

P.L. 2017, c. 156
Approved July 21, 2017

ASSEMBLY, No. 1761
STATE OF NEW JERSEY
217th LEGISLATURE
PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

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Co-Sponsored by: Senators Cardinale and Turner

SYNOPSIS

Creates fencing crime involving stolen domestic companion animals.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee with technical review.

An Act concerning fencing activities involving stolen domestic companion animals and amending P.L.1981, c.167.

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

1. Section 7 of P.L.1981, c.167 (C.2C:20-7.1) is amended to read as follows:

7. Fencing. a. Possession of altered property. Any dealer in property who knew or should have known that the identifying features such as serial numbers and permanently affixed labels of property in his possession have been removed or altered without the consent of the manufacturer is guilty of possession of altered property. It is a defense to a prosecution under this subsection that a person lawfully possesses the usual indicia of ownership in addition to mere possession.

b. (1) Dealing in stolen property. A person is guilty of dealing in stolen property if he traffics in, or initiates, organizes, plans, finances, directs, manages or supervises trafficking in stolen property. This paragraph shall not apply to dealing in stolen property consisting of a domestic companion animal, addressed in paragraph (2) of this subsection.

(2) Dealing in stolen domestic companion animals. A person is guilty of dealing in stolen domestic companion animals if he traffics in, or initiates, organizes, plans, finances,

directs, manages or supervises trafficking in stolen property consisting of a domestic companion animal.

c. [The] (1) For any violation of this section, other than dealing in stolen domestic companion animals, the value of the property involved in the violation [of this section] shall be determined by the trier of fact [. The] for the purpose of determining the grade of the offense, and the value of the property involved in the violation [of this section] may be aggregated in determining the grade of the offense where the acts or conduct constituting a violation were committed pursuant to one scheme or course of conduct, whether from the same person or several persons.

(2) A violation of this section for dealing in stolen domestic companion animals constitutes a crime of the third degree.

d. It is an affirmative defense to a prosecution under this section that the actor:

(1) Was unaware that the property or service was that of another;

(2) Acted under an honest claim of right to the property or service involved or that he had a right to acquire or dispose of it as he did.

e. In addition to the presumptions contained in [N.J.S. 2C:20-7b.] subsection b. of N.J.S.2C:20-7, the following presumptions are available in the prosecution for a fencing offense:

(1) Proof of the purchase or sale of property at a price substantially below its fair market value, unless satisfactorily explained, gives rise to an inference that the person buying or selling the property knew that it had been stolen;

(2) Proof of the purchase or sale of property by a dealer in that property, out of the regular course of business, or without the usual indicia of ownership other than mere possession, or the property or the job lot of which it is a part was bought, received, possessed or controlled in broken succession of title, so that it cannot be traced, by appropriate documents, in unbroken succession to the manufacturer, in all cases where the regular course of business reasonably indicates records of purchase, transfer or sale, unless satisfactorily explained, gives rise to an inference that the person buying or selling the property knew that it had been stolen; and

(3) Proof that a person buying or selling property of the sort received obtained such property without having ascertained by reasonable inquiry that the person from whom he obtained it had a legal right to possess or control it gives rise to an inference that such person knew that it had been stolen.

(cf: P.L.1981, c.167, s.7)

2. This act shall take effect immediately.