.L.2014, c.31 (C.2A:162-17).

(cf: P.L.2014, c.31, s.4)

2. Section 5 of P.L.2014, c.31 (C.2A:162-19) is amended to read as follows:

5. a. A prosecutor may file a motion with the court at any time, including any time before or after an eligible defendant's release pursuant to section 3 of P.L.2014, c.31 (C.2A:162-17), seeking the pretrial detention of an eligible defendant for:

(1) any crime of the first or second degree enumerated under subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

(2) any crime for which the eligible defendant would be subject to an ordinary or extended term of life imprisonment;

(3) any crime if the eligible defendant has been convicted of two or more offenses under paragraph (1) or (2) of this subsection;

(4) any crime enumerated under paragraph (2) of subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2) or crime involving human trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8) or P.L.2013, c.51 (C.52:17B-237 et al.) when the victim is a minor, or the crime of endangering the welfare of a child under N.J.S.2C:24-4;

(5) any crime enumerated under subsection c. of N.J.S.2C:43-6;

(6) any crime or offense involving domestic violence as defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19); **[**or**]**

(7) any other crime for which the prosecutor believes there is a serious risk that:

(a) the eligible defendant will not appear in court as required;

(b) the eligible defendant will pose a danger to any other person or the community; or

(c) the eligible defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure or intimidate, a prospective witness or juror; or

(8) theft of a motor vehicle pursuant to section 1 of P.L.2023, c.101 (C.2C:20-10.1); receiving a stolen motor vehicle pursuant to section 2 of P.L.2023, c.101 (C.2C:20-10.2); or unlawful taking of a motor vehicle pursuant to P.L.1993, c.221 (C.2C:15-2).

b. When a motion for pretrial detention is filed pursuant to subsection a. of this section, there shall be a rebuttable presumption that the eligible defendant shall be detained pending trial because no

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amount of monetary bail, non-monetary condition or combination of monetary bail and conditions would reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, if the court finds probable cause that the eligible defendant committed :

(1) **[**committed**]** murder pursuant to N.J.S.2C:11-3; **[**or**]**

(2) **[**committed**]** any crime for which the eligible defendant would be subject to an ordinary or extended term of life imprisonment ; or

(3) theft of a motor vehicle pursuant to section 1 of P.L.2023, c.101 (C.2C:20-10.1); receiving a stolen motor vehicle pursuant to section 2 of P.L.2023, c.101 (C.2C:20-10.2); or unlawful taking of a motor vehicle pursuant to P.L.1993, c.221 (C.2C:15-2).

c. A court shall hold a hearing to determine whether any amount of monetary bail or non-monetary conditions or combination of monetary bail and conditions, including those set forth under subsection b. of section 3 of P.L.2014, c.31 (C.2A:162-17) will reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process.

d. (1) Except as otherwise provided in this subsection, the pretrial detention hearing shall be held no later than the eligible defendant's first appearance unless the eligible defendant, or the prosecutor, seeks a continuance. If a prosecutor files a motion for pretrial detention after the eligible defendant's first appearance has taken place or if no first appearance is required, the court shall schedule the pretrial detention hearing to take place within three working days of the date on which the prosecutor's motion was filed, unless the prosecutor or the eligible defendant seeks a continuance. Except for good cause, a continuance on motion of the eligible defendant may not exceed five days, not including any intermediate Saturday, Sunday, or legal holiday. Except for good cause, a continuance on motion of the prosecutor may not exceed three days, not including any intermediate Saturday, Sunday, or legal holiday.

(2) Upon the filing of a motion by the prosecutor seeking the pretrial detention of the eligible defendant and during any continuance that may be granted by the court, the eligible defendant shall be detained in jail, unless the eligible defendant was previously released from custody before trial, in which case the court shall issue a notice to appear to compel the appearance of the eligible defendant at the detention hearing. The court, on motion of the prosecutor or sua sponte, may order that, while in custody, an eligible defendant who appears to be a drug-dependent person receive an assessment to determine whether that eligible defendant is drug-dependent.

e. (1) At the pretrial detention hearing, the eligible defendant has the right to be represented by counsel, and, if financially unable to obtain adequate representation, to have counsel appointed. The

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eligible defendant shall be afforded an opportunity to testify, to present witnesses, to cross-examine witnesses who appear at the hearing, and to present information by proffer or otherwise. The rules concerning admissibility of evidence in criminal trials shall not apply to the presentation and consideration of information at the hearing.

(2) In pretrial detention proceedings for which there is no indictment, the prosecutor shall establish probable cause that the eligible defendant committed the predicate offense. A presumption of pretrial detention as provided in subsection b. of this section may be rebutted by proof provided by the eligible defendant, the prosecutor, or from other materials submitted to the court. The standard of proof for a rebuttal of the presumption of pretrial detention shall be a preponderance of the evidence. If proof cannot be established to rebut the presumption, the court may order the eligible defendant's pretrial detention. If the presumption is rebutted by sufficient proof, the prosecutor shall have the opportunity to establish that the grounds for pretrial detention exist pursuant to this section.

(3) Except when an eligible defendant has failed to rebut a presumption of pretrial detention pursuant to subsection b. of this section, the court's finding to support an order of pretrial detention pursuant to section 4 of P.L.2014, c.31 (C.2A:162-18) that no amount of monetary bail, non-monetary conditions or combination of monetary bail and conditions will reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process shall be supported by clear and convincing evidence.

f. The hearing may be reopened, before or after a determination by the court, at any time before trial, if the court finds that information exists that was not known to the prosecutor or the eligible defendant at the time of the hearing and that has a material bearing on the issue of whether there are conditions of release that will reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, or that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process.

g. When a motion for pretrial detention is filed pursuant to subsection a. of this section, a pretrial recommendation of no release pursuant to subsection f. of section 6 of P.L.2014, c.31 (C.2A:162-20) may constitute prima facie evidence to overcome the presumption of release as set forth in subsection b. of section 4 of P.L.2014, c.31 (C.2A:162-18), if the court finds probable cause that the eligible defendant committed any crime for which the eligible defendant would be subject to a mandatory term of imprisonment pursuant to subsection c. of N.J.S.2C:43-6 for a crime involving the use or possession of a firearm other than a violation of:

(1) subsection a. or d. of N.J.S.2C:39-3;

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(2) paragraph (1) or (2) of subsection a. of N.J.S.2C:39-4;

(3) subsection a. of section 1 of P.L. 1998, c.26 (C.2C:39-4.1); or

(4) paragraph (1) of subsection b. or paragraph (1) or (2) of subsection c. of N.J.S.2C:39-5.

(cf: P.L.2022, c.43, s.2)

3. Section 1 of P.L.1991, c.83 (C.2C:20-2.1) is amended to read as follows:

1. a. In addition to any other disposition authorized by law, a person convicted under the provisions of this chapter of theft of a motor vehicle pursuant to section 1 of P.L.2023, c.101 (C.2C:20-10.1); receiving a stolen motor vehicle pursuant to section 2 of P.L.2023, c.101 (C.2C:20-10.2); or unlawful taking of a motor vehicle pursuant to P.L.1993, c.221 (C.2C:15-2) shall be subject:

(1) For the first offense, to a penalty of $500, and the court, in its discretion, may suspend, revoke, or postpone the person's driving privileges for a period not to exceed one year;

(2) For a second offense, to a penalty of $750, and the court, in its discretion, may suspend, revoke, or postpone the person's driving privileges for a period not to exceed two years; and

(3) For a third or subsequent offense, to a penalty of $1,000, and the court, in its discretion, may suspend, revoke, or postpone the person's driving privileges for a period not to exceed 10 years.

In deciding the duration of any suspension, revocation, or postponement of the person's driving privileges pursuant to paragraphs (1), (2), and (3) of this subsection, the court shall consider the circumstances of the theft, receiving, or unlawful taking of the motor vehicle and whether the loss of driving privileges will result in extreme hardship and alternative means of transportation are not readily available.

b. The suspension or postponement of the person's license to operate a motor vehicle pursuant to subsection a. of this section shall commence on the day the sentence is imposed. In the case of any person who at the time of the imposition of sentence is less than 17 years of age, the period of the suspension of driving privileges authorized pursuant to this section, including a suspension of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period as fixed by the court not to exceed one year for a first offense, two years for a second offense, or 10 years for a third offense calculated from the day after the day the person reaches the age of 17 years. If the driving privilege of any person is under revocation, suspension, or postponement for a violation of any provision of this Title or Title 39 of the Revised Statutes at the time of any conviction or adjudication of delinquency for a violation of any offense defined in this chapter or chapter 36 of this Title, the revocation, suspension, or postponement period imposed pursuant to this section shall commence as of the date of termination of the existing revocation, suspension, or postponement.

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Upon conviction the court shall collect forthwith the New Jersey driver's licenses of the person and forward the license or licenses to the Chief Administrator of the New Jersey Motor Vehicle Commission along with a report indicating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If the court is for any reason unable to collect the license or licenses of the person, the court shall forward a report of the conviction or adjudication of delinquency to be filed with the chief administrator. That report shall include the complete name, address, date of birth, eye color, and sex of the person and shall indicate the first and last day of the suspension or postponement period imposed by the court pursuant to this section. The court shall inform the person orally and in writing that if the person is convicted of personally operating a motor vehicle during the period of license suspension or postponement imposed pursuant to this section the person shall, upon conviction, be subject to the penalties set forth in R.S.39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R.S.39:3-40. If the person is the holder of a driver's license from another jurisdiction, the court shall not collect the license but shall notify the director who shall notify the appropriate officials in the licensing jurisdiction. The court shall, however, in accordance with the provisions of this section, revoke the person's non-resident driving privileges in this State.

c. All penalties provided for in this section shall be collected as provided for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and shall be distributed in accordance with the provisions of N.J.S.2C:64-6 as if the collected monies were the proceeds of property forfeited pursuant to the provisions of chapter 64. However, the distributed monies are to be used for law enforcement activities related to auto theft.

d. In addition to any other disposition authorized by law, a person under 18 years of age who is adjudicated delinquent for theft of a motor vehicle, receiving a stolen motor vehicle, or the unlawful taking of a motor vehicle may be sentenced to a home detention program pursuant to this subsection.

e. A person under 18 years of age who is sentenced to a home detention program pursuant to this section may leave the residence to: (1) attend in-person court appearances; (2) attend in-person probation appointments; (3) attend in-person attorney appointments, after providing proper notice; or (4) for any other reason preapproved by court order.

f. In the case of a person who is less than 18 years of age and is arrested for a violation of theft of a motor vehicle pursuant to section 1 of P.L.2023, c.101 (C.2C:20-10.1); receiving a stolen motor vehicle pursuant to section 2 of P.L.2023, c.101 (C.2C:20-10.2); or unlawful taking of a motor vehicle pursuant to P.L.1993, c.221 (C.2C:15-2)

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the court shall schedule a hearing within 48 hours of the arrest of the person.
(cf: P.L.2019, c.276, s.3)

4. Section 1 of P.L.2023, c.101 (C.2C:20-10.1) is amended to read as follows:

1. a. A person commits the crime of theft of a motor vehicle if the person unlawfully takes, or exercises unlawful control over, another person's motor vehicle with the purpose to deprive that person of the motor vehicle.

b. Theft of a motor vehicle constitutes a crime of the second degree **[**if the value of the motor vehicle involved is $75,000 or more or if the theft involved more than one motor vehicle, otherwise it is a crime of the third degree**]**.

c. **[**The value of the motor vehicle involved in the theft shall be determined by the trier of fact. The amount shall include, but not be limited to, the amount of any State tax avoided, evaded, or otherwise unpaid, or improperly retained or disposed of. Amounts involved in thefts of motor vehicles committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense.**]** (Deleted by amendment, P.L. , c.) (pending before the Legislature as this bill)
(cf: P.L.2023, c.101, s.1)

5. Section 2 of P.L.2023, c.101 (C.2C:20-10.2) is amended to read as follows:

2. a. A person is guilty of receiving a stolen motor vehicle if the person knowingly receives or brings into this State a motor vehicle that is the property of another knowing that it has been stolen, or believing that it is probably stolen. Receiving a stolen motor vehicle is a crime of the second degree **[**if the value of the motor vehicle is $75,000 or more, otherwise it is a crime of the third degree**]**.

b. It is an affirmative defense that the property was received with the purpose to restore it to the owner.

c. Permissive inference. The requisite knowledge or belief may be inferred in the case of a person who:

(1) is found in possession or control of two or more motor vehicles stolen on two or more separate occasions; or

(2) has received a stolen motor vehicle in another transaction within the year preceding the transaction charged; or

(3) being a person in the business of buying or selling motor vehicles, acquires the motor vehicle without having ascertained by reasonable inquiry that the person from whom it was obtained had a legal right to possess and dispose of it; or

(4) is found in possession of a motor vehicle without proper documentation or other evidence of right to possession.

For the purposes of this section, "receiving" means acquiring possession, control or title, or lending on the security of the motor vehicle.

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(cf: P.L.2023, c.101, s.2)

6. (New section) a. There is established in the Juvenile Justice Commission, created by section 2 of P.L.1995, c.284 (C.52:17B-170), a two-year pilot program titled the "Grants for Underage Auto-Theft Risk Deterrence Pilot Program." The purpose of the pilot program is to reduce the incidence of motor vehicle thefts in this State by providing services to juveniles intended to prevent them from engaging or re-engaging with the criminal justice system. Services are to be provided by community service providers that receive grant monies pursuant to the pilot program. The services to be provided by a pilot program service provider shall include, but not be limited to:

(1) Mental health services;

(2) Substance use disorder treatment and recovery;

(3) Education support;

(4) Employment services;

(5) Housing support;

(6) Financial literacy and debt support services;

(7) Life skills support services;

(8) Social support services; and

(9) Preventative mentoring services.

b. The Juvenile Justice Commission shall administer the Grants for the pilot program and shall:

(1) Set standards and determine eligibility for pilot program grant funding;

(2) Establish criteria and procedures for grant applications and disbursement;

(3) Determine how best to allocate pilot program grant funds;

(4) Set standards and procedures for grant award eligibility, and program operation, supervision, and evaluation;

(5) Award grants;

(6) Collect and provide information about community-based services to be implemented by pilot program service providers;

(7) Establish suggested training standards for pilot program service providers; and

(8) Monitor and evaluate implementation and effectiveness of the provision of services pursuant to the pilot program, particularly with regard to the impact of the program on the reduction of motor vehicle thefts in the State.

c. Consistent with the needs of each juvenile participating in the pilot program, a pilot program service provider may provide the following services to juveniles participating in the program, with the goal of reducing the commission of motor vehicle thefts by juveniles in the State and preventing the juvenile from engaging or re-engaging with the criminal justice system:

(1) In order to increase a juvenile's participation in education, vocational programming, and employment, a juvenile participating in the pilot program may receive academic support, depending on

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personal development goals, and may be connected to secondary schools, alternative schools, vocational schools, apprenticeship programs and colleges and universities. The pilot program service provider may collaborate with local community college admissions and academic support programs, and offer workshops that include financial aid planning. Juveniles participating in the pilot program who are seeking employment may be linked to vocational or job readiness training. The pilot program participants may be trained in and utilize evidence-based and evidence-informed practices with respect to the provision of their respective services.

(2) In order to increase participation in mental health and well-being programming, pilot program service providers may employ trauma-informed practices and connect juveniles participating in the pilot program to licensed outpatient mental health care facilities and professionals, and services to address physical health, mental health and substance use disorders.

(3) Pilot program service providers may employ trauma-informed practices, violence reduction, and services and tools to address harmful and unlawful behavior, with a focus on addressing behavior related to motor vehicle theft crimes.

(4) In order to improve the behavioral responses of juveniles within communities and deter unlawful behavior, particularly motor vehicle theft crimes, pilot program service providers may take steps to increase the program participation rates of juveniles in other community programs designed to prevent juveniles from engaging or re-engaging in the criminal justice system.

(5) Pilot program service providers may collaborate with the service providers of any education pilot programs operating in the participating jurisdiction during the time the pilot program established by this act is operating, in order to incorporate services provided pursuant to the Grants for Underage Auto-Theft Risk Deterrence Pilot Program within that education pilot program.

d. Pilot program services providers may seek additional monies from any public or private source to further advance the goals of the pilot program.

7. (New section) a. There is established within the General Fund a separate, temporary dedicated fund to be known as the "Grants for Underage Auto-Theft Risk Deterrence Pilot Program Fund," to be held separate and apart from all other funds of the State. This fund shall be administered and the monies in the fund distributed by the Juvenile Justice Commission. From the monies appropriated under the category of juvenile grants-in-aid for the Department of Law and Public Safety in State fiscal year 2024 and State fiscal year 2025 , $3,500,000 in each fiscal year shall be credited to this fund for a total of $7,000,000, and these monies, and any interest or other income earned thereon, shall only be used for purposes associated with the pilot program established pursuant to P.L. , c. (C.) (pending before the Legislature as this bill).

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b. The fund shall be used to provide grants to pilot program service providers selected by the Juvenile Justice Commission through a competitive process established by the commission pursuant to subsection b. of section 6 of P.L. , c. (C.) (pending before the Legislature as this bill) to develop and implement the pilot program. Grant monies may be awarded to a service provider located in a county having a population of not less than 300,000.

c. No more than eight percent of the monies in the fund shall be used by the Juvenile Justice Commission for administrative purposes and no more than eight percent of the monies in the fund shall be used by the pilot program service providers for administrative purposes.

d. Monies in the fund administered and distributed by the Juvenile Justice Commission shall not replace any other funds administered and distributed by the commission, including those administered and distributed through the State/Community Partnership Grant Program established pursuant to P.L.1995, c.283 (C.52:17B-179 et al.).

e. The pilot program shall operate for a period of two years, exclusive of the time required to implement the grant application and award process, and to initiate the pilot program. To the extent necessary, funding distributed to the pilot program shall be carried forward and used for its purposes regardless of whether the funds are expended in the same fiscal year in which the funds were initially distributed. At the conclusion of the two-year pilot program, any monies remaining in the fund shall be transferred to the Juvenile Justice Commission for use in administering the State/Community Partnership Grant Program established pursuant to P.L.1995, c.283 (C.52:17B-179 et al.), and funding grants distributed through that program.

8. (New section) The Juvenile Justice Commission shall submit a report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature at the conclusion of the two-year pilot program, containing information on the development and implementation of the pilot program, the effectiveness of the program in reducing the incidence of motor vehicle thefts in the State and preventing juveniles from engaging or re-engaging with the criminal justice system, and the feasibility of expanding the program to other counties in the State. The report shall also include copies of any reports by service providers selected to develop and implement the pilot program.

9. (New section) The Juvenile Justice Commission shall adopt such rules and regulations as the commission deems necessary or proper to implement the provisions of P.L. , c. (C.) (pending before the Legislature as this bill).

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10. Sections 1 through 5 of this act shall take effect immediately. Sections 6 through 9 of this act shall take effect immediately, and shall expire 30 days following the Juvenile Justice Commission's submission of the report to the Governor and Legislature as required by section 8 of this act.

STATEMENT

This bill establishes a rebuttable presumption of pretrial detention and increases penalties for motor vehicle theft offenses; authorizes the issuance of an order of home detention for minors adjudicated delinquent for motor vehicle theft offenses; and makes any crime of theft of a motor vehicle or receiving a stolen motor vehicle a crime of the second degree. In addition, the bill establishes in the Juvenile Justice Commission (JJC) a two-year pilot program titled the "Grants for Underage Auto-Theft Risk Deterrence Pilot Program," (GUARD) and appropriates $7 million to fund the pilot program.

Changes to the Criminal Justice Reform Law

Under P.L.2014, c.31, also known as the "Criminal Justice Reform Law," (CJR) courts are authorized to order the pretrial release of a defendant pending further proceedings, or order the pretrial detention of a defendant who is found to be a flight risk, a danger to another or the community, or likely to obstruct further criminal proceedings. For certain crimes, the CJR establishes a rebuttable presumption that a defendant is to be detained pending trial because no amount of monetary bail, non-monetary conditions of release, or combination thereof would reasonably assure the safety of any other person or the community. This presumption may be rebutted by the defendant upon a showing of a preponderance of the evidence.

This rebuttable presumption applies under current law when a prosecutor files a motion for the pretrial detention of a defendant charged with murder or any crime for which the defendant would be subject to an ordinary or extended term of life imprisonment. Under the bill, the rebuttable presumption also would apply when a prosecutor files a motion for pretrial detention of a defendant charged with theft of a motor vehicle, receiving a stolen motor vehicle, or the unlawful taking of a motor vehicle.

Under current law theft of a motor vehicle is a crime of the third degree unless the value of the vehicle is $75,000 or more, or the theft involved more than one motor vehicle, in which case it is a crime of the second degree. The act of receiving a stolen motor vehicle under current law also is a crime of the third degree, unless the value of the vehicle is $75,000 or more. The bill makes any crime of theft of a motor vehicle or receiving a stolen motor vehicle a crime of the second degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to $15,000, or both. A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to $150,000, or both.

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Additional Penalties for Motor Vehicle Theft Offenses

The provisions of the bill also provide that, in addition to any other disposition authorized by law, a person convicted of theft of a motor vehicle, receiving a stolen motor vehicle, or the unlawful taking of a motor vehicle is to be subject to a penalty and may be ordered to a period of license suspension or revocation. For the first offense, the person is subject to a penalty of $500, and the court may suspend, revoke, or postpone the person's driving privileges for a up to one year; for a second offense, the defendant is subject to a penalty of $750, and the court may suspend, revoke, or postpone the person's driving privileges for up to exceed two years; and for a third or subsequent offense, the defendant is subject to a penalty of $1,000, and the court may suspend, revoke, or postpone the person's driving privileges for up to 10 years.

The provisions of the bill authorize a court to order the home detention of a minor who is convicted of theft of a motor vehicle, receiving a stolen motor vehicle, or the unlawful taking of a motor vehicle. A minor sentenced to home detention under the bill may leave the residence to: attend in-person court appearances; attend in-person probation appointments; attend in-person attorney appointments after providing proper notice; or for any other reason authorized pursuant to a court order. The bill requires courts to hear the case of a minor within 48 hours of an arrest for theft of a motor vehicle theft, receiving a stolen motor vehicle, or the unlawful taking of a motor vehicle.

Grants for Underage Auto-Theft Risk Deterrence Pilot Program (GUARD)

This bill establishes in the Juvenile Justice Commission (JJC) a two-year pilot program titled the "Grants for Underage Auto-Theft Risk Deterrence Pilot Program," (GUARD) and appropriates $7 million to fund the pilot program. The purpose of the pilot program is to reduce the incidence of motor vehicle thefts in this State by providing services to juveniles intended to prevent them from engaging or re-engaging with the criminal justice system. Services are to be provided by pilot program service providers awarded grant monies pursuant to the pilot program.

The services to be provided by a pilot program service provider under the bill are to include, but not be limited to:

- Mental health services;
- Substance use disorder treatment and recovery;
- Education support;
- Employment services;
- Housing support;
- Financial literacy and debt support services;
- Life skills support services;
- Social support services; and
- Preventative mentoring services.

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Under the bill, the JJC is responsible for administering the pilot program, and is required to

- Set standards and determine eligibility for pilot program grant funding;
- Establish criteria and procedures for grant applications and disbursement;
- Determine how best to allocate pilot program grant funds;
- Set standards and procedures for grant award eligibility, and program operation, supervision, and evaluation;
- Award grants;
- Collect and provide information about community-based services to be implemented by pilot program service providers;
- Establish suggested training standards for pilot program service providers in accordance with the provisions of this section; and
- Monitor and evaluate implementation and effectiveness of the provision of services pursuant to the pilot program, particularly with regard to the impact of the program on the reduction of motor vehicle thefts in the State.

The provisions of the bill also establish a non-exhaustive list of services that pilot program service providers may provide.

The bill establishes within the General Fund a separate, temporary dedicated fund to be known as the "Grants for Underage Auto-Theft Risk Deterrence Pilot Program Fund" to be administered and the monies in the fund distributed by the JJC. From the monies appropriated under the category of juvenile grants-in-aid for the Department of Law and Public Safety in State fiscal year 2024 and State fiscal year 2025 , $3,500,000 in each fiscal year is to be credited to the fund for a total of $7,000,000. These monies, and any interest or other income earned are only to be used for purposes associated with the pilot program. The fund is to be used to provide grants to pilot program service providers selected by the JJC through a competitive process established by the commission. Grant monies may only be awarded to a service provider located in a county having a population of not less than 300,000. No more than eight percent of the monies in the fund are to be used by either the JJC pilot program service providers for administrative purposes.

The pilot program established under the bill will operate for a period of two years, exclusive of the time required to implement the grant application and award process, and to initiate the pilot program. The JJC is required to submit a report to the Governor and the Legislature at the conclusion of the two-year pilot program. The report is required to contain information on the development and implementation of the pilot program, the effectiveness of the program in reducing the incidence of motor vehicle thefts in the State and preventing juveniles from engaging or re-engaging with the criminal justice system, and the feasibility of expanding the program to other counties in the State. The report is also required to connect juveniles

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participating in the pilot program to licensed outpatient mental health care facilities and professionals, and services to address physical health, mental health and substance use disorders.

Establishes rebuttable presumption of pretrial detention and increases penalties for motor vehicle theft offenses; authorizes home detention for minors adjudicated delinquent for motor vehicle theft offenses; establishes Grants for Underage Auto-Theft Risk Deterrence Pilot Program in Juvenile Justice Commission; appropriates $7 million.

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