### CHAPTER 1. GENERAL CONCEPTS

- § 1:1 Presumptions and the burden of proof
- § 1:2 Possession
- § 1:3 Accomplice liability
- § 1:4 Admissibility of prior bad acts
- § 1:5 Useful procedural statutes

### CHAPTER 2. ATTEMPTS, CONSPIRACY, ACCESSORY

- § 2:1 Attempted felony (M & F)
- $\S 2:2$  Conspiracy (F)
- § 2:3 Solicitation to commit a felony; Accessory before the fact in commission of a felony (F)
- § 2:4 Use or employment of minor to commit crimes (F)
- \$ 2:5 Accessory after the fact in commission of a felony (F)

### CHAPTER 3. CRIMES AGAINST PROPERTY

- $\S$  3:1 Bombs; Destructive devices; Weapons of mass destruction; Accessory before the fact; Attempts (F)
- § 3:2 Possession or use of weapon of mass destruction in furtherance of act of terrorism; Biological weapons; Chemical weapons; Radiological weapons; Threat to possess or use weapon of mass destruction in furtherance of act of terrorism; Attempts; Conspiracy (F)
- § 3:3 Possession, manufacture, transportation, distribution and possession with intent to distribute destructive device or components (F)
- § 3:4 Obstruction of a railroad (*F*)
- $\S 3:5$  Injuring railroad or electric railway; Accessory to injuring railroad or electric railway (F)
- § 3:6 Unlawful removing or damaging of airport facility or equipment *(F)*
- § 3:7 Unlawful entry of aircraft; Damaging or removing equipment *(F)*

- § 3:8 Arson; Accessory before or after the fact to arson; Solicitation to commit arson; Bombing; Wilfully burning property (F)
- § 3:9 Burning personal property to defraud insurer (*F*)
- § 3:10 Attempts to burn; Accessory before or after the fact to burning; Attempted arson; Accessory before or after the fact to attempted arson (F)
- $\S 3:11$  Malicious mischief; Vandalism; Cruelty to animals (M & F)

# CHAPTER 4. CRIMES AGAINST POSSESSION

- § 4:1 First degree burglary (F)
- § 4:2 Second degree burglary; Housebreaking (F)
- § 4:3 Third degree burglary; Housebreaking (F)
- $\S 4:4$  Breaking into motor vehicles; attempted breaking into motor vehicles (F)
- § 4:5 Making, mending, or possessing tools or other implements capable of being used in crime; Possession of burglary tools (*F*)
- § 4:6 Entering a house or vessel without breaking with intent to steal; Attempt to enter *(F)*
- § 4:7 Forcible entry and detainer (M)
- § 4:8 Eavesdropping; peeping tom; voyeurism; aggravated voyeurism (*M*)
- $\S~4:9$  Trespass to dwelling, place of business, or premises of another (M)
- § 4:10 Safecracking (F)
- § 4:11 Bank robbery; Attempted bank robbery (F)
- § 4:12 First degree computer crime (F)
- § 4:13 Second degree computer crime (M & F)
- \$ 4:14 Third degree computer crime; Computer hacking (M & F)
- § 4:15 Armed robbery; Attempted armed robbery (F)
- $\$  4:16 Strong-armed robbery; Robbery; Highway robbery (F)
- § 4:17 Blackmail; Extortion; Attempted blackmail and extortion (F)
- § 4:18 Sexual extortion; sextortion (F)
- § 4:19 Grand larceny; Larceny by trick (F)
- § 4:20 Money laundering (F)
- § 4:21 Laundering of drug crime proceeds; attempts
- § 4:22 Stealing livestock; Rustling (M & F)

§ 4:23	Altering, tampering with, or bypassing electric, gas, or water meters ( <i>M</i> )
§ 4:24	Credit card or number theft; Financial
y <b>1.2</b> 1	transaction card or number theft $(F)$
§ 4:25	Shoplifting $(M\&F)$
\$ 4:26	Retail theft; conspiracy to commit retail theft;
	receiving stolen retail property; possession of stolen retail property; sale of stolen retail property $(M\&F)$
§ 4:27	Stealing and altering motor vehicles and parts; Motor vehicle chop shops; Attempted chop shop violation; Conspiracy to commit chop shop violation <i>(F)</i>
§ 4:28	Receiving stolen goods $(M \& F)$
§ 4:29	Criminally receiving goods and services fraudulently obtained with financial transaction card $(M \& F)$
§ 4:30	Forgery; Accessory to forgery (M & F)
§ 4:31	Crimes against federally chartered or insured financial institutions; Bank fraud <i>(F)</i>
§ 4:32	Bank and credit card forgery; Financial transaction card forgery (F)
§ 4:33	Criminal possession of financial transaction card forgery devices ( <i>F</i> )
§ 4:34	Insurance fraud; Making false statement or misrepresentation to obtain insurance benefits; Aiding, abetting, soliciting, conspiring ( <i>M &amp; F</i> )
§ 4:35	Issuing false statements to obtain benefits from insurance policy or certificate for fire loss or explosion; Insurance fraud <i>(F)</i>
§ 4:36	Medical insurance fraud; Accessory before the fact to insurance fraud; Conspiracy to commit insurance fraud $(M \& F)$
§ 4:37	Obtaining signature or property by false pretenses; Larceny by trick $(F)$
§ 4:38	Financial identity fraud; Attempted financial identity fraud; Identity fraud ( <i>F</i> )
§ 4:39	Financial transaction card fraud; Credit and bank card fraud ( $M \& F$ )
§ 4:40	Drawing and uttering bad checks and other negotiable instruments; Accessory to bad check $(M \& F)$
§ 4:41	Breach of trust with fraudulent intent; Embezzlement; Accessory before the fact to breach of trust with fraudulent intent $(M \& F)$

- § 4:42 Tax evasion; Attempted tax evasion (F) § 4:43 Filing false tax document: Accessory to
- $\S$  4:43 Filing false tax document; Accessory to filing false tax document (F)
- § 4:44 Secreting taxable property (M)
- $\S$  4:45 Fraudulent acquisition or use of food stamps; Supplemental Nutrition Assistance Program (SNAP) fraud; Accessory to food stamp fraud; Attempted food stamp fraud (M & F)
- § 4:46 Use of vehicle without permission; Joyriding (M)
- § 4:47 Willfully selling or disposing of secured property (M & F)
- $\S 4:48$  Disposing of property under lien; Wilful sale of property on which lien exists (M)

# CHAPTER 5. CRIMES AGAINST THE PERSON

- § 5:1 Murder (F)
- § 5:2 Attempted murder (F)
- § 5:3 Assault and battery by mob; Lynching (M & F)
- § 5:4 Homicide by child abuse; Accessory to homicide by child abuse (*F*)
- § 5:5 Voluntary manslaughter (F)
- § 5:6 Felony driving under the influence; Felony DUI (F)
- § 5:7 Infliction of death or serious bodily injury by habitual offender of motor vehicle code *(F)*
- § 5:8 Reckless vehicular homicide (F)
- § 5:9 Involuntary manslaughter (F)
- § 5:10 Tampering with human drug product or food item (F)
- § 5:11 Administering or attempting to administer poison; Poisoning with intent to kill; Attempted poisoning; Accessory to poisoning (F)
- § 5:12 Mayhem (F)
- § 5:13 Inflicting great bodily injury on a child; Allowing the infliction of great bodily injury on a child (*F*)
- § 5:14 Unlawful conduct toward a child (F)
- § 5:15 Resisting arrest with a deadly weapon (F)
- § 5:16 Resisting arrest (*F*)
- § 5:17 Assault and Battery of a High and Aggravated Nature (ABHAN); Aggravated assault and battery (F)
- § 5:18 First degree assault and battery; Attempted first

	degree assault and battery; Aggravated assault $(F)$
§ 5:19	Second degree assault and battery; Aggravated assault $(F)$
§ 5:20	Third degree assault and battery; Assault (M)
\$ 5:21	Aggravated domestic violence (DVHAN); Attempted DVHAN (F)
§ 5:22	First degree domestic violence; Second degree domestic violence; Third degree domestic violence (M&F)
§ 5:23	First degree criminal sexual conduct (CSC); Felony rape $(F)$
§ 5:24	Second degree criminal sexual conduct; Aggravated rape (F)
§ 5:25	Sexual misconduct with inmate, patient or offender on parole or probation; False report of sexual misconduct $(M \& F)$
§ 5:26	Criminal sexual conduct with minors; Child molesting; Incest; Statutory rape; Pederasty (F)
§ 5:27	Sexual battery with a student; Seduction of a student $(M \& F)$
$\S 5:28$	Third degree criminal sexual conduct; Rape (F)
§ 5:29	Intentional exposure of others to human immunodeficiency virus (HIV); Intentional AIDS infection ( <i>F</i> )
§ 5:30	Buggery; Homosexual conduct; Pederasty, sodomy, bestiality $(F)$
§ 5:31	Assault with intent to commit criminal sexual conduct (ACSC); Assault with intent to rape or ravish; Attempted rape ( <i>F</i> )
§ 5:32	Abortion; Soliciting abortion (M & F)
§ 5:33	Abortion (Fetal heartbeat) (M & F)
§ 5:34	Abortion (Fetal heartbeat) (F)
§ 5:35	Kidnapping (F)
§ 5:36	Transporting child under sixteen outside state in violation of custody order; Trafficking in persons: Sex Trafficking; Human trafficking; Accessory; Conspiracy; Attempts (M & F)
§ 5:37	Transporting child under sixteen outside state in violation of custody order; Childnapping; Child snatching; Custodial interference $(M \& F)$
§ 5:38	Threatening to kill, injure, or intimidate individual or damage property by means of explosive or incendiary; Bomb threat; Accessory to bomb threat: Conspiracy (F)

- $\S$  5:39 Use of fake bomb; Accessory before the fact to use of fake bomb; Conspiracy to use fake bomb (F)
- § 5:40 Stalking (*F*)
- § 5:41 Harassment (M)
- § 5:42 Pointing or presenting a firearm (F)
- $\S$  5:43 Unlawful communication; Unlawful use of telephone; Threatening telephone calls; Obscene telephone calls (M)
- § 5:44 Anonymous communication of indecent message (M)

# CHAPTER 6. OFFENSES AGAINST MORALITY AND DECENCY

- § 6:1 Promoting prostitution of a minor (F)
- § 6:2 Participating in prostitution of a minor (F)
- § 6:3 Solicitation for prostitution; Pimping; Prostitution; Lewdness; Assignation; Accessory to prostitution (M)
- § 6:4 Procuring for prostitution; Pimping; White slavery; Accessory to procuring (*M*)
- § 6:5 First degree sexual exploitation of a minor (F)
- § 6:6 Second degree sexual exploitation of a minor; production or distribution of child pornography (F)
- § 6:7 Third degree sexual exploitation of a minor; Child pornography possession *(F)*
- § 6:8 Criminal Solicitation of a minor; attempted criminal solicitation of a minor (*F*)
- § 6:9 Permitting minor to engage in obscene act or in dissemination, procuring or promoting of obscenity (F)
- § 6:10 Disseminating obscene material to minor (*F*)
- $\S$  6:11 Disseminating, procuring or promoting obscenity (F)
- § 6:12 Bigamy (F)

# CHAPTER 7. DRUG AND ALCOHOL OFFENSES

- § 7:1 Drug trafficking; Trafficking in drugs (F)
- § 7:2 Trafficking in methamphetamine or cocaine base; Trafficking in ice, crank and crack cocaine; Attempts; Conspiracy (M & F)
- § 7:3 Trafficking in ephedrine, pseudoephedrine,

- phenylpropanolamine and related chemicals; Trafficking in methamphetamine precursors (F)
- § 7:4 Distribution, purchase and manufacture of methamphetamine and cocaine base;
  Distribution, purchase and manufacture of ice, crank and crack cocaine; Possession with intent to distribute; Accessory; Attempts; Conspiracy (F)
- § 7:5 Schedule I and II narcotic drug offenses; Accessory before the fact; Conspiracy; Attempts; Illegal narcotics, LSD and counterfeits; Heroin
- § 7:6 Possession of methamphetamine and cocaine base; Possession of ice, crank and crack cocaine (M & F)
- § 7:7 Possession of cocaine (M & F)
- § 7:8 Schedule I (non-narcotic), Schedule II (nonnarcotic) and III drug offenses and flunitrazepam; Marijuana; their controlled substance analogs and counterfeits (F)
- § 7:9 Schedule IV drug offenses (except flunitrazepam);
  Barbiturates, depressants, stimulants and counterfeits of them (M & F)
- § 7:10 Schedule V drug offenses; Narcotic medicinal compounds, mixtures, and preparations (M)
- § 7:11 Distribution of controlled substances to persons under eighteen (F)
- § 7:12 Unlawful distribution, possession, purchase or manufacture of controlled substances within proximity of a school (*M & F*)
- § 7:13 Improper dispensing or distribution of controlled substances (F)
- $\S$  7:14 Violation of drug statutes and regulations; Maintaining a place or vehicle for drug use, storage, or sale; Shooting galleries; Drug dens (F)
- § 7:15 Theft of controlled substance and precursors (F)
- § 7:16 Counterfeiting drugs; Abuse of drug regulations to manufacture, distribute and acquire drugs (F)
- § 7:18 Possession or distribution of blank prescription documents (M & F)
- § 7:19 Obtaining or attempting to obtain certain drugs, devices, preparations, or compounds by fraud, deceit, or the like (*M*)

- § 7:20 Unlawful to advertise, manufacture, possess, sell or possess with intent to deliver or sell drug paraphernalia
- § 7:21 Sale of liquor to person under age of 21 (M)
- § 7:22 Unlawful manufacture, sale, possession, use, or transportation of liquor; Moonshining (M)

#### CHAPTER 8. FIREARM OFFENSES

- § 8:1 Machine guns, sawed-off shotguns and rifles, military firearms (*F*)
- § 8:2 Possession of firearm or knife during commission or attempted commission of a violent crime *(F)*
- § 8:3 Unlawful possession of a handgun (F)
- § 8:4 Possession of firearm or ammunition by person convicted of violent crime (F)
- § 8:5 Possession of firearm or ammunition by person convicted of drug crime (F)
- § 8:6 Firearms offenses by the mentally defective (F)
- § 8:7 Carrying a firearm onto the premises of a business selling alcoholic beverages for onpremises consumption (*M*)
- § 8:8 Possession of firearm during unlawful manufacture, sale, or transport of liquor (*M*)
- § 8:9 Carrying a handgun unlawfully (CHU); unlawful carrying of a handgun (*M*)
- § 8:10 Carrying a concealed weapon (M)
- $\S$  8:11 Possessing or dealing in or with stolen handguns; Possessing or dealing in pistols with obliterated serial numbers (F)
- \$ 8:12 Unlawful transfer or transportation of handguns (F)

### CHAPTER 9. BRIBERY, CONTEMPT, CORRUPTION IN OFFICE AND OTHER CRIMES AGAINST THE ADMINISTRATION OF JUSTICE

- § 9:1 Offering, giving, soliciting or receiving anything of value to influence action of public employee, member or official, or to influence testimony of witnesses; Bribery of public official; Bribery of witness (F)
- § 9:2 Acceptance of bribes by officers (F)
- § 9:3 Acceptance of bribes by jurors, arbitrators, umpires, or referees (*F*)

§ 9:4	Bribery of a public official (F)
§ 9:5	Corrupting jurors, arbitrators, umpires, or
	referees; Jury tampering $(F)$
§ 9:6	Embezzlement of public funds (F)
§ 9:7	Misconduct, habitual negligence, etc., of a public officer; Misfeasance, malfeasance or nonfeasance in office ( <i>M</i> )
§ 9:8	Obstruction of justice $(M)$
§ 9:9	Giving false information to law enforcement officer or member of fire department or rescue squad; Misrepresenting identity to law enforcement (M)
§ 9:10	Intimidation of court officials, jurors, or witnesses; obstruction of justice; attempted obstruction of justice $(F)$
§ 9:11	Misprision of a felony (M)
§ 9:12	Taking money or reward to compound or conceal an offense $(M)$
§ 9:13	Perjury and subornation of perjury (M & F)
§ 9:14	False swearing (F)
§ 9:15	Criminal contempt; Contempt of court; Jury tampering $(M)$
OTT A	DEED 10 DDISONED CDIMES

### CHAPTER 10. PRISONER CRIMES

- § 10:1 Taking of hostages by inmates (F)
- $\$  10:2 Rioting or inciting to riot in prison; Conspiracy to riot (F)
- § 10:3 Escape from lawful confinement; Jailbreaking; Possessing tools or weapons for escape; Attempted jailbreaking (F)
- § 10:4 Carrying or concealing a weapon in prison (F)
- § 10:5 Furnishing contraband to prisoners; Attempted furnishing of contraband to prisoners; Possession of contraband by prisoners (F)
- § 10:6 Providing contraband to patients and prisoners under jurisdiction of department of mental health; Attempts (*M* & *F*)
- $\$  10:7 Rescuing prisoners; Aiding escapes from prison; Attempted rescue of prisoners (M & F)
- § 10:8 Aiding escape from custody of officers (M)

# CHAPTER 11. CRIMES AGAINST PUBLIC PEACE AND ORDER

§ 11:1 Looting (F)

- § 11:2 Public or common nuisance (M)
- § 11:3 Training for insurrection or civil disorder; Terrorism training (F)
- § 11:4 Instigating, aiding or participating in a riot (M & F)
- § 11:5 Rout; Attempted riot (M)
- § 11:6 Affray (M)
- § 11:7 Breach of the peace; Aggravated breach of the peace (BPHAN) (M)
- § 11:8 Public drunkenness; Disorderly conduct (M)

# CHAPTER 12. MOTOR VEHICLE OFFENSES

- § 12:1 Leaving the scene of an accident; Hit and run (M & F)
- § 12:2 Driving under the influence (DUI); Driving while intoxicated (DWI) (M & F)
- § 12:3 Driving under an unlawful alcohol concentration (DUAC, DAC) (M)
- § 12:4 Failure to stop vehicle when signaled by law enforcement vehicle; Failure to stop for blue light (FSBL) (M & F)
- $\S$  12:5 Driving under suspension (DUS); Driving while license canceled, suspended, or revoked (M)
- § 12:6 Reckless driving (M)
- § 12:7 Habitual offender of motor vehicle code (F)

# CHAPTER 13. MISCELLANEOUS CRIMES

- § 13:1 Treason (F)
- § 13:2 Nonsupport; Bastardy (M)
- § 13:3 Gambling offenses
- § 13:4 Receiving compensation for relinquishment of child for adoption; Child selling (F)
- § 13:5 Crimes and statutes involving undocumented aliens

#### CHAPTER 14. DEFENSES

- § 14:1 Accident, mischance or misadventure
- § 14:2 Alibi
- § 14:3 Coercion, duress and necessity
- § 14:4 Condonation and settlement

§ 14:5	Consent
§ 14:6	Defense of habitation; Defense of business; Defense of occupied vehicle
§ 14:7	Defense of others
§ 14:8	Defense of self; self-defense
§ 14:9	Double jeopardy and merger of offenses
§ 14:10	Due process denial
§ 14:11	Entrapment
§ 14:12	Equal protection
§ 14:13	Immunity
§ 14:14	Impossibility
§ 14:15	Infancy
§ 14:16	Insanity and incompetence to stand trial
§ 14:17	Intent, lack of
§ 14:18	Intoxication
§ 14:19	Jurisdiction, lack of
§ 14:20	Renunciation and withdrawal

# CHAPTER 15. SENTENCING AND PUNISHMENT

§ 15:1	Generally
§ 15:2	Factual basis for sentencing
§ 15:3	Sentencing for crimes with unspecified penalties
§ 15:4	Contemporaneous offenses and convictions
§ 15:5	Prior offenses
§ 15:6	Credit for time served
§ 15:7	Suspension and probation
§ 15:8	Alternatives to standard sentencing
§ 15:9	Restitution
§ 15:10	Alcohol and drug rehabilitation
§ 15:11	Fees, assessments, surcharges, forfeitures and civil sanctions
§ 15:12	Special classes of offenders
§ 15:13	Plea bargains
§ 15:14	Withdrawal of plea
§ 15:15	Excessive punishment
§ 15:16	Appeal of sentence
§ 15:17	Resentencing
§ 15:18	Constitutional provisions relating to sentencing and punishment

§ 15:19 Statutes relating to sentencing and punishment

### **APPENDIX**

Appendix A. Alphabetical List of Criminal Offenses

Table of Laws and Rules

Table of Cases

Index